

LOCAL RESISTANCE TO EXTRACTIVISM: COMMUNITY MOBILISATION IN  
THE CASE OF CHILE

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indicated in the thesis.

## ABSTRACT

This research aims to understand socio-environmental conflicts and mobilisations generated by extractive projects. Theoretically, this research locates itself within the contentious politics perspective. It seeks to understand socio-environmental conflicts taking into consideration the interaction between political opportunities, organisational resources and discursive frames developed by communities that oppose extractive projects. The study argues that socio-environmental conflicts are reproductions of power relations between companies, state and communities over territories and the environment. The environmental and political-economy transformations provoked by extractive projects allow the generation of discourses and frames about environment and community which usually end up in forms of direct mobilisation and protest. In line with recent developments in the social movements literature, I complement the understanding of social mobilisation by analysing the mechanism at work, i.e. the micro foundations of contentious politics, specifically analysing how the geographical location, phase of the project and constituents of the movement, shape the aims, means and capacities of communities that mobilise against extractive projects.

As one of Latin America's most institutionally stable countries, Chile represents the paradigmatic case for exploring the micro foundations of contentious politics that lies at the heart of this study. Precisely because of the economic and political stability and low levels of threats when compared to other countries in the region, and the historical economic and political dependence on extractivism, we should expect to find a strong case of social mobilisations. Thus, Chile offers an ideal, or 'most likely', case for evaluating patterns of mobilisation. More specifically, the exploratory aim of this work is to advance a broader theoretical argument about the distinctiveness of the socio-environmental movement, developed through the analysis of three social contestation processes in the country (Caimanes, No Alto Maipo and Chiloé). These are cases that offer variation in terms of geographical location, aims, means of mobilisation and resources; in other words, they offer a useful variation on the dimensions of theoretical interest for this thesis.

The comparison of the empirical cases adds important subtleties and empirical evidence to complement classical theories of social mobilisation, such as the role of counter-mobilisation in closing political opportunities, and the role that territory and environment plays in generating resources and frames. The study also lays the groundwork for future extensions of this framework by briefly examining how well the main propositions work in explaining socio-environmental mobilisation in other Latin American countries.

## IMPACT STATEMENT

Latin America is a region rich in natural resources. It is home to the largest forestry, minerals and fresh water reserves. In recent decades, the intensity of the extraction of natural resources has increasingly affected indigenous, peasant and urban communities. Logging, mining and plantation companies, usually extract local resources, without appropriate consultation with local communities, generating an important environmental degradation and further human rights violations. This situation has increased the levels of social contestation between communities, the state and companies.

In this context, studying social contestation against the extraction of natural resources has a number of academic and non-academic impacts.

Academically, this thesis develops a novel analytic framework to study socio-environmental contention. In this study I argue that an in-depth investigation of local communities that have reacted against extractivism in Latin America can help to advance a broader theoretical argument about the distinctiveness of the socio-environmental movement. The main contribution then is given by the analysis of academically unexplored case studies, which, as will be shown, adds explanatory leverage to our understanding of the dynamics of socio-environmental mobilisation against extractivism. In line with recent developments in the literature of social mobilisation, I complement the understanding of social mobilisation by analysing the mechanism at work, i.e. the micro foundations of contentious politics. In turn, explaining how communities are able to give meaning to environmental and community effects of extraction, in a specific time and place allows saying something broader about the patterns of mobilisation and resistance against extractivism in other communities.

Moreover, extractivism has been used –in the literature- as an analytical and political tool to examine, among others, the socio-ecological crisis (anthropocene), the geopolitical changes (for example the incorporation of China as a relevant actor) and the current human rights violations that exist in the region (for example in topics of business and human rights and human right defenders) among others. This thesis focuses on social contention and mobilisation against extractivism, but has the potential to generate impact on these other theoretical strands. It does so, by unveiling and explaining the circumstances and factors that generates socio-environmental contention and discontent and how such mobilisation may have an influence on the socio-ecological crisis, the geopolitical decisions and human rights impacts.

This study also has a number of policy and community impacts. In particular, the case studies show that ill defined and wrongly implemented participatory, environmental and territorial policies can be catalysers of conflict. This study can then serve as a basis to improve such policies and generate better conflict resolution mechanisms. Also, the recompilation of information from communities can serve to generate further frames, discourses and resistance strategies. Finally, this study has already informed a series of studies and campaigns of NGOs such as OLCA in Chile and London Mining Network and War on Want in the United Kingdom. It has also served as one of the case studies of an academic and non-academic conglomerate of organisations supported by the European Commission that studies the environmental and human rights violations through the supply chain of ICT from extraction to assembly.

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# CONTENTS

<b>FIGURES</b> .....	<b>10</b>
<b>TABLES</b> .....	<b>10</b>
<b>ABBREVIATIONS</b> .....	<b>12</b>
<b>INTRODUCTION</b> .....	<b>17</b>
I.    EXTRACTIVISM AND CONFLICT.....	20
<i>Context and opportunities: extractivism, repression and conflict</i> .....	24
<i>Incentives to mobilise: Perceptions, framing and identity</i> .....	27
<i>Resources: Tools and networks</i> .....	28
<i>Micro-foundations of contention</i> .....	30
II.   RESEARCH DESIGN AND METHODOLOGY.....	31
<i>The case of Chile</i> .....	31
<i>Case selection and data collection</i> .....	34
III.  STRUCTURE OF THE THESIS.....	38
<i>Theoretical framework: context and internal capacities of communities</i> .....	39
<i>Reacting against extractivism in Chile: Empirical analysis of three case studies</i> .....	40
<i>Conclusion</i> .....	42
<b>CHAPTER 1: THE POLITICAL ECONOMY OF LATIN AMERICAN EXTRACTIVISM</b> .....	<b>44</b>
I.    TRENDS IN SOCIO-ENVIRONMENTAL CONFLICTS:.....	45
<i>New' conflicts: 'new' actors</i> .....	45
<i>Global factors of extractivism that generate conflict</i> .....	47
a.    Growing demand for natural resources (volume and intensity):.....	47
b.    Structural adjustment Plans and dependency on Foreign Direct Investment (FDI):.....	49
c.    Socio, economic and environmental controls developed by host states:.....	50
d.    International regulation of extractivism:.....	52
<i>Post-extractivism</i> .....	53
II.   EXTRACTIVE GOVERNANCE: EXTRACTIVISM AND NEO-EXTRACTIVISM IN LATIN AMERICA.....	54
<i>A (very) brief history of the politics of extractivism in Latin America</i> .....	55
<i>Current state of Latin American Extractivism</i> .....	59
Source: (UNEP, 2013).....	60
a.    Nationalisations and Dependency on FDI.....	60
b.    Constitutional, indigenous and environmental controls.....	62
c.    Regional integration in a globalised market.....	66
d.    Diversifying the economy.....	68
<i>Neo-extractivism</i> .....	70
III.  EXTRACTIVISM AND MOBILISATION.....	70
IV.   CONCLUSIONS.....	75
<b>CHAPTER 2: LATIN-AMERICAN SOCIO-ENVIRONMENTAL MOVEMENTS AGAINST EXTRACTIVISM</b> .....	<b>77</b>
I.    THEORETICAL APPROACH AND EMPIRICAL ASSESSMENT OF LATIN AMERICAN SOCIO-ENVIRONMENTAL MOVEMENTS:.....	77
<i>Context and opportunities: extractivism, repression and conflict</i> .....	78
<i>Incentives to mobilise: Perceptions, framing and identity</i> .....	82
<i>Resources: Tools and networks</i> .....	88
<i>The interactions of political opportunities, incentives and resources</i> .....	94
II.   LATIN AMERICAN SOCIO-ENVIRONMENTAL CONTENTION: CONSTRUCTING OPPORTUNITIES AND INCENTIVES.....	95
<i>Community/ movements framing, resources and Collective Action</i> .....	97
<i>Limitations to socio-environmental contention</i> .....	99
<i>Causal mechanisms in contention against extractivism</i> .....	101
III.  CONCLUSIONS.....	101

<b>CHAPTER 3: RESISTANCE AGAINST EXTRACTIVISM IN CHILE.....</b>	<b>103</b>
I. EXTRACTIVISM IN CHILE.....	103
II. POLITICAL OPPORTUNITIES FOR MOBILISATION AGAINST EXTRACTIVISM.....	109
<i>Political governance of extractivism.....</i>	<i>110</i>
<i>State centralisation and economic concentration.....</i>	<i>114</i>
<i>Political opportunities.....</i>	<i>115</i>
<i>Scale, phase and forms of extractivism at the local level.....</i>	<i>118</i>
<i>Political opportunities: relation to frames and resources.....</i>	<i>121</i>
III. INCENTIVES TO MOBILISE: PERCEPTIONS, FRAMING AND IDENTITY.....	122
<i>Setting an environmental framework during the dictatorship.....</i>	<i>122</i>
<i>Transition to democracy.....</i>	<i>124</i>
<i>New discursive strategies.....</i>	<i>125</i>
IV. RESOURCES: TOOLS AND NETWORKS.....	129
<i>Creating national and international networks.....</i>	<i>129</i>
<i>Resources and means for mobilisation.....</i>	<i>132</i>
<i>Environmentalism of the rich - environmentalism of the poor.....</i>	<i>133</i>
V. CONCLUSION.....	136
<b>CHAPTER 4: THE CASE OF CAIMANES AGAINST LOS PELAMBRES.....</b>	<b>137</b>
I. PERIODS OF CONTENTION:.....	138
<i>First period. Seeking just distribution of benefits:.....</i>	<i>140</i>
a. The project and its impact:.....	140
b. Previous mobilisations in the zone:.....	143
c. The first mobilisations in Caimanes:.....	144
d. The judicialisation of the protest and division of the community:.....	147
<i>Second period. Seeking recognition of the unjust distribution of externalities:.....</i>	<i>149</i>
a. New organisation and new strategies to oppose MLP:.....	150
b. Counter-mobilisation and persecution of human right defenders:.....	154
c. Water Contamination. Contrary Institutional visions:.....	156
d. Legal results leading to the largest street blockage in El Mauro:.....	158
e. Current status of the movement: New approach from the company and new division of the community:.....	160
II. EXPLAINING MOBILISATION.....	163
III. CONCLUSION.....	167
<b>CHAPTER 5: THE NO ALTO MAIPO MOVEMENT.....</b>	<b>169</b>
I. PERIODS OF CONTENTION:.....	170
<i>First period. Creation of the movement and networks:.....</i>	<i>172</i>
a. The project and its impact:.....	172
b. Previous mobilisations in the zone:.....	176
c. The first mobilisations against Alto Maipo.....	177
d. Blocking structures to approve the project.....	179
<i>Second period. Opening opportunities through innovative tactics:.....</i>	<i>182</i>
a. The same organisation and the expansion of the support network:.....	182
b. The judicialisation of the protest:.....	184
c. Communication strategy – technical arguments and hitting the elite:.....	187
d. Massive mobilisations and direct action:.....	190
e. Current status of the movement: Patterns of success and divisions:.....	191
II. EXPLAINING MOBILISATION.....	193
III. CONCLUSION.....	196
<b>CHAPTER 6: SOCIO-ENVIRONMENTAL MOVEMENTS IN CHILOÉ.....</b>	<b>199</b>
I. PERIODS OF CONTENTION:.....	200
<i>First period. Creating the basis of the socio-environmental movement in Chiloé:.....</i>	<i>203</i>
a. The projects and their impacts:.....	203
b. Previous mobilisations in the zone:.....	209
c. Conservationist, environmental and indigenous mobilisations:.....	211
d. From national awareness to local concern:.....	212
e. First protests against wind energy projects:.....	213



<i>Second period. Building an environmental justice and anti-extractive frame</i> .....	216
a. Health injustice and social discontent: .....	216
b. Counter mobilisation against indigenous movements:.....	218
c. Social minefields: the role of diagnostic and prognostic frames:.....	220
d. Massive mobilisations: a result of cross-movement networks.....	222
e. Current status of social mobilisation in Chiloé:.....	224
II. EXPLAINING MOBILISATION.....	226
III. CONCLUSION .....	229
<b>CONCLUSIONS.....</b>	<b>232</b>
1. EXTRACTIVISM AND SOCIO-ENVIRONMENTAL MOVEMENTS IN CHILE.....	234
<i>Political opportunities:</i> .....	234
The importance of geography and the phase of extractivism:.....	235
Counter-mobilisation: .....	236
<i>Frames and resources:</i> .....	238
The role of previous struggles:.....	239
The significance of “environmental justice” and “territorial” frames in socio-environmental mobilisations:.....	241
Theorising the idea of community:.....	244
<i>Different meanings in the three case studies:</i> .....	245
2. POLICY IMPLICATIONS:.....	247
Conflict solution: from judicialisation to counter-mobilisation .....	248
3. SOCIO-ENVIRONMENTAL MOBILISATION IN COMPARATIVE PERSPECTIVE .....	250
<i>Costa Rica</i> .....	251
Political opportunities.....	251
Frames and resources.....	253
Conflicts against open-pit mining: Open political opportunities and conservationists frames.....	254
<i>Nicaragua</i> .....	256
Political opportunities:.....	257
Frames and resources.....	258
Conflicts against autonomy of indigenous peoples: opening and closing opportunities to mobilise .....	260
<i>Paraguay</i> .....	262
Political Opportunities.....	262
Frames and Resources .....	264
Conflicts against soybean plantations: closed political opportunities, peasant and indigenous frames .....	265
4. IMPLICATIONS, LIMITATIONS AND FUTURE DIRECTIONS:.....	267
<b>CITED LEGISLATION .....</b>	<b>270</b>
<b>CITED JUDICIAL DECISIONS.....</b>	<b>273</b>
CAIMANES .....	273
NO ALTO MAIPO .....	275
CHILOE .....	276
<b>REFERENCES.....</b>	<b>277</b>

## FIGURES

<b>Figure 1:</b> Number of socio-environmental conflicts per year in Latin America (1990-2010).....	21
<b>Figure 2:</b> Number of socio-environmental conflicts per year in Chile (1990-2015).....	32
<b>Figure 3:</b> Distribution of factors that generate conflict in Chile.....	33
<b>Figure 4:</b> Domestic extraction in Latin America by major category of material, 1970–2008.....	60
<b>Figure 5:</b> Dynamic Framework explaining interaction between factors of contention.....	96
<b>Figure 6:</b> Extraction of Chilean copper (Tons/Year).....	107
<b>Figure 7:</b> Bilateral Free trade agreements in Chile and Latin American average.....	108
<b>Figure 8:</b> Number of ICSID arbitration in Chile and Latin American average.....	109
<b>Figure 9:</b> Mining as labour force & %of mining GDP (1853-2017) GINI (1943-2017).....	113
<b>Figure 10:</b> Timeline of socio-environmental conflicts in Chile and key environmental legislation.....	116
<b>Figure 11:</b> Total conflicts per sector (2015).....	119
<b>Figure 12:</b> Total conflicts per region and sector (2015).....	120
<b>Figure 13:</b> Phase of project of the total conflicts per region (2015).....	121
<b>Figure 14:</b> Distribution of indigenous and non-indigenous conflicts per region (2015).....	127
<b>Figure 15:</b> Distribution of poverty in socio-environmental conflicts in Chile (2015).....	134
<b>Figure 16:</b> Distribution of HDI in socio-environmental conflicts in Chile (2015).....	135
<b>Figure 17:</b> Copper exploitation (MLP) and agricultural production (Coquimbo region).....	143

## TABLES

<b>Table 1:</b> Socio environmental conflicts (2017) and total population (2014) per country.....	22
<b>Table 2:</b> Case selection and representation of the sample.....	36
<b>Table 3:</b> Scale of natural resources exploitation (Top five countries per selected commodity).....	59
<b>Table 4:</b> Natural resources FDI in US\$ mm in countries receiving more than US\$ 2 bn.....	61
<b>Table 5:</b> Mineral (fuel and metal) exports as a share of exports 2013. Selected countries (Minerals representing more than 50% of total exports).....	68
<b>Table 6:</b> Hydrocarbons and mining as share of GDP (2013). Selected countries (>2% of GDP).....	70
<b>Table 7:</b> National networks against extractivism.....	91
<b>Table 8:</b> World ranking and level of extraction in Chile (2013).....	105
<b>Table 9:</b> Expected increase in water and energy consumption by copper mining in Chile.....	105
<b>Table 10:</b> distribution of rights at stake of total conflicts (2015).....	128
<b>Table 11:</b> Chronology of the conflict in Caimanes.....	139
<b>Table 12:</b> Summary of legal claims presented by the community of Caimanes.....	140
<b>Table 13:</b> MLP Ownership and Impact.....	141

<b>Table 14:</b> Factors that generate conflict in Caimanes.....	164
<b>Table 15:</b> Chronology of the conflict against Alto Maipo .....	171
<b>Table 16:</b> Summary of the legal cases presented the No Alto Maipo movement.....	172
<b>Table 17:</b> Alto Maipo ownership and impact.....	174
<b>Table 18:</b> Factors that generate conflict in Alto Maipo.....	193
<b>Table 19:</b> Chronology of the conflict in Chiloe .....	201
<b>Table 20:</b> Summary of the legal cases presented by the socio-environmental movement in Chiloe .....	202
<b>Table 21:</b> Chiloé energy projects ownership and impact .....	204
<b>Table 22:</b> Chiloe mining concessions ownership and impact .....	206
<b>Table 23:</b> Factors that generate conflict in the case of Chiloe.....	228
<b>Table 24:</b> natural resource dependence of Costa Rica’s exports (in %) .....	251
<b>Table 25:</b> natural resource dependence of Nicaragua's exports (in %) .....	256
<b>Table 26:</b> natural resource dependence of Costa Rica’s exports (in %).....	262

## ABBREVIATIONS

AIDA	<i>Asociación Interamericana para la Defensa del Ambiente</i>
AIDSESP	<i>Asociación Interétnica de Desarrollo de la Selva Peruana</i>
ALADI	<i>Asociación Latinoamericana de Integración</i>
ALBA	<i>Alianza Bolivariana para los Pueblos de Nuestra América</i>
ALCOA	Aluminum Company of America
AMHP	<i>Alto Maipo Hydroelectric Project</i>
AMAS	Marianist Social Action Association
AMSA	<i>Antofagasta Minerals S.A.</i>
ANAA	<i>Asamblea Nacional de Afectados Ambientales</i>
APREFLOFAS	<i>Asociación Preservacionista de Flora y Fauna Silvestre</i>
APRODEH	<i>Asociación Pro Derechos Humanos</i>
APP	<i>Area de Propiedad del Pueblo</i>
ARBOFILIA	<i>Asociación Protectora de Árboles</i>
ATC	<i>Asociación de Trabajadores del Campo</i>
ATCA	Alien Tort Claims Act
AWID	Association for Women's Rights in Development
CAN	<i>Comunidad Andina</i>
CAOI	Andean Coordinator of Indigenous Organisations
CARICOM	<i>Comunidad del Caribe</i>
CCAJAR	<i>Corporación Colectivo de Abogados José Alvear Restrepo</i>
CCC	<i>Centro de Conservación Cetácea</i>
CCT	<i>Centro Científico Tropical</i>
CEADESC	<i>Centro de Estudios Aplicados a los Derechos Económicos, Sociales y Culturales de Bolivia</i>
CECADE	<i>Centro de Capacitación para el Desarrollo</i>
CECPAN	<i>Centro de Estudios y Conservación del Patrimonio Natural</i>
CEDARENA	<i>Centro de Derecho Ambiental y de Recursos Naturales</i>
CEDEHM	<i>Centro de Derechos Humanos de las Mujeres</i>
CEDHU	Ecumenical Human Rights Commission
CEHPRODEC	<i>El Centro Hondureño de Promoción para el Desarrollo Comunitario</i>
CEJIL	<i>Center for Justice and International Law</i>
CEJUDHCAN	<i>Centro por la Justicia y Derechos Humanos de la Costa Atlántica de Nicaragua</i>
CELAC	<i>Comunidad de Estados Latinoamericanos y Caribeños</i>
CELAM	Latin American Episcopal Council
CEMDA	<i>Centro Mexicano de Derecho Ambiental</i>

CENIDH	Centro Nicaragüense de Derechos Humanos
CEP	<i>Centro de Estudios Públicos</i>
CEPAUR	<i>Centro de Estudio y Promoción de Asuntos Urbanos</i>
CESEC	<i>Centro de Estudios Socio Económicos</i>
CIEL	<i>Center for International Environmental Law</i>
CIPMA	<i>Centro de Investigación y Planificación del Medio Ambiente</i>
CLACSO	<i>Consejo Latinoamericano de Ciencias Sociales</i>
CLAES	Latin American Centre for Social Ecology
CLOC	Coordinadora Latinoamericana de Organizaciones del Campo
CMDPDH	Comisión Mexicana de Defensa y Promoción de los Derechos Humanos
CNDDHH	Coordinadora Nacional de Derechos Humanos
CNDTM	<i>Comité Nacional para la Defensa de los Territorios contra la Minería</i>
CNTV	<i>Consejo Nacional de Televisión</i>
CNUM	<i>Coordinadora Ni Una Sola Mina</i>
CODELCO	<i>Corporación Nacional del Cobre</i>
COECO Ceiba	<i>Comunidades Ecológicas la Ceiba</i>
COFADEH	<i>Comité de Familiares de Detenidos Desaparecidos en Honduras</i>
COMPAS	<i>Colectivo de Acción Ciudadana de Ancud</i>
CONACAMI	<i>Confederación Nacional de Comunidades Afectadas por la Minería</i>
CONAIE	<i>Confederación de Nacionalidades Indígenas del Ecuador</i>
CONAF	<i>Corporación Nacional Forestal</i>
CONAMA	<i>Corporación Nacional del Medio Ambiente</i>
CONAMAQ	<i>Consejo Nacional de Ayllus y Markas del Quillasuyu</i>
CONAMURI	Corporación Nacional de Mujeres Rurales e Indígenas
COPINH	<i>Consejo Cívico de Organizaciones Populares e Indígenas de Honduras</i>
COREMA	<i>Corporación Regional del Medio Ambiente</i>
CPT	Pastoral Land Commission
CSR	Corporate Social Responsibility
DAR	<i>Derecho Ambiente y Recursos Naturales</i>
DC	<i>Democracia Cristiana</i>
DGA	<i>Dirección General de Aguas</i>
DPLF	<i>Fundación para el Debido Proceso Legal</i>
DL 600	<i>Estatuto de Inversión Extranjera</i>
ECLAC	Economic Commission for Latin America and the Caribbean
ECUARUNARI	<i>Movimiento de los indígenas de Ecuador</i>
EIA	Environmental Impact Assesment

EJOLT	Environmental Justice Organisations, Liabilities and Trade
EQ	Environmental Qualification
ENAMI	<i>Empresa Nacional de Minería</i>
FAU-AL	<i>Fondo de Acción Urgente de América Latina y el Caribe</i>
FDI	Foreign Direct Investment
FEACH	<i>Federación de Andinismo de Chile</i>
FEDAYIM	<i>Federación de Afectados por Yacyretá de Itapúa y Misiones</i>
FECON	<i>Federación Costarricense para la Conservación del Ambiente</i>
FIDH	Federation of Human Rights
FIMA	<i>Fiscalía del Medio Ambiente</i>
FSLN	<i>Frente Sandinista de Liberación Popular</i>
FUNDECHI	<i>Fundación Diocesana para el Desarrollo de Chiloé</i>
GABB	<i>Grupo de Acción por el Bío Bío</i>
GDP	Gross Domestic Product
GLOCON	Global Change, Local Conflicts Group
GTAMS	<i>Grupo de Trabajo Conjunto de Minería y Metalurgia</i>
GW/h	Gigawat per hour
HDI	Human Development Index
IACHR	Inter-American Commission on Human Rights
ICTA-UAB	Institute of Science and Environmental Technology of the Autonomous University of Barcelona
ICSID	International Centre for Settlement of Investment Disputes
IDB	InterAmerican Development Bank
IEP	<i>Instituto de Ecología Política</i>
IIDS	<i>Instituto Internacional de Derecho y Sociedad</i>
IFC	International Finance Corporation
ILO	International labour Organisation
IM – Defensoras	<i>Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos</i>
INDH	<i>Instituto Nacional de Derechos Humanos – Chile</i>
IRN	International Rivers Network
ISHR	Internacional Service for Human Rights
ITT-Yasuní	Ishpingo-Tambococha-Tiputini region of Yasuní
LAC	
LAP	Latin American Parliament
M4	Mesoamerican Movement against the Extractive Mining Model
MAB	<i>Movimento dos Atingidos por Barragens</i>
MAM	<i>Movimiento Nacional por la Soberanía Popular Frente a la Minería</i>

MAPDER	<i>Movimiento Mexicano de afectados por las presas y en defensa de los ríos</i>
MAS	<i>Movimiento al Socialismo</i>
MCP	Paraguayan Campesino Movement
MCN	<i>Movimiento Comunal de Nicaragua</i>
MCNOC	<i>Mesa Coordinadora Nacional de Organizaciones Campesinas</i>
MERCOSUR	<i>Mercado Común del Sur</i>
MIPS	Material Input per Unit Service
MLP	<i>Minera Los Pelambres</i>
MODATIMA	<i>Movimiento de Defensa del Agua, la Tierra y la Protección del Medioambiente</i>
MST	<i>Movimento sem Terra</i> (Landless Workers' Movement)
MUQUI	<i>Red Muqui</i>
MW	Megawat
NGO	Non-governmental Organisation
NIABY	Not In Anyone's Back Yard
NIC	Newly Industrialised Country
NIMBY	Not In My Back Yard
NRDC	Natural Resource Defense Council
OAS	Organisation of American States
OCMAL	<i>Observatorio Latinoamericano de Conflictos Ambientales</i>
OCMP	Observatory of Mining Conflicts in Peru
OECD	Organisation for Economic Co-Operation and Development
OLCA	<i>Observatorio Latinoamericano de Conflictos Ambientales</i>
ONIC	<i>Organización Nacional Indígena de Colombia</i>
PAHO	Pan American Health Organisation
PBI	Peace Brigades International
PC	<i>Partido Comunista</i>
PDI	<i>Policía de Investigaciones</i>
PLN	<i>Partido de Liberación Nacional</i>
PPD	<i>Partido por la Democracia</i>
PPT	Political Process Theories
ProDESC	<i>Proyecto de Derechos Económicos Sociales y Culturales</i>
PS	<i>Partido Socialista</i>
RAAN	Autonomous region of the North Atlantic
RD	<i>Revolución Democrática</i>
RED CAMA	<i>Red de Comunidades Afectadas por la Minería</i>

RENACE	<i>Red Nacional de Acción Ecológica</i>
REMA	<i>Red Mexicana de Afectados por la Minería</i>
REPAM	Pan-Amazonian Ecclesial Network
RIOS VIVOS	<i>Movimiento colombiano en defensa de los territorios y afectados por represas</i>
RFK Center	Robert F. Kennedy Center for Justice and Human Rights
RN	<i>Renovación Nacional</i>
SAG	<i>Servicio Agrícola y Ganadero</i>
SEA	<i>Servicio de Evaluación Ambiental</i>
SELA	<i>Sistema Económico Latinoamericano y del Caribe</i>
SERNAGEOMIN	<i>Servicio Nacional de Geología y Minería de Chile</i>
SIC	<i>Sistema Interconectado Central</i>
SICA	<i>Sistema de Integración de Centro América</i>
SIDA	Swedish International Development Cooperation Agency
SMI	Social Movement Industry
SMO	Social Movement Organisation
SNA	<i>Sociedad Nacional de Agricultura</i>
SOFOFA	<i>Sociedad de Fomento Fabril</i>
TCP	<i>Tratado de Comercio de los Pueblos</i>
TIPNIS	<i>Territorio Indígena y Parque Nacional Isiboro Securé</i>
TNCs	Transnational Corporations
UAC	<i>Unión de Asambleas Ciudadanas</i>
UCN	<i>Unión Campesina Nacional</i>
UDEFEGUA	<i>Unidad de Protección de Defensores y Defensoras de Derechos Humanos</i>
UN	United Nations
UNAG	<i>Union Nacional de Agricultores y Ganaderos de Nicaragua</i>
UNAM	<i>Universidad Nacional Autónoma de México</i>
UNASUR	<i>Unión de Naciones Suramericanas</i>
USAID	United States Agency for International Development
UTA	Annual Tax Unity
WB	World Bank
WHO	World Health Organisation
WRM	World Rainforest Movement
YPFB	<i>Yacimientos petrolíferos Federales Bolivianos</i>
TW/h	Terawat per hour



## INTRODUCTION

In recent decades, social mobilisation against the extraction of natural resources has increased in Latin America, converting local communities and civil society into new and key actors of the current governance of extractivism (Conde, Gamu, & Le Billon, 2017). Yet, our understanding of the conditions, which enable such mobilisation and its effects, remains limited. This thesis contributes to fill this gap through an empirical in-depth examination of communities that resist the impacts of mining and energy projects, adding important evidence to understand the reactions against extractivism and the extent to which they have been able to influence broader socio-environmental mobilisations. By doing so, it explains why and how these communities mobilise. The objective of this thesis, in other words, is to analyse the impacts of local communities contestation against extractivism in the creation of broader socio-environmental movements. This, in turn, sheds important light on the capacity and limitations of local demands to challenge the political and economic structures of extractivism.

The main point of departure for this study lies in the observation that many of the features normally associated with the rise of socio-environmental mobilisation – political opportunities, lack of threats and accessibility to networks and resources – may not necessarily co-vary at a global scale. According to the literature on social mobilisation, established democracies, tend to offer more spaces for political participation, access to resources and networks and fewer threats that discourage mobilisation (S. Tarrow, 2011). Yet, there is a clear pattern of demobilisation of the environmental movement in such political circumstances. In fact, there is a burgeoning literature that highlights a process of depoliticisation of the environmental movement in the so-called ‘Global North’, which has transformed its mobilisation capacity into cultural production (Jamison, 2001) and business operations (Jordan & Maloney, 1997). Put differently, the inability to generate collective action repertoires and forms of contentious politics has been described as the end of environmentalism as a social movement (Diani & Rambaldo, 2007). Turning the focus to Latin America, however, raises a fresh set of puzzles about why, when, and which types of communities are generating the renaissance of the socio-environmental movement (Martínez-Alier, Temper, Bene, & Scheidel, 2016).

By analysing the rise in social contestation against extractivism, this study has important theoretical and policy implications. From a political economy perspective, it is possible to

observe an increase in the dependence on extractivism in Latin America, which in turn has created further impacts in local communities and limited the opportunities for mobilisation. But, the literature has also identified a number of trends and opportunities for social contestation against extractivism (see for example Bebbington, Humphreys Bebbington, et al., 2008; CEPAL & UNASUR, 2013; Gudynas, 2011c; Maristella Svampa & Sola Alvarez, 2010). They are characterised by the fact that they have their origins in rural communities (mainly peasant and indigenous) that have the capacity to develop cross-alliances with other social movements and that are able to originate common languages and frames of collective action (Leff, 2004, p. 7; M. Svampa, 2015, p. 68). A closer examination of the underlying factors that explain conflicts against extractivism will allow for a better understanding not just of the increasing levels of protest, but also of the opportunities and limitations afforded by groups that react against extractivism. The importance of studying local contestation is further reinforced by the fact that in a regional context that has deepened the dependence on the extraction of natural resources, they are the main directly affected populations that have to face its effects (Conde, 2017; Muchlinski, 2009).

Explaining socio-environmental conflicts in this context thus demands a new analytic framework. In this study I argue that an in-depth investigation of local communities that have reacted against extractivism in Latin America can help to advance a broader theoretical argument about the distinctiveness of the socio-environmental movement. Put differently, studying the conflicts of local communities adds explanatory leverage to our understanding of the dynamics of this mobilisation against extractivism. Dominant theories of social movements argue that in order to understand mobilisations, it is necessary to look at political opportunities, organisational resources and framing processes (McAdam et al., 1996; Tarrow, 2011; Goodwin and Jasper, 2009). As will be shown, these factors play critical roles in socio-environmental conflicts, yet they still leave gaps in our understanding of these forms of contention. In line with recent developments in the social movement literature I complement the understanding of social mobilisation by analysing the mechanism at work, i.e. the micro foundations of contentious politics. In turn, explaining how communities are able to give meaning to social and environmental conflicts, in a specific time and place (McAdam et al., 2001), allows to say something broader about the patterns of mobilisation and resistance against extractivism in other communities (Simmons, 2016).

This thesis is based on two key questions that aim to explain community mobilisation against extractivism. The first question is: which are the factors that shape communities' capacities to mobilise against extractivism? In doing so, the thesis explores how the type of extractivism

and stage of a project as well as the main constituents of a movement and available resources influence how, why and when communities mobilise. It does so by analysing the differences and commonalities of oppositions to extractivism developed by peasant, urban and indigenous groups. The second question, addressed by this thesis is: how these conflicts can contribute to the creation of broader socio-environmental mobilisations in Chile? In doing so, it contributes to explanations of the impact that such conflicts may have in the creation of further social mobilisation. It does so by analysing the capacity of local communities to build -from previous experiences of mobilisation- networks, share experiences, and mobilise resources that go beyond the defence of the territories from where these communities are situated.

By answering these two questions, this thesis makes several theoretical and empirical contributions. Theoretically, this thesis demonstrates how social movements and communities have become key actors in the governance of extractivism. At the same time it demonstrates the limitations that communities have in this aspect, as ultimately they are still the governed when compared to the power exercised by private companies and state actors. It does so by analysing the existing literature on political economy of extractivism and adapting different theories of social movements to specific cases of mobilisation. By focusing on communities' responses against extractivism, this thesis adds to the current literature on extractivism and social mobilisation, using mainly, Latin American examples of mobilisation. Moreover, while most of the political and economic analysis of extractivism has been focused on understanding the role of states and companies, the unpacking of communities' aims and means and their capacity to generate further social mobilisation, has been left unattended. This thesis contributes to start filling this gap.

Empirically, this thesis contributes with the analysis of conflicts that have not been previously developed by the academic literature. While some of the cases analysed in this thesis have been publicly known through national or local media -mainly in Chile-, the historical approach and the voices represented in this thesis are new in the academic sphere, they are 'untold stories'. Empirically, these cases constitute the central and most original part of the thesis. They show from novel evidence how do communities mobilise against extractivism in different geographical zones and against different forms of extraction. This work engages in a nuanced analysis of the context, actors and projects. It does so by relying on primary source research and contrasted with secondary sources of evidence. Ultimately, the

recompilation of this information and the evidence of other case studies in Latin America referenced throughout the thesis can contribute to generate informed policies both by state and companies and further frames, discourses and resistance strategies from communities.

This introductory chapter is divided into three sections. The first section draws on theoretical insights from the literature on the political economy of extractivism and social movements to develop an analytical framework for understanding both the factors that generate social contention against extractivism at the local level and the extent to which they have been able to influence broader social mobilisations. This discussion serves as the basis for the subsequent methodological section, which examines the research design, the case selection and explains the techniques used to collect data. This introductory chapter ends by illustrating the thesis structure, which has been designed to draw out broader lessons concerning the factors that motivate local conflict and their impact in the generation of larger social mobilisation, while reminding ourselves of the many limitations that they face.

## **I. Extractivism and conflict**

The process of globalisation in the last two decades has opened, on the one hand, possibilities to expand business networks and, on the other, possibilities for civil society organisations and communities to denounce atrocities and international human rights violations.<sup>1</sup> As part of this process the abuses of non-state actors, particularly companies, have increased in public awareness. It is also possible to observe a pattern of civil society mobilisation in response to those abuses, claiming the companies' responsibility/liability for human rights violations (Conde, 2017; Muchlinski, 2009). This context creates both political opportunities and threats for social mobilisation (S. Tarrow, 2011).

Coinciding with the period of globalisation a number of scholars have identified a pattern of change and demobilisation of the environmental movement at a global scale. As Andrew Jamison argues, 'the 1980s were not kind to environmentalism. Rather than moving forward and gaining new members and enthusiasts, the environmental movement tended to decompose and split apart, for reasons that were not so much internal as external' (2001, p. 6). In part, this demobilisation has to do with the fact that activism changed. Those that were

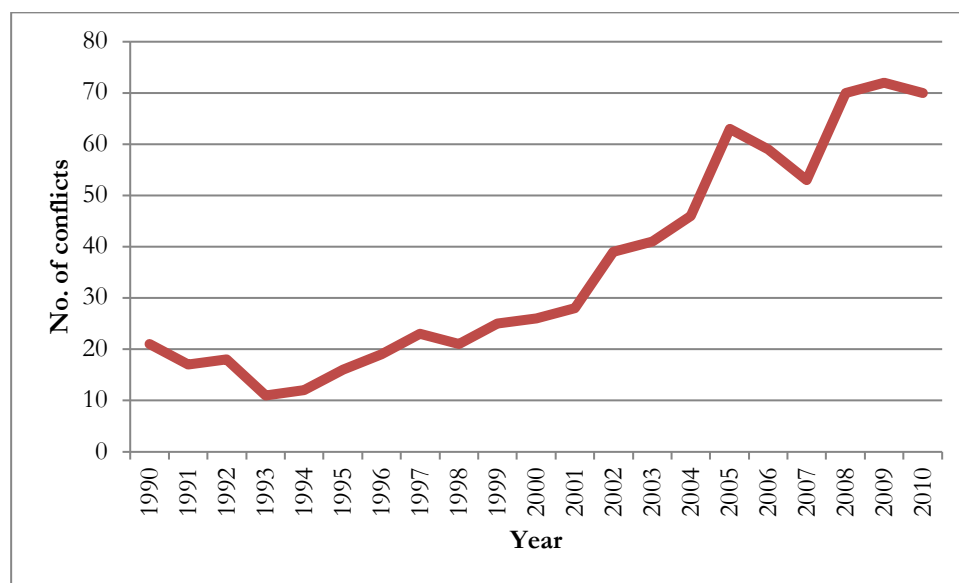
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<sup>1</sup> Extractivism have affected not just agricultural production and access to clean water (Bottara et al., 2015; Larraín, 2006), but have also had terrible consequences in the form of displacement of communities (Gudynas, 2010b; Renfrew, 2011; Salcito et al., 2013), destruction of the natural environment (Shelton, 2011; Thorp, 1998; Veltmeyer, 2013) and criminalisation of protest (Chérrez, Padilla, Otten, & Yumbra, 2011; Machado Araoz, 2009a). This situation has created increasing resistance of communities demanding the protection of their rights (Özkaynak, Rodríguez-Labajos, Aydın, Yanez, & Garibay, 2015)

active part of the environmental movement in the 1960s and 1970s became less radical, they got ‘out of the cold’ and into establishment, playing key roles in institutional, scientific and technological reforms (Jamison, 2001; Jordan & Maloney, 1997).

But, if we look into Latin America, the process is quite the opposite. In fact, it is possible to observe an increase in grassroots socio-environmental contention in the region from 1990 onwards. According to EJOLT, a collaborative and open-source database double-checked and homogenised by the Institute of Environmental Science and Technology (ICTA) at the Universitat Autònoma of Barcelona, there is more than a threefold increase in the number of socio-environmental conflicts against extractivism in Latin America from 17 in 1990 to 70 in 2010. As **Figure 1** shows the increase in conflicts remains almost constant in the analysed period, with a decrease in 2008 that coincides with the global economic crisis and the decline in the commodities prices (Littlewood, 2014).

**Figure 1:** Number of socio-environmental conflicts per year in Latin America (1990-2010)



**Source:** own creation based on information retrieved from EJOLT-EJATLAS (<https://ejatlas.org/about>)

Classical theories of social mobilisation find some limitations to understand this new wave of protest in Latin America. According to contentious politics theories, ‘when institutional access opens, rifts appear within elites, allies become available, and state capacity for repression declines, challengers see opportunities to advance their claims’ (S. Tarrow, 2011, p. 160). Yet, in Latin America the institutional stability, access to elites and levels of repression does not necessarily co-vary with the increase in forms of socio-environmental contention. As an example, **Table 1** shows the total number of conflicts by countries as well as the intensity of these conflicts represented in the ratio of conflict/population of each

country, the level of democracy of the country, and GDP per capita. The intensity of these conflicts appear both in countries with partially stable democracies and high income such as Chile and Costa Rica, as well as in countries with low levels of democracy and income such as Venezuela, Nicaragua and Honduras.

**Table 1:** Socio environmental conflicts (2017) and total population (2014) per country

Country	EJOLT	Population	Conflict/ Population (in millions)	EIU Democracy Index (2017)	GDP per capita (USD) (2016)
Colombia	122	48,229,000	2.54	6.67	7526.3
Brazil	84	207,848,000	0.41	6.86	10771.0
Peru	77	31,377,000	2.46	6.94	6094.2
Ecuador	61	16,144,000	3.79	6.02	5210.3
Mexico	60	127,017,000	0.47	6.41	9972.7
Chile	46	17,948,000	2.57	7.84	14692.1
Argentina	43	43,417,000	0.99	6.96	10254.1
Bolivia	40	10,725,000	3.74	5.49	2454.0
Venezuela	32	31,108,000	1.03	3.87	14015.1
Guatemala	27	16,343,000	1.66	6.86	3077.9
Honduras	19	8,075,000	2.38	5.72	2380.8
Panama	15	3,929,000	3.85	7.08	11099.0
Costa Rica	15	4,808,000	3.13	7.88	9585.5
Nicaragua	9	6,082,000	1.5	4.66	1945.6
El Salvador	6	6,127,000	0.98	6.43	3815.2
Paraguay	5	6,639,000	0.76	6.31	3930.5
Uruguay	3	3,432,000	0.88	8.12	15722.1
Guyana	1	767,000	1.43	6.46	3771.9

**Source:** own creation based on information retrieved from EJOLT-EJATLAS (<https://ejatlas.org/about>), Economist Intelligence Unit – Democracy Index (<https://infographics.economist.com/2018/DemocracyIndex/>) and United Nations Department of Economic and Social Affairs, Population Division (<https://esa.un.org/unpd/wpp/Download/Standard/Population/>)

Latin America has historically been a centre of intensive extractivism and conflicts that derive from it. Extractivism, understood as an ‘accumulation pattern based on over-exploitation of natural resources’ (Maristella Svampa, 2011a, p. 185) covers both the classic extractive activities such as mining, oil and gas exploitation, and the expansion of the forest, energy and fishing frontier and connection infrastructures necessary for its exploitation. It is, in other words, what Rosa Luxemburg (1913) called 'capital accumulation' and David Harvey (2003) 'accumulation by dispossession'. Although historically the conflicts involving the

extraction of natural resources involved distributive conflicts between states (Feichtner, 2014), current struggles are usually characterised by divergent interests and values over land and territory -between states, companies and communities- in a context of great asymmetry of power (Fábio de Castro, Hogenboom, & Baud, 2016, p. 9; Leff, 2004, p. 7; M. Svampa, 2015, p. 68).

In this context, a new and more complex wave of mobilisation has appeared in Latin America. As Dorothy Kidd argues, ‘in previous cycles of mining, miners and mining unions played a very important role in the culture and politics of several countries. Many of the unions were connected to social movements and political parties of the left [...] Nevertheless, indigenous movements, environmental and human rights organizations, faith groups, and resource-affected communities have taken up far greater roles in the current conjuncture’ (2016, p. 5). The distinctiveness and complexity of this new wave of conflicts lies not just in the transformation of power relations from classic mobilisations (such as unions) to new social movements (Habermas, 1981), but also in the fact that they generally originate in rural territories, mostly but not exclusively indigenous and peasant communities that have been able to create cross-alliance mobilisation, transforming local action into broader socio-environmental mobilisations (H. I. Romero, 2013, p. 18). This is what Enrique Leff (2003) has denominated as the ‘environmentalisation’ of indigenous and peasant struggles and Maristella Svampa (2011a) the ‘eco-territorial turn’ of social movements in Latin America. A phenomenon that according to Enrique Leff is characterised for its capacity to be against neoliberalism and economic globalisation, but at the same time, defend environmentalist principles and sustainable development. This discourse, has been able to permeate agrarian and indigenous communities all across the Americas, defining their actions and aims in a globalised scenario (2001, p. 31).

Enrique Leff, identification of the ‘environmentalisation’, i.e. the adaptation of ecological and environmental arguments by indigenous and peasant struggles is disputed in this thesis. The main contra-argument, developed through the thesis, is based on the recognition of important differences between indigenous/peasant mobilisations when compared to ecologist/environmental conflicts. The first and most evident one is to emphasise that indigenous peoples have a sense of belonging to and towards the land that goes beyond the material. Thus, this relationship to the land often conflicts with the mercantile and resource relation that is given to natural resources by non-indigenous communities (Escobar, 2014). It is even possible to find differences between indigenous peoples sense of belonging to land when compared to values assigned to nature by groups that may not have a mercantile

relation to land, such as ecologists. These groups tend to promote the creation of 'conservation areas', where hunting and logging are prohibited, while indigenous peoples use these resources for subsistence. Those differences have become even more evident in registered conflicts between conservationists and indigenous peoples over lands and territories, the different views over how to conserve or preserve the land have ended –in some cases- in important evictions and displacement of indigenous peoples from so-called 'environmentally protected areas' (Samson and Gigoux, 2017).

Then, a new framework to explain social contestation in this context is necessary. Rather than assess Latin America's socio-environmental protests against extractivism according to a specific theory of social movement, I argue that a more theoretically fruitful approach is to examine the interaction among the various attributes conventionally associated with social mobilisation. In particular: (i) the context in which these conflicts are developed and how it may create opportunities and limitations for broader mobilisations (Edwards, 2014, p. 104; S. Tarrow & Tilly, 2009, p. 440); (ii) the ways in which local communities frame their demands and its capacity to generate incentives for mobilisation (Gamson & Meyer, 1996); and (iii) the capacity of these communities to mobilise tangible and intangible resources (Freeman, 1979). While none of these theories adequately explains the empirical puzzles at hand, they provide a useful repertoire of ideas and approaches that can be reconfigured to construct a more complete understanding of social contention against extractivism.

#### Context and opportunities: extractivism, repression and conflict

The wave of democratic transitions in the region opened political opportunities for social mobilisation (S. Tarrow & Tilly, 2009). The democratic transitions that swept the region in the 1980s and 1990s was initially assumed to be a indication of political opportunities for mobilisation (D. J. Yashar, 2005). This is backed by social movements theoretical approaches that argue that democratic regimes, when compared with authoritarian ones, have an enormous concentration of social contention, mainly because these depend on regime-backed rights, such as the rights of association, assembly, and speech (S. Tarrow, 2011, p. 179).

While this situation may suggest the openness of opportunities for mobilisation, it has also reinforced the counter-mobilisation of states and companies, constraining social mobilisation. Put differently, as a result of the increase in social protest, states and companies have defended their projects through forms of counter-mobilisations that in some cases end



up in terrible human rights violations and limiting the action of social movements. According to Global Witness, a United Kingdom based charity, the increasing level of extractivism correlates with increasing levels of violence, which in 2016 saw a record of 200 killings of people defending their land, forest and rivers from destructive companies (Global Witness, 2017).

Moreover, it is possible to observe a regional political-economic context in Latin America that has deepened the dependence on the extraction of natural resources (Barton & Román, 2012; Hogenboom, 2012). Such dependence appears in a global context of growing demand of natural resources characterised by a trend to relax the social, economic and environmental standards to maintain the levels of extractivism and revenues (Arellano-Yanguas, 2011; Bebbington, 2011; Ospina, Bebbington, Hollenstein, Nussbaum, & Ramírez, 2015). The current regional scenario illustrates not only a continuation of neoliberal extractivism in countries such as Chile, Colombia and Mexico that have weakened the state capacity through the introduction of liberal economic policies to increase the investment of the extractive sector in their economies (Bridge, 2004; Veltmeyer, 2013). But is also seen in so-called 'progressive governments', such as Bolivia and Ecuador, where the state acts as producer and regulator -in association with multinational capital- of extractivism (M. Svampa, 2015, p. 67). In both political scenarios it is possible to observe an expansion of the frontiers of extractive and primary export economies to new rural territories (Ospina et al., 2015, p. 32), a process which has become ever more destructive, toxic and energy-intensive as remaining deposits have become dispersed and inaccessible – threatening local people's lives and livelihoods on a daily basis (OCMAL, 2016).

The local context, in which the mobilisation occurs, also sheds important light regarding the opportunities and limitations to mobilise.

Firstly, geography matters. It matters in a geo-political sense, as communities that are far from central powers have more barriers to gain political and communicational support. Extractivism usually occur in isolated territories that lack state presence and that usually have low standards in terms of economic growth, poverty, inequality and environmental quality (Ospina et al., 2015). Such barriers increase in countries with centralised decision making. This is the case of most Latin American countries that have hyper-presidentialism or what Guillermo O'Donnell has described as 'delegative democracy' (O'Donnell, 1992). In this political scenario communities that are geographically far from central powers tend to have less democratic and participatory spaces for mobilisation.

The type or sector of extractivism also matters. Evidence suggest that conflicts tend to appear against certain extractive activities that may have larger impacts in the environment, such as the exploitation of oil and open-pit mining mainly if they take place in culturally or environmentally sensitive areas; especially those territories involving indigenous and peasant communities (Ali, 2003; Li, 2015). Yet, conflicts can appear both against large-scale international extractive companies and against artisanal and small-scale projects. Ownership is usually more visible and personalised in small-scale or artisanal extractive projects than those listed in stock exchange, were ownership is much more dispersed (Wolf, Deitelhoff, & Engert, 2007, p. 305). But also, there is evidence suggesting that larger companies are more likely to respond strategically to violent conflict than smaller firms, because of potential losses and reputational damage at the international scale (Oetzel & Getz, 2012). In other words, the power relations found at the local level, as well as the pressures in terms of reputational damage at a global scale can both open opportunities for local communities to mobilise against extractivism.

Moreover, the stage of the extractive project has effects in the opportunities for mobilisation. In a prospection phase, communities are more likely to oppose the project as they still have the possibility to stop it, while during construction phase communities will tend to seek compensation, environmental impact reduction, jobs or the restitution of the land. The construction phase in particular is the phase of extractivism that generates larger job opportunities and expectations for the community. During the operation phase job opportunities decrease and the environmental damage become evident, usually resulting in rising grievances (see for example Bebbington, Humphreys Bebbington, et al., 2008; Conde et al., 2017; Franks, 2009).

The openness of political opportunities, institutional threats and the local context, ‘affect what social movements do and when and how they do it’ (Edwards, 2014, p. 78). According to the literature, ‘high-capacity democratic regimes produce an enormous concentration of social movements’ and ‘low-capacity regimes exert significant control over contention close to their operating bases’ (S. Tarrow, 2011, p. 179). Yet, in Latin America, it is possible to observe a raise and spread of social protest against extractivism among different levels of democracies and with different levels of violence. So, to understand the dynamics of mobilisation, it is necessary to both explore the changing circumstances at a macro political level, as well as in the local context. In the specific case of extractivism geography matters as well as the extractive sector, stage of the project and scale of it as the opportunities given in each case may affect how communities react and which kind of means they will use.

### Incentives to mobilise: Perceptions, framing and identity

Post-structuralist theories emphasise the role of agency and culture, arguing that in order to understand the emergence of socio-environmental conflicts, it is necessary to understand which factors generate incentives to mobilise. Contention appears when communities or individuals perceive the opportunities and the context as unjust. Put it simply, in between opportunities and conflicts, are people who give meaning to these situations (McAdam, 1999, p. 48). Through different perceptions and meaning of land and territory communities have identified certain issues as unfair and have proposed solutions to confront them, what Benford and Snow (2000) refers to as framing process.

In specific, the culture and sense of belonging with the land may create different perceptions and framing processes. In fact, most of the framing processes that currently exist in the socio-environmental movement in Latin America come from clashes of values between communities, companies and states, and their relations with land, rights or cultural means (Estenssoro & Parker, 2017). One of the most common clashes has to do with the cultural conceptions of land that appears for example in indigenous and peasant communities, who generally have a sense of belonging to and towards the land that goes beyond the material. In other words the social group identification as environmentalist, indigenous or peasant communities can increase the risk of social conflict (Mähler & Pierskalla, 2015), especially in a context of cultural differences with extractive industries that tend to commodify these territories (A. Escobar, 2006).

It is also possible to observe clashes between juridical territories. By juridical territories I mean territories that are bounded and controlled by rules of law (Kollers, 2009, p. 4). There may be a clash of rights in an area where two or more juridical categories coexist in the same territory. This is the case for example of indigenous territories that exist within the juridical territory of a country (state), but whose self-determination is also recognised by international human rights instruments. Or it may be the case of territories that are defined as protected areas but that are still subject to the exploitation of natural resources (Cuba, Bebbington, Rogan, & Millones, 2014; Perreault, 2013). Such situation has allowed communities to use the discourses provided by international human rights and environmental legislations (Kidd, 2016), to interpret and frame the 'world out there' (D. A. Snow, Rochford, Worden, & Benford, 1986).

The framing process encourages protest and dialogue within and between communities of resistance (Johnston & Noakes, 2005, p. 2). Communities are increasingly creating a dialogue between different forms of knowledge and ways of knowing (Leff, 2004). It is a process that allows for the construction of frames in which different ideas and meanings are shared, allowing for example to solve the conflict between framings of peasant/indigenous visions and their Cosmo-visions, because ‘there isn’t one knowledge to be imposed on other’ (Martínez-Torres & Rosset, 2014, p. 980). This deliberative interpretation of the context, have ended up strengthening local communities, placing them in a position that allows them not just to negotiate (with the state or company) in better conditions, but also to produce internal democratic spaces that, in the end, is what they demand outwardly in any kind of confrontation (N Giarracca & Mariotti, 2012, p. 99).

In summary, collective frames are both constructed and adopted by members of a movement and serve to attract adherents and generate common discourses. According to Snow and Benford, framing is the capacity of social movements to ‘assign meaning and to interpret relevant events and conditions in ways that are intended to mobilise potential adherents and constituents to garner bystander mobilisation, and to demobilise antagonists’ (1988, p. 198), i.e. it helps to organise the experience and sequences of action against extractivism. Firstly, framing serve to generate a diagnostic of what needs to be changed. In the specific case the forms and impacts of extractivism. Framing processes also serve to propose a solution, to carry out a plan. Finally, framing can also be used to generate a common discourse and vocabularies of motives, i.e. it serves to motivate and recruit adherents to the movement (Benford & Snow, 2000, pp. 615–17).

#### Resources: Tools and networks

According to Jenkins and Perrow, communities need more than just feelings and frames to act, they also need the means to do so (1977, p. 252). Tangible and intangible resources available to communities will have a marked impact on their ability to confront extractivism and generate networks of broader mobilisations (McCarthy & Zald, 1977). The capacities of communities to leverage money, participants, communication infrastructures, space (such as houses of participants or offices) and leaders (all defined as tangible resources), shed lights to understand the skills and know-how, commitment, access to networks, access to elites and public support (intangible resources) mobilised by different communities (Freeman, 1979). In other words, the availability of resources for local communities may reflect the risk and

cost opportunities for certain actors to participate in a mobilisation, their ability to generate networks and the usage of different tools to oppose extractivism.

The availability of resources for local communities may have mixed effects on conflict. Communities with low Human Development Index (HDI) and high levels of poverty may lack time and resources to support conflict and collective action (Bebbington, 2007). But also the scarcity of resources in local communities may evidence different forms of inequalities that serve as incentives to mobilise. According to Conde et al. 'while extractive projects can provide direct and indirect economic opportunities, including jobs, for local community members, the effects of high levels of poverty on education levels and skills can reduce the employability of local residents by companies' (2017, p. 14). Such situation may increase the perceptions of inequalities both within the community and with external actors, a situation that have made Haslam and Tanimoune (2016) to conclude that there is a relation between local levels of poverty and the increase in distributional conflicts in mining extractivism in Latin America.

Moreover, social media and new technologies allow social movement to incrementally use low-cost tools to oppose extractivism (González-Bailón & Wang, 2016; Walter & Urkidi, 2014). New technologies also challenge the idea that social movements will be involved in costly campaigns in order to attract the support of the general public. Communities have tended to have more information and to communicate more easily as a result of the availability of the internet and social media. Also, of fundamental importance for the generation of Latin American knowledge have been the information networks that are described in 'popular ecologist' theories (Martínez-Alier, Sejenovich, & Baud, 2015). These networks and new tools have allowed local communities to identify potential impacts of extractivism and, 'decide on the most effective modes of resistance, raising funds and mobilizing supporters, often before operations start' (Conde et al., 2017, p. 21).

Finally, communities that have extra-local contacts or networks are able to escalate resistance (Conde et al., 2017, p. 21). According to Horacio Machado Araoz (2009b), communities will seek either compensation or closure of projects, depending on the degree of dispossession, looting or environmental impact and the connections that this movement has with regional, national or transnational assemblies. Machado Araoz argues that communities that are able to create contacts and network that transcend the local, tend to transform the axis of the conflict from demands to the company and government for greater employment or economic compensation towards a growing rejection of extractive activities (2009b, p. 217).

This shift arises mainly when communities are able to know and understand the conflicts of other communities transforming communities from being NIMBY (Not In My Back Yard) movements to those of a political order that seek to generate a structural change, what has been called NIABY (Not In Anyone's Back Yard) (Martinez-Alier, 2001).

In summary, social movements can be explained looking into their internal management of the available resources. The availability to gain tangible and intangible resources, determines the way on which communities identify potential impacts of extractivism and, 'decide on the most effective modes of resistance, raising funds and mobilizing supporters' (Conde et al., 2017, p. 21). In particular, networks allow local communities to recruit more adherents and generate connections with other conflicts. But also, the idea of network creation allows understanding that the adherents of a movement are engaged with it based on an emotional and rational decision. The rationality comes from the idea that people 'can incur in the costs of activism because they think that what they do matters, either fulfilling goals, affecting outcomes, or on moral grounds' (Edwards, 2014, p. 73).

#### Micro-foundations of contention

Taken together, the processes discussed above indicate that the geographical location and the stage of the project, the structure of the company, the different values, and vulnerabilities can all have an important impact in the formation of conflict. Yet, they still leave gaps in our understanding of these forms of contention. In specific, they do not tell why these issues generate conflict in particular places and moments or how communities may take advantage of shifting opportunities and constrains (S. Tarrow, 2011, p. 6). To fill this gap it is necessary to analyse the mechanism at work, i.e. the micro foundations of contentious politics and how communities are able to give meaning to it (McAdam, Tarrow, & Tilly, 2001). Put it differently, political opportunities, organisational resources and mobilisation frames can play a key role in understanding conflict, but they do not say much about the processes that generate such conflict in particular times and places.

To understand the choices and aims of communities when contesting extractivism, a more detailed examination of the processes that generate such conflict is needed; this in turn may help us to say something broader about social mobilisation. To do so, it is necessary to understand the environment in which communities mobilise and the social, economic, and political shifts that create opportunities and limitations to mobilise. This is what Sydney Tarrow calls 'contentious politics', i.e. the capacity of 'ordinary people – often in alliance with more

influential citizens and with changes in public mood – [to] join forces in confrontation with elites, authorities, and opponents’ (2011, p. 16) By looking into the micro-foundations of conflict, I aim to uncover the meaning that each community gives -in a particular place and time- to the shifting conditions of political economy of extractivism. In turn this observation may shed lights of the capacities of these communities to generate broader social mobilisation, something that occurs when they are backed by well-structured social networks and have the capacity to sustain their demands against their opponents (Diani, 1992; S. Tarrow, 2011).

## **II. Research design and Methodology**

### The case of Chile

As one of Latin America’s most institutionally stable countries, Chile represents the paradigmatic case for exploring the micro foundations of contentious politics that lies at the heart of this study. Precisely because of the economic and political stability and low levels of threats when compared to other countries in the region, and the historical economic and political dependence on extractivism, we should expect to find mobilisations and conflict. Thus, Chile offers an ideal, or ‘most likely’, case for evaluating the theoretical framework explained above.

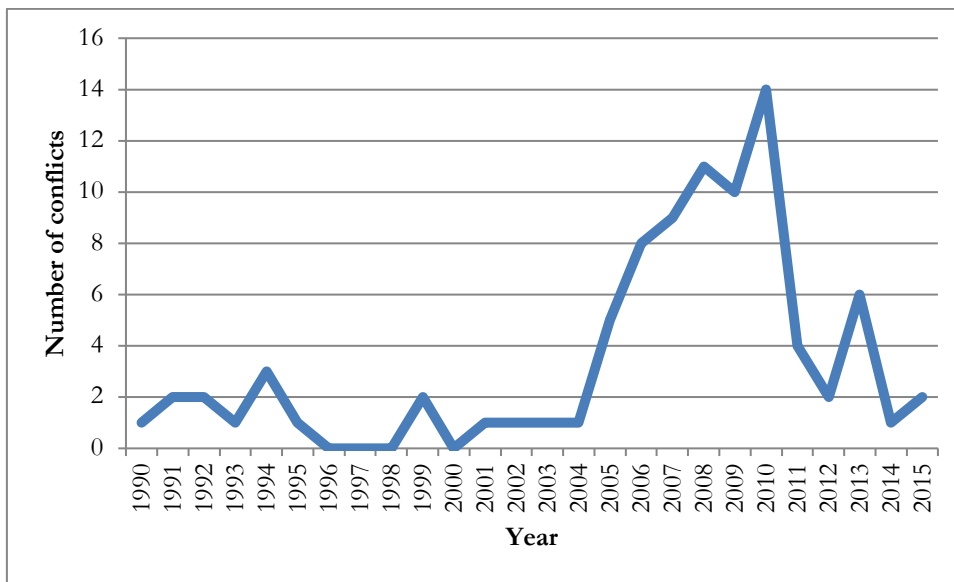
Chile also helps to bring into sharp relief the point that an analytical focus on political opportunities and constrains is not sufficient to explain social mobilisation. Despite the fact of being a most likely case in terms of stable politics and economy;<sup>2</sup> Chile has not created a strong civil society and social mobilisation culture when compared with countries such as Argentina, Colombia or Bolivia (Eckstein, 2001; Humphrey & Slater, 1987; Veltmeyer, 1997). The limitations for social mobilisation in the case of Chile comes from the fact that neoliberalism have deep roots in the politics of the country and repression that fragmented civil society during the dictatorship. Moreover, since the transition to democracy, it is possible to observe a broad consensus of establishing neoliberalism and a market society as the cornerstone of Chilean political-economy governance. While this has created certain political stability, it has in turn limited the political opportunities for mobilisation (E. Silva, 2009).

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<sup>2</sup> Maybe the exception can be seen in the repression against the Mapuche people.

Yet, according to the National Institute of Human Rights in Chile (INDH) latest report on socio-environmental conflicts there appears to be an increase in reported socio-environmental conflicts (see **Figure 2**). While this is just a proxy<sup>3</sup> it demonstrates that Chile shares with other countries in the region the fact that the levels of protest against extractivism have increased.<sup>4</sup>

**Figure 2:** Number of socio-environmental conflicts per year in Chile (1990-2015)



**Source:** own creation based on (INDH, 2015c)

To be clear, a single-country study is limited in its capacity to fully elucidate the broader processes of social contestation in the region. However, to understand the subtleties of social contention against extractivism, a contextual, and empirical research is required. By analysing communities that react against extractivism under different governments and in different times, the study ‘expands the number of observations and thus overcomes the problems of causal inference that often plague single-country studies’, while at the same time holding constant several competing explanatory factors, such as the economic dependence on extractivism and the political culture (Helmke, 2012, p. 16).

Moreover, an in-depth study of Chile enables the type and quality of research necessary for explaining this complexity. The contextualised and analytic account in this study allows for

<sup>3</sup> This report is based on data collected by the INDH and is based on conflicts that have appeared in the ‘public sphere’. Therefore, this estimate is conservative; as it only accounts for conflicts involving public manifestations, i.e. a judicial action, press content or public protest. Moreover, it has a time restriction as those conflicts should have appeared in the media between January 2010 and July 2015, irrespective of the date of the beginning of the conflict and the stage in which it was at that time (INDH, 2015c, p. 6).

<sup>4</sup> More precisely, Chile is one of the six countries in the region with most reported conflicts against extractivism and the second –among those countries– with highest intensity of conflicts, i.e. ratio of conflict/population, only exceeded by Ecuador (see **Table 1**).



the tracing of events and political, social, and economic changes over time. Hence, the in-depth study of Chile enables a more detailed analysis of mobilisation that is not feasible to pursue in studies that compare more countries. Nonetheless, the concluding chapter expands the scope of the evaluation of mobilisation against extractivism in order to demonstrate the ways in which the analytical framework of this study can be extended to other cases.

In concrete, a considerable variation within Chile can be observed when disaggregating the data provided by the INDH. **Figure 3** highlights key factors emphasised in the previous theoretical discussion that show how the conflicts are distributed at a national scale. It shows for example that geography matters, as almost half (46.2%) of the socio-environmental conflicts in Chile take place in the north of the country (from Arica to Coquimbo), while only 16.1% of these conflicts are situated in central Chile (Valparaiso to El Maule) and 37.6% in southern Chile (Bio Bio to Magallanes). This is not a surprise, since most of the large-scale mining projects –main extractive sector in the country- and mineral deposits are situated in northern Chile and affect communities that are distant from central powers. Moreover, 76% of the conflicts are directly related with mining (31%) and energy (45%), activities which, as seen, are usually characterised for their intensity and impact, while the remaining 24% is distributed in conflicts related with agriculture, infrastructure, fishery and forestry. Finally, it is important to highlight that more than 60% of the conflicts are situated in areas with very low or low levels of poverty and that only a third (33.8%) of the conflicts involve indigenous lands.

**Figure 3:** Distribution of factors that generate conflict in Chile

Geographic distribution (%)			Extractive sector (%)					
North	Centre	South	Mining	Energy	Agriculture	Infrastructure	Fish	Forest
46.2	16.1	37.6	31	45	2	13	4	4

Level of Poverty (%)					Involving indigenous lands (%)	
Very low	Low	Medium	High	Very High	Yes	No
33.3	29.4	11.5	18	7.7	33.8	66.2

Source: own creation based on (INDH, 2015c)

In sum, it is possible to observe a considerable variation of conflicts within the case of Chile, which allows for multiple observations at different levels of analysis (**Figure 3**) and over time (**Figure 2**). In other words, the case of Chile allows tracing mobilisation over time, and so to examine interactions in different political moments, with different governments, at different

geographical locations, and at different stages of extractivism, while at the same time holding constant several structural factors, such as the increase in extractivism dependence and privatisation. To understand the effects of this variation in social contention we need to take a closer comparative look at the micro sociological mechanisms affecting the behaviour of communities that mobilise.

### Case selection and data collection

Through an examination of empirical data from local communities, this thesis adds important evidence to understand the reactions against extractivism and the extent to which they have been able to influence broader socio-environmental mobilisations. In particular, the empirical case studies can help to understand and trace how different political, social and economic events -that changes over time and space- can generate patterns of conflict at the local level. Moreover, empirical data can help us to observe the capacities of local contentious politics to gain network support and sustain over time, i.e. influencing the creation of broader socio-environmental movements (S. Tarrow, 2011, p. 6).

To do so, I use process tracing, a methodology that has been largely used for case analysis that is based on qualitative data. For some authors such as David Collier, process tracing is ‘an analytic tool for drawing descriptive and causal inferences from diagnostic pieces of evidence— often understood as part of a temporal sequence of events or phenomena’ (2011, p. 824). It allows the unfolding of different events over time, such as the change of a given conflict into broader social mobilisations. In other words, it helps to draw causal inferences that can help –in this study- to understand the capacities of local communities to generate conflict against extractivism and their transformation from local conflicts into broader demands. But, to do so, process tracing requires the adequate description of a given event (either a recurring event or a singular event) that may cause such change and causation (see for example Mahoney, 2010). Hence, as described by Collier, ‘the descriptive component of process tracing begins not with observing change or sequence, but rather with taking good snapshots at a series of specific moments’ (2011, p. 824). In this sense, process tracing helps, in the first place, to make an in-depth description of the events of conflict against extractivism and then to trace the explanatory factors or causal inferences that may cause a change of aims and discourses of these conflicts.

In particular, I want to observe how the mixture of different factors may impact the aims and means of different mobilisations and how that causal mechanisms may say something broader about mobilisation.

As argued, geography matters in terms of closeness to the power and decision-making actors. In this sense, it would be expected that cases of contention that occur close to Santiago may have more facilities to create networks and leverage tangible and intangible resources than those located in isolated communities far from the political power.

Moreover, the extractive sector, the intensity of the project and the stage of it say something about how communities mobilise. It is expected then, that a community that is facing the prospection of a small-scale wind-power project may have better opportunities to stop its impacts than a community that face large-scale mining project which is under operation. The reasons behind this expectation have multiple factors. Among others, usually large-scale projects have larger investment and political support than small-scale ones, but also, as already highlighted, the opportunities for mobilisation vary depending on the stage of the project. For example during the construction phase, it is possible to observe an increase in job opportunities, which create further community division than in a prospection or operation phase.

Finally, the demography of the community and its socio-economic level can also say something interesting about what should be expected in terms of mobilisation. As seen, indigenous peoples may have an attachment to land different from peasant and urban communities. In very simple terms if peasants want to exploit the land for agriculture, urban communities preserve the natural environment and indigenous communities have a sense of belonging to land that transcend the material, then the discourses and forms of defence of the territory will tend to vary. Moreover, different groups may have access to different resources for mobilisation. While indigenous peoples are protected by specific norms and international standards, urban communities tend to have access to formal environmental networks (usually situated in the city). Additionally, communities with more resources, i.e. with lower levels of poverty and high levels of HDI, may be more suitable to mobilise tangible and intangible resources necessary for contention.

In order to observe how these different factors are related to one another, I have selected three cases that allow the greatest possible variety of combination among them (Caimanes, No Alto Maipo and Chiloé). **Table 2** shows that these conflicts arise in different geographical locations and against projects that are in different stages of extraction. Then it will be

expected that No Alto Maipo will have better chances of gaining political adherence than the other two conflicts, but also has the limitation of being a project which is under construction and with its highest levels of job offer. Also, these conflicts offer a good combination of scale and extractive sector. Caimanes react against a large-scale open-pit mining project, while Chiloé protest against the construction of wind-power and small scale mining projects, accordingly then it will be expected that Caimanes may have less opportunities for mobilisation than Chiloé. Moreover, the table highlights that these conflicts are representative of communities with different constituents (urban, peasant and indigenous), having also different levels of poverty and HDI, which –as discussed- can shape the capacities of communities to generate frames of collective action and to leverage resources.

**Table 2:** Case selection and representation of the sample

	<b>Caimanes</b>	<b>No Alto Maipo</b>	<b>Chiloé</b>
<b>Geographical region</b>	North	Centre	South
<b>Analysed extractive sector</b>	Mining	Energy	Mining & Energy
<b>Scale</b>	Large Scale	Large-scale	Small-scale
<b>Stage of the project</b>	Operation	Construction	Prospection
<b>Main population</b>	Peasants	Urban	Indigenous
<b>Human Development Index (HDI)</b>	Medium	Very High	High
<b>Level of poverty</b>	High	Low	Very Low

**Source:** Own creation based (INDH, 2015c).

The selection of these three case studies allows comparing diverse structural and discursive situations. They allow understanding the factors that explain why, how and when communities mobilise against extractivism. As will be further analysed in chapter 2, these cases are representative of variation in terms of geography, scale and stage of the projects. They are also representative of different communities (peasant, urban and indigenous peoples). According to the literature analysing social movements against extractivism, these structural and temporal dimensions should tell us something interesting about the forms in which different communities create meaning and mobilise resources. The solidarities and frames of isolated communities such as Caimanes differs enormously from the centrality of No Alto Maipo, where we would expect a broader capacity to generate links with NGOs and environmental organisations based in Santiago. On the other hand, the uniqueness -within this case selection- of Chiloé, is represented by the fact that is the only case study which include indigenous peoples. Then we should expect a creation of frames and meaning that understand the relation to nature on a different form when compared to the other two case

studies. Such variation on structural and discursive dimensions can help to further explore the two main questions developed in this thesis, i.e. which are the factors that contribute to the creation of socio-environmental conflicts? And how local conflicts can contribute to the generation of broader socio-environmental mobilisation?

The choice of a small-N design responds to the ideal of understanding both the factors that generate conflict and the causal mechanisms that explain their potential transformation into broader social mobilisation. The processes of tracing these causal mechanisms and the relations between the different factors of interest, involve a highly demanding task that can only be done well by studying in-depth, contextual, and empirical case studies. While the aim of process tracing is ‘reconstructing all the nodes in the hypothesised causal chain [...] and establish causation’ (González-Ocantos, 2016, p. 19), there is still the problem of unveiling the steps in the story behind each conflict, specially taking into consideration the lack of data and archives when studying social conflicts and movements (della Porta, 2014). To solve this problem I did fieldwork analysis and complemented it with the analysis of secondary data such as press clippings and judicial decisions.

The fieldwork was conducted in two phases: from November to December 2015 and then from March to June 2016, in Chile. I analysed everyday practices of social contestation, involving participatory observation, semi-structured interviews and focus groups. Also, I did semi-structured interviews and secondary data analyses with other stakeholders such as governments, companies and non-governmental organisations (NGOs). During the first phase of my fieldwork, I did semi-structured interviews with government institutions, mining companies and international/national organisations supporting communities in conflict. The main aim of this analysis was to understand Chilean extractivism and to add additional information to the analysis made by the INDH. To select the potential interviewees, I made an analysis – based on the INDH report – of the actors involved in socio-environmental conflicts in Chile (networks, governmental institutions and companies). Apart from complementing the understanding of the extractive context, this exercise allowed me to gain more information to select the case studies for my second stage of my fieldwork.

Moreover, this research involves multiple types of sources, significant cross-referencing, and extensive cross-validation. During the fieldwork, I had the opportunity to make forty-six semi-structured interviews, hold four focus groups<sup>5</sup> and observe three public

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<sup>5</sup> With the Caimanes, I did an activity that involved 4 members of the committee and we went through photographs and video archives to understand the history of the movement (15.03.2016), with the No Alto

demonstrations. While during the interviews I was able to gather information from key elites (governmental, academic, companies and civil society organisations), the main source of the data comes from conversations that I had with leaders of social movements and people affected by extractivism. To do so, I went to live for almost one month into each of the affected communities. This observational information was complemented with official documents both from the government (for example Chamber of Deputy documents and Environmental, Mining and Energy Ministers) and the analysed companies (mainly their Annual Reports). Also in each case study I analyse the most relevant judicial cases presented by each community. In total, this work is based in the analysis of over 60 judicial and administrative cases (see the section **CITED JUDICIAL DECISIONS**). This analysis helps to understand the claims and shifts of the movement, their history and, to some extent, the opportunities found in the judicial branch. The data was also supported and contrasted with the analysis of press clippings reporting on direct action activities, and information provided by networks that support socio-environmental movements.

Finally, this methodology and research design may serve to have implications that go beyond the empirical case studies. In any case study, there is always an implicit question regarding the reliability of the small-N case selection. Methodologically, this may require an in-depth analysis of socio-environmental mobilisations that have occurred in other Latin American countries— which is beyond the scope of this thesis. However, even without such systematic evaluation, comparisons based on existing findings can already illuminate the issues, helping us to understand ‘how far things might have been different’ (Thorp, 2017, p. 189). In other words, even though this research is based on three case studies in Chile and the main purpose is to unveil the factors that generate conflict and their impact, such aims can also be expanded as to generate a theory of socio-environmental contestation against extractivism that can be applied in other contexts of Latin America, a reflection that will be included in the conclusions of this study, when I apply this framework to other countries.

### **III. Structure of the Thesis**

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Maipo I had a focus group with 5 people to discuss the legal strategy of the movement (01.04.2016), in Chiloé I had a focus group including 4 people involving representatives of indigenous communities and local NGOs (20.04.2016).

The thesis is divided into seven chapters, including the conclusion. The first three chapters serve to generate a theoretical framework and a comparative context of extractivism and social contention/mobilisation at the regional (Latin American) and national (Chilean) levels. These first chapters also allow me to generate the comparative framework for the analysis of the case studies in Chapters four to six. The combination of the theoretical analysis of social contention and extractivism and the empirical description of conflicts serves both to explain the factors that generate conflict and to analyse the distinctiveness of the Chilean socio-environmental movement.

### Theoretical framework: context and internal capacities of communities

In **Chapter 1** I develop key points to understand the context of extractivism and mobilisation in the region. In particular the chapter starts by exploring the rise of extractivism in contemporary Latin America, its centrality in economic development, and key features of how extractivism is politically governed. The chapter then considers the impacts of extractivism and its governance on society/local communities. In addition, the chapter, address the similarities and differences of extractivism across the Latin American region. By unveiling the context of extractivism, I also explore the opportunities and limitations for social mobilisation (S. Tarrow & Tilly, 2009). In specific I explore how communities and civil society have become new actors in the governance of extractivism.

Building on this context, the main objectives of **Chapter 2** is to draw on mobilisation literature to develop a framework for assessing mobilisation against extractivism and to review the burgeoning literature on protest against extractivism in Latin America. To do so, I take into consideration theoretical approaches that analyse the political opportunities (C. Tilly & Tarrow, 2006), framing process (Gamson & Meyer, 1996), organizational resources (Freeman, 1979) and combine them with case studies and literature on social conflict against extractivism in Latin America. This shows that the context, opportunities, incentives and resources play critical roles in the events of local communities, yet they still leave gaps in our understanding of these forms of contention.

**Chapter 3** gives an overview of the case of Chile and locates it in its regional context. To do so, first, it describes the political economy of Chilean extractivism, by unpacking the features of extractivism that generate conflict at the national level. Then, the chapter gives a

description of the Chilean socio-environmental movement. Building on the theoretical framework developed previously, the chapter analyses the main incentives (frames and perceptions) and resources to mobilise against extractivism at the national level. This analysis of the extractive context at the national level and the features that explain socio-environmental conflict serves to set the context that allows analysing the creation, aims and means used by the three analysed case studies of this thesis.

### Reacting against extractivism in Chile: Empirical analysis of three case studies

The theoretical framework developed in chapters one to three serves as a basis for analysing and comparing the three empirical cases. In turn, the three case studies, analysed in Chapters 4, 5 and 6, complement such analytical framework examining the micro-foundations of contestation against extractivism. To do so, constant cross-references are made between each case to highlight both the uniqueness and the importance of the local conflict, as well as to understand how the context, incentives and resources constitute factors that generate conflict and shape their demands and aims. To do so, each chapter traces the processes and key shifts of the movement, showing how they are constituted, how they act against extractivism and how they have developed over time.

**Chapter 4** traces the process of conflict that occurs in the town of Caimanes. It represents a conflict in northern Chile, where it is possible to observe an important concentration of large-scale mining projects. The case of Caimanes, therefore, helps us firstly to understand the capacity of a community that lives far from the central power to oppose a large-scale mining project. In particular, the case exemplifies the structural limitations of a geographically isolated community when opposing a multinational mining company. This situation has been transformed into clear limitations for the community in order to gain resources and political support.

More specifically it is a conflict between a small peasant community that for over 20 years has opposed the construction and effects of the largest tailings dam in Latin America. During the construction stage (almost four years) the community aimed at distributing the benefits of extractivism, more specifically at receiving compensation from the mining company. As will be explained in detail, once the impacts of the tailing dam became evident (lack of water, security and social fragmentation) the community's aim was to close the mining operation,



claiming that such forms of extractivism caused unjust externalities for neighbouring communities. In other words, it is a case that exemplifies, in accordance with the theoretical framework, that the aims of communities vary depending on the stage of the project.

The change in the local structural opportunities coincided also with the availability of new resources of mobilisation. In particular, the support given by local elites and national NGOs that promoted the judicialisation of the protest. From then on, a series of different networks of support have been created at the local, national and even transnational level, transforming the aims of monetary compensation into objectives of political recognition and participation at the national level but also bringing further problems such as the representation of the local demands by elites that live far from the community, which in turn have ended up fragmenting the community and mobilisation.

The situation of isolation represented in the case of Caimanes is completely different from the No Alto Maipo case analysed in **Chapter 5**. It is a case that occurs in the centre of the country, close to the capital, Santiago, whose residents reacted against the potential effects on water, health and environmental preservation produced by the construction of a large scale-hydroelectric project. From the very beginning of the No Alto Maipo conflict, the community was able to generate networks at the local, national and transnational level. This has to do in part with the geographical location of the conflict (really close to Santiago) and the capacity of the community to use the means, networks and resources of previous socio-environmental conflicts that affected the zone (such as Gas Andes).

The organisations of the movement, their frames and networks have, from the very beginning of the conflict, gone beyond the local. In contrast to the Caimanes case, it is possible to argue that the No Alto Maipo is a conflict that has more ambitious aims, as their objective is to defend the local territory through a modification of the structural governance of extractivism. In particular they propose alternatives to the construction of the energy project: in this specific case to generate a protected natural environment empowering tourism. The combination of different factors has allowed No Alto Maipo to partially stop the project and to organise broader networks of mobilisation against extractivism, supporting local struggles in other parts of the country, i.e. it has contributed to the creation of a broader socio-environmental mobilisations.

Also, a key feature of this conflict is that, despite the fact that the community has used some unconventional means such as protest and street blockages, most of the strategies to block the construction of the hydroelectric project have been focused on using the formal

institutions provided at the national (such as tribunals, the impact assessment participation space and administrative claims) and international levels (they have used the appeal process of international agencies that finance the project, such as the World Bank and the Inter American Development Bank). This situation poses questions regarding the role of formal networks and the limitations that they may have in the creation of grassroots contention and episodes of protest; as formality has led to professionalization of the movement.

Finally, **Chapter 6** is focused on unveiling the process of contestation that occurs in Chiloé, an island in southern Chile. This mobilisation is representative of opposition to small-scale mining extractivism and energy projects and the aims of the community are mainly based on environmental preservation and how these projects may end up causing territorial dispossession. The combination of the adherents of the movement, constituted by indigenous communities and local environmental organisations, has tended to radicalise the means and frames against different forms of extractivism. The central discursive frame is to gain the necessary independence to defend and plan their territory. In other words, this conflict is framed in a clash of land and juridical territories as they claim that national political economy institutions governing extractivism simply do not fit in the ancestral and environmental vocation that the community want to give to Chiloé.

The case of Chiloé is not only a case that helps explaining the cross-alliance between local – mainly peasants and indigenous- communities and their ability to generate cross-alliances to oppose extractivism. It is also a case that allows showing how the political structures generate both opportunities and limitations. On the one hand the Chilean political context has allowed the expansion of the extractive frontier into their territories, yet, on the other, there are still spaces –such as indigenous consultation and specific indigenous laws- to oppose such extractive expansion. Such opportunities have allowed the creation of further frames based in rights discourses, which have served to both leverage resources for mobilisation, but also to start using judicial mechanisms to defend the territories against extractivism. Moreover, through the creation of common frames the communities in Chiloé have been able to create networks with other –mainly indigenous- communities that have resisted extractivism in other parts of the country.

## Conclusion

The conclusion is divided into three sections. The first section summarises the main findings of the study with respect to social mobilisation in an institutionally stable country like Chile.

In particular it highlights the relations between different factors that generate conflict and how they shape the aims and means for mobilisation in Chile Section 2 lays the groundwork for future extensions of this by examining how well the main propositions work in explaining socio-environmental mobilisation in three other Latin American countries. With a very stable political context, Costa Rica provides the most likely cases for testing the theory. While Costa Rica has low levels of dependence over extractivism and high levels of reported social conflicts, Paraguay represents the opposite effect, i.e. a country that has high levels of dependence over extractivism and low levels of socio-environmental mobilisation. Finally, Nicaragua, has the sad record of being the country in the world with worst ranking in terms of murderers of environmental defenders per capita (Global Witness, 2017), i.e. it is a least likely case. The chapter concludes with a discussion of the theory's implications for the study of socio-environmental conflicts and social movements more generally.

## **CHAPTER 1: THE POLITICAL ECONOMY OF LATIN AMERICAN EXTRACTIVISM**

This chapter examines the rise of extractivism in contemporary Latin America, its centrality in economic development, and key features of how extractivism is politically governed. Episodes of social contention against extractivism have risen in a context of increased economic dependence on extractivism (Martinez-Alier & Walter, 2016). Such dependence creates political and economic opportunities and constraints to mobilise (S. Tarrow & Tilly, 2009). While extractivism can help to reduce poverty, inequality and unemployment, it also has serious adverse environmental, social and cultural impacts (Gudynas, 2011a). In the Latin American context, communities face death threats, criminalisation, intimidation and harassment and receive little or no protection from authorities (Global Witness, 2017, p. 10).

In addition, the chapter provides context and comparative perspective, from other Latin American countries, to inform the empirical cases analysed in this study. To do so, it addresses the similarities and differences of extractivism across the Latin American region. While there is a common pattern of deeper dependence on the extraction of natural resources all across the region, a transnational and comparative analysis of the processes of politicisation of extractivism that have occurred in different Latin American countries allows for an understanding of the subtleties and differences of each form of governance of natural resources, examples that are useful to analyse in the specific case of Chile, as they show different patterns adopted both by civil society organisations and governments across diverse contexts.

In this chapter, I first analyse the trends of conflicts surrounding extractivism in Latin America. These conflicts have mutated from distribution clashes between states, towards more complex forms involving states, private companies and local communities. This has occurred in a global context of increasing demand for natural resources and a globalised market governed by legal frameworks privileging protection of private companies. In the second part of this chapter I analyse how this global context moulds the governance of extractivism in Latin America. Through a comparative analysis of different countries in the region I argue that, despite political ideologies of different governments, it is possible to observe an increasing dependence on extractivism. Such continuity has created expectations in terms of poverty, inequality and unemployment reduction, which generates popular

support for extractivism. Yet, it has also led to extensive human rights violations at the local level, creating limitations for social mobilisation.

## **I. Trends in socio-environmental conflicts:**

### 'New' conflicts: 'new' actors

Conflicts over the extraction of resources have mutated from distribution conflicts between states, towards more complex forms in which the aims of states, the private sector and communities tend to clash. Structural changes, such as globalisation and privatisation, have tended to disaggregate the role of the state, generating a form of co-governance over natural resources, which is deeply interrelated between state and private actors. Such transformation has, in turn, transformed local communities and socio-environmental movements into new actors of the current governance over extractivism. But ultimately, as will be analysed, communities remain the globally governed as opposed to state and private governors, a fact that reflects the lack of opportunities for communities as well as the power structures behind extractivism.

Extractivism is a key element of the current economic global context (Schaffartzik, Mayer, Eisenmenger, & Krausmann, 2016). The extraction of natural resources generates the necessary energy for the production of goods and constitutes a crucial element of the supply chain for countries that base their economies on manufacturing. Likewise, resource extraction plays a key role in the maintenance of the global financial market (Acosta, 2013). The extraction of natural resources has also been used as a form to sustain markets in times of economic recession. Such effect is seen in the revalorisation of extractivism from non-extractive economies, such as the Greek and the French economies for example, both of which have once again looked towards the exploitation of gold in their territories (Apostolopoulou & Adams, 2015).

On the other hand, the extraction of natural resources has historically been a political issue. The territoriality, scarcity and uneven geographical distribution of natural resources have the potential of creating conflicts (Feichtner, 2014). Asymmetries in the geographical distribution of natural resources have created historical, political conflicts between exporter and importer states. Usually, these conflicts are generated from the exploitation of natural resources in the global south to be used in the production of goods in central and emergent economies (Cardoso & Faletto, 1979). To avoid the historical exploitation of natural resources from

‘core’ states, administrations in the global south have increasingly used the institution of the ‘sovereignty of natural resources’ to maintain control over their exploration and exploitation (Schrijver, 1997).

The combination of global political and economic issues has transformed the governance of extractivism and its conflicts. Put it differently, it has transformed the relations between different actors that take political or economic decisions regarding the exploitation of natural resources, at the international, nation-state and local level. Since the 1980s, due to the neoliberal reforms and structural adjustment plans, it is possible to observe a trend of de-politicisation of extractivism (M. Svampa, 2015). Such de-politicisation has been driven with the objective of maintaining and increasing the flows of natural resources in the global market, thus avoiding conflicts between states. To achieve this de-politicisation, the international extractive market and its regulation have been largely left to private agents. The exploration, capital investment, exploitation, exportation and commercialisation of natural resources are usually left to private capital, and governments receive part of the revenues of such activities mainly through (often low) taxation (Feichtner, 2014). It must be added that regarding international regulation, conflicts between states, or between communities and the state are regulated by public international law (including international human rights law), but the potential abuses of companies remain in a state of de-regulation and impunity. Multinational companies are supposed to comply with flexible and non-binding international principles and standards, and with the rule of law of host states that usually tend to adjust their legal frameworks to attract the companies’ interest to exploit their resources (Cuvelier, Vlassenroot, & Olin, 2013).

In the meantime, local communities have been suffering the externalities of extractivism. Destruction of the natural environment, displacement, corruption and killings are just some of the threats that communities withstand. All the while, they confront the impunity of the state and corporations. The power asymmetries experienced by communities when confronted with the state or the companies, and the levels of repression and violation of human rights have tended to increase the levels of conflict between state-companies-communities. In fact, as already seen in the introduction, the levels of conflict and repression have constantly increased in the last 15 years (Conde et al., 2017). It is possible to conclude that the change in the governance of natural resources has resulted in a mutation of conflicts, from conflicts over the geographical distribution of resources that involved conflicts

between states to conflicts that involve local communities, private agents (usually companies) and the state.

It is important to clarify that the division between state, companies and communities is not always clear. While for analytical purposes this thesis tends to separate these three actors, the reality is that the interactions of power between one and another are not so evident. This point is further developed in the empirical cases. Yet, at this point we can anticipate that in the context of conflicts over the extraction of natural resources, it is not difficult to find cases of co-optation of the state by private actors. As the empirical cases will further illustrate, it is also possible to find influences generated by the state and companies on communities and groups that mobilise against extractivism. While here we analyse these three actors as separate entities, the empirical cases show that the interrelations between them are complex and that, ultimately, these interactions usually end-up jeopardising the position of those that have less power: usually local communities.

#### Global factors of extractivism that generate conflict:

In this relatively new scenario, the literature has identified certain features of extractivism that generate conflict (Acosta, 2011; Conde et al., 2017; A. Escobar, 2012; Gudynas, 2011d; Maristella Svampa, 2013b). For analytical purposes, I group these features in four categories. These are structural elements of extractivism that mould the current trend of predatory extractivism at a global scale (M. Svampa, 2015).

##### *a. Growing demand for natural resources (volume and intensity):*

The scale of extraction and consumption of natural resources, both in terms of volume and intensity, is generating conflict. It is not a surprise that global markets are consuming more natural resources and that importing states have increased their demand. According to Anke Schaffartzik et al. (2014), the global demand for non-renewable natural resources grew 3.4% each year between 1950 and 2000. That was the reality of an economic market in which the United States and Europe were the dominant consumers of natural resources, it is now necessary to add China and newly industrialised states as key actors of the global extractive market, generating a competition that has saturated the demand for natural resources.

The over-exploitation has tended to reduce the availability of high-quality natural resources. Accordingly, to meet such levels of demand it has been necessary to introduce new

technologies for the exploitation of increasingly scarce and lower quality resources, which in turn have expanded the extractive frontier into places that were not accustomed to such vocation, generating conflict at the local level. This reality of large-scale consumption has depleted the historical reserves of natural resources, forcing the global market to look for exploitation in places with lower-quality reserves that usually demand more energy and generate higher waste outputs (Bridge & Wood, 2010). In other words, extractivism is going ‘deeper and farther’ (Conde et al., 2017, p. 10), often into areas inhabited by ecologically vulnerable communities (Martínez-Alier, 2000).

So, from an ecological political point of view, the measurement of the scale of extractivism must also take into consideration the eco-efficiency of the volume extracted.<sup>6</sup> For example, for every tonne of copper extracted, on average 500 tonnes of material must be removed (Ritthoff, Rohn, & Liedtke, 2002). Then, when analysing the scale of extractivism, it is important to analyse not just the amount of the material extracted (e.g. a tonne of copper) but also the extraction of other materials that are associated with such extraction (e.g. the amount of materials, water and electricity used in the extraction of such tonne of copper). In other words, it is important to measure the intensity of the exploitation, as there can be extractive processes that have a low volume but high environmental impact (e.g. usage of toxic materials, level of water consumed or amount of energy necessary for the exploitation). For example, the eco-toxicity of copper is almost double that of iron. Whilst gold is almost ten times that of copper (Hertwich, 2010).

As will be discussed later, socio-environmental movements in Latin America argue that the scale of extraction is one of the structural elements that must be modified to avoid the generation of conflicts at the local level. The scale of extraction is not necessarily linked to national or local economic needs, but to the demand of the global market. As we have seen, the increasing scale of extraction is derived from the increase in the demand of central and emerging economies that, through the use of new technologies, have expanded the extractive frontier, causing externalities in environments and communities that do not historically have an extractive vocation.

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<sup>6</sup> One form of measurement is through the material input per unit of service (MIPS) indicators.



*b. Structural adjustment Plans and dependency on Foreign Direct Investment (FDI):*

Another structural element of extractivism that has generated conflict is the increasing dependency on FDI for the exploration and exploitation of natural resources. During the early 1990s, Latin America and most of the global south promoted the idea of attracting FDI to exploit their natural resources. Between the 1980s and 1990s FDI increased by 560% in Latin America (Asiedu, 2004). The reforms implemented by different countries in the region towards an open economy were promoted by the World Bank and the International Monetary Fund; these institutions designed a program of structural macroeconomic reforms to generate a wave of capital inflow in order to solve the debt crisis and poverty in the global south (Lauwo & Otusanya, 2013; Veltmeyer, 2013). The openness and capacity to attract direct investment is usually measured as the share of trade in GDP (Asiedu, 2002; Morisset, 2000; Noorbakhsh, Paloni, & Youssef, 2001). But, Elizabeth Asiedu (2004) has measured the openness to FDI based on three categories: capital controls, restrictions on trade and investment, and host country's investment climate. Based on these categories and comparing different developing regions, Asiedu concludes that Latin America is the second most open region towards FDI after the Asia Pacific region.

The dependency on international markets becomes evident in Latin America, especially through the analysis of the proportion of commodities to total exports. As such, for example, in 2013 it was of 86.6% for the Andean Region and 70.1% in the MERCOSUR countries (ECLAC, 2014). Most Latin American extractivism is dependent on international markets (Bebbington, Humphreys Bebbington, et al., 2008; CEPAL, 2010; Gudynas, 2010a; Hilson, 2012). A dependency that usually generates enclave economies, understood as a new form of post-colonial dependency (Singer, 1950). Globalisation has reinforced the importance of the exportation of raw materials and according to Maristella Svampa (2013b), there is a tacit international agreement that global transactions around commodities should be managed by the market, a process that she has called the 'Commodities Consensus'. Extractivism has been expanded throughout the region, not because of internal demand, but because of global demand (see for example Acosta, 2011; Escobar, 2012; Gudynas, 2011b; Svampa, 2013 among others).

The structural adjustment plans were based on the idea that foreign investment will provide the necessary capital to transform raw materials into commodities and stimulate the local economy, creating employment and reducing poverty (Asiedu, 2004; Feichtner, 2014;

Hoogvelt, 2001). Regardless of these potential achievements, part of the literature has identified that the clauses negotiated to attract foreign investment, tended to weaken domestic social and environmental laws, to have less rigorous tax regulations and diminished the capacities of states to protect and promote human rights (Frankental, 2011; Sikka, 2011). It is also not a surprise that structural adjustment plans have tended to put fragile states in a situation of inferiority to negotiate plans to attract foreign direct investment for the exploitation of natural resources. The incapacity to negotiate significant royalties, taxes and regulations tends to generate low revenue flows into the national budgets, diminishing the capacity of states to overcome poverty at the national scale.<sup>7</sup>

Privatisation and low revenues for host states have produced side effects that generate conflict at the local level. Usually these investments come hand-in-hand with acts of corruption at the national level, human rights violations and environmental degradation. The relationship between these negative impacts and FDI, have been described, in the literature, as one of the elements that generate a constant increase in social conflict, and as one of the structural elements of extractivism that socio-environmental movements aim to change (Conde et al., 2017, p. 9; Gudynas, 2011a; Veltmeyer, 2013).

*c. Socio, economic and environmental controls developed by host states:*

Extractivism usually occurs in countries that lack or have insufficient political, environmental or social controls (Erdogan, 2014). Investment in countries with low capacity to control extractivism has a potential to increase conflict at the local level (Conde et al., 2017). This is mostly a reality for countries that have developed a political governance of *laissez faire*, or lack social or state control over extractivism, a system in which the market that supports the private accumulation of capital administrates the externalities of extractivism. Nevertheless, there are some states that have tended to increase the levels of social, economic and environmental controls. Particularly in Latin America it is possible to observe a re-politicisation of extractivism with increasing controls led by the state and in some cases is possible to observe a decentralised governance architecture that gives these controls to the population, often directed towards affected communities, indigenous peoples or others (Vélez-Torres, 2014). While during the 1940s and 1950s Latin America had a state-centred control over extractivism, since the 1970s and 1980s Latin American neoliberal governance

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<sup>7</sup> A good example can be seen in a comparison between Zambia and Norway. While the African state only receive 5% of mining revenues flow into the national budget, 70% of revenues from oil extraction go directly to the national Budget in Norway (Feichtner, 2014)

reforms promoted mainly during dictatorships saw a trend towards flexible social, environmental and economic controls to attract foreign investment, leaving those regulations expressly to the market (Fabio de Castro, Hogenboom, & Baud, 2015; Machado Araoz, 2009a). In the early 2000s, as will be discussed in the next section; some policies towards increased control by the state were re-introduced. Finally, a series of political transformations towards recognition of prior and informed consent, rights of indigenous peoples', free determination among others have flourished in Latin America,<sup>8</sup> recognising the capacity of the state to devolve control to local communities. These three legal and political architectures can coexist, generating different values and interests for different actors, they can also cause real tensions among different groups (Maristella Svampa, 2011a; Vélez-Torres, 2014).

The diversification of the economy is also intrinsically linked with economic dependency and with the capacity to generate state controls. Usually it is possible to observe a relation between higher international dependency for the extraction of a given natural resource and less diversified economies (Gylfason, 2006). The diversification of the economy is important, as there are clear examples in the literature that relate the non-diversification of natural resources to weak tax systems and state institutions (Karl, 1997; Sachs & Warner, 2001; Thorp, Battistelli, Guichaoua, Orihuela, & Paredes, 2012). In other words, diversification is important in order to form autonomous decision-making centres (Cardoso & Faletto, 1979). In most parts of Latin America the economies are still highly dependent on the extraction of natural resources, and so despite intentions to diversify, these have been unfulfilled (CEPAL, 2012; Folchi, 2003). Taking into consideration the importance of a diversified economy for the development of state institutions and its impact on the autonomy of decision making, it is important to consider the level of diversification of the economies to understand the capacity of the state to generate social, economic and environmental controls over extractivism.

Despite the intentions to create better social, economic and environmental controls, the capacity of states has been surpassed by international private investment. As will be analysed, different countries in Latin America have tended to strengthen the state control over natural resource extraction, for example through trends towards the nationalisation of resources, the intention to create diversified economies or to transform extractive economies into

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<sup>8</sup> Human Rights Council, *Informe del Relator Especial sobre los derechos de los pueblos indígenas, James Anaya, Las industrias extractivas y los pueblos indígenas*, 24<sup>th</sup> Period of Sessions, Them 3, U.N. Doc. A/HRC/24/41 (2013)

industrialised ones. Nevertheless, as will be seen, such intentions have not yet allowed most Latin American economies to transform the patterns of extractivism and the intended social, economic and environmental controls have not created the proposed effects at the national level. In part, this has to do with the limited structural opportunities given by the international regulations.

*d. International regulation of extractivism:*

The international regulation of extractivism is a key component of current forms of conflict over natural resource extraction. During colonialism, international law was instrumental to central powers for the extraction of natural resources, a trend that ended-up decolonisation and the incorporation of colonised regions as sovereign states. This process allowed the creation of the already mentioned ‘permanent sovereignty of natural resources’, which include the right of a given state to exclude other states from access to their resources (Feichtner, 2014). To secure the relations between exporter and importer states, the figure of International Commodity Agreements was created in the United Nations in the 1960s. With representatives of different countries that could control the market of natural resources and solve distributive conflicts between importer and exporter economies, the International Commodities Agreements were meant to achieve equity in the trade of international commodities (Chimni, 1987). However, due to the opposition of importer states, mainly the United States, to market intervention, the International Commodities Agreements were never effective regulators of the international commodities markets. Instead of promoting these agreements, importer countries promoted the privatisation of the exploitation of natural resources through the liberalisation of trade and the strengthening of international investment law, to secure access to natural resources (Feichtner, 2014).

The promotion of investors’ protections supported by international financial organisations is key to understand current forms of international regulation of resource exploitation. Through the privatisation of the exploitation of natural resources, the distribution conflicts were partly solved, as host states were supposedly able to control the acts of private companies and importer states were able to secure the supply of natural resources through liberalised markets and private investment (Krasner, 1978). The conflicts were no longer between states and the regulatory framework was left to international private institutions. International private law has increasingly protected private investment through case law

(mainly arbitrations) and bilateral investment agreements, which does not necessarily go against the principle of permanent sovereignty of natural resources, because exporter states could limit such sovereignty through international bilateral or regional agreements. The signature of bilateral investment agreements has undergone rapid growth, from 300 in 1990 to over 3,000 as of 2011 (Pahis, 2011). Such atomisation of international private law, has increased the protection of private investors and limited the authority of host states (Anghie, 2005; Feichtner, 2014). Usually, these agreements establish clauses that guarantee a fair and equitable treatment, protection against unlawful and uncompensated expropriation. and the right to transfer funds into and out of the state parties (Pahis, 2011, p. 2). With the increase in bilateral agreements, it is also possible to observe an increase in international arbitration from 26 disputes in 1990 to over 400 nowadays, most of which are decided by the International Centre for Settlement of Investment Disputes (ICSID) an organisation that depends on the World Bank (ICSID, 2017).

Transnational economic law has changed conflicts, but this does not mean that disputes over distribution have disappeared; today, conflicts at the local level have increased. In this sense, it can be said that private international law has shaped or helped to generate these conflicts at the local level. It is perfectly possible to point out that the responsibility of importing countries has diminished, transferring it to multilateral companies, but they continue to have influence in these matters, since they are signatories to bilateral or multilateral trade agreements and often act as financial agents, so they should hold responsibility, especially when there are violations of human rights and the environment.

### Post-extractivism

These four global and structural elements of extractivism mould the current governance of extractivism in Latin America (Aguilar, 2012; A. Escobar, 2012; Gudynas, 2013). This is a form of extractivism that is undertaken on a large scale, with a high level of FDI, without social control or transparency, creating enclave economies and hindering diversification of the economy. Usually, the value of the products internationally commercialised does not include the social and environmental costs, as these costs are externalised. It is a form of extractivism that generates the degradation of ecosystems and the violation and restriction of human rights, which thereby generates conflict at the local scale (Alimonda & Escobar, 2011).

These features also shape the aims of socio-environmental conflicts. Latin American movements have proposed some alternatives to overcome this process of predatory extractivism. As will be analysed in the next chapter, reformist environmentalists and social movements claim that there should be a transition towards forms of reasonable extractivism. This entails the extraction of natural resources that may still have impacts in terms of degradation of the ecosystems (to a lesser extent when compared to predatory extractivism), but is done in compliance with national and international human right standards. (Aguilar, 2012; Gudynas, 2013). On a more radical alternative, some socio-environmental movements argue that markets should extract only the natural resources that are indispensable for subsistence. They argue that the sole recognition and compliance of human rights standards is not sufficient, there should be a reduction of the socio-environmental impacts of extractivism.<sup>9</sup>

Yet, the previously analysed features are not homogeneously spread across the region. Then, to understand how these features may be generators of conflict, it is necessary to unpack the differences and commonalities between countries governance over extractivism. Such approach in turn can help to say something broader about how the political and economic context may create opportunities for social mobilisation. The chapter now turns to an empirical study of extractivist governance in Latin America.

## **II. Extractive governance: extractivism and neo-extractivism in Latin America**

Extractivism is spread, with different levels and intensities all across Latin America. Despite the political tendency of the government in turn, there is an increasing dependence on extractivism at the regional scale. Such dependence is shaped by the global factors previously

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<sup>9</sup> These alternatives have mainly been discussed in Latin America. With regard to indispensable- or post-extractivism, relevant and related ideas have emerged in debates around concepts of degrowth and accumulation by dispossession in Europe (A. Escobar, 2015). To implement indispensable extractivism or post-extractivism, it is necessary to change macro political and macro economic governance over natural resources, but also it will be necessary to reduce material income and comfort, without losing welfare (Kallis, 2011; Martínez-Alier, 2012). Degrowth and post-extractivism have similarities as both theories are a critique to the global development model, a critique to the tendency of capital to generate global markets (Harvey, 1982) not just as an economic critique but also as a cultural and social imperial model of living (Brand & Wissen, 2013). They are not alternatives forms of development but alternatives to development.

analysed but also by the national context. In particular in recent years, Latin American governments have developed innovative and interesting extractive governance and political models. The models are full of nuances and contradictions, which must be carefully analysed. To do so, in this section I develop a very brief history of contemporary extractivism with an emphasis of the transition from neoliberal forms of extraction towards so-called progressive or forms of neo-extractivism, which coincides with the commodity boom and the deeper dependence on extractivism. Such analysis helps to unveil the commonalities and differences of current forms of governance over extractivism and the opportunities and limitations that they offer for local communities and social movements.

#### A (very) brief history of the politics of extractivism in Latin America

During the 1970s and 1980s the theoretical ideas of neoliberalism developed in the Chicago school, found a political environment in the region that allowed transforming it from ideas into practice. By the end of the 1980s, the dependency ideas of development proposed by ECLAC from the 1960s had lost their legitimacy in Latin America.<sup>10</sup> These were the years of market reforms and privatisations promoted by international organisations such as the World Bank and the International Monetary Fund; ideas that were spread all over the region with the support of elites and dictatorships. The transformation of the private sector into a predominant force for economic development and the reduced role of the state were the objectives of the liberalisation policies promoted between the 1970s and 1980s (Harvey, 2005; Weyland, 2008). The dynamics of the market were then imposed as the fundamental basis of culture, building a proper market society (Polanyi, 2007).

As part of this turn in economic development, most Latin American governments promoted policies of liberalisation and privatisation of the exploitation of natural resources. Chile is possibly the most paradigmatic of the countries that introduced neoliberal changes to extractivism in Latin America. It was not just the first, but the one that shared the ‘model of success’ to the rest of the region (Machado Araoz, 2009a). As will be analysed in Chapter 3, during the dictatorship of Augusto Pinochet, several Legal Decrees were passed, consolidating the basis of the neoliberal model for extractivism in Chile: Decree 600 created

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<sup>10</sup> Dependency theories stated that underdevelopment is not the previous phase for development, but its product. Capitalism and the asymmetric relations in international commerce were the causes of the international inequalities. Dependancy theories promoted the understanding of international economies, not just as an economic problem, but under the lenses of power theories and historical situations that shaped the theories of development (see for example Furtado, 1964; Cardoso and Faletto, 1969, among others).

a new statute of Foreign Investment (1974), the Constitutional Organic Law on Mining Concessions (Law 18,097 of 1981) and the reform to the Mining Code (1983) promoted the privatisation of large-scale mining in Chile (Caputo & Galarce, 2008). According to Horacio Machado (2009) the Chilean neo-liberal model was based on three main characteristics: a. complete juridical security over the property of the mining concessions; b. taxes and commercial benefits that lasted for at least 25 or 30 years; c. flexible legislation and controls over environmental issues.

The neoliberal transformations that were initiated in the 1970s and 1980s in Latin America provided strong support to the Washington Consensus and benefits for private companies. The Washington Consensus has been seen as a period in which the peripheral countries, including those of Latin America, made available their natural, mineral and biological resources for the economic recovery of the central governments (Veltmeyer, 2013). A period in which a new dependency theory arose (Grigera & Álvarez, 2013) but now in explicit connection with extractivism (see Giarracca & Teubal, 2010; Gudynas, 2012; Svampa, 2013 among others). As part of this Consensus it is possible to observe the massive entry of transnational corporations (“TNCs”) into the region and the privatisation of state companies that were nationalised during the early 1950s and 1960s<sup>11</sup>, a process which is contemporaneous to the ‘mining boom’ of the 1990s. During this boom, TNCs benefited not just from the policy framework generated for foreign capital, but also from very high rates of return on their investments. According to Glevys Rondón (1997) by mid 1990s the average rates of profit in the region through mining operations was 34%, completely overshadowing the 5% rates of profit of mining operations in northern countries (United States and Canada).

With this new capital came new techniques and technologies to exploit the natural resources, transforming the historical relation between extractivism and labour-intensive production into capital-intensive operations. During the neoliberal transformation of extractivism in the region, new technologies were introduced differentiating ‘old’ and ‘modern’ forms of extraction. As an example, prospecting and exploration for minerals is now undertaken using satellite technology, production is large-scale and the extraction of the mineral from the rock

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<sup>11</sup> See for example the entry of companies such as Barrick Gold, Falcon Bridge and Yamana Gold (Canada); Exxon and Newmont (United States) Rio Tinto and Anglo American (United Kingdom); BHP-Billiton (United Kingdom and Australia); Xstrata Copper (Switzerland) among others. And the privatisations of Vale Rio Doce in Brazil; Hierro Peru, Minero-Peru and Centromin in Peru and the joint-ventures that ended up privatising great part of CODELCO in Chile



employs leaching or chemical reactions<sup>12</sup> and huge amounts of water. Similar technologies have been incorporated in agribusiness and oil extraction (Norma Giarracca & Teubal, 2010). All these new technologies have made a transition of extractivism, from an originally labour-intensive activity into a capital-intensive one. Just as an example in mining projects, for every million dollars of investment, only 2 or fewer direct jobs are created (H. Machado et al., 2011).

Apart from the introduction of new technologies and the shift into a capital-intensive activity, there are several other characteristics that define neoliberal extractivism. According to Eduardo Gudynas (2012) the extractive process during the 1980s and 1990s was characterised by the limited role for the state and significant liberalisation of labour, environmental and territorial legislation; the promotion of the exportation of natural resources; the transfer of national territories to foreign companies<sup>13</sup>; a limited role for the state in the distribution of wealth produced by the extractive sector<sup>14</sup>; and the fact that states tended to minimise, reject or repress social protest against the social and environmental impacts of the extraction process.

These characteristics of neoliberal extractivism were some of the main topics that motivated critical debate in the 1990s in Latin America. The increasing mobilisation of labour, indigenous, peasant, environmentalist, women and other movements in the 1990s allowed for the rise of self-defined progressive governments in the region that promoted the beginning of the end of the neoliberal era. The promotion of social justice (Gudynas, 2010b; Maristella Svampa, 2013a) and sustainable development (Kennemore & Weeks, 2011) were among others, part of the promises that the '*socialism of the XXI century*' endorsed (Dieterich, 2005). In other words, at least in their discourses, some progressive governments have promoted ideas leading to reasonable or indispensable models of extractivism. Originally, these models were partly based in the ideas and alternatives proposed by social movements that resisted extractivism. Despite that these initial ideas came from 'below', the boom in the price of commodities led these governments to base their political economy decisions in the extraction of natural resources and the export of primary commodities, giving some continuity to the political economy perspectives promoted by neoliberal governments, and

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<sup>12</sup> Some of the chemicals used to do the extraction are: cyanide, mercury, sulphuric acid among others.

<sup>13</sup> Cifuentes Villarroel (2006) calculated that by the end of 1990s over the 10% of the regional territories were given to foreign companies.

<sup>14</sup> The State trusted that the redistribution of wealth will occur naturally via the trickle-down effect

so generating, as already argued, incentives for further mobilisation (Aguilar, 2012; Gudynas, 2011b; Seoane, 2006).

Taking into consideration criticisms of the neoliberal model and the alternatives proposed by social movements, successive governments self-defined as left wing and progressive were elected in the region, each of them with different emphases. Nestor Kirchner and Cristina Fernandez in Argentina, Evo Morales in Bolivia, Lula Da Silva and Dilma Rouseff in Brasil, Ricardo Lagos and Michelle Bachelet in Chile, Rafael Correa in Ecuador, Fernando Lugo in Paraguay, Ollanta Humala in Peru, Tabaré Vasquez and José Mujica in Uruguay and Hugo Chavez and Nicolás Maduro in Venezuela. Bolivia, Ecuador and Venezuela, adopted a clear position against neoliberalism, in a broad sense, proposing limitations on capital and defining a critical role for the state (Gudynas, 2011a; Maristella Svampa, 2013b).

These governments were elected with great popular support and critical ideas shaped –in some countries- legal frameworks that could be assimilated as limitations to predatory extractivism. Since the end of the 1990s some changes in the governance over natural resources had been introduced. Concepts such as ‘*Buen Vivir*’ (Living Well) and the ‘Rights of Nature’ are part of this shift (A. Escobar, 2012). Such approach was key for the unsuccessful idea of Rafael Correa to maintain near 920 million barrels of petroleum underground and therefore, conserving one of the most bio-diverse regions of the world: the Yasuni National Park (see for example Finer, Vijay, Ponce, Jenkins, & Kahn, 2009; Rival, 2010, among others). It also motivated Argentina’s endorsement of the Glaciers National Protection Law.<sup>15</sup> A law that received Cristina Fernandez’ *veto* in 2008, but that in 2010 was approved by the National Congress banning extractive activities in glacial and peri-glacial areas, a zone that covers no more than 1% of Argentinian territory, but where most of the mining projects are located (Maristella Svampa, 2011b). These examples were replicated in various countries across Latin America, creating great expectation in socio-environmental movements in the region.

But, if we look at the broader picture, we can see that the reality is that Latin American extractivism still can be identified mostly as a large-scale activity (see **Table 3**). Globally, Latin America remains as a key region in terms of the scale of extractivism. In 2012, Brazil was the world’s leading extractive country in terms of kaolin and niobium, the second-ranked extractive country in exploitation of tantalum and the third-ranked producer of asbestos and

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<sup>15</sup> Law 26,639 *Protección de Glaciares*, published in October 2009.

iron ore (gross weight). Chile maintained the leading position in scale of copper (mine output), iodine, lithium, and rhenium extraction, second-ranked in the exploitation of boron, and third-ranked regarding molybdenum. Argentina was the world's second-ranked extractor of boron, and Bolivia was the world's third-ranked country in terms of antimony exploitation. Mexico was the world's leader in terms of silver exploitation. When compared regionally, Colombia was the leader in exploitation of coal and Venezuela has the largest reserves of natural gas and petroleum (the fourth worldwide) (Wacaster et al., 2014).

**Table 3:** Scale of natural resources exploitation (Top five countries per selected commodity)

Copper (thousands of metric tons)		Gold (Kilograms)		Coal (thousands of metric tons)	
Country	2012	Country	2012	Country	2012
Chile	5,434	Peru	161,325	Colombia	89,024
Peru	1,198	Mexico	102,802	Mexico	29,932
Mexico	440	Brazil	66,773	Venezuela	8,792
Brazil	223	Colombia	66,178	Brazil	6,635
Argentina	136	Argentina	59,700	Chile	712

Iron (thousands of metric tons)		Silver (thousands of metric tons)		Dry Natural Gas (million cubic meters)	
Country	2012	Country	2012	Country	2012
Brazil	400,822	Mexico	5,358	Argentina	44,123
Venezuela	27,000	Peru	3,479	Trinidad y Tobago	38,025
Chile	17,330	Bolivia	1,214	Mexico (e)	34,000
Mexico	14,915	Chile	1,195	Venezuela	26,100
Peru	10,132	Argentina (e)	700	Brazil	25,415

Crude including condensate (thousand 42-gallon)	
Country	2012
Mexico	930,020
Venezuela	900,945
Brazil	762,582
Colombia	343,700
Argentina	207,878

(e) Estimated.

(e) Estimated.

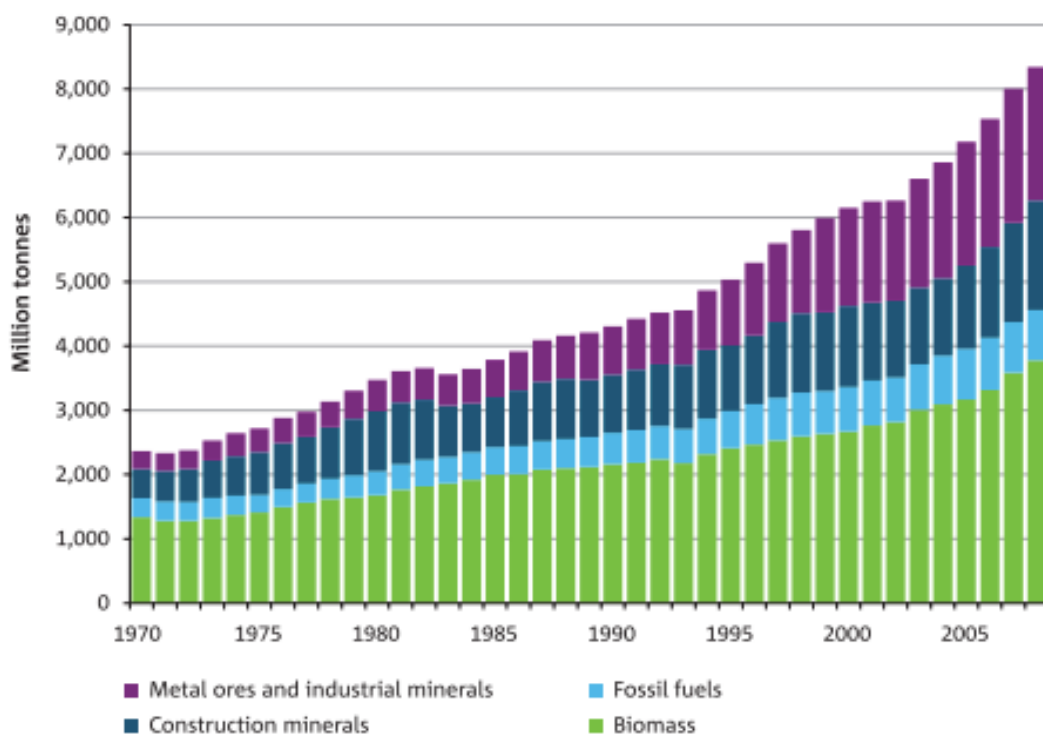
**Source:** Own creation based on U.S. Department of Interior. U.S. Geological Survey. <http://minerals.usgs.gov/minerals/> (last access 22<sup>nd</sup> March 2017)

### Current state of Latin American Extractivism

Despite the political colour of the government, the reality is that there is an on-going boom in the extraction of commodities in Latin America, which in turn has been related to an increase in the number of extractive conflicts (Martinez-Alier & Walter, 2016).

Notwithstanding some plans to reduce the dependency on globalised markets and to create tools for stronger social and environmental governance, Latin American countries ‘have mostly turned towards natural resource extraction and primary commodity exports as a national development strategy’ (Veltmeyer, 2013, p. 57). As **Figure 4** shows, such increase has been constant from 1970 to 2008 and the most dramatic increase has been in mineral ores with a 5.5% increase per year.

**Figure 4:** Domestic extraction in Latin America by major category of material, 1970–2008



Source: (UNEP, 2013)

*a. Nationalisations and Dependency on FDI*

Latin American extractivism is still highly dependent on FDI for its operations. Brazil is the country receiving the largest amount of FDI in the region (45.3% of the total share) but Peru and Chile lead the region in terms of inflows of extractive FDI (see **Table 4**). China has been especially important for this inflow of extractive FDI. While historical FDI in the region had been mainly directed to service (43%) and manufacturing (31%) sectors, an estimated 90% of Chinese foreign investment in Latin America has been destined to the exploitation of

natural resources (Chen & Pérez Ludeña, 2013). It is estimated that China has a cumulative foreign investment of \$US 24.2 billion in the region, investing mainly in extractive companies in Argentina, Brazil, Colombia, Ecuador, Peru, and Venezuela. In the case of Chile, China does not represent an important actor in terms of ownership of mining extractivism, nevertheless, it represent 42,7% of the total exportation of minerals in the country (Servicio Nacional de Geología y Minería, 2015, p. 13)

**Table 4:** Natural resources FDI in US\$ mm in countries receiving more than US\$ 2 bn

Country	2012
Chile	9,497
Peru	8,600
Brazil	7,183
Venezuela	5,876
Colombia	2,621

**Source:** own creation based on U.S. Department of Interior. U.S. Geological Survey. <http://minerals.usgs.gov/minerals/> (last access 22<sup>nd</sup> March 2017)

Despite this economic dependency on FDI, there have been political proposals to limit the amount of FDI in Latin America. Clear examples are the creation of public extractive companies in Bolivia that enhanced the national Oil Company YPFB or in Venezuela that recognises that all mineral and hydrocarbon resources belong to the government, with the *Ministerio del Poder Popular de Petróleo y Minería* (MPPM) bearing sole responsibility for all legal matters related to mining and petroleum activities. In Chile, Michelle Bachelet declared that CODELCO (the state owned copper mining company) ‘will remain 100% in state hands, securing with it the participation of the company in social financing’ (Bachelet, 2006, p. 58) a process that was not contemplated in her campaign manifesto in 2013, that, to the contrary, proposed capitalising CODELCO (Bachelet, 2013, p. 43). Other examples may be found in the intentions of Bolivia, Venezuela and Nicaragua to withdraw from the International Centre for Settlement of Investment Disputes (ICSID) (Haarstad, 2012). Even though the *Alianza Bolivariana para los Pueblos de Nuestra América* (ALBA) has declared that this withdrawal does not necessarily imply an ‘*exhaustive rejection of foreign direct investment*’ but rather a way to ‘*smartly relate with it, benefiting the nations*’ (ALBA, 2013), the control of foreign capital has been a constant in progressive government discourses (see for example ALBA, 2009; RT, 2013).

Probably one of the main limitations to FDI, at least rhetorically, are the processes of nationalisation of natural resources in the region (see Quan Li, 2009). As will be seen in Chapter 3, Chilean nationalisation of mineral extraction in the early 1970s was abruptly

modified by Pinochet's Constitution in 1980, a process that Michelle Bachelet wanted to reverse enacting a new Constitution that would secure the 'plain, absolute, exclusive, inalienable and imprescriptible public domain of water, mining and radio frequencies' (Bachelet, 2013, p. 32), a promise that has not been achieved. Like these campaign promises, in 2007, Morales passed decrees to implement the 2005 Hydrocarbons Law, declaring that, '[m]any of these contracts signed by various governments are illegal and unconstitutional. It is not possible that our natural resources continue to be looted, exploited illegally, and as the lawyers say, these contracts are legally void and must be adjusted' (Quan Li, 2009). During the nationalisation proclamation on May 1, 2006, Morales stated that, '[t]his is the best gift to our workers [...] We ask oil companies to respect the dignity of Bolivians, to respect the decision of the Bolivian people. If it is not respected, we will use force, to respect the interests of the whole country' (Azcui, 2006). Following the nationalisation, in 2012, Morales announced that '*nationalisation has practically changed the national economy [...], we went from being a beggar colonial state to a dignified Plurinational State. In making decisions such as nationalisation we have not gone wrong*' (Reuters, 2012).

Some countries have been able to nationalise their natural resources. Yet, they still depend on FDI for its exploitation. After the renegotiations with oil and gas companies in 2007, the government share of revenues from hydrocarbons in Bolivia rose to approximately 54% (Anthias, 2012, p. 154). Other examples of renegotiation with international companies can be found in Ecuador and Argentina. In 2010 Correa stated that the government would capture 100% of the potential increments in the prices of oil, while in 2012 in Argentina, Fernandez promoted the expropriation of 51% of the shares of YPF. Despite of these decisions, the capacities of governments to limit foreign capital in the exploitation of natural resources are far from becoming a reality. While in 2006, before the nationalisation of hydrocarbons, Bolivia received a net FDI of US\$ 277.8 million in 2013 it received US\$ 1,749.6 millions representing an increase of 629% in 7 years (ECLAC, 2014). According to Eduardo Gudynas (2009), the success of Latin American natural resources exports has to do with the pursuit of foreign investment as the pillar of the economic strategy of progressive governments.

#### *b. Constitutional, indigenous and environmental controls*

The nationalisation of natural resources is commonly stated in the constitutions of the region. Most Latin American countries have adopted similar constitutional techniques to control the exploitation of natural resources. Usually they follow the subsequent example:

*The government has inalienable / imprescriptible rights/ eminent domain over mineral wealth of the country,* see for example Chile (Article 19 number 24), Ecuador (Article 317), Colombia (Article 332), Peru (Article 66), Bolivia (Arts. 348 and 349). Regardless of the literal similarity of the Constitutional precedents, there are very significant differences between the legal frameworks for the control of natural resources in the region.

While the Constitutions recognise the national property of minerals, some of them grant permissions for private companies to explore and exploit them. In the cases of Chile, Mexico and Peru for example, this technique implies that the State through the exercise of unilateral acts can make the granting of rights to a private company, in those cases where it is allowed. But while the principle of privatisation is the same, the formalities required to exploit the minerals vary. In the cases of Mexico and Peru the rights to explore and exploit are granted by an administrative body, usually the mining authority, while in Chile they are granted by the judiciary (Siac, 2002, p. 90).<sup>16</sup> As will be analysed in Chapter 3, the granting of mining concessions by the judiciary is a process that was developed in the Chilean legislation during Pinochet's dictatorship with the aim of facilitating and attracting FDI and to give a prominent role to private companies in the exploitation of minerals in the country.<sup>17</sup>

On the other hand, countries such as Bolivia, Ecuador or Venezuela have promoted the role of the state in the control and exploitation of natural resources. The nationalisation processes that have occurred in these three countries have tended to increase the government's control over the minerals but also the exploitation of them. This does not mean that the government does not allow the intervention of private companies in the process of exploitation. In the case of Bolivia, as already seen, the amount of FDI has increased after nationalisation, inflows that are usually capitalised in forms of joint ventures between the government and private companies.

Parallel to the process of nationalisation of natural resources it is possible to observe a wave of indigenous mobilisations. These are not new mobilisations; indigenous peoples have mobilised against pillage and extraction for centuries in Latin America. Yet, one of the characteristics of this wave of mobilisations are the opportunities given by -relatively new-

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<sup>16</sup> See for example Decreto Supremo N° 014/92/EM - Aprueba el Texto Unico Ordenado de la Ley General de Minería, article 10.

<sup>17</sup> Argentina also establishes a system of mining concessions which is granted by the judicial system, nonetheless, it establishes that the concessions are given by the Mining Code, in this sense, the judge cannot interpret it and must rely formally and directly on the legislation established in the Mining Code (See Article 8 of the Argentinian Mining Code).

legal tools such as international and national human rights standards recognising the rights of indigenous peoples to self-determination, political representation, land rights and cultural rights (Samson and Gigoux, 2017, p. 153). It is important to highlight, as part these new tools for mobilisation, some international human rights standards and covenants, such as: (a) ILO Convention 107<sup>18</sup> and 109<sup>19</sup> which recognise indigenous peoples as inhabitants of a country or region prior to colonisation and the creation of a sovereign state; (b) ILO Convention 169 on free, prior and informed consent, and (c) the UN Declaration on the Rights of Indigenous Peoples (2007), which recognise the self-determination of indigenous peoples (i.e. their right to autonomy and self-government) and also recognises the right to land and territories that they have traditionally owned, used or acquired.

In both forms of regulations it is possible to observe processes of environmental participation. Some examples can be found in the processes of Constituent Assemblies (Andolina, 2003; Conaghan, 2008), by means of which several countries in the region have recognised the rights of indigenous peoples to previous and informed consultation and consent (Baluarte, 2004; Barczak, 2008). This process has been reinforced with the adoption of most countries in the region of international standards such as ILO Convention 169. Actually, as will be discussed in Chapter 3, in the case of Chile, both procedures (environmental participation and indigenous right to free, prior and informed consent) are processes regulated under the same body of law.<sup>20</sup> Michelle Bachelet have argued that a constitutional reform is necessary to guarantee the correct application of both mechanisms (Bachelet, 2013, p. 173), similar approaches can be seen in the cases of Bolivia and Ecuador, which through Constituent Assemblies have recognised the rights of the nature, *buen vivir*, and rights of indigenous peoples' among others.

In Ecuador for example, the aim of the Constituent Assembly was to generate a radical change in citizen participation. Rafael Correa launched the second process of the Constituent Assembly in 2007 with the following words, '*[t]he mandate was and is to generate a radical change in existing structures (...) In the assembly we will generate the transformation of citizen participation*'

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<sup>18</sup> Regarding the 'protection and integration of indigenous and other tribal and semi-tribal populations in independent countries' (1957)

<sup>19</sup> Regarding indigenous and tribal peoples in independent countries' (1989)

<sup>20</sup> Law 19,300, Bases Generales del Medio Ambiente, published in 1994, regulates the environmental consultation. Law 20,417, Crea el Ministerio, el Servicio de evaluación ambiental y la Superintendencia del Medio Ambiente, modified it in 2010. There is a specific protocol for indigenous consultation but it does not have a legal status and is consecrated in Decreto Supremo 66, aprueba reglamento que regula el procedimiento de consulta indígena en virtud del artículo 6 n°1 letra A) y n°2 del Convenio 169 de la Organización Internacional del Trabajo (2014).



(Reuters, 2007). Indigenous and environmental groups that supported Rafael Correa's political movement were part of the Constitutional reforms. As an example, the *Confederación de Nacionalidades Indígenas del Ecuador* (CONAIE) was active in the Constitutional process (1997-1998) winning 10% of the seats and being the largest representative alliance in the Assembly; a process that has recognised the collective rights of indigenous peoples. The Constitutional process of 2007-2008, ended up recognising the intercultural and Plurinational State (Article 1), the recognition of the indigenous nationalities (Article 6), the recognition of ancestral languages (Article 2), indigenous justice (Article 171), the recognition of nature as an object of protection and rights (Articles 10 and 71-74), among others.

In Bolivia, a similar process arose with the election of Evo Morales. In 1991, the first Andean Council for Coca Production was held, electing Evo Morales as the undisputed leader of the *cocalero* movement, an election that had national aspirations. After creating the *Movimiento al Socialismo* (MAS) Evo Morales was elected president in 2006. That same year he called to form a Constitutional Assembly. The first article of its rules states, '*[t]he Constituent Assembly is originated in the will of the people, as head of the sovereignty of the Nation. The Constituent Assembly is an extraordinary political event, it emerges from the crisis of the State, it comes from social struggles and is installed by popular mandate*'.<sup>21</sup> The Constitutional process in Bolivia consolidated the rights of indigenous peoples (Articles 2, 3 and 5), the direct representation of indigenous peoples' representatives (Article 26.4) as well as sustainable development in concordance and harmony with the nature (Article 311.3).

The Constituent Assemblies have served to recognise concepts and institutions that are currently used by socio-environmental movements. These two processes ended up creating new constitutional concepts and guarantees, such as *Buen Vivir* ('Living Well'), the concept of *Pachamama*, the rights of nature, as well as the legalisation of indigenous peoples' communal lands. The main aim of these processes has been to decentralise socio, economic and environmental controls. Bolivia has even recognised the idea of having three forms of democracy: representative democracy, participatory democracy and community democracy (de Sousa Santos, 2014).

Regardless of these constitutional recognitions, violations of environmental participation rights are easily found in both countries. These violations occur mainly when the economic interests of the nation are jeopardized. As an example, Alvaro Garcia Linera, Bolivian Vice-

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<sup>21</sup> See Reglamento General de la Asamblea Constituyente Bolivia.

President (2009), responded to criticisms that promoted an Amazonia without oil, in the following terms, *‘[i]s it mandatory to get gas and oil from the Amazon north of La Paz? Yes. Why? ... combined with the right of a people to the land is the right of the State, of the State led by the indigenous popular and campesino movement, to superimpose the greater collective interest of all the peoples. And that is how we are going to go forward’*. He continued, *‘[t]he social-State need[s] to generate economic surpluses that are the State’s responsibility’, ‘you need to produce on a large scale, to implement processes of expansive industrialisation that provide you with a social surplus that can be redistributed and support other processes of campesino, communitarian and small scale modernization’* (Bebbington, 2011). Something similar occurred in Ecuador. When Rafael Correa was running for President, he was manifestly against private mining concessions, which as he suggested was the primary issue generating social conflict (Bebbington & Bebbington, 2011). Once in power however, he has defended extractivism, publicly accusing environmental movements of being ‘infantile leftists’ and suggesting, that *‘[t]he ecologists are extortionists. It is not the communities that are protesting, just a small group of terrorists. People from the Amazon support us. It’s romantic environmentalists and those infantile leftists who want to destabilize government’* (Bebbington & Bebbington, 2011, p. 132).

These are just two examples of cases of coexisting and conflicting forms of control over extractive domain and exploitation. On the one hand, there is recognition of the role of decentralised communities to control natural resources, while at the same time central governments claim their exploitation for the national wellbeing. Similar examples may be found in the intentions to apply the right of previous and informed consent in different countries in the region; processes that have created tensions among different groups – especially indigenous peoples and governments (Aranibar, Chaparro, & Salgado, 2002; McDonald, 2009). Such dichotomy generates obvious incentives for mobilisation, mainly because the rights to participate directly, and control the exploitation of resources exist in the legal framework, but their application in practice has become practically impossible. While the recognition of rights has generated important expectations for the socio-environmental movement, the practical incapacity to exercise them has transformed such expectations into incentives to mobilise.

### *c. Regional integration in a globalised market*

Despite some efforts to regionalise the extractive market, the truth is that Latin America is still highly dependent on international markets. In fact, most of the national economies in

the region are still highly dependent on the export of natural resources.<sup>22</sup> Nevertheless, some efforts have been made to foster regional markets. Examples include the vast number of international organisations that have been created in the region.<sup>23</sup> Probably one of the best examples of these organisations in their role to promote a different form of economic regulation is the creation of the *Alianza Bolivariana para los Pueblos de Nuestra América - Tratado de Comercio de los Pueblos* (ALBA-TCP). Progressive governments such as Bolivia, Ecuador, Guatemala, Honduras and Venezuela, have promoted the ideas of a regionalised and integrated market. The fourth principle of the TCP is clear in this aim, promoting the ‘[p]rotection of national interest production for the integral development of all peoples and nations. All countries can industrialize and diversify their production for an integral growth of all sectors of the economy. The rejection of the premise "export or die" and questioning the development model based on exporting enclaves’.

Hugo Chavez, at the opening of the XII G-15 Summit, in 2004, stated that,

*[g]lobalisation has not brought the so-called interdependence, but an increase in dependency. Instead of wealth globalization, there is widespread poverty. Development has not become general, or been shared. To the contrary, the abyss between North and South is now so huge, that the unsustainability of the current economic order and the blindness of the people who try to justify continuing to enjoy opulence and waste, are evident (Chavez, 2004).*

Yet, Venezuela as most countries in the region, is highly dependent on international markets. In fact, by 2013 the exports of primary products represented 97.6 % of the total exports in the country. The same year, only 1.6 % of the total exports were destined to intra-regional markets (ECLAC, 2014). So, regardless of the intentions to create regionalised markets, the truth is that Latin American extractivism is still highly dependent on international markets (see **Table 5**). During recent years, it is possible to observe a continuous increase in the value, volume and price of the exportations of commodities (except for year 2008 and 2014-2015). Also, the proportion of commodities of the total exportations increased from 74.3% in 2003 to 86.6% in 2013 in the Andean Region and from 60.5% in 2005 to 70.1% in 2013 in the MERCOSUR. If this macroeconomic reality is combined with the already analysed

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<sup>22</sup> The international market regulates the prices of commodities. See for example the value of minerals controlled by the Toronto Stock Exchange and London Minerals Stock Exchange.

<sup>23</sup> *Alianza Bolivariana para los Pueblos de Nuestra América* (ALBA); *Alianza del Pacífico*; *Asociación Latinoamericana de Integración*; *Asociación Latinoamericana de Libre Comercio*; *Asociación Latinoamericana de Integración* (ALADI); *Comunidad Andina* (CAN); *Comunidad del Caribe* (CARICOM); *Comunidad de Estados Latinoamericanos y Caribeños* (CELAC), *Grupo de Río*; *Latin American Parliament* (LAP); *MERCOSUR*; *Organisation of American States* (OAS); *Sistema Económico Latinoamericano y del Caribe* (SELA); *Sistema de Integración de Centroamérica* (SICA); and *Unión de Naciones Suramericanas* (UNASUR).

increase of FDI<sup>24</sup>, conclusions can be made in the sense that despite the intentions to generate regional and local markets, the reality is that the region's natural resource economy is still highly dependent on international markets.

Chile is also a good example of the lack of regional integration in terms of extractive markets. Chilean extractivism is highly dependent on international markets. As an example, in 2013 5.590,1 of the 5.776 extracted tons of copper were exported (Comisión Chilena del Cobre, 2014b). Copper, represents 51.4% of total exports, while gold represents 1.8%, molybdenum 1.5% and silver 0.5% of the total exports in the country (ECLAC and UNASUR, 2013). The intentions of creating regional markets are far from becoming a reality. The total amount of mining exports is \$ 44,121 millions; of which only \$7,219.3 are exported to countries in the Americas, United States (\$ 3,230.8 million) and Brazil (\$ 3,344.9 million) are the most important markets in the region. Exports of minerals in Chile are highly concentrated in the Asian market (\$ 28,183.5 million) more specifically in China, receiver of 34% of the total minerals exported by Chile (\$ 15,332.6) (Comision Chilena del Cobre, 2014).

**Table 5:** Mineral (fuel and metal) exports as a share of exports 2013. Selected countries (Minerals representing more than 50% of total exports)

Country	2013
Venezuela	97
Bolivia	80
Colombia	70
Trinidad y Tobago	66
Peru	65
Chile	61
Ecuador	58

**Source:** own creation based on U.S. Department of Interior. U.S. Geological Survey. <http://minerals.usgs.gov/minerals/> (last access 22<sup>nd</sup> March 2017)

#### *d. Diversifying the economy*

Latin American economies have made a concerted effort towards the diversification of their economies (see **Table 6**). Indeed, the contribution of extractivism accounted –on average–

<sup>24</sup> It increased from US\$40.109 million in 2003 to over US\$157.000 million in 2013 (ECLAC, 2014).

for 6% of the gross domestic product (GDP) of Latin America. Argentina and Brazil are the best examples of economic diversification in the region (CEPAL, 2012, p. 65). In fact, due to Brazil's economic diversification and efforts to develop the manufacturing sector, it has been classified as a Newly Industrialised Country (NIC) by different authors (Auty, 1994; Haggard, 1990). The ideal of diversification through industrialisation has influenced other progressive governments in the region. As an example, Ollanta Humala declared after signing a regional agreement with Luis Inacio 'Lula' da Silva that, *'Peru has a significant potential in food industry but we want industries and that's what we're going to develop. It is of national interest to diversify the economy'* (El Comercio, 2013). Despite these intentions to diversify the economy, the observation of the macroeconomic data for Peru, reveals a high dependency on the exploitation of natural resources both in terms of diversification of its exportations (**Table 5**), and as a share of GDP (**Table 6**).

The diversification of the economy at the national level has been used as a rhetorical resource to highlight the process of poverty reduction. For example, Lula, acting as former President in the High-Level Meeting of African and international leaders, recognized the success of a diversified economy, stating that, *'[i]n Brazil, in these last 10 years, we have learned that it is possible to end the hunger and poverty of millions through a group of policies oriented to the transfer of income, generation of employment and promotion of economic growth with social inclusion'*. Highlighting that it is not possible to do so, *'without investment in infrastructure and complementary production from other industrial sectors'* (L. da Silva, 2013).

Nevertheless, the intentions of diversifying the local economies are still far away from the achievement of forms of reasonable extractivism. While Brazil may be an example of diversification of the economy it has still increased the exploitation of mineral ores. In fact, mining exploitation in Brazil nowadays is bigger in scale than that of Andean countries, the Brazilian exploitation of bauxite increased from 19.3 millions of tons in 2003 to 29 million tons in 2010, and iron extraction increased from 263.7 million tons to 370 million tons in the same period (Gudynas, 2012). Even more, the percentage of primary products as part of the total exportation passed from 45.7 % in 2001 to 63.6 % in 2013 (ECLAC, 2014). Brazil has indeed promoted a predatory form of extractivism making some scholars question the industrialised character of the Brazilian economy (Maristella Svampa, 2011b).

**Table 6:** Hydrocarbons and mining as share of GDP (2013). Selected countries (>2% of GDP)

Country	Hydrocarbons	Mining	TOTAL
Venezuela	26.6		26.6
Chile		16.5	16.5
Bolivia	6.0	10.2	16.2
Peru	1.5	11.9	13.4
Mexico	7.0	1.7	8.7
Colombia	3.7	1	4.7
Nicaragua		4.4	4.4
Brazil	1.4	2.2	3.6
Honduras		2.2	2.2

**Source:** own creation. Hydrocarbons from (CEPAL & UNASUR, 2013) and mining from (Helwege, 2015).

### Neo-extractivism

From the previous section it is possible to conclude that there is a path dependence of so-called progressive governments with regards to neoliberal extractivism. The analysis of macroeconomic figures around FDI, the scale of extractivism, the intentions to regionalise the markets and diversify the economy, can lead us to conclude that, economically there are more patterns of continuity than of change between neoliberal and progressive governments. Some authors argue that the macroeconomic invariability between both types of governments responds to a path dependence of strong neoliberal policies that are difficult to change in the given period of time (Kaup, 2010). That continuity has led a series of different authors to categorise progressive forms of extractivism as neo or new extractivism (Burchardt & Dietz, 2014; Gudynas, 2009, 2011d; Maristella Svampa, 2013b; Veltmeyer, 1997). This concept recognises the idea that progressive governments have followed paths of continuities when compared to neoliberal forms of extractivism, but understand also that there are some patterns of change, mainly in the state regulation of the appropriation of natural resources and the active use of the revenues generated by extractivism to expand social structures that favour development (Burchardt & Dietz, 2014).

### **III. Extractivism and mobilisation**

The governance of the extraction of natural resources generates incentives and opportunities for conflict. On the one hand the dependence on extractivism generates tension at the local level that can be seen as catalysers for mobilisation. Put differently, a community that faces

the contamination of water sources or the environment will have an extra motivation or incentive to mobilise. Moreover, governments argue that the extraction of natural resources helps to tackle poverty and inequalities, which in turn may be seen as resources and opportunities for mobilisation (McCarthy & Zald, 1977). Yet, such incentives and opportunities usually come with coercion in the forms of repression, killings, death threats, use of criminal law against the community leaders, among others. Such pressures are usually seen as closing the political opportunities and as factors that de-mobilise communities (S. Tarrow, 2011). In sum, the continuity of a form of predatory extractivism creates both opportunities and incentives for social mobilisation that explains to some extent the increasing resistance that governments and companies have experienced in the last 20 years.

Governments tend to argue that extractivism is necessary to tackle poverty and inequality. Different governments have tended to continue an economic model based on predatory extractivism, mainly under the argument that direct (State led extractivism) or indirect (taxes and royalties) exploitation of natural resources is a key element to overcome poverty. To do so, progressive governments have tended to give a central role to the State, for example by establishing limitations to FDI through the nationalisation of extractive companies. While some countries have promoted forms of direct expropriations, in others, efforts had been made through renegotiation of agreements with companies, such as in the cases of Ecuador, Argentina and Bolivia. It is also possible to observe an effort to increase State control over extractivism; this has been done mainly through innovative constitutional and legal reforms to control and exploit natural resources. In turn, these have increased the State presence in zones that usually were controlled by the market, doubling with it the controls over the access to natural resources, claiming that they are now property of the State (Acosta, 2011; Gudynas, 2009). Usually, progressive States have an active role in capturing the surpluses of extractivism directly through State owned companies or indirectly through higher royalties or taxes. The aim of this increase in public revenues is to finance social programmes (Gudynas, 2009).

Nonetheless, both classical forms of extractivism and neo-extractivism have had negative consequences, creating zones that are environmentally and socially sacrificed in support of development and progress in other territories (sacrifice zones). The defence of the extractive model has made some progressive governments argue that there should be some sacrifice zones to benefit the national population, superimposing the duty of collecting funds over the territorial order (INDH, 2014, p. 252; Perreault & Valdivia, 2010). Clear examples that illustrate this point are the cases in which governments allows extractivism in protected areas

or indigenous territories such as the TIPNIS (*Territorio Indígena y Parque Nacional Isiboro Secure*) case in Bolivia or the ITT-Yasuní in Ecuador (Barton & Román, 2012; Maristella Svampa, 2013b). In Chile, most of the territory in the north of the country has been environmentally scarified to finance social programmes in the rest of the country. Also, there is evidence that in some cases governments increase the flexibility over environmental controls in order to increase the level of State extraction (Bebbington & Bebbington, 2011).

To counteract mobilisations at the local level, different governments have argued that extractivism is necessary for national economies and to support social programs. Latin American governments have tended to use political arguments to defend extractivism and to create sacrifice zones. Yet, the utilitarian argument tend to be misleading, to the point that some authors have argued that these are myths used by governments to defend extractivism despite the claims of local communities that are subject to the direct impacts and externalities of extractive projects (H. Machado et al., 2011). They are misleading, because there is no clear relation between revenues creation that come from extractivism and the finance of social programs. Moreover, they are partial because communities at the local level are not able to experience decay in levels of poverty and inequalities (Ospina et al., 2015). Put it in other terms, as will be explained, the failure of extractivism to reduce poverty and inequality creates incentives for further mobilisation.

Firstly, both progressive and neoliberal governments defend the idea of extractivism, arguing that it is a first stage to achieve development. Extractivism is seen as the necessary condition to develop an industrialised economy. The argument is based on a two-phase model: first comes the generation of extractive revenues, which may create the necessary social and economic conditions to develop an industrialised economy that may create jobs and local manufactures. As analysed, this discursive frame has been developed in Brazil, Peru, Ecuador and Bolivia, among others (Gudynas, 2013). Nevertheless, extractivism in the initial, export driven stage, has only increased in recent years. Consequently, ideas of industrialisation and the diversification of the market and employment generation are far from becoming a reality.

The economic defence of extractivism is also based in the idea of employment generation. Governments have regularly highlighted job generation as a defence of extractivism (Gudynas, 2011d; Seoane, 2006). While it is true that employees in extractive industries are usually well paid, extractivism is nonetheless capital and import-intensive. In this respect, extractive projects usually employ highly skilled workers and use imported technology. For example, the metal mining industry directly employs 2.75 million people globally, which



accounts for only 0.09% of the total number of jobs generated globally; in Latin America, the average percentage of the total population was 2.4% (Wacaster et al., 2014). Moreover, according to the International Labour Organisation (ILO), one third of miners in the 25 most important mining countries lost their jobs between 1995 and 2000. This is primarily due to technology replacing labour (Colectivo Voces de Alerta, 2011, p. 27).

A third argument to defend extractivism and neo-extractivism is that it is a tool to overcome poverty. But, regardless of the political approach and dependence over extractivism, all the countries in the region have reduced poverty between the year 2000 and 2012 (ECLAC, 2014). Scholars have argued that progressive governments have developed more proactive actions against poverty when compared to classical neoliberal governments (Gudynas & Acosta, 2011). The results of these policy decisions to reduce poverty in the region have been promising. It is possible to observe a reduction in urban poverty in Argentina from 25.8% in 2000 to 4.3% in 2012; in Bolivia from 63.7% in 2000 to 36.3% in 2011; in Ecuador, from 61.6% in 2000 to 33.6% in 2013; and in Brazil from 37.5% in 2001 to 18% in 2013.<sup>25</sup> Yet, Colombia, openly neoliberal in their extractivist vision, promoting the mining *locomotora económica* (economic engine) (Rodríguez, Grisales, & León, 2015), has been able to reduce poverty from 47.7% in 2002 to 30.7% in 2013 and Mexico from 41.1% in 2000 to 37.1% in 2012. So, it is difficult to find a direct relationship between the development of extractivism and neo-extractivism model and the reduction of poverty. Gamu, Le Billon, & Spiegel, (2015) go further and through the review of 52 empirical cases in relation to the links between extractivism and poverty, conclude that industrial mining is more frequently associated with poverty exacerbation, and artisanal mining with poverty reduction (Gamu et al., 2015).

While poverty has been reduced, inequalities have increased in the region. The inability of extractivism to generate employment and reduce long-term poverty has been criticised as a factor driving Latin American inequality, maintaining similarly high levels in recent times (see for example Gudynas, 2013; Svampa, 2013). Latin American inequality has stagnated since 2012, however the reality is that regional re-redistribution of wealth has helped reduce inequality (at least according to the regional Income Gini coefficient). Between 2000 and 2010, inequality declined on average by 0.94% per annum. Yet by 2012 it fell just 0.02% (SEDLAC, 2014). In spite of these positive developments, Latin America remains the most unequal region in the world (Muñoz, 2013). The debate linking extractivism and Latin

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<sup>25</sup> All data from ECLAC Statistical Yearbook, 2014. Online: [http://interwp.cepal.org/anuario\\_estadistico/anuario\\_2014/](http://interwp.cepal.org/anuario_estadistico/anuario_2014/)

American inequality principally focuses on forms of production, the fact that extractivism is capital intensive, and the territorial, social and environmental consequences it generates.

Moreover, inequalities become more evident in isolated territories that usually suffer the externalities of extractivism. A clear example of these consequences is presented in the study led by Ospina, Bebbington, Hollenstein, Nussbaum, & Ramírez (2014), which analysed over 10,000 municipalities, in 11 Latin American countries, to observe how those municipalities had performed in terms of economic growth, poverty, inequality and environmental quality. The outcome was that only 10% of these municipalities had experienced growth in the three economic indicators. More importantly still, those outcomes were rarely experienced in isolated territories, principally due to the extraterritorial actors' control and use of the resources of those territories. The authors recognised that the presence of these extraterritorial actors has catalysed economic growth, but it had also introduced acute asymmetries of power within territories and exerted new pressures on environmental assets (Ospina et al., 2015).

Apart from the increasing inequalities, extractivism has direct impact on community's human rights. These include among others impacts on land, water and preservation of cultural heritage and affect mainly vulnerable and minority groups within communities (Gudynas, 2009; Schuldt & Acosta, 2006; Maristella Svampa, 2013b). Beyond the impacts on land and water, there is increasing evidence on the relations between extractivism and killings of environmental and human rights defenders, either perpetrated by state agencies or directly by companies (Global Witness, 2017). Extractivism is also related with infringement to the right to health and personal integrity. The increase of heavy metals in the air, water and food consumed by communities has direct relation with decay in the health of the population directly affected by extractivism (Collins & Woodley, 2013). In turn, such situation creates further infringement in other social, economic and cultural rights, such as right to food, water and working conditions (Rodríguez-Garavito et al., 2015). These violations usually remain in impunity and in context with increasing constraints against social protest all across the Americas, which constitute clear limitations for social mobilisation (IACHR, 2016, pp. 155–158).

Summarising, it can be argued that poverty, inequality and unemployment reduction are logics commonly employed to defend extractivism, but it is difficult to find direct relationships between the form or governance of extractivism and the good macroeconomic results of the last decade in the region. The levels of poverty reduction are more related with

the steady economic growth of the region that occurred until 2009.<sup>26</sup> On the other hand, it is possible to observe stagnation in the levels of inequality, and important levels of human right violations (such as territorial dispossession) associated with extractivism, which as will be explored in the next chapter, have been important incentives and limitations for social mobilisation.

#### **IV. Conclusions**

The change in the governance of extractivism has modified the forms of conflict around the extraction of natural resources. Before the liberalisation of economies that occurred in the 1980s and 1990s it was possible to observe conflicts of distribution, i.e. conflict between states' access to natural resources. The trend towards the privatisation of the extractive market has moved these conflicts from public international struggles towards more complex forms of conflicts that involve the state, companies and local communities. The privatisation of the extractive market has secured the flows of natural resources for importing states and created structural governance barriers for host states and local communities affected by the extraction of natural resources. This shift or transformation of conflicts, has also transformed the factors that generate conflict at the local level.

Nowadays, conflicts are associated with an increasing demand for natural resources. In the current globalised economy, most of the decisions surrounding extractive activities are undertaken by private companies that take advantage of the lack of controls at the national level, and a strong private international regulation that support and protect them.

In Latin America, governments regardless of ideological affiliation pursue extractivism closing the political arena for communities and movements that protest against extractivism. The rise of so-called progressive governments in Latin America was seen as an opportunity for socio-environmental movements. It created expectations in terms of poverty reduction and employment opportunities. However, Latin American inequality has remained at a consistently high level across the region. These patterns of 'inequalities, awakened expectations and inadequate development of institutions capable of building consensus' (Bebbington, 2011; see also Engerman & Sokoloff, 1994) have tended to increase the

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<sup>26</sup> Since the global financial crisis, Latin America has experienced a slower growth, for example, in 2014 the growth of world economy was 2.6%, while Latin America grew just 1.1%. This has to do in part with the slowest Chinese growth in almost a quarter of a century: just 7.3% in 2014. This has created a fall in the prices of commodities of 5.2% in 2013 and 10.5% in 2014.

externalities of extractivism at the local scale. The next chapter develops a theoretical framework to analyse how these expectations have been transformed into incentives for mobilisation. It also analyses how the political opportunities that exist at a national scale and the resources available to specific communities affect the aims and means of social contention/mobilisation against extractivism.

## **CHAPTER 2: LATIN-AMERICAN SOCIO-ENVIRONMENTAL MOVEMENTS AGAINST EXTRACTIVISM**

Having argued that social contestation/movements are playing a key and strategic role in the governance of extractivism, let us now explain how and why communities mobilise. To do so, this chapter draws on the mobilisation literature to develop a framework for assessing contention against extractivism and to review the burgeoning literature on protest against extractivism in Latin America. In the first part, I consider three variables that the literature has used to explain the levels of mobilisation and contention: (i) political opportunities (C. Tilly & Tarrow, 2006), (ii) framing process (Gamson & Meyer, 1996), and (iii) organizational resources (Freeman, 1979) and combine them with case studies and literature on social conflict against extractivism in Latin America.

To complement this theoretical framework, the second part of this chapter builds on the analysis of contentious politics developed by Tarrow and Tilly (2009), to explain the relations between context, frames and organisational resources. The ways in which these factors relate explain how and why certain communities and movements engage in contention against extractivism, but they do not necessarily explain how they are able to sustain those demands over time. To understand the patterns of mobilisation, the second part of this chapter also examines how counter-mobilisation and state repression limit socio-environmental contention. The chapter concludes that contention against extractivism cannot be explained just by analysing the context or the agency of movement as separated categories. Rather, what explains the emergence of mobilisation, how it is sustained over time and its relative success is the interaction between context, frames and resources.

### **I. Theoretical approach and empirical assessment of Latin American socio-environmental movements:**

Building on the social movements literature and examples of social protest against extractivism in Latin America, this section examines the various attributes conventionally associated with social mobilisation. In particular: (i) the context in which these conflicts are developed and how it may create opportunities and limitations for broader mobilisations (Edwards, 2014, p. 104; S. Tarrow & Tilly, 2009, p. 440); (ii) the ways in which local communities frame their demands and its capacity to generate incentives for mobilisation

(Gamson & Meyer, 1996); and (iii) the capacity of these communities to mobilise tangible and intangible resources (Freeman, 1979).

### Context and opportunities: extractivism, repression and conflict

Moving from theories that tried to explain social contention based on the behaviour of its members, Political Process Theories (PPT) understand social mobilisation and episodes of contention based on the context. The main representatives of this school are Charles Tilly, Doug McAdam and Sidney Tarrow. PPT is based on the following argument: ‘structures that exist prior to the actions or ideas of any individual, and appear to them as relatively durable and unmovable, affect what social movements do and when and how they do it’ (Edwards, 2014, p. 78). In other words, if the political environment is favourable, then the groups that contend extractivism will have better chances to have successful outcomes. Leaders and members of a movement can be as angry as possible and as organised as necessary, but without a favourable political context they will not achieve their aim. The importance given by PPT theorists to political opportunities has a historical reason: social movements emerged with the rise of the modern democratic nation-state (C. Tilly & Tarrow, 2006). As so, the state is the direct target of the claims of social movements in democracies. Contention and social movements are the forms on which citizens make claims or want to change something in the context of democratic states (Goodwin, Jasper, & Khattri, 1999).

For PPT theorists political opportunities come from the political structure of a regime. In the words of Peter Eisenger when ‘the structure of governments is potentially more responsive to an electorate by providing opportunities of formal representation [...] or when government is demonstrably responsive to citizens needs and demands, the structure of opportunities is relatively open’ (Eisenger, 1973, p. 12). In Latin America, the political liberalisation of the 1980s and 1990s can be seen as the macro-political opportunity for organising social contention, ‘as states demilitarised and legalised freedoms of associations and speech’ (D. Yashar, 1998, p. 31). In other words, the establishment of democratic and participatory procedures can be treated as an element and a condition for social and environmental justice mobilisation (Young, 1990, p. 23).

Yet, political opportunity structures are not stable features. Liberal democracy will not necessarily have an ‘open structure’ when compared to other forms of government. These opportunities arise from changing circumstances (S. Tarrow, 1998, p. 76). As already seen in

the previous chapter, the structural and global context behind extractivism, that is how the market regulates extractivism, have tended to limit the opportunities for social movements in the region. Some governments in the region have created better spaces for participation and recognition at the national level, but it has not been sufficient to change the structures behind extractivism. Moreover, this situation has created further expectations and discontent. As part of the Latin American literature argues, socio-environmental discontent would arise, as a reaction to the expectations for better participation, as a way to foster the right to development, and as a way to generate a certain equality of positions in the negotiation process with the state and with economic groups (Leifsen, Gustafsson, Guzmán-Gallegos, & Schilling-Vacaflor, 2017).

Participation may provide a better negotiation position and/or the decisions of the communities' own future and development. The lack of participation, representation and the impediment of exercising the right to decide the local development of communities in matters that affect them directly has been largely studied in terms of socio-environmental conflicts (Ballard & Banks, 2003; A. Escobar, 2006; Walter & Martínez-Alier, 2010). These works conclude that communities react to the lack of access to information, seeking - in addition to this information - their recognition as important actors within the local context. In this sense, for some authors, communities would react through methods of social contestation and social mobilisation, in order to generate a balance in the negotiation capacities at the local level with the economic groups that manage extractivism in their territories (Anguelovski, 2011). However, other authors see in the claims for greater participation, not a reaction in terms of local recognition and negotiation, but rather a way of exercising a democratic right that allows them to decide their own future and development (Urkidi, 2011).

Furthermore, this study has already described the increasing levels of repression and threats in the context of extractivism, which in turn close the opportunities to mobilise. Communities increasingly face physical, structural and cultural forms of violence (Galtung, 1969). The NGO Global Witness has pointed out that the year 2016 was 'the worst in history when it comes to murdering land and environmental defenders' with 185 killings in 16 countries, an increase of 59% compared to 2014 (Global Witness, 2016, p. 4, 2017). This is even more worrying if we recognise that 66% of the murders occurred in Latin American territory (Global Witness, 2016, p. 9). This concern is also shared by Global Diligence, an NGO who has acknowledged that land misappropriation and consequent forced displacement are one of the greatest human rights problems at the global level, generating

harmful effects mainly in the poorer countries, estimating that 15 million people are resettled by development projects (not exclusively extractive) a year (Brilmayer & Moon, 2014). This is mainly due to the need for land for extractive developments, which has become one of the main sources of conflict (Woicke, 2005, pp. 343-344).<sup>27</sup> The Working Group on the issue of human rights and transnational corporations and other business enterprises, noted that they received a particularly high number of cases involving conflicts between local communities and companies with respect to land and resources, which included multiple reports of forced evictions.<sup>28</sup>

Moreover, the territorial geographical context says something about the political opportunities for mobilisation. The centrality of political regimes in Latin America constraints the possibilities of success for social contention (S. Tarrow & Tilly, 2009, p. 440). Latin American governments are usually highly centralised and hyper-presidentialised (Waldmüller, 2015), a form of governance that allows national powers to selectively dole out their social and economic interventions (Restrepo & Peña, 2017, p. 287). On the other hand, extractivism is usually originated in isolated communities that lack the presence of the state, i.e. most of the affected communities are not able to influence or even participate in the decisions undertaken by central governments. Such territorial isolation generate political constraints for social mobilisation, but it also tend to restrict the availability of resources and networks (Nicholls, 2009).

Additionally, the forms and scales of current extractivism limits the opportunities for social contention. As we have seen in the previous chapter that Latin American economies have deepened their dependence on extractivism generating further pressures in local communities. Such situation is generating further impacts in communities that are not used to the impacts of extractivism. In other words, the form and scale of extractivism in the local context, matters when analysing social contention. The impacts can be generated both by large-scale and small-scale projects and even by developments that are self catalogued as environmentally friendly, such as windpower energy projects (Dunlap, 2018). In fact, when such activities are atomised, they can create the same or worst effects than large-scale projects, something that occurs for example in Antioquía, Colombia, where artisanal mining

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<sup>27</sup> The author points out that in most of the analysed cases, land acquisition is done in accordance with local legislation, however, human rights standards such as due compensation are not met.

<sup>28</sup> Report of the Special Rapporteur on the rights of indigenous peoples, James Anaya, Extractive industries operating within or near indigenous territories, Cons. Der. Hum., 18 Per. Ses., Agenda n. 3, parr.35, U.N. Doc. A/HRC/18/35 (2011).



has created terrible health and environmental conditions (Cordy et al., 2011). With an increase in the dependence over extractivism, the so-called extractive frontier is increasingly moving into nontraditional environments, usually environments that were 'previously considered too difficult and dangerous to invest in' (Bebbington, Hinojosa, Bebbington, Burneo, & Warnaars, 2008, p. 898).

Also, the stage of the extractive project has effects in the opportunities for mobilisation. Depending on the stage of the project, the communities affected by extractivism may find opportunities or limitations for social contention (S. Tarrow & Tilly, 2009, p. 440). In a prospection phase, for example, communities may have tools such as participatory mechanisms given by the environmental impact assessment mechanisms and social license to operate (Gunningham, Kagan, & Thornton, 2004) or previous and informed consent (Fontana & Grugel, 2016). In this phase, communities are more likely to oppose the project as they still have the possibility to stop it, while during construction phase communities will tend to seek compensation, environmental impact reduction, jobs or the restitution of the land (Salcito et al., 2014). The construction phase in particular is the phase of extractivism that generates larger job opportunities and expectations for the community (Giuliani & Macchi, 2014). During the operation phase job opportunities decrease and the environmental damage become evident, usually resulting in rising grievances (see for example Bebbington, Humphreys Bebbington, et al., 2008; Conde et al., 2017; Franks, 2009).

In sum, the PPT theory is right in the sense of giving some emphasis to the context, but find some problems in the understanding of the context as a state centric issue. The closed opportunities for social contention are beyond the capacities of the nation-state. Today they are ruled by international organisations and markets. Also, the political structure theory must be considered in relation to the capacity of communities to perceive these opportunities and threats. As Sydney Tarrow argues, *'individuals need to perceive political opportunities and to be emotionally engaged by their claims if they are to be induced to participate in possibly risky and certainly costly collective actions; and they need to perceive constraints if they are to hesitate to take such actions'* (S. G. Tarrow, 2011, p. 12). The study of different socio-environmental mobilisations in Latin America, allows conclusions to be drawn, in that the incentives to mobilise and the outcomes are not always related with the political opportunities that a social movement finds in a particular country.

Another problem is the circularity of the argument. If we are studying a successful social movement, we can link it to whatever we think may be the favourable political context. It is

tautological in the sense that opportunities are part of the same definition of social movements (Goodwin et al., 1999). If structures exist prior to individual action, then we cannot think of them as changing opportunities. Nevertheless, it is possible to observe some progress in the idea of political structures made by PPT theorists, who have argued that political structures cannot be thought of as just open or closed but as processes of expanding and contracting opportunities (Goodwin et al., 1999, p. 12), if so, a political structure has the ‘danger of becoming a sponge that soaks up virtually every aspect of the social movement environment - political institutions and culture, crises of various sorts, political alliances, and policy shifts’ (Gamson & Meyer, 1996, p. 275).

Latin American socio-environmental movements do not necessarily react to the openness or closure of the political opportunities. Social contention have relied upon a series of other opportunities that are not necessarily political, such as cultural factors, media, connections and networks, forms of representation of their culture, and the agency of activists and leaders. It is the representations and aims of the movement (e.g. closing a tailing dam, impeding the continuity of the construction of a hydroelectric project or impeding the access to large-scale mining) and the idea of being an example to other territories, which generates real opportunities for the socio-environmental movement in the region. It is the representation of these given political, economic and social opportunities, which make socio-environmental movements arise against extractive projects.

#### Incentives to mobilise: Perceptions, framing and identity

Doug McAdam proposes the idea that people within the movement can construct opportunities. In other words, he has stated that in between opportunities and actions, are people who give meaning to these situations (McAdam, 1999, p. 48). The question of this constructionist approach is how activists or members of a movement create these meanings; very similar to the questions that the theories of symbolic interaction tried to identify in the early 1940s. Symbolic interaction theories argue that while most group behaviour is *rule-conforming*, it can be in some cases *rule-breaking*. This is what defines, according to Blumer, a social movement, i.e. the challenge to society’s established norms (H Blumer, 1951, p. 169).

Collective behaviour theorists argue that in order to understand the opposition to society’s established norms, we should understand how society has constructed a social problem. Blumer states that it is a mistake to assume that adverse social conditions (e.g. economic

hardship, marginalisation or facing an extractive project) form the basis that helps us understand grievances within a society. The focus, he argue, should be placed on how people, through different social interactions, define these social conditions as problematic and how people become aggrieved through these definitions (Harold Blumer, 1971, p. 302). Something that must be highlighted from Blumer's theory is the idea that social or environmental situations must be understood as problematic or unjust in order to generate social contention. Under this theory it is not just the construction of a dam or the exploitation of a mine which generates a social reaction, instead it will be how individuals perceive those projects as something that is affecting their normal conditions of life or human rights and how it has emotionally affected them.

Social movements tend to interpret not just their own feelings and emotions, but also the context that surrounds them. In the specific case of socio-environmental movements, they can result as reactions to externalities of extractivism. As already highlighted, the use of violence closes the political opportunities to mobilise. Yet it has also have the contrary effect of creating incentives for social contention. Consequences of extractivism are seen not just in violations of the right to life, health or personal integrity; it also has serious effects on economic, social and cultural rights linked especially to the right to water and food.<sup>29</sup> In this sense, the transformations of everyday practices tend to be deliberately analysed by directly affected communities and interpreted as problematic, creating then a catalyst for mobilisation.

The interpretation of the context may be conducive to the development of social contention. Social contention does not arise, as argued by Blumer through manifestation of individual emotions, but as a deliberative interpretation of the context (see for example Crossley, 2002; Oberschall, 1968). Then, to analyse social contention, it is necessary to unveil their generalised beliefs and the capacity of collective behaviour to symbolically understand certain incidents (usually socio-economic factors) and the operation of social control (Oberschall, 1968, p. 323).

In other words, to examine the process of social contention, it is necessary to understand the political opportunities, the mobilising structures and framing process (McAdam, McCarthy, & Zald, 1996). While mobilising structures are understood as 'those collective vehicles,

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<sup>29</sup> See for example the case of the Xákmok Kásek community in Paraguay. See I/A Court H.R., Case of the Xákmok Kásek Indigenous Community. v. Paraguay. Merits, Reparations and Costs. Judgment of August 24, 2010. Series C No. 214, par. 196.

informal as well as formal, through which people mobilise and engage in collective action' (McAdam et al., 1996, p. 3), the authors state that 'at a minimum people need to feel both aggrieved about some aspect of their lives and optimistic that, acting collectively, they can redress the problem. Lacking either one or both of these perceptions, it is highly unlikely that people will mobilize even when afforded the opportunity to do so' (McAdam et al., 1996, p. 5).

Building on these theoretical approaches, different scholars have tried to theorise the construction of meaning to understand social contention. One of the most influential propositions is that of 'cultural framing' (D. Snow, Zurcher, & Ekland-Olson, 1980). Frames are the construction of people of a specific situation, which is different from ideologies. Ideologies are also very important for mobilisation, but while ideologies are general, frames are based on a specific situation. In the words of Ferree and Merrill: 'frames tell us how to think about things but they don't point to why it matters', ideology is then the 'value component' of frames (Ferree & Merrille, 2000, p. 256). Usually, social movements will try to generate a framing process that goes against the pre-established frames imposed, for example, by mass media. Within this alternative framing process, social movements will create a diagnosis of the situation, will say what should be done and provide a motivation for action (Edwards, 2014, p. 94). Usually, social movements will try to be persuasive to other people by creating frames that are culturally accepted and convincing. This key point for recruitment will encounter disputes within the movement itself, and it may also have to contest state and media frames (McCarthy, 1994).

In other words, collective frames are both constructed and adopted by adherents of a movement. The process of framing creation is made either through negotiations or through a process of common understanding of a problem, a plan or idea to attack it or a process to motivate their constituents. Framings in this sense serve to generate a diagnostic, a prognostic and/or to motivate. Firstly, they serve to generate a diagnostic of what needs to be changed. Usually, but not always, the diagnosis of social movements is framed under the idea of injustice, either in terms of distribution, participation or recognition (Schlosberg, 2004). Framing processes also serve to propose a solution, to carry out a plan, or to establish the strategy; in other words, framing also serves for prognosis. Finally, framing can also be used to generate a common discourse and vocabularies of motives, i.e. it serves to motivate and recruit adherents to the movement (Benford & Snow, 2000, pp. 615–17).

The construction of framing processes in the context of Latin American extractivism, come from clashes of values between communities, companies and states, and their relations with

land, rights or cultural means. In other words, it is a clash that comes from dissimilar values assigned to the land (such as in the case of indigenous peoples), different values given to the legal framework and rights or dissimilar values assigned to political ideologies and the economy (Estenssoro & Parker, 2017).

One of the most common clashes has to do with the cultural conceptions of land. By cultural conceptions of land I mean ‘ontologies of land and our relationship to it; what land is, what about it is valuable, how humans interact with it’ (Kollers, 2009, p. 3). The most obvious clash occurs among indigenous peoples, who generally have a sense of belonging to and towards the land that goes beyond the material. Thus, the spiritual relationship to the land often conflicts with the mercantile and resource relation that is given to natural resources or common goods by companies and governments. The rise against extractivism could be explained in this case, by the protection of a superior entity - the land faced with the pillage generated by cultures that grant a different value to it.

It is possible also to observe clashes between juridical territories. By juridical territories I mean territories that are bounded and controlled by rules of law (Kollers, 2009, p. 4). There may be a clash of rights in an area where two or more juridical categories coexist in the same territory. This is the case for example of indigenous territories that exist within the juridical territory of a country (state), but whose self-determination is also recognised by international human rights instruments. The coexistence of these two normative bodies of law can lead to a dichotomy of rights between indigenous and non-indigenous territories, thereby creating a normative body that generates evident clashes between the ancestral property of indigenous peoples and private property over land that reigns in much of western cultures.<sup>30</sup> These dichotomist visions expressed in international instruments also have a hold in local constitutions, such as that of Ecuador and Bolivia, which respectively consecrate the regimes of ‘*sumak kawsay*’ and ‘*suma qamaña*’. Concepts of ‘Buen Vivir’ that had been recognised as constitutional rights, after long mobilisations, but whose legislative spirit -as seen in the

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<sup>30</sup> The former UN Rapporteur on the Situation of the Rights and Fundamental Freedoms of Indigenous Peoples, James Anaya elaborates on the clash between the right to private property enshrined in much of the western legal frameworks and the idea incorporated by international human rights law on the right to self-determination. Noting that while it is true that the right to property is enshrined as a human right, the fact remains that it must respect the principle of non-discrimination, and therefore must also include methods of validating customary ownership of indigenous and ancestral peoples (Anaya, 2004, pp. 141–148)

previous chapter- has constantly been violated by national governments (de Sousa Santos, 2014, p. 82).<sup>31</sup>

In this sense, it can be said that the socio-environmental movement builds a frame from both 'specific situations' and from global discourses or ideologies. A clear example of the capacity of local discourses to influence global or regional framing processes is given by Joan Martínez-Alier (2011), who along with other colleagues argues that concepts such as ecological debt, food sovereignty, corporate accountability and economic degrowth have been born from movements at the local level and are now used by the environmental justice movement, generating collective action repertoires (L. Tilly & Tilly, 1981). Likewise, local movements can also benefit from global frames, such as the human rights frame. There are several examples of the adoption of speeches; symbols and strategies that come from global frames and that have been used in local struggles. A good example is the growing adoption of a rights discourse by local movements (See for example the Tambogrande conflict in Peru in Haarstad & Fløysand, 2007). A discourse that has resulted, for example, in struggles that call for the extension of the right to information and environmental protection rights, as in the case of Pascua Lama in Chile (Urkidi, 2010). It is important to highlight the importance of the language of rights in socio-environmental struggles at the local level, especially in those conflicts related to territory and water (Bebbington, Abramovay, & Chiriboga, 2008). This is a discourse that extends to the entire socio-environmental movement, but that has been particularly used by indigenous peoples in the region.<sup>32</sup>

Another global frame that has been widely used by movements at the local level is the environmental justice frame (Martinez-Alier, 2001). Communities have increasingly framed their discourses and symbols on the externalities caused by extractivism, arguing that it disproportionately affects certain groups, mainly the most vulnerable, thereby generating a form of redistributive injustice (Carruthers, 2008). As we have already analysed, David Schlosberg (2004, 2007) points out that the term environmental justice refers not only to the redistribution of the effects of extractivism, but can also refer to the lack of participation and

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<sup>31</sup> Little by little, however, we have begun to see some progress in judicial matters of the recognition of the concept of Buen Vivir and more specifically of the consecration of the rights of nature, but it would be incorrect to point out that this entails the full exercise of these rights. On January 11, 2017, the Provincial Court of Esmeraldas in Ecuador, decided the first case recognising the rights of the nature in the world, see <https://intercontinentalcry.org/es/la-corte-dicta-la-sentencia-en-el-primer-juicio-de-derechos-de-la-naturaleza-del-mundo/> (last access 22 March, 2017).

<sup>32</sup> See for example: Inter American Commission of Human Rights, Pueblos indígenas, comunidades afrodescendientes y recursos naturales: protección de derechos humanos en el contexto de actividades de extracción, explotación y desarrollo, *OEA/Ser.L/V/II.Doc. 47/15*, 31 December 2015.

recognition of communities. This 'broad' environmental justice discourse has been used by local communities to fight against extractivism, for example in conflicts against Pascua Lama in Chile and *Esquel* in Argentina, where communities sought on the one hand to stop mining projects, but also to generate greater recognition and participation at the national level (Urkidi & Walter, 2011).

The framing process in Latin America has been supported by socio-environmental organisations in the region. These networks have been generating a common discourse that often seeks to value land and the environment, as well as local decisions over the vision of development promoted by governments and extractive companies. This generates a counter-hegemonic discourse to the current extractive model. This discourse, symbols and common meanings have served, for the adoption of different strategies that seek in some cases an immediate result (related to the particular project), and in others a national political result, i.e. that tries to change the development model imposed by governments and the international market (Maristella Svampa, 2013b).

In sum, the framing process of the socio-environmental movement in Latin America is influenced both by the agency of its constituents as well as by the context in the broader sense. Escaping from the idea of political opportunities, Gemma Edwards argues that a better frame to understand the context would be to talk about 'relational fields', which are fields created by 'political elites, state actors, media actors and corporate actors' (Edwards, 2014, p. 104). The idea of relational fields emphasises the relations instead of structure. In this sense rather than understanding the context surrounding the socio-environmental movement as being stable and out of their control, it understands the environment as a process that is in constant shift and that will allow it to construct different opportunities depending on the relations that the movement has with the companies involved in the extractive process, with the state, with the media or with other people or movements. This approach is more appropriate to understand the socio-environmental movement in the region.

The capacity to create frames using the available relational fields has been strengthened by a Latin American theoretical approach, known as *dialogo de saberes* (knowledge dialogue), a theory highlighted in Chapter 6. This approach pursues a dialogue between different forms of knowledge and ways of knowing (Leff, 2004). It is a process that allows for the construction of frames in which different ideas and meanings are shared, allowing for example to solve the conflict between framings of peasant/indigenous visions and their

cosmo-visions, because ‘there isn’t one knowledge to be imposed on other’ (Martínez-Torres & Rosset, 2014). As will be seen in the case of Chiloe, the technical support given by local NGOs has not tried to impose a ‘monoculture of knowledge’, on the contrary they have tried to recognise and value local and traditional forms of knowledge, allowing for the creation of a common framing between indigenous people, *chilotes*, academics and local NGOs.

### Resources: Tools and networks

The critics to collective behaviour theories argue that social movements need more than just feelings to act, they also need the means to do so. In other words, social movements can be explained looking into their internal management of the available resources. Going even further, some authors have declared that ‘discontent is ever-present for deprived groups, but collective action is rarely a viable option because of lack of resources and the threat of repression’ (J. C. Jenkins & Perrow, 1977, p. 252). Differing from collective behaviour theories that saw conflict as infrequent incidents, resource mobilisation theories understand that different interests within a society generate constant conflicts, in other words, there is no need of a breakdown in order for social movements to arise because there will be a structural inequality that will generate frequent struggle. While conflict is permanent, resources vary.

Social movements can mobilise a series of different tangible or intangible resources (Freeman, 1979). Within the tangible resources, we can find money, participants, communication infrastructures, space (such as houses of participants or offices) and leaders. In the second group, i.e. intangible resources, we can find skills and know-how, commitment, access to networks, access to elites and public support. Usually, tangible resources are interchangeable (for example you can change money for space), the decisions and strategies undertaken by the movements –resource mobilisation theorist argue- will depend on their available resources. In other words, the decisions undertaken by social movements are completely rational and dependent on the management of the available resources. Usually, social movements operate outside the political system, so resources can be scarce and costs (like repression) high (Oberschall, 1973). What rational actors do is to weigh costs and benefits of different actions and decide based in the wider environment (Edwards, 2014, p. 47).



According to these theoretical approaches, resources serve both to generate adherence to the movement (Olson, 1965, p. 88) and to create structures that allows the persistence of the mobilisation (McCarthy & Zald, 1977). Resources could help as incentives to engage participant, that can be material, e.g. being paid to participate or receiving rewards (Zald & Ash, 1966, p. 333) or immaterial, e.g. social status, personal prestige and self-esteem (Olson, 1965, p. 61). Once a critical mass of rational people is already engaged in the purpose of the movement, the resource problem evolves into the creation of a –usually- very costly structure that others can join. The problem is to find investors that will help to create this structure. According to the resource mobilisation theoretical framework, this situation have tended to the professionalisation of protest through centralised decision-making structures, paid employees and sophisticated campaigns (McCarthy & Zald, 1977, p. 1223). McCarthy and Zald argue -based on collective action of the 1960s and 1970s in the United States of America- that ‘conscience constituents’ have become even more important than the affected population for initial mobilisation. For resource mobilisation theorists, while social movements have a preference for change, social movement organisations (SMOs) can be seen as the ‘vehicles that engage in collective action’ (Edwards, 2014, p. 59).

The idea of social movements as an organisation may have helped MCarthy and Zald to understand the mobilisations in the United States during the 1960s and 1970s but encounters challenges in the analysis of socio-environmental mobilisations in Latin America. Firstly, it is possible to object to the idea of the necessity of abundant resources in order to be successful. New technologies allow social movement to incrementally use low-cost tools to engage adherents (González-Bailón & Wang, 2016). The usage of internet-based campaigns has been successful in the case of some movements, for example in the self-convoked assemblies in Tambogrande, Peru (Walter & Urkidi, 2014). New technologies also challenge the idea that social movements will be involved in costly campaigns in order to attract the support of the general public. Communities have tended to have more information and to communicate more easily as a result of the availability of the internet and social media (Dahlberg-Grundberg & Örestig, 2017).

Another form to observe how social movements use available resources is to understand them as networks of interaction. The idea of a social network comes as an opposition to the theories that have tried to understand social movements as an organisation. The argument is that different SMOs can be part of a particular social movement and vice-versa. The theory of social movements as networks of informal interactions was first developed by Mario Diani (1992, pp. 7–8), suggesting that SMOs are not the only players that may have influence over

social movements and that the key issue to understand this network was the form of sharing a collective identity. In other words, SMOs will interact with informal networks that are established between different activists and also with interpersonal relations. In fact, for some authors, the knowledge of someone that is involved in a social movement is one of the best prognosticators of participation (Edwards, 2014, p. 68; Mcadam & Paulsen, 1993). In this sense, the overlap between personal and organisational support should be taken into consideration to understand social mobilisation.

It is especially in periods of ‘latency’, i.e. periods when SMOs disappear or are not active when interpersonal social networks provide an ‘abeyance structure’ for social movements (Taylor, 1989). In other words, interpersonal interactions are key to keep social movements alive. They are especially important when they are not engaged in periods of protests and not receiving the support of SMOs. They are also fundamental to generate intangible resources, i.e. commitment and collective identity and to transmit these resources from generation to generation (Whittier, 1995). Apart from interpersonal relations, the ideological patterns may also generate informal networks of support between different SMOs and social movements, a process found in the work of Mario Diani who, analysing the environmental movement in Italy, found that the common pattern between different organisations came from same ideologies and the aim to generate instrumental opportunities, i.e. benefit from the resources of each other (Diani, 1995).

Also, of fundamental importance for the generation of Latin American knowledge have been the information networks that are described in ‘popular ecologist’ theories (Martínez-Alier et al., 2015). They are networks that mainly seek to report on the negative consequences of extractivism in Latin America. Among them we can mention, for example, the *Observatorio Latinoamericano de Conflictos Ambientales* (Latin American Observatory of Environmental Conflicts - OLCA), whose headquarters in Chile seeks to advise communities that are in conflict with extractive processes in relation to socio-environmental strategies and rights. OLCA also serves as a database of environmental conflicts in Latin America. These databases have been fundamental for the generation of common knowledge and for knowledge of conflicts in other latitudes. Although OLCA focuses on the socio-environmental conflicts derived from all forms of extractive and non-extractive exploitation, there are other databases that focus on specific topics such as tree plantations (WRM), mining (OCMAL) and land grabbing (GRAIN). These networks and new tools have allowed local communities to identify potential impacts of extractivism and, ‘decide on the most effective modes of

resistance, raising funds and mobilizing supporters, often before operations start’ (Conde et al., 2017, p. 21).

Another characteristic of Latin American socio-environmental movements is the relevance of grassroots and usually poor communities. Martínez-Alier points out that in many conflicts derived from extractivism, the poor will generally be on the side of preserving the environment, adding that such a vision comes mainly from the interests and values of these groups (Martínez-Alier, 2014). Most of these interests are based on social justice perspectives, including within them claims for greater participation and recognition (Schlosberg, 2007).<sup>33</sup> These forms of direct action do not necessarily come from ‘professional’ or ‘centralised’ organisations, indeed it is possible to observe that most of the organisations supporting socio-environmental movements in Latin America are grassroots organisations which usually work with volunteers and have non-centralised decision-making processes (for examples of these organisations see **Table 7**).

**Table 7:** National networks against extractivism

Country	Organisation (year of creation)
Argentina	<ul style="list-style-type: none"> <li>• Red de Comunidades Afectadas por la Minería (Red CAMA) (2003)</li> </ul>
Bolivia	<ul style="list-style-type: none"> <li>• Unión de Asambleas Ciudadanas (UAC) (2006)</li> <li>• Consejo Nacional de Ayllus y Markas del Quillasuyu (CONAMAQ) (1997)</li> </ul>
Brazil	<ul style="list-style-type: none"> <li>• Grupo de Trabajo Conjunto de Minería y Metalurgia (GTAMS) (2007)</li> <li>• Movimento dos Atingidos por Barragens (MAB) (1991)</li> <li>• Movimento Nacional por la Soberanía Popular Frente a la Minería (MAM) (2012)</li> <li>• Comité Nacional para la Defensa de los Territorios contra la Minería (CNDTM) (2013)</li> </ul>
Colombia	<ul style="list-style-type: none"> <li>• Red Brasiler de Justicia Ambiental (2015)</li> <li>• Organización Nacional Indígena de Colombia (ONIC) (1971)</li> <li>• Movimiento colombiano en defensa de los territorios y afectados por represas (RIOS VIVOS) (2011)</li> </ul>
Costa Rica	<ul style="list-style-type: none"> <li>• Federación Costarricense para la Conservación del Ambiente (FECON) (1989)</li> </ul>
Ecuador	<ul style="list-style-type: none"> <li>• Coordinadora Ni Una Sola Mina (CNUSM) (2008)</li> <li>• Defensa y Conservación Ecológica del Intag (1995)</li> <li>• Movimiento de los indígenas de Ecuador (ECUARUNARI) (1972)</li> </ul>
Honduras	<ul style="list-style-type: none"> <li>• El Centro Hondureño de Promoción para el Desarrollo Comunitario (CEHPRODEC) (1993)</li> <li>• Consejo Cívico de Organizaciones Populares e Indígenas de Honduras (COPINH) (1993)</li> </ul>
Mexico	<ul style="list-style-type: none"> <li>• Asamblea Nacional de Afectados Ambientales (ANAA) (2008)</li> <li>• Red Mexicana de Afectados por la Minería, (REMA) (2008)</li> <li>• Movimiento Mexicano de afectados por las presas y en defensa de los ríos (MAPDER) (2003)</li> </ul>

<sup>33</sup> Under this doctrine of environmental justice, the struggles for human rights and the environment would be inseparable. In order to understand the conflicts generated by extractivism in this context, particular attention must be paid to the breakdowns in the internal social dynamics of communities. In some cases, companies’ sustainability programs generate the internal fragmentation. Projects that uses a market and competitive logic approach to gain the social license to operate, generating with it, false expectations of employment and social programs, which do nothing more than provoke competition and division within the communities

Peru	<ul style="list-style-type: none"> <li>• Confederación Nacional de Comunidades Afectadas por la Minería (CONACAMI) (1999)</li> <li>• Red Muqui (MUQUI) (2002)</li> <li>• Asociación Interétnica de Desarrollo de la Selva Peruana (AIDESEP) (1985)</li> </ul>
El Salvador	<ul style="list-style-type: none"> <li>• Mesa Nacional Frente a la Minería Metálica (2005)</li> <li>• Movimiento de Víctimas y Afectados/as por el Cambio Climático y Megaproyectos (2012)</li> </ul>

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**Source:** Own creation based on literature review and Internet research.

Organisational theories suppose that all SMOs will collaborate and work together, which may prove to be problematic in the Latin American context. While the aim may be the same, i.e. protecting the environment or transforming the structural elements behind the governance of extractivism, the different ideologies and strategies presented by different environmental SMOs in Latin America make it difficult to conclude that an social movemnt industry (SMI) has been created at the regional level. There are examples of joint operations between SMOs in the region. At the Mesoamerican level, for example, the Mesoamerican Movement against the Extractive Mining Model (M4) unites more than 60 organisations fighting against mining in Panama, Costa Rica, Mexico, El Salvador, Honduras and Guatemala. It is an organisation that serves as a link for coordinating joint meetings and strategies to oppose mining from Panama to Canada (Petras & Veltmeyer, 2014, p. 223). In the Andean region, the CAOI (Andean Coordinator of Indigenous Organisations), coordinate indigenous organisations based in Peru, Bolivia, Colombia, Chile and, to a lesser extent, Argentina, and advocates the creation of an International Tribunal of Environmental Crimes (Maristella Svampa, 2013b). Nevertheless, it must be said that they act as an SMI, mainly because it is difficult to find shared costs of planning or common campaigns. While alliances could be critical to reduce the cost of organisations that have usually acted outside formal politics and thus have scarce resources, the truth is that environmental SMOs in the region have more often competed over the same resources rather than cooperate.

Taking into consideration the problems of applying the theoretical framework of resource mobilisation in the Latin American context, it is possible to observe that the theory of social movements as a network of interpersonal relations fits better in the Latin American context. Firstly, it is possible to observe that most of the connections between national or even transnational movements and communities depend primarily on the interpersonal relations or in common ideologies. Also, as will be analysed in the empirical cases, the idea of ‘abeyance structure’ fits perfectly well in explaining the latency of some conflicts.

Another advantage of understanding social movements as networks is that it allows one to study the relations from a multi-organisational perspective, i.e. incorporating not just the flat structure of the organisations supporting the movement, but also the relations between one other. Increasingly socio-environmental movements in the region have tended to generate alliances with other constituencies and organisations, a process that is known as cross-movement mobilisation. Apart from the environmental and information networks that have arisen in Latin America, it is worth mentioning the support provided by other groups that have been working intensively in the generation of networks, discourses and strategies to oppose extractivism. The support of religious groups<sup>34</sup>, academic networks<sup>35</sup> and the human rights<sup>36</sup> movement are good examples of cross movement mobilisation, since although their focus is not exclusively on the opposition to extractivism or environmental concerns, they have had an important influence in the generation of a common discourse and strategies for the socio-environmental movement in the region. In other words, social networks are not just structural patterns, but on-going processes of social interaction and communication (Edwards, 2014, p. 72).

Finally the idea of networks is very important because it does not just allow social movements to recruit more adherents or generate connections with other movements, but to generate a

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<sup>34</sup> Some examples of the groups that have supported socio-environmental movements are The Ecumenical Human Rights Commission (CEDHU), the Marianist Social Action Association (AMAS), the Latin American Episcopal Council (CELAM), the Pan-Amazonian Ecclesial Network (REPAM) and the network Church and Mining led by the Franciscans.

<sup>35</sup> As David Carruthers (2008) points out, Latin America has a strong tradition of academic activism, intellectuals with one foot in the academy and another in the communities (p.9). There are several examples of regional institutions that work both in the academic and mobilisation areas, such as the Latin American Council of Social Sciences (CLACSO) based in Argentina, who has generated constant publications and dissemination courses related to political ecology and extractivism or the Latin American Centre for Social Ecology (CLAES) based in Uruguay and led by Eduardo Gudynas that has worked with communities in order to develop strategies to think of a new form of development, among others. At the international level, we can also highlight some study centres such as the Institute of Science and Environmental Technology of the Autonomous University of Barcelona (ICTA-UAB) who host important researchers such as Joan Martínez-Alier, the Global Change, Local Conflicts Group (GLOCON) of the University of Berlin and the Centre for Development and Environment of the University of Oslo, among others.

<sup>36</sup> Human rights networks at the regional level have also supported local mobilisation. The examples are varied, just to name a few the *Asociación Interamericana para la Defensa del Ambiente* (AIDA), the *Fundación para el Debido Proceso Legal* (DPLF), the *Instituto Internacional de Derecho y Sociedad* (IIDS), the *Iniciativa Mesoamericana de Mujeres Defensoras de Derechos Humanos* (IM - Defensoras), the *Fondo de Acción Urgente de América Latina y el Caribe* (FAU-AL) and international organisations such as the International Federation of Human Rights (FIDH), the Robert F. Kennedy Center for Justice and Human Rights (RFK Center), Peace Brigades International, Amazon Watch, JASS, the Association for Women's Rights in Development (AWID), Global Witness and the Internacional Service for Human Rights (ISHR).

sense of identity. As will be explored in the empirical cases, it is the affective bonds of the communities that generate an identity to mobilise. The idea of network creation allows understanding that the adherents of a movement are engaged with it based on an emotional and rational decision. The rationality comes from the idea that people ‘can incur in the costs of activism because they think that what they do matters, either fulfilling goals, affecting outcomes, or on moral grounds’ (Edwards, 2014, p. 73).

The interactions of political opportunities, incentives and resources:

The theoretical framework outlined in this study argues that ‘no particular political or economic moment or cultural experience’ can explain the rise of contention against extractivism (Payne, 2000, p. 36). Rather, what explain people mobilisation is the interaction between agency and context, i.e., between the patterns of political opportunities and constraints and how they are changed and constructed by the collectivity. Such construction is further reinforced by the availability of resources and networks, which determine the forms of collective action.

Communities that mobilise against extractivism do not only seek a material outcome, they are also able to create and manipulate meaning (Tarrow 2011, p.192). In doing so, they rely on –at least- three different but interconnected mechanisms. First, communities are able to frame contentious politics. As we have seen from Snow & Benford work (1988), communities are able to select and point to specific objects of the context in which they live to create or frame a story. For example a community that is dealing with a large-scale extractive company, can frame its story as one of co-optation between the state and the private sector to oppose the environmental and social impacts of the project. In doing so, they point and select a specific issue to frame their story. Second, communities can create collective identities. According to Melucci (1989) the identity of a movement, associated with constituents and the networks that they have, define who ‘we’ are, who ‘they’ are and the lines or borders between them. In this thesis, we argue that those identities are provided by a combination of both their geographical location and main constituents (indigenous, urban or peasants communities). Third, some scholars have focused on the capacity of communities to capture and shape emotions to attract adherents, especially when it comes to leaders of the movement. As argued at the beginning of this work, this thesis follows a contentious politics idea of social mobilisation, in particular, Sidney Tarrow’s idea of interaction between these three elements. In his work ‘Power in Movement’, he avoids the dichotomist view between frames, identity and emotions, arguing that they are all important

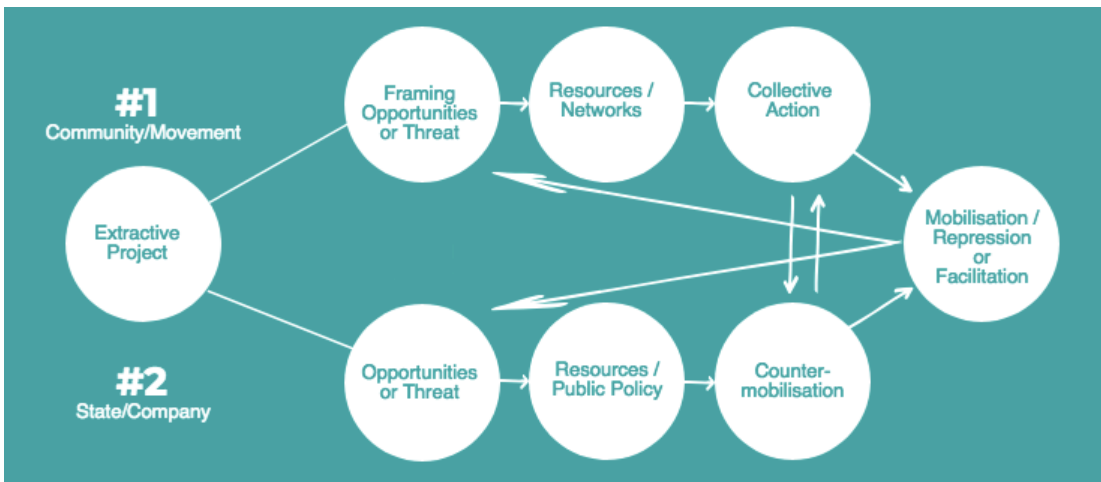
elements to create solidarity and capacity to interact with allies and mobilise against opponents and authorities.

Put differently, it is the capacity of a group of people and networks to name, blame and claim certain context as unjust (Felstiner, Abel, & Sarat, 1980), their capacity to engage, understand and create new opportunities what explain social contention against extractivism. In the particular context of extractivism, that means that the capacity of communities affected by a giving extractive project to understand the threats and create frames or narratives to oppose that project can help not just to bring adherents, but also to generate political opportunities in a context where they are not usually available. Moreover, ‘when their struggles revolve around broad cleavages in society; when they bring people together around inherited cultural symbols; and when they can build on – or construct – dense social networks and connective structures, these episodes of contention result in sustained interactions with opponents in social movements’ (S. Tarrow, 2011, p. 29). This, which is the basis to understand contentious politics, is further developed in the next section.

## **II. Latin American socio-environmental contention: constructing opportunities and incentives**

To explain contention it is necessary to understand how the previously analysed factors interact between each other. The process of contention around extractivism, starts when a certain extractive project become manifest. Such manifestation can occur at different stages of the project and can include various actors. But, we need at least two actors with different aims and visions, for example a community and a company. In this case, and given the specific context of the extractive project, both the community and the company will: (i) interpret what is happening, i.e. frame the opportunities and threats given by the other actor; (ii) generate the necessary resources, networks, policies and institutions to take advantage of the opportunities and defend against threats; (iii) engage in collective action or processes of counter-mobilisation to attract supporters and defeat the opponent. The result is then mobilisation or wider repression that can end up in demobilisation (S. Tarrow, 2011, p. 189). A simple version of such interaction, which does not take into consideration the potential actors or the specific context, is presented in **Figure 5**.

**Figure 5:** Dynamic Framework explaining interaction between factors of contention



Source: Own creation and interpretation of (S. Tarrow, 2011, p. 189)

It is necessary to mention that usually, the processes of contention are far more complex than what is represented in **Figure 5**. Firstly, the ‘community’ is not always clearly identified. There may be people in a certain community that may be in favour of an extractive project and others that may be against it. Also, different groups may have different tools to frame the opportunities and threats. As we have seen, the relations of an indigenous group may differ in their relation to land and environment, when compared for example with urban communities. On the other hand, different companies may vary in their capacities to relate with governments and different authorities may have different approaches to repression or facilitation.

As already argued in the previous chapter, for analytical purposes, this thesis develops the role of states and companies as distinctive and separated actors, though, it is important to acknowledge that they are not monolithic actors. As will be shown, different branches of the state may have different points of views regarding extractivism. This is the case, for example, when comparing the views of the executive and judicial branches in Chile. The judiciary have developed a jurisprudence that is based in environmental justice approaches which -in some cases- have limited the investment in extractive projects, jeopardising the ideal of attraction of foreign direct investment for economic growth that has characterised different executive administrations in Chile. This clash of visions over economic and environmental development has been made clear by the Chilean Supreme Court when arguing that the ‘Chilean state cannot allow the development of activities that affect the environment and its



inhabitants<sup>37</sup>. Also, there are independent agencies within the state such as National Human Rights Institutions that may have dissenting opinions when compared to those of the executive or judicial branch. Similarly, as will be shown in the empirical cases, it is important to understand the relations between private actors and the state. In some cases, such as in companies owned by the state, the interests and responsibilities of these two actors are similar. In other cases, such as those where the state acts as regulator of private activities, the disaggregation of roles and responsibilities are –in theory- more clear. The state should act as regulator and companies as regulated actors. Yet, when analysing the locus of decision-making power, such responsibilities become more complex and diffuse. In the Chilean case –as will be further developed in the cases studies- it is possible to observe public cases of co-optation of the state by private companies, a situation that is enhanced by common rotations –without time limitation- between private and public representatives, limiting the necessary independence that these two groups should have, especially when regulating private impacts in communities and the environment.

The purpose of the diagram then, is to illustrate the relations between the previously analysed factors that generate conflict. Put differently, rather than focusing in the information within the circles, it shows the importance of focusing in the arrows to explain social contestation. The subsequent paragraphs explain the parallel process and causal mechanisms of contention followed by (i) community/movement and (ii) company/state.

#### Community/movements framing, resources and Collective Action

The interpretation of the opportunities and threats of a given extractive project in a given political and economic context, determine to some extent the capacity of such ‘community’ to leverage resources and networks and their means of collective action. Socio-environmental contention cannot be seen as a simple reaction to psychological grievances. Quite the contrary, they are deliberative in the sense that they are in a constant process of identifying the structural roots of socio-environmental conflicts, establishing discourses and strategies that often transcend the local (Fabio de Castro et al., 2015, p. 335; Kurtz, 2003). Such interpretation of the threats and opportunities is also determined by the context. An important number of scholars for example, have analysed how the political and economic

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<sup>37</sup> Own translation from Corte Suprema, Flores and others against Minera Los Pelambres Rol 12938-2013. Decision 21.10.2014, par. 20.

decisions to promote the extractive pillage in Latin America have transformed the cultural heritage historically created by indigenous peoples in the region (Alimonda & Escobar, 2011, p. 11). Some authors have tried to understand socio-environmental movements from the historical ontology of dispossession suffered by indigenous communities (Acuña, 2015) and through the usage of an environmental frame and language, something that was not recognised 'until the 1980s because actors in ecological distribution conflicts often have not used an environmental idiom to express their grievances' (Martínez-Alier, 2000, p. 45). Examples of the creation of frames are also abundant in the literature studying socio-environmental movements. We can find cases of language creation through conflicts over water resources in Chile and Argentina (Bottara, Latta, & Sola, 2015), and the creation of meaning and history attached to the land in Chile (Bowen, Fábrega, & Medel, 2012), the creation of discourses in mining resistance in Ecuador (Buchanan, 2013), the creation of popular imaginaries in Peru and Bolivia (Carmona, Rodríguez Castro, & Sánchez, 2013), or how external people have been able to create a 'moral identity' in communities related to mining operations in northern Chile (Carrasco, 2014).

Such representation of the reality is determined, to some extent, by the networks that support the community or movement. The representation of the opportunities and threats will make a given community or movement to seek the support of certain networks and organisations which may enhance such representation of the reality. Yet, networks and organisations can also determine the perceptions or creation of the reality, becoming part of the ecosystem of the community that reacts. César Rodríguez-Garavito uses the term 'ecosystem' to understand the network relation in socio-environmental mobilisation. He does so in order to defend the diversity in the composition of social movements in Latin America, arguing that those that have critiqued the fragmentation of social movements have failed to actually understand the interrelations between different discourses and actors (Rodríguez Garavito, 2014). This concept also serves to understand the heterogeneous socio-environmental organisations against extractivism that exist in Latin America, i.e. it is fruitful to analyse that it is not as a unique structure nor a unique architecture which defines this movement. On the contrary, ecosystems are in constant development, not only in terms of their actors and the relationships they may have with other ecosystems of mobilisation (for example, the human rights ecosystem), but also, a movement can constantly generate and elaborate new discourses and themes, without the fear to lose its unity.

Moreover, the construction of frames, representation of the reality and availability of resources also determine, to some extent, the forms of collective action undertaken by the

community/movement. In the context of contention, the aim of the community/movement is, by definition, conflictual. The means used by each mobilisation are also dependant on the frames and resources, available for each community. As will be explored in the empirical cases, the forms of direct action are the most common means used in Latin American socio-environmental conflicts. But it is also possible to observe more sophisticated means such as awareness raising campaigns and legalisation of the protest, especially when a conflict gains certain structure and networks. Something that is very strong in the context of socio-environmental mobilisations in Latin America is awareness-raising through academic publications, which requires the support of specific networks that allows social mobilisations to go beyond the local (Rodríguez Garavito, 2016). The awareness campaigns have also been fundamental for the creation of local consultations. According to Marta Conde (2017), from 2002 to 2012, there have been 68 consultations that allowed local decisions towards mining projects to be made in five countries of the region, a process that according to the author is constantly increasing in Latin America (p.85). Finally, and as will be explored in the empirical cases, socio-environmental movements have increasingly used legal mobilisation to oppose extractivism, a process that has been catalogued as judicial extra-activism (Kidd, 2016). This process has followed two macro strategies: a. the judicialisation of protest at the administrative, local, national, regional and international level; and b. the intention to generate legislative changes to support the socio-environmental struggle, through 'legal frameworks that aim at the construction of new environmental institutions' that often enter 'in collision with the current public policies of extractivist cut' (Maristella Svampa, 2013b).

In sum, to understand the forms of contention and the aims of a community/movement, it is necessary to observe how the context, the frames, the available resources and networks interact. The combination of these processes can determine the willingness of a certain community to have strictly local objectives (e.g. to stop a project) to objectives of a larger scale, such as the change of the economic model at the national level or representative forms of participation. But this is just one part of the relations demonstrated in **Figure 5**, as anticipated, these objectives and forms of mobilisation are also shaped by threats and increasing levels of counter-mobilisation generated by the company or the state.

#### Limitations to socio-environmental contention:

State and companies can also represent the opportunities and threats given by an extractive project and use them to mobilise resources and discursive frames. Faced with the growing offensive of social contestation and communities that resist extractivism, companies and

governments have used different means and created frames and networks to develop the projects. The recognition of the potential damage that the anti-extractive mobilisation can generate has been, then, one of the main catalysts for the creation of collective action frameworks for the extractive industry. For example, in response to widespread and growing criticism, the extractive industry has begun to pay great attention to its environmental and social impacts. This has recently manifested itself in the proliferation of discourses, policies and strategies of CSR, environment, sustainability and human rights (H. Jenkins, 2004).

Yet, the forms of resource mobilisation of companies and states tend to differ when compared to social movements. Needless to say, civil society organisations must constantly strive to develop material resources (mainly access to monetary resources), which is usually not a problem for extractive companies or the state. On the other hand, companies do not have the capacity to mobilise adherents seen in civil society movements; there is no known mass mobilization in favour of a company or a hunger strike by mining executives. Therefore, it is that companies tend to generate support networks with key players to develop their business. So it does not seem strange to see links between extractive industries and the media, political sectors, academics, legal teams, among others (Gudynas, 2017).

Such frames and resources have derived in processes of counter-mobilisation. In this study, counter-mobilisation is understood as the actions of companies, state or third actors that seek to break, diminish or placate the power of social contention against extractivism. Such process can take the form of direct action, which may end in repression or even in killings of human right defenders. But also, it can take the form of more sophisticated forms of repression and violations of human rights. For example, through the usage of Corporate Social Responsibility (CSR) frames, companies can end up generating division of communities, criminal prosecution of community leaders, generation of ‘academic’ reports to contrast the arguments of the communities, among others. This situation, in turn, generates threats for communities and movements that oppose extractivism and opportunities for state and companies.

Corporate counter-mobilisation resembles social mobilisation in that it seeks to generate a collective identity and generates unconventional actions against its opponents. The objectives of counter-mobilisation are material (to defend investments and their growth), but also immaterial, in that they generate an identity and culture protected by the benefit of development and the social and environmental sustainability of their actions. Perhaps one of the differences with social movements is that the business counter-mobilisation has a double

militancy as it remains with certain autonomy as a movement, but it also acts many times within the institutional political apparatus. These are cases where corporate counter-mobilization manages to influence politics, through agreements, strong lobbying, or campaign financing. When such political opportunities are not sufficient, then the corporate counter-mobilisation acts using unconventional methods such as community divisions or the use of violent actions. Both actions, inside and outside the institutional framework, seek to expand the rights and privileges of the business class. In this they also differ from social movements. While these are –usually- born of marginalisation and seek the concretion of certain rights, the corporate counter-mobilisation seeks to expand the rights and franchises of a privileged class within society (Payne, 2000).

### Causal mechanisms in contention against extractivism

The focus on the relations and mechanisms between different factors analysed in this section lays the groundwork for the empirical analyses to follow. Rather than focusing in the political opportunities, incentives and resources as separated categories; the theoretical framework developed in this study suggests that we need to focus on the relations between these factors. Put differently, political opportunities, organisational resources and mobilisation frames can play a key role in understanding conflict, but they do not say much about the processes that generate such conflict in particular times and places. Moreover, it is also necessary to focus on the process of counter-mobilisation developed by companies and the state, as they may create or reinforce opportunities and threats for social contention in the context of extractivism.

### **III. Conclusions**

This chapter has drawn on the mobilisation literature to develop a framework for assessing contention against extractivism. To do so, the first part of this chapter analysed three different, but interlinked, attributes that explain social contention against extractivism. Building on the theoretical approaches that analyse the political opportunities (C. Tilly & Tarrow, 2006), framing processes (Gamson & Meyer, 1996), and organizational resources (Freeman, 1979) this study combine them with case studies and literature on social conflict against extractivism in Latin America. Such a theoretical approach serves not just to understand the scholarly evolution but also to adapt it to the specific context of socio-environmental contention in Latin America.

The first part of this chapter concludes that these variables do not say much when analysed as separate categories. To understand social contention it is necessary to understand the relations or casual mechanisms between each of them, a process undertaken in the second part of this chapter. For example, the interpretation of the opportunities and threats of a given extractive project in a given political and economic context, determine to some extent the capacity of a community to leverage resources and networks and their means of collective action. Such relations show just one part of the story, i.e. how mobilisation is able to create and interpret their opportunities in a given political and economic context. But, to understand the whole picture, it is also necessary to examine the processes of counter-mobilisation adopted by companies and governments and how they can create further facilitation or constraints for the aims of the social movement.

To analyse this process in more detail, the next chapter will examines the process of contestation/mobilisation against extractivism in Chile a country which offers a politically stable platform for mobilisation, yet which has a high dependence on the extraction of natural resources, which tends to limit the possibilities for successful mobilisation against extractivism.

## **CHAPTER 3: RESISTANCE AGAINST EXTRACTIVISM IN CHILE**

This chapter gives an overview of social contention against extractivism in the case of Chile. Using the theoretical framework developed in previous chapters it analyses the political opportunities, frames and resources for social contention and how they vary across time and space at the national level. To do so, firstly it describes the context of extractivism and how, since the return to democracy, the extraction of natural resources has intensified in Chile. This situation has forced the extractive frontier to move towards territories that have not previously been subject to extraction, generating local environmental and social pressures. Then, the chapter makes a detailed analysis of the political opportunities, frames and resources available for social contention against extractivism in Chile.

Chile represents an example of having high levels of extractive dependence and relatively high levels of reported episodes of socio-environmental mobilisation. As seen in the introductory chapter, Chile has one of the highest rates of socio-environmental conflict per capita when compared to other countries in the region. In other words, it shows the relation between high rates of extractivism (mainly mining and forestry extractivism) and significant levels of reported cases of social contention.

While at the national level, it is possible to observe closed political opportunities and increasing cross-mobilisation frames and availability of resources, such conditions are not evenly distributed. This study documents important variation of contention, depending on the geographical context, the stage and scale of the project, the demography of the community that mobilise and its capacity to access resources. This sets the scene for the empirical case studies in subsequent chapters.

### **I. Extractivism in Chile**

Socio-environmental movements recognise that the Chilean economy is based on a form of predatory extractivism that has been present in the country since Augusto Pinochet's regime. In April 2016, I participated in a national assembly and subsequent march congregated by several socio-environmental organisations in southern Chile. The assembly brought together over 350 individuals, representing a diversity of local movements concerned with the impact of extractivism in the country. The protest that followed attracted over 4,500 people who marched through the streets of Temuco, representing the plurinational emphasis of these

claims.<sup>38</sup> I highlight this assembly not just for being a clear example of a cross-movement socio-environmental network, but also for the emphasis and common conclusions that arose during this event. An assembly where different voices stressed the importance of a common diagnostic: the negative consequences of neoliberalism and the current political intentions to expand the extractive frontier, in areas such as mining, forestry and energy. It was particularly interesting to understand the motivations of different movements in the crosscutting themes discussed during the assembly. All of them had the same aim of repealing the liberal framework governing natural resources in the country (OLCA, 2016). The Assembly concluded that this model of exploitation of natural resources is a clear form of predatory extractivism, and leads to local and national conflicts.

The form of predatory extractivism created during Pinochet's regime has been deepened since then by democratically elected governments. After over 25 years of democratically elected governments it is possible to observe a form of large-scale extractivism, both in terms of its volume and environmental intensity, with a governance over natural resources that is highly dependent on the resources of FDI. This model of extractivism has overturned the historical path of state-led extractivism that has existed in the country until the mid-1990s, promoting instead a form of extractivism that is highly dependent on international markets in an undiversified local economy. A mixture of political and economic factors that has generated both a form of predatory extractivism and the subsequent social conflict accompanies it.

Chile is well known for being a highly extractive country, mainly in mining, but also to some extent in the agricultural and fishery sectors (Banco Central de Chile, 2014). Within the mining sector, copper has become the most important mineral in terms of extraction. In 2015, 29.9% of the global extraction of copper in the world was exploited in Chilean territory (Comisión Chilena del Cobre, 2016a), maintaining a trend that, since 1982, has made Chile the largest copper extractor in the world (CEPAL & UNASUR, 2013). Chile also occupies the third place globally in the extraction of molybdenum, with 38.7 thousand tons in 2013 (Comisión Chilena del Cobre, 2014a), fifth place with regards to silver, with 1,217.8 tons (2013), and fifteenth place in terms of the extraction of gold, with 48.57 tons (2013) (Comisión Chilena del Cobre, 2014a). With regards to non-metallic mining, Chile occupies

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<sup>38</sup> Temuco is the capital of the Araucanía region in southern Chile and a historical centre of the Mapuche territory: *Wallmapu*.



second place in the extraction of lithium with 65,620 tons (2012), which accounted for 37% of total global production (Comisión Chilena del Cobre, 2013).<sup>39</sup>

**Table 8:** World ranking and level of extraction in Chile (2013)

Commodity	World ranking	Tons (2013)
Copper	1st	5,776
Molybdenum	3rd	38,700
Silver	5th	1,217.80
Gold	15th	48.57

**Source:** own creation based on (Comisión Chilena del Cobre, 2014a)

Directly related to the scale of extraction, is the intensity of it. For example, Chilean copper mining activity uses 14.7 cubic meters per second of water and the Chilean government estimates that in the next ten years this sector will increase its water consumption by 66%, reaching 24.6 cubic meters per second (Comisión Chilena del Cobre, 2014a). Even when efforts to use desalinated seawater have been made, so far, the mining sector has consumed mostly freshwater. The use of energy is also intrinsically linked to mining activity. In 2011, the mining sector in Chile, used 39% of the country's total energy (INDH, 2012, p. 247) and it is expected that the consumption will increase 81.84% in the next ten years. Currently the mining sector uses 22 Terawatts/hour (TW/h) and it is expected that by 2025, it will use 45 TW/h. This means that 18,000 gigawatts/hour (GW/h) should be incorporated into the interconnected electricity system to supply this demand. The decrease in the quality of minerals increases significantly the amount of water and energy used in the mining process (Martinez-Alier & Walter, 2016). As already analysed such decrease in the quality of minerals is moving the extractive frontiers into inhabited places that see a decrease in the levels of water and an increase in the price of energy with the arrival of mining projects.

**Table 9:** Expected increase in water and energy consumption by copper mining in Chile

	2014	2025
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<sup>39</sup> In terms of fuel extraction, Chile does not have an important role globally. In 2013 Chile extracted 401,428 cubic meters of crude oil and 893 million cubic meters of natural gas (Comisión Chilena del Cobre, 2014a).

Water consumption (m <sup>3</sup> /s)	14.7	24.6
Energy Consumption (TWh/h)	22	45

**Source:** Own creation based on (Comisión Chilena del Cobre, 2014a; INDH, 2012)

Although mining has increased in scale in recent years, its contribution to national GDP has decreased. Thus, in 2008, mining extractivism represented 18.4% of national GDP, while in 2013; this was 12.11% (Banco Central de Chile, 2014). This is mainly due to the importance undertaken by other economic sectors such as business and financial services (18.9%), trade (11.2%) and manufacturing (10.1%), all of which have been highly influential in the national GDP. In this way, we could say that at the domestic level, Chile has diversified its economy, something the country still needs to do in its exports grid.

It is also important to note that extractivism in Chile is highly dependent on FDI. For example, in 2012, the total investment in the mining sector was \$ 9.416 billion, i.e. 72% of the investment in the mining sector, is given by FDI, representing a 56.6% of total FDI in the country (Comisión Chilena del Cobre, 2014a). The literature recognises that capital flows have been used as potential generators of employment and poverty reduction (Asiedu, 2004; Hoogvelt, 2001).<sup>40</sup> But, as already seen in the first chapter, the literature also emphasizes that openness to FDI, is capable of generating weak regulations in social and environmental matters, have less stringent tax laws and finally decrease the capacity of states to protect and promote human rights (Frankental, 2011; Sikka, 2011). The relationship between the negative impacts of FDI to understand extractivism has been also developed by the Latin American critical literature (see for example Gudynas, 2011). Taking into consideration these negative consequences, we will see in the next section, how FDI may be a generator of social conflict in the Chilean context.

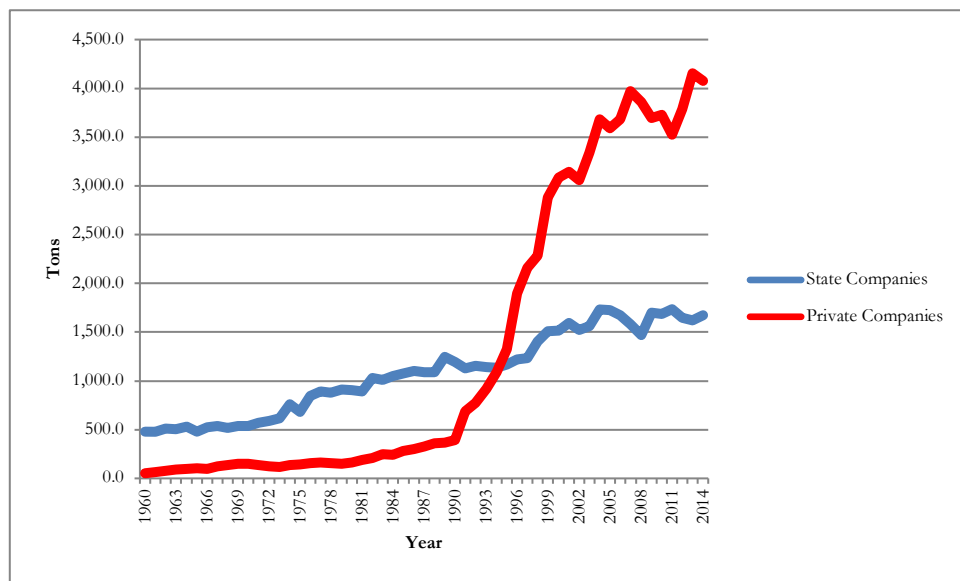
Though the importance of FDI in the extractive sector, Chile has a mixed model of extractivism. On the one hand the country has a state-owned platform for the extraction of minerals,<sup>41</sup> which prevailed as the most important form of extraction until the beginning of the 90s, alongside a form of private extraction which since the 80s started to have more

<sup>40</sup> Despite the arguments against predatory extractivism, it is difficult to find a direct relationship between the neo-extractivism development model and the reduction of poverty. Gamu, Le Billon, & Spiegel, (2015) go further and through the review of 52 empirical cases in relation to the links between extractivism and poverty, conclude that industrial mining is more frequently associated with poverty exacerbation, and artisanal mining with poverty reduction (Gamu et al., 2015).

<sup>41</sup> Mainly led by the state companies CODELCO and ENAMI.

importance in the country (see **Figure 6**). Chile remained as a state controlled extractive country until 1994. Henceforth, market liberalisation has promoted and incorporated new technologies, and the percentage of government extraction of the total amount copper extraction to reduce from 84% in 1973 to 29% in 2014. The remaining 71% of the copper in the country is extracted by private companies (Comisión Chilena del Cobre, 2015).<sup>42</sup>

**Figure 6:** Extraction of Chilean copper (Tons/Year)



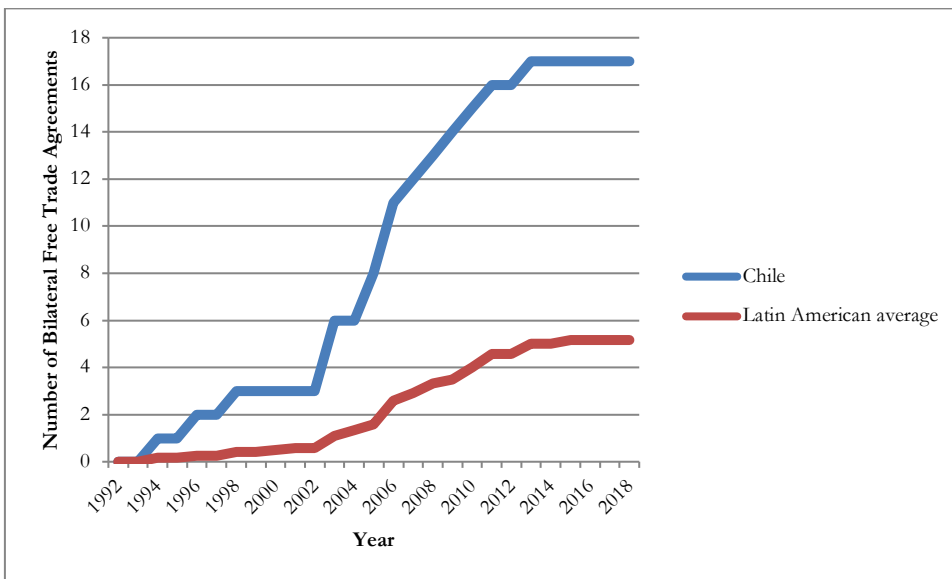
**Source:** Own creation based on statistics of COCHILCO (Ministry of Mining) <http://www.cochilco.cl/estadisticas/produccion.asp>

The system is also characterised by the low levels of tax payments by private industries. Between 2007 and 2011 tax controls on private natural resource production accounted for 3.2% of the GDP. A low rate if it is compared with other economies in the region such as Mexico (7.8%) Venezuela (9.4%), Bolivia (10.1%) and Ecuador (12.9%). Even if we compare it as a percentage of the total tax income, the 14.1% that represents the exploitation of natural resources in Chile (2012) is far from the revenues generated in Mexico (32.5%), Venezuela (39.2%), Bolivia (29.9%) and Ecuador (34.5%) (Comisión Chilena del Cobre, 2014a; J. A. Fuentes, 2013). James Otto (2007) makes a comparison of 24 mining countries, concluding that Chile is part of the 20% of countries with less efficient tax forms and higher private profitability.

<sup>42</sup> BHP Billiton, Rio Tinto, Antofagasta Minerals, Anglo American, among others.

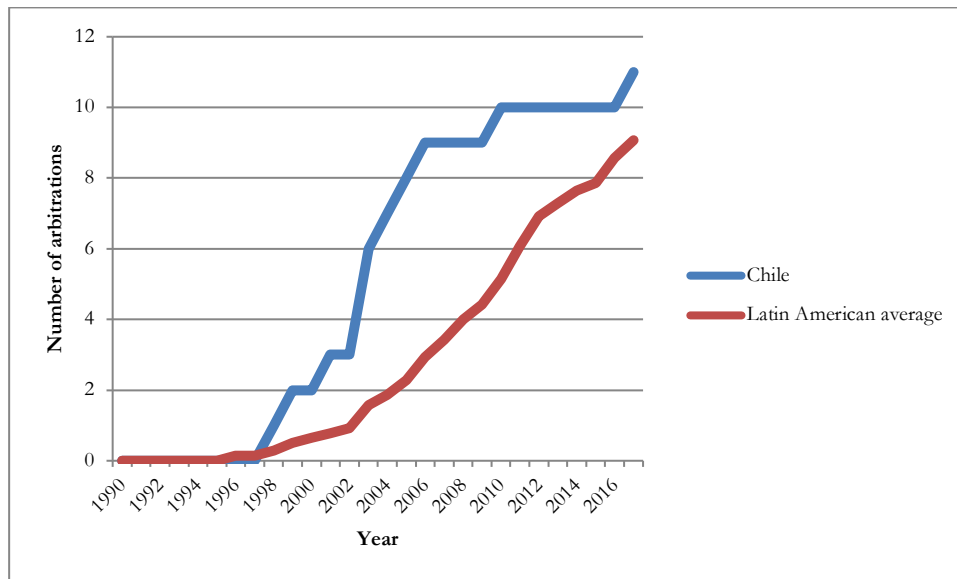
The liberalisation and globalisation of markets that occurred since the 1990s, analysed in the first chapter, is also present in Chile. Since democratically elected governments appear in the Chilean politics, the number of commercial agreements and bilateral investment treaties has increased over time. Since 1990 onwards it is possible to see an increase in the number of bilateral free trade agreements from 0 in 1990 to 17 in 2017, well above the Latin American average, as shown in **Figure 7**. Moreover, the commercial agreements (including regional agreements) increased from 0 in 1990 to 26 (that involve 64 countries) in 2017. As analysed in the first chapter, these agreements tend to limit the capacities of the state in terms of benefits to investors that usually end in arbitrations at the international scale. As an example, in **Figure 8** it is possible to observe an increase in the number of arbitrations that involve either Chilean claimants or respondents from 0 in 1990 to 11 in 2017, maintaining a trend that puts Chile slightly above the Latin American average.

**Figure 7:** Bilateral Free trade agreements in Chile and Latin American average



Source: Own creation based on statistical data from OAS: [http://www.sice.oas.org/agreements\\_s.asp](http://www.sice.oas.org/agreements_s.asp)

**Figure 8:** Number of ICSID arbitration in Chile and Latin American average



**Source:** Own creation based on statistical data from ICSID:  
<https://icsid.worldbank.org/en/Pages/cases/AdvancedSearch.aspx>

From this brief political-economic context analysis, we could conclude that Chile promotes a form of predatory extractivism. This form of predatory extractivism is highly dependent on the international features of extractivism analysed in the first chapter; elements that tend to generate conflict at the local level. In other words, it is a form of extractivism that has negative consequences for human rights and so, motivates and enhances the rise of social contention. The liberalisation of the economy and the special status given to extractivism within the Chilean economic and social model is possible –in part- because the Political Constitution is based on a liberal legal framework that gives special and superior status to the privatisation of extractivism (Yáñez & Molina, 2008). So, in order to unveil the current opportunities and barriers that social contention and mobilisation encounter at the national level, it is necessary to unveil the political archetype of extractivism, which in Chile has been inherited from the dictatorship, and the capacities of socio-environmental movements to generate frames and networks to contrast it.

## **II. Political opportunities for mobilisation against extractivism**

As argued in the previous chapter, if the political environment is favourable, then the groups that contend extractivism will have better chances to have successful outcomes. Put

differently, the political opportunities for social contention are related to the political structure of a regime (S. Tarrow, 2011). In the case of Chile, we can observe an important variation in political regimes, from repressive dictatorial regimes in the 1970s and 80s to transitional governments at the beginning of the 90s, which have deepened the levels of extractivism, but, at the same time, opened opportunities for mobilisation; for example, through the recognition of rights to freedom of expression, assembly and protest. As argued in the introduction, when compared to other countries in the region, Chile highlights as an economically and democratically stable country. Yet, as will be shown, the political and economic power is highly concentrated and centralised, limiting the opportunities for isolated communities to oppose the effects of extractivism. Moreover, while the levels of state repression in Chile, represented for example in the number of deaths of environmental defenders, are lower than other countries in the region, it is still possible to observe more sophisticated threats that limit the opportunities for social mobilisation in the country (Global Witness, 2017; OCMAL, 2016).

### Political governance of extractivism

The levels of extractivism, highlighted in the previous section, are a consequence of an economic strategy developed by the dictator Augusto Pinochet (1973-1989). Before the civil and military coup, at least from 1971 to 1973, Chile implemented a state-led control to regulate the extraction of minerals (Caputo & Galarce, 2008).<sup>43</sup> From 1973 onwards, Chile went through an anticipated process of liberalisation of the markets.<sup>44</sup> This liberalisation was marked by structural transformations of the Chile of Pinochet, which became a centre of experimentation for institutional reforms that would subsequently be replicated in part in other Latin American countries in the 80s and early 90s. From 1975 onwards, the Chilean dictatorship imposed a market-based dynamic as the main motor of the society, constructing a proper market society (Polanyi, 2007). Nonetheless, from the beginning of the 1980s, due to the financial crisis and the pressure of economic elites, that Pinochet places a special emphasis on extractivism (B. R. Schneider, 2004), generating a series of reforms that allowed the creation of a legal and institutional framework that promoted extractivism.<sup>45</sup> These

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<sup>43</sup> For example, on July 11, 1971, under the mandate of President Salvador Allende, Law 17,450 was approved, a law that nationalised the authority and extraction of copper in Chile. A day that Allende catalogued as a day of national dignity and solidarity, pointing out that 'Chile breaks with the past; it stands with faith in the future and starts the definitive path of its economic independence, which signifies its full political independence' (Allende, 1971).

<sup>44</sup> Compared to the rest of the region.

<sup>45</sup> It was not until the beginning of the 1980s and in reaction to the financial crisis and pressure of the Chilean economic elite, that the dictatorial government decided to legislate for the full legal security and privatisation

institutional transformations resulted in: a. the legal security of property on mining concession and thus on natural resources<sup>46</sup>, b. tax and commercial benefits<sup>47</sup>, and c. a flexible legislation on environmental matters.<sup>48</sup> A combination of factors that allowed Chile to be seen as an attractive country for investment by international extractive, mainly large-scale mining companies (Machado Araoz, 2009a).

The extractive model proposed by Pinochet, has remained almost the same. One of the main criticisms of the environmental movement is that 25 years of democratically elected governments have been unable to modify the structure behind the model of political economy imposed by Pinochet. The main criticism is that the transition to democracy has been unable to change the Constitution, which grants prominent status to the neoliberal extractive model. Increasingly, non-governmental organisations working in coordination with local movements have claimed that it is not just about changing the Law on Mining

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of natural resources. Thus, the privatisation principles that are present in the current model of extractive governance were developed during Pinochet's dictatorship as a way to avoid the pressures and financial loss of the elite. Examples of the legal instruments that completed this privatisation process are the Political Constitution (1980), the Water Code (1981), the Electricity Transmission Law (1982) and the Mining Code (1983). We observe then, a progressive consolidation of a constitutional and legal model that sought to privatise the common goods in Chile, giving full security to investors and thereby creating the conditions for a privatisation nexus between water, energy and mining in the country

<sup>46</sup> Although the 1980s Constitution enshrines the state's eminent property right over mines, it also establishes a regime of private concessions and provides them with a constitutional framework that gives them pre-eminence over other property rights. Thus, article 19 number 24 of the Constitution, establishes that all mining substances are subject to concession, excepting some that are reserved to the state. The first constitutional amendment that introduced the concept of 'full concession' is the 18,097 Organic Constitutional Law on Mining Concessions, which was later enshrined in the Mining Code of 1983, granting everyone the right to dig the land of any kind of property, except those included in the limits of an alien mining concession, in order to search for mineral substances.

<sup>47</sup> For example, CODELCO (the copper state-owned company) paid 28.7% of the final price between 1990 and 2001, while private companies paid only 5.3% (R. Pizarro, 2004; Yáñez & Molina, 2008). In the same sense, and by comparing 24 mining countries, James Otto concludes that Chile is among the 5 countries with the least effective tax legislation and the highest gain for the private sector (Otto, 2007). Moreover, The DL 600, issued in July of 1974, was a first effort to attract foreign investment. The DL 600 was a creation of the Pinochet regime to attract foreign investment and was mainly used to pay the external debt generated by the dictatorial regime (Cassese, 1978). But it was with Hernán Büchi - who also supported the neoliberal principles introduced by the Chicago Boys - as finance minister that the terms of the franchises were increased. The logic behind these fiscal benefits was then to attract the attention of foreign investors in a climate of mistrust in the capacities of the state. As an official of the Foreign Investment Committee recalls, 'to put money in Chile was like investing in Rwanda, you had to be crazy' (Ramos, 2011).

<sup>48</sup> Until the end of the dictatorship, the role of the Chilean State in environmental regulation was completely non-existent. Even worse, this was not simply a loophole in terms of environmental legislation, but the normative legal framework generated during the dictatorship sought to promote economic activities without taking into consideration the socio-environmental impacts that it would generate (Carruthers, 2001). As an example, the guarantee funds for environmental impacts were suppressed, there was a significant legal loophole in environmental mining liabilities, pollution standards were lower than those of the World Health Organisation (WHO) and the dictatorship ended up fragmenting the state-led control mechanisms (Machado Araoz, 2009a, p. 5). Thus, propitiating not only an uncontrolled mining extraction, but also uncontrolled exploitation of marine resources and the generation of an aquaculture industry completely exempt from environmental regulation (Altieri & Rojas, 1999), the destruction of native forests and the expansion of monoculture tree plantations (Clapp, 1998) and deregulation/privatisation of water.

Concessions or the Water Code, the main concern is about changing the Constitution itself.<sup>49</sup> The constitution as the superior law in Chile, gives the extractive model a higher status when compared, for example, with other property rights; which has limited the emancipatory ideal that the left wing used to give to the nationalisation of copper in the 1970s. Lucio Cuenca, director of the OLCA, an environmental NGO based in Chile, explains this claim by arguing that *‘the response from neoliberalism to oppose what mining represented for the left wing during the 60s and 70s in Chile, was brutal, not just because it was imposed with force, but mainly because it generated what has being known as plain concessions’*.<sup>50</sup> The liberalisation of the economy and the special status given to extractivism within this model is only possible because the constitution gives this special and superior status to the privatisation of mining activities.

This constitutional model was part of a political ideal inherited from dictatorship that until now has been impossible to remove. One of the impossibilities to change the constitution relies within the Constitution itself, as it establishes high *quorums* to change constitutional laws and a binominal political system that forces some equilibrium within the parliament.<sup>51</sup> The aim of this constitutional design is clearly expressed in the words of Jaime Guzmán, one of the main intellectual leaders behind the creation of Pinochet’s constitution, who using a football metaphor, established:

*[...] Instead of governing to do what, in greater or lesser extent, opponents want, it may be preferable to contribute to the creation of a reality that requires from anyone governing an attachment to its own requirements. That is to say, if opponents are governing, they should be constrained to follow an action not so different from our desires, because –as the following metaphor may explain- the margin of alternatives that the pitch imposes, in fact, to whom are playing in it, may be sufficiently reduced to make it really difficult to do the contrary (Jaime Guzmán, 1979).*

Apart from the legal difficulties to change the constitution, there is a generalised recognition, within socio-environmental organisations, of the lack of political will to change the extractive model. As will be show, this lack of will is due to both the belief that: (a) extractivism generates employment, and (b) resources to finance social programs. Nevertheless, as we have seen in Chapter 1 for other countries in the region, extractivism in Chile is not an

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<sup>49</sup> See for example the seminar on Constitution and Extractivism organised by OLCA on September 2015 (OLCA, 2015).

<sup>50</sup> Interview with Lucio Cuenca, Director for the NGO OLCA, at minute 11:46 to 12:14.

<sup>51</sup> It must be said that the binominal system was modified in 2015 (Law 20,840), but is too soon to make conclusions regarding the openness of opportunities that it may provoke for the socio-environmental movement. The first parliamentary election with a new political system (D’Hont) occurred in November 2017, a process that ended up changing the conformation of the Chamber of Deputies. While for over 25 year the parliament was conformed by two large coalitions, the new political system allowed the conformation of a third coalition (Frente Amplio) that gained 17% of the Chamber of Deputies seats.

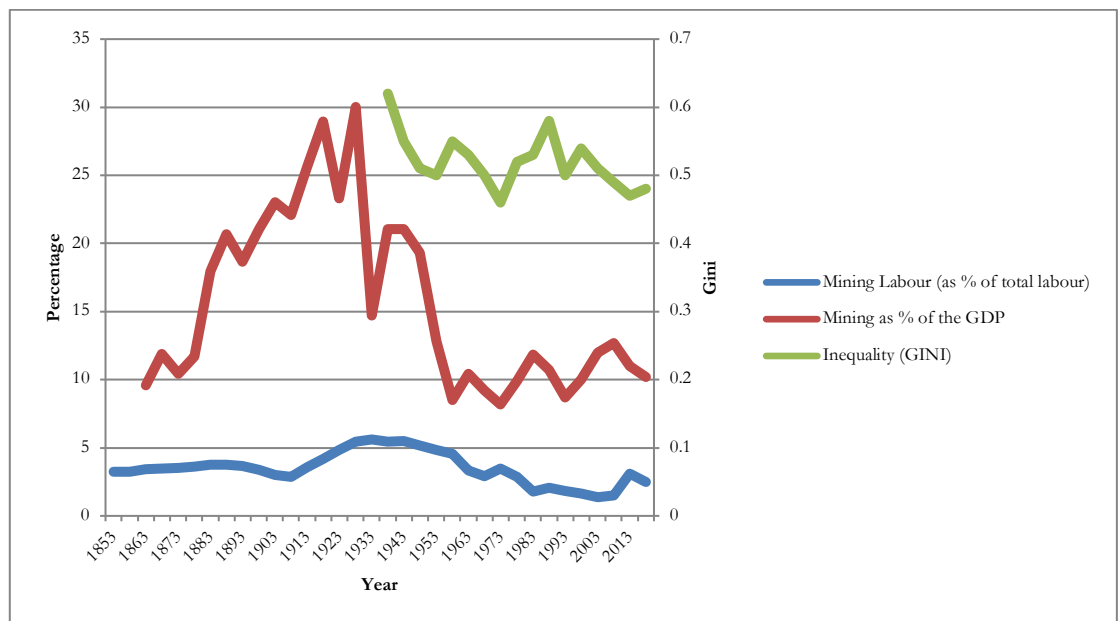


important source of employment, as it is a capital-intensive activity, nor it is a source of public income as the taxes paid by foreign companies remain low.

The first myth is that extractivism would be a source of employment. The truth is that looking at macroeconomic data on mining extraction, we can conclude that this is not the case. Though mining accounts for approximately 13% of the country's GDP and about 53% of Chile's exports, it is able to generate only 1.5% of the national labour force. Historically, at least since 1853, mining has not been able to employ more than 5% of the country's labour force (see **Figure 9**). This is because mining is a form of capital-intensive extraction and not labour intensive extractivism.

Likewise, it is not a significant source of public income either. With the low taxes paid by private companies, CODELCO's decline as a generator of wealth in the country and the export intensity of the common goods in the country, one would be hard-pressed to say, that extractivism contributes to poverty reduction or the distribution of wealth. And in fact, as shown in **Figure 9**, the levels of inequality have sustained over time. Mining is no longer the 'salary' of Chile.

**Figure 9:** Mining as labour force & %of mining GDP (1853-2017) GINI (1943-2017)



**Source:** Own creation based on COCHILCO and Banco Central statistics. Historical GINI, taken from (Rodríguez Weber, 2017)

The defence of the Chilean extractive model by democratically elected governments is therefore difficult to understand. Especially considering that the alleged economic 'miracle' generated by the Chilean political-economic framework during the dictatorship has not been

such. Indeed, different authors have demonstrated that the social and environmental consequences of predatory extractivism in the country constitute public expenses that may be superior to the public incomes generated by this activity (Babidge, 2013; Bresnahan, 2003; Carruthers, 2001). Also if we analyse the material flows, i.e. the balance between the export and import of materials,<sup>52</sup> we can see that Chile's material trade is negative (Russi et al., 2008).

### State centralisation and economic concentration

As argued throughout this study, the political centralisation of the state matters when understanding mobilisation. It matters in the sense that communities that are far from central powers have more barriers to gain political and communicational support. Historically, Chile has experienced an excessively vertical and centralist democratic process, which has mainly benefited the country's elite. This political model has been embodied in the Chilean Constitution and has become evident in the historic importance given to the presidential system and the scarce political space granted to civil society (Carruthers, 2001). Gabriel Salazar (2005) has argued that the Chilean political-economic model is based on the ideology of certain historical characters who have tried, in different contexts, to impose a certain political-economic order. This order began with Diego Portales who collaborated in the design of the 1833 Constitution and established - by force - a liberal and centralist model. This authoritarian regime was later consolidated in the political constitution of the state of Chile of 1925 (built by the Governing *Junta* and Arturo Alessandri Palma), a political context that allowed in 1955 under the Ibañez del Campo government, to prepare the Klein Saks mission. And ends with the concentration of power developed in the 1980 Constitution under Augusto Pinochet's dictatorship, which continues, with few modifications, as the main body of regulation in Chile.

Moreover, the liberalisation of the economy in Chile has led to concentrations of capital in few economic groups (J. G. Palma, 2016). These groups constitute important 'veto' actors for social mobilisation in the sense that they have tended to maintain the political and economic model, which has been described as hierarchical capitalism (B. Schneider, 2013).<sup>53</sup> The Chilean economic elite is characterised as a small and closed *club* that Ricardo Hausman,

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<sup>52</sup> Material Flows is taken from the analysis of social metabolism and it is understood as an economic analysis that aims to understand how a specific country which extracts high-quality materials and energy from the environment, processes them, and then returns them to the environment as low-quality residues.

<sup>53</sup> The author argues that Latin American Political systems have generally favoured elites that have reinforced existing political and economic institutions.

Director of the Centre of International Development at Harvard University, describes as a group that ‘comes from three or four schools, from two or three Universities and have the same last names’ (Juan Guzmán, 2015). According to recent studies, the top 1% of the population possesses between 22–26% of the national wealth, but pays a modest average effective income tax rate of 15–16% (Fairfield & Jorratt De Luis, 2015).<sup>54</sup> Even more critical is the Global Wealth Report 2016, published by Boston Consulting Group, which states that only 119 households, which represent is 0,02 % of the population, possess 15.12% of private wealth in the country (Alvarez, 2016).

The relationship between economic groups and politics have constrained the political opportunities for social mobilisation. While during Pinochet’s regime the environmental controls were inexistent, in the early 1990s the first environmental legislation was passed (Law 19.300). Nonetheless, its application was practically inexistent. Indeed, as will be shown, 95% of the projects were granted environmental certification in the 1990s. This was due to an environmental system that was permeable to economic interests (A. Rojas, Sabatini, & Sepulveda, 2003) and the strictly closed opportunities for social mobilisation that made, for example, the former President of the Republic, Eduardo Frei, to argue that ‘no project would be stopped in Chile due to environmental considerations’ (Sepúlveda, 2006).

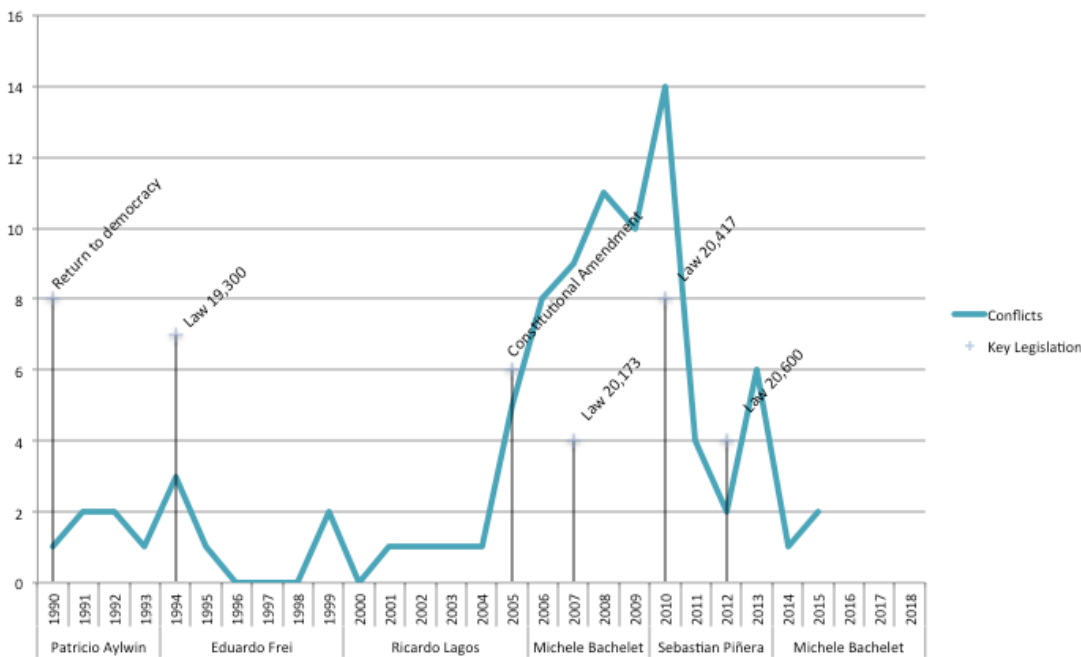
### Political opportunities

Since the return to democracy in 1990, it is possible to observe an increase in the levels of socio-environmental conflicts in Chile. The opportunities given by democratically elected governments are expressed, for example, in a reduction of the levels of state violence when compared to the dictatorship, but also on key legislative modifications and human rights standards ratification. Such opportunities are also reflected in the openness of different governments, which vary across time. As **Figure 10** represent, there is an increase in the levels of conflicts from the end of Lagos administration in 2004, achieving its peak in 2010 under the first year of Piñera’s administration. Such process is also crossed by a series of environmental and human rights legislations that tend to open and restrict the capacity of communities to mobilise, as will be further analysed.

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<sup>54</sup> The authors recognised that these levels of shares are the fifth higher in top income literature.

**Figure 10:** Timeline of socio-environmental conflicts in Chile and key environmental legislation



**Source:** Own creation based on (INDH, 2015c)

Despite the continuity of a liberal economic model highly dependent on extractivism, the new context of democratically elected governments has correspondingly opened space for social contention. Specifically, for the socio-environmental movement in Chile, the transition to democracy allowed a series of exiles that participated in Salvador Allende’s *Unidad Popular*, to return to the country. It was people that after living in Europe and the United States returned to Chile with clear ecological or environmental ideals, to contribute in this new political scenario. A significant portion of environmentalists who used to work in the civil society sector or at the United Nations in the 1980s joined the governmental apparatus both at the central and regional level. They believed that some changes could be made through formal participation within the state.

Indeed it was the case, as they could develop in a few years, an environmental institution that was inexistent during the dictatorship. Law 19,300 approved in 1994, during Eduardo Frei administration, sets the basis for the Environmental Impact Assessment (EIA), assessing the environmental effect of a project during its construction, operation or shutdown phase. The environmental framework is further developed by a series of laws that regulate environmental standards and institutions.<sup>55</sup> Within them, it must be highlighted Law 20,417

<sup>55</sup> This regulatory framework is complemented by a series of different statutory provisions such as: Decree Number 40 (2013) that establishes the Environmental Assessment regulations and Decree 38 (2013) that establishes the Environmental Quality Standards and Emission Norms. Within the Chilean legal framework,

(2010) that create a series of environmental authorities, such as the Environmental Ministry, the Environmental Assessment Service (hereinafter SEA for its Spanish acronym *Servicio de Evaluación Ambiental*), the Environmental Council of Ministries and the Environmental Superintendence and Law 20,600 (2012) that created the Environmental Tribunals.<sup>56</sup>

The legal framework governing environmental matters also regulates community participation.<sup>57</sup> A process that is mandatory in environmental studies, while in environmental statements it is only mandatory when the project has the potential to generate environmental effects in nearby communities.<sup>58</sup>

While the system can be catalogued as an important step to open political opportunities for social contention, it also limits it. On the one hand, the participatory process is highly technical and political, constituting a first barrier for communities that lack resources to participate. On the other hand, the participatory process is not binding, leaving the decision on whether to take consideration of them or not with technical institutions. These institutions end up deciding whether to grant or not the environmental qualification of a specific project, taking into consideration the requirements of the civil society and those proposed by the company, usually benefiting the latter. The environmental system also lacks the capacity to create jurisprudence on the criteria to determine if environmental certification should or should not be granted. This is a problem that is aggravated by the proliferation and fragmentation of weak institutions, the lack resources to evaluate the environmental impacts of a specific project and the lack of coordination between different institutions that have a say in the environmental assessment.

Another step forward for the socio-environmental movement has been the commitment of democratically elected governments towards human rights protection. Apart from the

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we can also find a series of environmental statues, such as: Law 20,283 (2008) also known as Native Forestry Law, Decree 148 of the Health Ministry (2004) that regulates Hazardous Management, among others.

<sup>56</sup> The regulatory framework in Chile, establishes that –depending on the impact of the project- the titleholder will submit an environmental statement or a study. In cases where the project will have an extensive environmental magnitude, the rights holder will need to present an environmental study; however, if the environmental effect is lower, the rights holder needs only to present an environmental statement. The institution in charge of granting or refusing permission is the SEA, an organisation that is supposed to consult sectorial authorities: Water Authority (DGA), Forest Corporation (CONAF), Agricultural and Farmers Service (SAG), among others, before deciding. The established timeframe to make an Environmental Qualification Resolution is 120 days (extendable to 180 days) for a study and 60 days (extendable to 90 days) for an environmental statement.

<sup>57</sup> Special consideration should be taken in cases of indigenous consultation, regulated under ILO Convention No. 169.

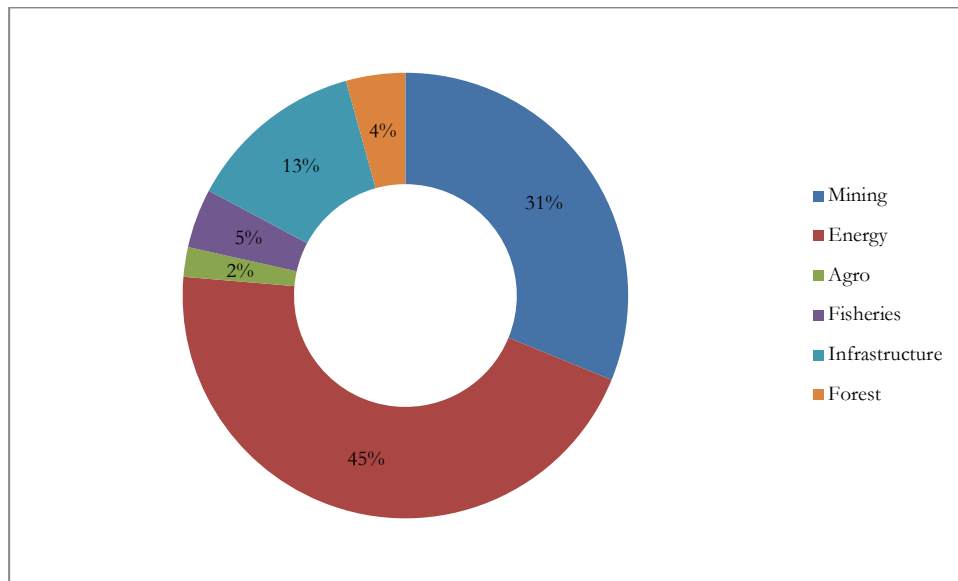
<sup>58</sup> To grant a space for community participation in environmental statements, it must be required by 2 non-governmental organisations or 10 individuals directly affected by the project. Though the legal framework establishes forms of participation, this process is not compulsory, giving the SEA the faculty to ‘consider’ the community comments and observations in its decision.

potential political opportunities of the environmental movement and its capacity to create an environmental legal framework that was inexistent during Pinochet's dictatorship, a key turn taken by democratically elected governments has been the recognition of international human rights standards and the creation of a framework that protects and promotes human rights in the country, a process that has created opportunities for social mobilisation. The transition to democracy was especially focused, not without difficulties, on mechanisms to advance truth-seeking, memory, justice, reparations and institutional reforms in Chile; mechanisms that could prevent the repetition of the atrocities committed during the dictatorship. As part of these mechanisms, the transition recognised and promoted the free exercise of civil and political rights such as the right to protest, the right to free speech and to participate in the political life of the country, which have created opportunities for the socio-environmental movement.

#### Scale, phase and forms of extractivism at the local level

As highlighted in the previous chapter, the type of extractivism matters when analysing the political opportunities and constraints for social contention. As already highlighted, conflicts tend to appear against certain extractive activities that may have larger impacts in the environment, such as the exploitation of oil and open-pit mining mainly if they take place in culturally or environmentally sensitive areas (Ali, 2003; Li, 2015). In line with this literature, according to the Chilean National Institute for Human Rights (2015c), over 75% of the conflicts in Chile are associated with mining and energy projects and the remaining conflicts are connected to infrastructure, fisheries, agricultural and forestry projects (see **Figure 11**).

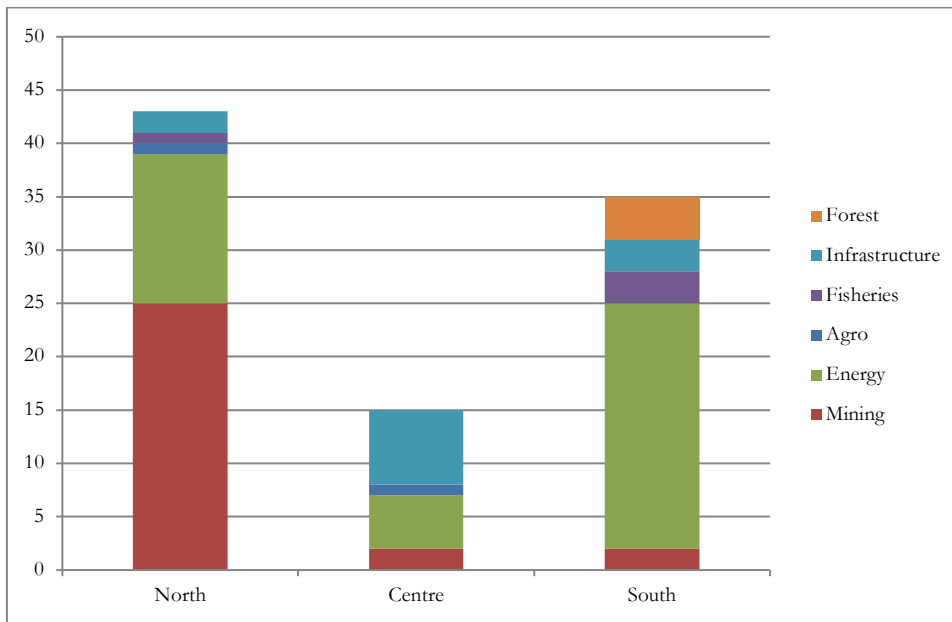
**Figure 11:** Total conflicts per sector (2015)



**Source:** Own creation based on (INDH, 2015c)

Yet, the conflicts per extractive sector are not homogeneously distributed across the country. The north of the country (including from Arica y Parinacota to Coquimbo regions) concentrate 86% of the mining conflicts, while the south of the country (from Bio Bio to Magallanes regions) concentrate 55% of the conflicts related to energy projects. Such situation has to do with the historical vocation of northern Chile as a mining hub and the concentration of water basins (suitable for hydroelectric projects) in southern Chile. Finally, it is important to highlight that despite the fact that central Chile has the largest concentration of mining reserves (Comision Chilena del Cobre, 2016), this zone (including Valparaíso, Metropolitana, Bernardo O'Higgins and Maule regions) concentrate only 16% of the environmental conflicts registered in the country, (see **Figure 12**).

**Figure 12:** Total conflicts per region and sector (2015)



**Source:** Own creation based on (INDH, 2015c)

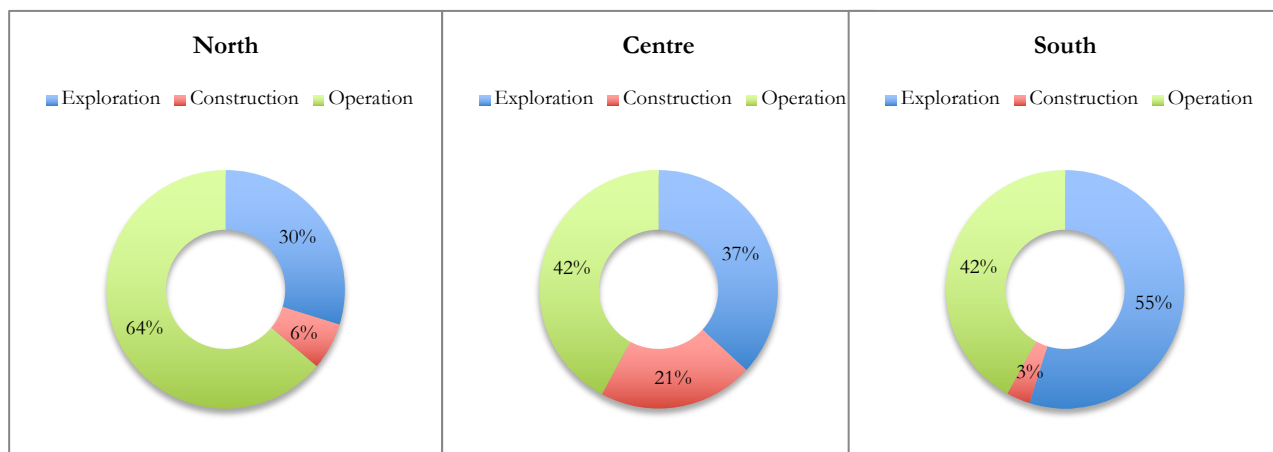
Such distribution of conflicts and its relation to distributive sectors creates different threats at the local level. The issues of land and water become increasingly important in the north of the country, where 78.4% of the territory is under mining concessions, generating an enormous pressure over communities and environments. In particular, the north of the country concentrates 78% of the mining projects and only 0.13% of the water reserves at a national scale (Comision Chilena del Cobre, 2017, p. 4). In the centre of the country, most of the conflicts have to do with infrastructure and large scale energy projects, built to sustain the increasing demand from the mining projects in northern Chile and the urban demand of energy in central Chile, the densest area of the country. Finally, in southern Chile it is possible to observe an increasing level of conflicts around energy projects situated and developed in indigenous (mostly Mapuche) territories (INDH, 2013; Ministerio de Energía de Chile, 2017).

Finally, the stage of the project may give opportunities or limit the capacity for social contention. In an exploration phase, communities are more likely to oppose the project as they still have the possibility to stop it, while during construction phase communities will tend to seek compensation, environmental impact reduction, jobs or the restitution of the land. The construction phase in particular is the phase of extractivism that generates larger job opportunities and expectations for the community. During the operation phase job opportunities decrease and the environmental damage become evident, usually resulting in rising grievances (see for example Bebbington, Humphreys Bebbington, et al., 2008; Conde



et al., 2017; Franks, 2009). The geographical distribution of conflict in Chile also may allow saying something interesting about the stage and opportunities for social mobilisation. In northern Chile most of the projects are already in operation, something that is concordant with the amount of conflicts in the operation phase (64%). The extractive frontier is increasingly moving to the south of the country. In centre Chile, for example, there is an increase in the conflicts in the construction phase (21%), while in southern Chile, most of the conflicts are related to an exploration or prospection phase (55%) (see **Figure 13**).

**Figure 13:** Phase of project of the total conflicts per region (2015)



Source: Own creation based on (INDH, 2015c)

### Political opportunities: relation to frames and resources

The previous analysis highlights the uneven opportunities for mobilisation experience over time and space. As analysed the political opportunities for mobilisation experienced an opening with transition to democracy in 1990. Yet, such opportunities have varied enormously in the 28 years of democratically elected governments. From low levels of mobilisation at the beginning of the 1990s to the rise of social conflict from 2004 onwards, reaching a peak in 2010. While the macro-political analysis helps understanding the patterns of mobilisation, it does not give us the sufficient information to understand the causes of conflict at the local level. As highlighted, such opportunities will also depend on the forms of extractivism, the phase of the project and the region where it is developed. Moreover, as highlighted in this study, such opportunities may be also opened through processes of frame creation and through the availability of resources for mobilisation, as will be analysed in the following sections.

### III. Incentives to mobilise: Perceptions, framing and identity

The political opportunities and restrictions observed in the previous section may help understanding the creation of a socio-environmental frame and discourse in Chile. As highlighted throughout this study, collective frames are both constructed and adopted by members of a movement giving them capacity to ‘assign meaning and to interpret relevant events and conditions in ways that are intended to mobilise potential adherents and constituents to garner bystander mobilisation, and to demobilise antagonists’ (D. A. Snow & Benford, 1988, p. 198). That has been the case of the socio-environmental movement in Chile. From the return to democracy, it is possible to observe key mobilisations against extractivism, from the capacity of the Mapuche-huilliche people to oppose the Golden Spring forestry project in 1993 in Chiloé (Sabatini, 1997) to the Gas Andes conflict that began in 1994, or the struggle of the Mapuche people who fought against the construction of the Ralco dams in 1996 (Carruthers & Rodriguez, 2009). These are successful examples that are milestones for the socio-environmental movement in Chile, conflicts that have increasingly created a framework of socio-environmental resistance, and one that has progressively created different kind of resources to oppose extractivism.

#### Setting an environmental framework during the dictatorship

During the dictatorship, the environmental movement was perceived as apolitical, that is why it was one of the few civil society sectors that were not repressed. From the very beginning of Pinochet’s regime, some academics such as Juan Grau and Rafael Elizalde – recognised as the first promoters of the environmental movement in Chile- were able to express their discontent with the lack of environmental protection and to campaign for the defence of the environment and the protection of certain species (Aldunate, 2001). The academic background behind these debates allowed the incipient environmental sector to analyse and discuss the policies implemented during the dictatorship. For example, in 1979 the *Centro de Investigación y Planificación del Medio Ambiente* (CIPMA) was formed. CIPMA was an academic centre of studies that tended to create bounds between economic development and the protection of the environment (Geisse, 1993). Also, at the beginning of the 1980s we can observe the formation of a new movement that mixed patterns of esotericism, and activism (pacifism, feminism and environmentalism) led by Lola Hoffman who ended up

forming the NGO Casa de la Paz. All these organisations were perceived as apolitical, a strategy that served to survive in the repressive dictatorial environment of the Pinochet regime (Ulianova & Estenssoro, 2012, pp. 188–189).

By the end of the 1980s, during the last years of the dictatorship, the environmental sector in Chile was strengthened. The increasing importance of the environmental movement is related to at least two factors. Firstly, while at the beginning of the dictatorship international assistance to Chile was focused mainly in the humanitarian crisis, by the end of the 1980s some governments observed the importance of environmental issues. The lack of will of these international aid agencies to deal directly with a dictatorial regime allowed the environmental movement to receive these resources without the intermediation of the State. Secondly, a series of exiles began to return to the country. Mainly academics and politicians who after living in Europe and the United States brought an important ecological discourse, frame and contacts in the UN and other international organisations. This was the case of Manuel Baquedano, who after having been influenced by the green party in Germany, created the *Instituto de Ecología Política* (IEP) in 1987. Or the case of Manfred Max-Neef, who received the alternative Nobel of Economics in 1983, for his theory of human scale development (Max-Neef, 1992) and who founded the *Centro de Estudio y Promoción de Asuntos Urbanos* (Cepaur).

In 1988, the first formal socio-environmental network was created in the country. The same year that the Chileans had to vote either to continue with Pinochet's regime or to withdraw from the dictatorship, the *Red Nacional de Acción Ecológica* (Renace) was created.<sup>59</sup> This network, led by Sara Larraín, established transnational bonds with similar organisations in Argentina, Brazil and Uruguay. It also was able to create cross-movement and intersectional mobilisation with religious, pacifist and feminists groups, coordinating and organising over 150 different non-governmental organisations at the national level (Liberona, 2000). Taking into consideration the European alternative movements of the 1960s and 1970s, Renace was established as a non-hierarchical, decentralised, non-governmental and autonomous group; a status that differentiated this network from political parties in the country. Their main tactics or means were to create awareness campaigns at the national level and to use their political connections to lobby; in the case that these means did not have effect, they worked in connections with international organisations in order to give more force to their

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<sup>59</sup> Both Sara Larraín and Flavia Liberona were important actors in the creation of this network and both will continue, as will be shown, to be important leaders of the environmental movement in the country.

campaigns, mainly when the issue that they wanted to raise involved international companies (Ulianova & Estenssoro, 2012, p. 193).

### Transition to democracy

With the return to democracy, the transformation of the environmental movement was unavoidable and tended towards its professionalisation. This is a period that can be better described under the theoretical framework developed by McCarthy and Zald, i.e. it can be described as a Social Movement Industry (SMI) (McCarthy & Zald, 1977, p. 1223). The creation of this SMI is related with a series of factors. Firstly, as has been analysed, many important constituents of the environmental movement started to work directly in the government. So, the central government and formal political parties started to implement and appropriate the environmental discourse. Secondly, different forms of international aid (bilateral and multilateral) began to have direct relations with the newly democratically elected government. In this context, the NGOs that were created by the end of the 1980s and that created important networks, started to compete for the increasingly scarce resources available from international aid. Also, to achieve their aims and to gain the necessary resources, they needed to have relations or direct communication with the government. This process led to the increasing professionalisation of the environmental movement that started to work in specific projects, to have mechanisms of accountability and to develop a more rigorous social and environmental discourse.

Regardless of this initial political prominence, socio-environmental organisations failed in creating a political force. Like other Latin American countries, the green political faction in Chile has not been able to challenge the elite leadership of formal political parties. On the contrary, political parties assumed the environmental concern and introduced them within their own political discourses, making it difficult to generate an independent ecological or environmental political force. In part, the environmental movement was not able to dispute formal leaderships, because they were not able to generate a network of political parties, something that happened in Europe during the 1980s and 1990s (Ulianova & Estenssoro, 2012, pp. 193–195). The best examples of the lack of capacity to generate a clear political force may be found in the Presidential elections of 1993, 1999 and 2013. In the 1993 elections the candidate of the Movimiento Ecologista was Manfred Max-Neef, who obtained 5.5 % of the national votes; in 1999, the Presidential candidate was Sara Larraín who obtained 0.4 % of the national votes; and in 2013, the candidate for the Partido Ecologista Verde was Alfredo Sfeir, who obtained 2.35 % of the national votes. In a scenario that strengthens the

political duopoly, the environmental movement has to negotiate with formal political forces if they want to influence the political scene.

Nevertheless, the socio-environmental movement has had some degree of formal political success. Probably one of the most important political achievements, as seen in the previous section, was the creation of an environmental institution that was inexistent during the dictatorship. The process of creating this new environmental institution was not an easy task for the environmental movement, as the defenders of the economic model inherited by Pinochet's dictatorship were still in powerful decision-making positions such as the Industrial Development Society (SOFOFA) and the National Society of Agriculture (SNA) and supported by important think tanks such as the Centro de Estudios Públicos (CEP) and Libertad y Desarrollo, organisations that fought to maintain a permissive environmental legislation (Estensoro & Parker, 2017, pp. 50–51). Despite their efforts, the environmental law was approved in 1994. However, the counter mobilisation of elite groups ended up generating an environmental institution that has been criticised for its lack of legitimacy, poor information and participatory processes among other criticisms (Carruthers, 2001; del Fierro & Perez, 2009; A. Rojas et al., 2003).

The lack of independent political force has driven socio-environmental organisations to find different spaces to influence and expand their demands. While the socio-environmental movement in Chile has had some capacity to constitute political parties and to have representation at the sub-national level, the reality is that their political influence is scarce. So, the socio-environmental movement has had to search for political influence in non-formal political spaces, mainly through advocacy and direct action. This, in part, is due to a rejuvenated environmental movement, a group of people catalogued as the 1990s and 2000s generation who have been able to influence both local and national environmental movements.

#### New discursive strategies

The political blockade of the environmental issue at the national level has been fundamental in the emergence of new discursive strategies. For example, in cases such as those of Ralco, Celco and Pascua Lama, local organisations took up with force indigenous and human rights discourses to deal with the effects of extractivism (Cuadra Montoya, 2014, p. 156). Such interrelation of discourses is in line with developments made both, by the international

human rights system<sup>60</sup> and the Inter-American Human Rights system.<sup>61</sup> While not much has been done in terms of recognition of business accountability for human rights violations at the national level, it must be recognised that some advances had been made in terms of rights of indigenous peoples,<sup>62</sup> the right to water,<sup>63</sup> labour rights and the right to live in a healthy environment, albeit at an irregular rate. As will be seen, the recognition of these rights and the mechanisms for compliance have –increasingly- been used by the socio-environmental movement in Chile.

As highlighted in the introduction, 39% of the conflicts involve indigenous territories (INDH, 2015c). Such percentage is relatively high, if we consider that in the last census 12.8% of the total population in the country considers itself as belonging to an indigenous people (INE, 2018). As highlighted in **Figure 14**, extractivism tends to develop higher pressures in indigenous territories situated in northern and southern Chile. Specially, it concentrates high levels of conflicts in the extreme North, in particular in Arica y Parinacota that have high concentration of Aymara and Diaguita peoples (35.7% of the total regional population) and in the Araucanía, Los Ríos and Los Lagos regions that have a large

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<sup>60</sup> On 2005, the United Nations High Commissioner for Human Rights, prepared a report on the situation of human rights in the context of extractive industries: “Human rights and the extractive industry” Report of the United Nations High Commissioner for Human Rights, Hum. Rig. Comm., 62 Per. Ses., Agenda 17, U.N. Doc. E/CN.4/2006/92 (2005). Other reports have seen the sectorial impact of extractive industries in vulnerable groups such as indigenous people’s (see for example Extractive industries operating within or near indigenous territories, Report of the Special Rapporteur on the rights of indigenous peoples, Hum. Rig. Council., 18 Per. Ses., Agenda n. 3, U.N. Doc. A/HRC/18/35 (2011).

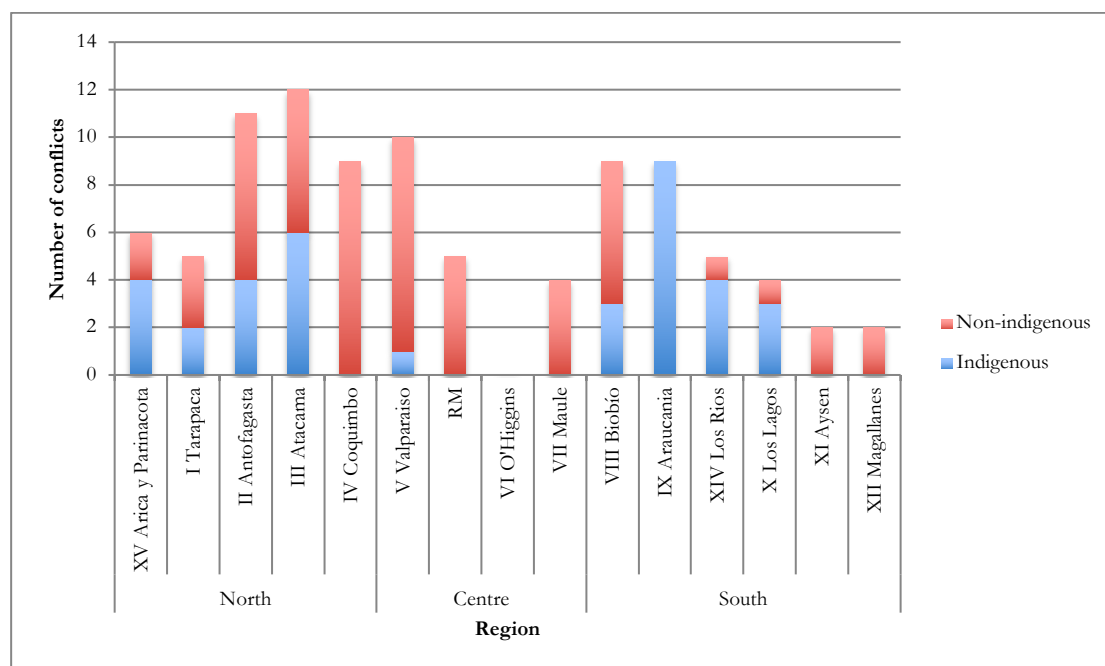
<sup>61</sup> The IAHRs has developed, at least three standards in the field of extractive companies and human rights. These are: a. The obligation of States to implement measures that allow participation of the affected communities; b. States should ensure access to justice when human rights are violated; and c. States should implement measures enabling communities to access information on extractive projects that may affect them, promoting the transparency of the information. See Report on the situation of human rights in Ecuador, Inter American Commission of Human Rights, OEA/Ser.L/V/II.96, Doc. 10 rev. 1, 24 April 1997.

<sup>62</sup> The normative framework for indigenous peoples is given by the United Nations Declaration on the Rights of Indigenous Peoples and International Labour Organisation (ILO) Convention No. 169 on the Rights of Indigenous and Tribal Peoples in Independent Countries. Also important are The International Covenant on Civil and Political Rights (ICCPR) arts. 1 and 27; International Covenant on Economic, Social and Cultural Rights (ICESCR); Convention on the Elimination of All Forms of Racial Discrimination; Convention on the Elimination of all Forms of Discrimination against Women; Convention on the Rights of the Child and Convention on the Biological Diversity.

<sup>63</sup> The normative framework for the right to water, which is especially important in arid northern Chile, where most of the mining activities are undertaken, is the recognition of water as a human right under the resolution of the United Nations General Assembly, adopted with the favourable vote of the Chilean representation. See CESCR, General Comment No. 14, The right to the highest attainable standard of health (article 12 of the International Covenant on Economic, Social and Cultural Rights), Committee on Economic Social and Cultural Rights, 22 Session, Agenda n. 3, U.N. Doc. E/C.12/2000/4 (2000)

concentration of Mapuche people (34.3%, 25.6% and 28.2% respectively of the total regional population) (INE, 2018).

**Figure 14:** Distribution of indigenous and non-indigenous conflicts per region (2015)



**Source:** Own creation based on (INDH, 2015c)

Due to the strong impact of extractivism in local territories, communities have generated discursive frameworks that take into consideration a human rights perspective. As will be shown in the next section, indigenous peoples have created important networks with other movements. At the national level they have relied on environmental and ecological discursive frameworks, as well as human rights. Such dialogue of knowledge, have opened opportunities for social movements to increasingly use different strategies to oppose extractivism, from direct action to forms of legal mobilisation.<sup>64</sup> In particular, the INDH recognise that there are at least 11 rights that are at stake when dealing with extractivism: right to water, right to Free, Prior and Informed consent (ILO Convention 169), right to a pollution free environment; right to territory and natural resources; right to territory and natural resources (ILO Convention 169); right to life; right to health; right of access to public information; right to adequate housing; right to participation; right to work; right to property; and right to food. Depending on the capacity of different communities to understand and interpret the context and effects of extractivism, these rights will take part of the discursive

<sup>64</sup> For a definition of legal mobilisation, see (Vanhala, 2012)

frameworks of each mobilisation. In other words, although extractivism has the potential to affect all these rights, they are unevenly distributed in the discourses of social contention. In particular, most of the contentions frame their grievances around issues of pollution and water and not much in terms of food, adequate housing and work (see **Table 10**).

**Table 10:** distribution of rights at stake of total conflicts (2015)

Right at stake	% of the total conflict
Right to a pollution free environment	89%
Right to water	47%
Right to territory and natural resources (ILO Convention 169)	46%
Right of access to public information	44%
Right to Free, Prior and Informed consent (ILO Convention 169)	33%
Right to participation	26%
Right to life	13%
Right to health	13%
Right to property	12%
Right to food	10%
Right to adequate housing	6%
Right to work	4%

**Source:** Own creation based on (INDH, 2015c)

The distribution of rights at stake and how communities frame their grievances may also tell us something about their constituents and networks. For example, the issues of territory and FPIC apply only to indigenous peoples and, as will be seen, peasant communities tend to frame their discourses around issues of water. Third actors supporting their demands also shape the capacity of local communities. As will be seen in the next section, communities in resistance to extractive projects are not excluded from national and global demands. In this way, they have been making these discursive frameworks their own and are using the tools created by national and international organisations, the so-called transnational opportunities.

As seen, while the environmental frame was present during the dictatorship, the transition to democracy opened space for legitimate political environmental discourse (Carruthers, 2001, p. 347). The optimism seen in the openness of post-Pinochet regime, allowed the socio-environmental movement to frame its discourse in formal political terms. Yet, the alliances with sympathetic parliamentarians and political parties ended up professionalising such discourses. However, the transition to democracy also opened space and inspired a



cross-movement environmental discourse. The environmental movement, as will be seen in more detail in the next section, strengthened ties with women's, indigenous and peasant organisations. In conclusion, the environmental frames seen in the Chilean environmental movement are influenced by the spatial configurations in which subjects are living but also on the discourses of organisations and groups that support them. Such combination allow communities to internalise these subjectivities allowing them to produce discourses that, among others, are based on the ideas of indigenous frames and human rights (H. I. Romero, 2013, p. 22).

#### **IV. Resources: Tools and networks**

As seen in previous chapters, communities need more than just feelings and frames to act, they also need the means to do so (J. C. Jenkins & Perrow, 1977, p. 252). Tangible and intangible resources available to communities will have a marked impact on their ability to confront extractivism and generate networks (McCarthy & Zald, 1977). Especially important in the case of Chile have been the networks of environmental organisations created at the end of the dictatorship and during the initial years of the transition to democracy. These networks allowed communities affected by extractivism to access resources and –as seen in the previous section- strategic frames to confront extractivism.

##### Creating national and international networks

Since the dictatorship, the environmental movement have been able to create important national and international networks. In the previous section we have seen how environmentalists created networks both during the dictatorship and in the transition to democracy. We have highlighted the creation of Casa de la Paz, IEP, Renace and CEPATUR and how different people interested in environmental matters created networks and tools to mobilise. The professionalisation of the environmental sector, seen in the previous section, also allowed the incorporation of national branches of international organisations. These organisations became increasingly important in the country in the 1990s and 2000s and responded both to the ideal of international organisations to strategically situate their operations in Chile, and to the connections of Chileans with them, a relationship that in some cases ended up convincing the boards of these international NGOs to situate their offices in the country. In the first group, we can situate for example the creation of the national branch of Greenpeace, established in Santiago in 1994 to defend the maritime and

water resources available in the south of the American continent. In the second group, we find for example the case of OCEANA that was brought to Chile by Marcel Claude, who had previously founded the national organisation TERRAM and who would then become a Presidential candidate in 2013.<sup>65</sup>

Both national and international organisations have tended to articulate their demands. The capacity of national organisations to attract the support and resources of international organisations has been key in the history of socio-environmental conflicts in the country. According to Olga Ulianova and Fernando Estenssoro (2012) those campaigns that have attracted more attention from the media and that have been more successful in their demands are precisely those that articulate the demands of both national and international organisations. That is the case, for example, of the movement that mobilised against the Trillium Corporation's plans to exploit 130,000 hectares of forest in Tierra del Fuego in 1993<sup>66</sup>, or the mobilisations against the intention of the United States company, Boise Cascade, to exploit the forests in the south of Chile. In both cases the connections with international organisations were key to stop the projects in 1998.<sup>67</sup> But perhaps some of the most successful socio-environmental campaigns in terms of coordination of both national and international organisations have been those against the hydroelectric projects known as Pangué and Ralco in Mapuche territories, and *Hidroaysén* in the Chilean Patagonia.

In 1991, a group of ecologists and lawyers founded the NGO *Grupo de Acción por el Bío Bío* (GABB) to oppose the construction of the hydroelectric projects known as Pangué and Ralco. Juan Pablo Orrego, who after returning from his exile in Canada, led a group who was also constituted by Hernán Echauren, Esteban Tomic and José Aylwin, people that as we will see, have continued their influence in environmental organisations in Chile.<sup>68</sup> The campaign against the construction of the hydroelectric projects in Mapuche territories was supported by the United States organisation Friends of the Earth who campaigned by

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<sup>65</sup> Marcel Claude is a Chilean economist, ecologist and former presidential candidate. After working in the Central Bank (1983-1995) he co-founded Terram a non-governmental organisation that promoted the ideal of sustainable development and in 2003 founded the South American and Antarctic branch of OCEANA. In 2013, he was presidential candidate obtaining 2,81% of the votes.

<sup>66</sup> A project that was opposed by national organisations such as *Defensores del Bosque Chileno* and supported by international organisations such as Greenpeace, the campaign was successful as the project was stopped and the international organisation Wildlife Conservation Society (WCS) ended up creating an environmental protected area in the zone (see for reference Ulianova & Estenssoro, 2012, pp. 200–201).

<sup>67</sup> The campaign against the projects known as “Cascadas” was supported by different international organisations such as AIDA, Earth Justice (based in USA) and Sierra Legal Defence (based in Canada). A movement that while was occurring in Chile become the flag of struggle of movements in Seattle (Pont- Lezica, 2005).

<sup>68</sup> Hernán Echauren and Esteban Tomic followed a political career, while José Aylwin (son of the former President Patricio Aylwin) created the national organisation Observatorio Ciudadano.

lobbying the Financing Institution of the World Bank (the International Finance Corporation –IFC-), who was financing the project.<sup>69</sup> In Europe they received the support of the Swedish Society for the Conservation of Nature who lobbied the Swedish International Development Cooperation Agency (SIDA), who was also financing the project. While the campaign was not successful (the hydroelectric projects were constructed) the campaign has been catalogued as one of the most important socio-environmental campaigns in the country, in the sense that it was able to attract the attention of both national and international organisations and that it developed important and innovative communications and legal strategies that were replicated in future campaigns (Ulianova & Estenssoro, 2012, pp. 206–208).

Another example that reflects the use of socio-environmental resources, networks and frames is the *No Hydro Aysen* campaign. This was a campaign that started as a local conflict but that rapidly scaled up to a national level (Cuadra Montoya, 2013). Similarly to the GABB campaign, the *No Hydro Aysen* is a campaign that brought together an important number of national and international organisations. At the national level, it congregated organisations such as *Chile Sustentable* (led by Sara Larraín), *Ecosistemas* (led by Juan Pablo Orrego), FIMA (led by Fernando Dougnac), IEP (led by Manuel Baquedano), TERRAM (led by Flavia Liberona and founded by Marcel Claude), among others. All of these are names that, as will be seen in the case studies, have continued working in the Chilean socio-environmental sector. The campaign was able to congregate a socio-environmental sector that –as already seen- by the end of the 1990s had been fragmented and professionalised. At the international level, we can see the support given by International Rivers Network (IRN) (who has also supported the claims of *No Alto Maipo*) and Greenpeace among others. After a series of national protests that mobilised over 40 thousand people across the country in 2011, the Ministers Committee finally rejected the project in 2014. The coalition of different national and international organisations proved to be important not just in the strategy, but also in the creation of an environmental framing in the country.<sup>70</sup>

It must be said also, that 2011 constituted a key year for broader social mobilisation in Chile. Coinciding with the mandate of Sebastian Piñera as President of the country, 2011 has been

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<sup>69</sup> A strategy that would be used also in the No Alto Maipo campaign analysed in Chapter 4 and where Juan Pablo Orrego is also supporting the community.

<sup>70</sup> On November 17, 2017, the companies that owned the project (ENEL and COLBÚN) declared to the Securities and Insurance Commission (*Superintendencia de Valores y Seguros*) the cessation of their interest in the project, leaving definitively closed the option to revive it.

catalogued as a key year to understand the incapacity of the central political system to face the demands of social movements and the year when Chileans ‘took the streets’ (Segovia & Gamboa, 2012). From 2011 onwards a series of national episodes of protest and discontent occurred in the country: mobilisations claiming free and quality education (Bellei, Cabalin, & Orellana, 2014; D. Salinas & Fraser, 2012), the opposition to the rise in the price of fuels in Magallanes (Segovia & Gamboa, 2012), movements of fishermen claiming local recognition in Aysen (M. Pérez, 2015), and socio-environmental movements that claimed that the Hydro Aysen project should be stopped (H. Romero, 2014). The national political context was marked by a series of massive acts of protest and the creation of a critical mass of organised citizens that were opposing different forms of social, economic and environmental injustices in the country.

### Resources and means for mobilisation

Usually when contention is created at the local level, their main strategy is to use direct action to oppose extractivism. This relates with both the lack of resources and networks to develop more sophisticated strategies. On the other hand, the consolidation of national and international networks has permitted the creations of more complex strategies and tactics to oppose extractivism. It is possible to observe forms of direct action, communications campaigns, and the usage of lobby and legal proceedings both at the national and international level.

The common argument to defend the usage of direct action is that in a context of power inequalities and with the scarcity of resources available at the local level, the most obvious strategy to defend human rights is protest. The fact that protest may be –in some cases- the only resource for certain social groups to present their complaints has not only been recognised by social movements, but also by the Inter-American Commission on Human Rights Office of the Special Rapporteur for Freedom of Expression.<sup>71</sup>

Direct action may have benefits but also inconveniences. In terms of the advantages it can help to create recognition of the local fight at the national and international level. In turn, it creates solidarity in other territories and further networks. Nevertheless, direct action may also have some disadvantages. Firstly, the cycles of protests are physically and mentally exhausting. The lack of resources of social movements forces the leaders to create and

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<sup>71</sup> Special Rapporteur for Freedom of Expression, Annual Report 2005, OEA/ser. L/V/II.124 Doc. 7, 27 February 2006, p. 129.

organise most of the details of the acts of protest, critical periods that are in some cases time consuming and tense. Another disadvantage is that it enhances the public recognition of the leaders of the movement, while this should be understood as a positive effect, in some cases it results in persecutions of these environmental and human right defenders. The balance between the advantages and disadvantages of direct action can drive communities to follow complementary strategies against extractivism.

As a response to the limitations of direct action, several socio-environmental movements in Chile have started to use forms of legal mobilisation. Indeed, the levels of judicialisation of energy and mining projects have increased in Chile in the last 15 years. If in 1990, 95% of the projects that went through a process of environmental qualification were granted the environmental and social license to operate, between 2008 and 2015 that percentage was reduced to 59% (Castillo, 1998; Diario Financiero, 2015). This reduction has to do, in part, with the judicialisation of protest that, according to the SOFOFA, has paralysed 48 projects with a total investment of 68 billion dollars (SOFOFA, 2015).

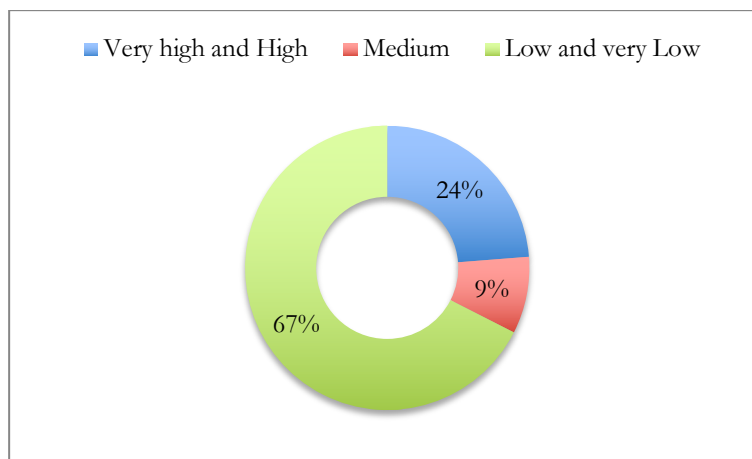
Yet for the judicialisation of protest, communities need resources and networks. Even though judicial actions in Chile are free of charge and that any person or group of people can file a ‘remedy of protection’, communities have encountered barriers in bringing their cases to justice. Regardless of this formal recognition of access to justice, social movements have understood that to have a favourable decision by the Court they must seek legal advice. Moreover, if they want to pursue civil or criminal compensation, they need to hire private lawyers as only they can present these kinds of demands. The lack of public institutions providing technical advice have forced social movements to either desist from following a judicial strategy or to contract private lawyers to defend their rights, a strategy that has resulted as highly expensive and problematic.

Put differently, the access and availability to resources and networks can determine the means used by a community and its result. Yet, what is not clear from the available information is if such resources and networks are evenly distributed across the country and moreover which kind of organisations (environmental, human rights, academic, among others) are supporting the demand at the local level. Such analysis can only be done when analysing specific cases studies at the local level.

Environmentalism of the rich - environmentalism of the poor

As we have seen, resource mobilisation theories, argue that social contention need resources to achieve successful outcomes (McCarthy & Zald, 1977). Put differently, it is expected that those communities that have more resources will be able to generate better means and achieve better results in terms of mobilisation. Such relation can be observed in the patterns of social conflict in Chile. In particular, the map of socio-environmental conflict created by the INDH, indicates the level of poverty of the council were the conflict arises. It does so taking into consideration the relative position in which the percentage of poor population (indigent and not indigent) locates within the country. As seen in **Figure 15**, 67% of the conflicts occur in Municipalities that have low or very low levels of poverty.

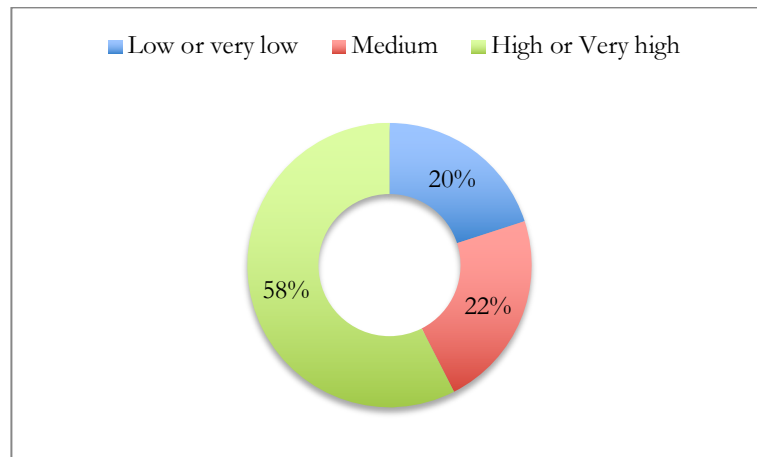
**Figure 15:** Distribution of poverty in socio-environmental conflicts in Chile (2015)



Source: Own creation based on (INDH, 2015c)

Yet, such indicator could be criticised as it only measures income. A better result to analyse the openness to acquire resources may be done analysing the level of Human Development Index at the local level. This indicator makes it possible to know the quality of life of people living in a municipality, measured on the basis of life expectancy at birth, education (years of compulsory education, enrolment and literacy rate), and gross domestic product (GDP) per capita. Yet, as seen in **Figure 16**, 58% of the conflicts appear in municipalities that have high or very high HDI.

**Figure 16:** Distribution of HDI in socio-environmental conflicts in Chile (2015)



**Source:** Own creation based on (INDH, 2015c)

While the general figures tell us that conflicts generally appear in context with low levels of poverty and high levels of HDI, we still need to observe the micro-dynamics of contention to analyse such composition. These figures do not tell us if those resisting are the richest within the municipality or those that have more disadvantages. Moreover, it does not tell us for example if there is a cross-class alliance to resist extractivism. As Martínez-Alier points out, in many conflicts derived from extractivism, the poor will generally be on the side of preserving the environment, adding that such a vision comes mainly from the interests and values of these groups (Martínez-Alier, 2014). In the case of Chile, such conclusions can only be taken into consideration when analysing the dynamics of contention at the very local level, even beyond the municipal scope.

As observed the resources available for social contention against extractivism are deeply interlinked with the political opportunities and are able to shape the frames of social contention at the local level. Firstly, we have seen how the environmental movement was able to find some spaces for network creation during the dictatorship. These opportunities were further exploited during the first years of the transition to democracy. Such networks created both at the national and transnational level, have allowed local communities to access tangible and intangible resources for mobilisation. Is not just money to support their demands, but also a form of trespassing information and new discourses that have been implemented by communities at the local level. Finally, we have seen that those resources are directed –mainly but not exclusively- to territories that have low levels of poverty and high levels of HDI, questioning somehow the idea of the environmentalism of the poor. Yet, such general figures does not tell as much of the dynamics that occur at the very local level,

so a further unpacking of that situation should be taken into consideration when analysing the case studies.

## V. Conclusion

This chapter provided a general overview and context of contention against extractivism in Chile. In particular, it adapts the analytical framework developed in previous chapters to the national reality. While Chile's extractive model was created and imposed by force by the country's dictatorship, the maintenance of neoliberal policies of exploitation of natural resources since the transition to democracy has offered limited political opportunities for social contention. Yet, the form of governance over extractivism creates incentives for social mobilisation. But, as seen, the transition to democracy also generated limitations for socio-environmental movements who have had to professionalise their structures and to compete for scarce resources. Nonetheless, some specific campaigns such as GABB or *No Hydro Aysen* have been able to develop new resources, by re-creating the solidarity of socio-environmental networks and advancing more sophisticated forms of protest, such as judicial mobilisation and international networks, strategies and tactics that had been implemented by different socio-environmental movements in the country.

Moreover, this chapter set the scene to analyse the empirical cases of this study. The opportunities are defined by macro-politics, but also by the openness or restriction found at the local/territorial level, represented by the form of extractivism, its scale or geographical location. Moreover, the capacity to frame conflictual subjectivities is related to the demography and geography of a conflict, but also with the capacity of the community/movement to gain resources and networks, which varies enormously from one conflict to other. While this chapter offers a general overview that broadly depicts the emergence of socio-environmental conflict in the country, there is a need to complement with case studies to broaden the understanding of the socio-environmental movement in the country.



## CHAPTER 4: THE CASE OF CAIMANES AGAINST LOS PELAMBRES

Caimanes is a small farmers' town situated in northern Chile that has opposed the mining project *Los Pelambres* (hereinafter MLP or the Company), the fifth largest copper mine in the world. In terms of political opportunities, it represents the case of an isolated community that does not have relations with national and local elites. In other words, it represents the case of a community that have to face closed political opportunities. Yet, the local community have reacted against the construction of El Mauro tailings dam –the largest in Latin America- and has identified various socio-environmental impacts on issues of water, health and security. As will be seen, the capacity of the community to mobilise resources has varied across the 20 years of struggle. Through its history of resistance, the community has gone through different phases of mobilisation, from direct action towards a process of judicialisation of the protest, which has marked the last 10 years of mobilisation.

This case also unveils the process of counter-mobilisation of the protest. Given the large scale of the project and the levels of investment, Los Pelambres has been defended by the state and the company, restricting even more the possibilities for social contention. As will be seen throughout the chapter, both the company and the state have used direct forms of repression such as forced displacements, criminalisation of local leaders and use of public force to suppress protests. But, they have also used more sophisticated forms of counter-mobilisation such as using company-community relations to divide the inhabitants of Caimanes and reducing its freedom to decide in formal spaces of community engagement (Maher, 2018).

By unveiling the mechanisms that explain the rise of the Caimanes mobilisation and its main shifts, this chapter reveals the emergence of micro dynamics of contention in territories that lack political opportunities and resources. In other words, it is a chapter that examines episodes of protest in an unfavourable context for social contention; and that shows how, despite this context, the community has been able to create opportunities, resources and solidarities, at different stages of the conflict.

The chapter begins with a process tracing analysis of the episodes of contention that are marked by two large stages of protest: (i) a period on which the community aimed at and ended up receiving compensation from the company and (ii) a second period in which the community sought to evidence the externalities of the project. Within these two stages, the chapter evidences the most important shifts of the movement. It also analyses the strategies

followed by the government and the company that, as we will see, have followed counter-mobilisation approaches. The concluding section summarise these two periods of protest highlighting the most important elements that have generated conflict in the last 20 years. It also shows how the closed political opportunities, the process of counter-mobilisation and lack of networks have ended up dividing and isolating the community, diminishing its capacity to react against the company.

### **I. Periods of contention:**

To unpack the factors that generate conflict at the local level, this section maps the stages of contention of the community living in Caimanes. The sequence here presented links structural opportunities with specific contention events that have helped the movement to construct an identity to oppose MLP. The form in which these events have been developed, the solidarity from different networks and the recommendations and acts of certain legal consultants mark important episodes of the protest that have ended up affecting the organisational capacity of the community. In this sense, the episodes here described are dependent on key structural and agency shifts that changed the organisational capacity and cohesion of the community, as well as its cultural and discourse frame.

For analytical purposes, the episodes of protest are divided in two big periods in which the community of Caimanes has built their collective identity to oppose the construction and the effects of the *El Mauro* tailing dam.<sup>72</sup> The first period began in 2002 with the decision of the company to construct the dam in El Mauro and ended in 2008 with a judicial settlement that divided the community. The second period started in 2008 with the creation of the *Comité de Defensa Personal de Caimanes* (hereinafter ‘the Committee’) and found its peak -in levels of cohesion and unity- with the hunger strike of 2010 and the street blockage of 2014-15. This period ended with a new social responsibility approach made by the company that offered a compensation scheme. The agreement was again used as a judicial settlement that ended up destroying the legal strategy of the Committee. See **Table 11** for a summary of these periods of protest and the key events that mark such stages.

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<sup>72</sup> It must be said that the conflicts against MLP started in 1997 mainly with the opposition of the communities of Chillepín in the highest part of the Choapa valley and by fishermen in Los Vilos (see OLCA, 2004b). Nevertheless this chapter is focused in the conflict generated by the community of Caimanes.

**Table 11:** Chronology of the conflict in Caimanes

	Year	Event
First period	2002	Company decides to construct the tailings dam in <i>El Mauro</i>
	2003	98% of the community in Caimanes refuse the construction of <i>El Mauro</i>
	2003-2004	Series of protests such as street blockages and demonstrations
	2004	MLP is granted the Environmental license/qualification to construct <i>El Mauro</i>
	2005	The company, with the support of some members of the community create the Neighbour Council number 5, to divide the opinions of the community
	Dec-05	Community file a case against the license to construct <i>El Mauro</i>
	Nov-06	The Santiago Court of Appeal states that the construction should never have begun
	2007	The community in Caimanes start their international campaign
	May-08	The lawyers representing the community make a settlement with the company to end the legal action
	Second period	Nov-08
Dec-08		The Committee hires the law firm Ossa y Cia to file two civil cases ( <i>obra nueva</i> and <i>obra ruinosa</i> )
2010		Eleven residents of Caimanes go on hunger strike for 81 days and are supported by national demonstrations in Santiago and Los Vilos
2011		The company file a criminal case against the leader of the committee and the lawyers supporting the community
Aug-12		The PDI recognise that the waters in Caimanes were contaminated
Dec-12		The Court decides against the will of the company in the criminal case brought against the leader and the lawyers
Jul-13		The Supreme Court declares that El Mauro is a threat to the physical and mental integrity of the community and orders MLP to create security evacuation plans
Feb-14		The Environmental Superintendence fines MLP for archaeological damage
Oct-14		The Supreme Court orders MLP to allow “the natural runoff of the water that come from the Pupío river either by the construction of specific infrastructure or by demolishing the dam
Dec-14		Residents from Caimanes block access to the tailings dam for 74 days
2015		Facing unfavourable judicial decisions and protest episodes the company decides to implement a new dialogue approach
Mar-15		The local Court orders the demolition of the tailings dam as the plans to re-establish the water are not sufficient
May-15		Agreement between residents of Caimanes, Ossa y Cia and MLP to receive compensation and stop legal mobilisation

Source: Own creation based on interviews, press clip & analysis of legal cases

In the two periods of protest, this chapter refers to twenty-four legal cases. To simplify their analysis, I have created **Table 12**. This table serves as a summary of the cases, allowing the reader to search the number (Rol) of the case, which tribunal made the decision deciding and whether the decision was favourable or unfavourable to the aims of the community. The cases are important to understand both the motivations and the decisions undertaken in each

of these periods and the key claims of the community in different stages of the conflict. They are also important, to understand the legal opportunities given by the judicial branch in Chile.

**Table 12:** Summary of legal claims presented by the community of Caimanes

	<b>Favourable</b>	<b>Unfavourable</b>	<b>Settlement</b>	<b>Withdraw</b>
Supreme Court	<b>3 cases</b> Rol: 12938-2013; 19-2013 & 1527-2013	<b>3 cases</b> Rol: 76323-2016; 8776-201 & 37979-2015	<b>2 cases</b> Rol: 291-2007 & 292-2007	<b>1 case</b> Rol: 6991-2015
Santiago Appeal Court	<b>2 cases</b> Rol: 12004-2005 & 292-2007	<b>1 case</b> Rol: 104007-2015		
La Serena Appeal Court	<b>1 case</b> Rol: 39-2013	<b>6 cases</b> Rol: 946-2014; 1326-2012; 551-2015; 1008-2012; 1106-2008 & 37979-2015		
<i>Juzgado de Letras y Garantía de Los Vilos</i>	<b>2 cases</b> Rol C-7957-2008 (Compliance) & C-7981-2008	<b>1 case</b> Rol: C-7957-2008		
<i>Tribunal de Juicio Oral en lo Penal Ovalle</i>	<b>1 case</b> O-25-2012			

**Source:** Own creation based on information retrieved from the Judicial Branch of Chile ([www.poderjudicial.cl](http://www.poderjudicial.cl))

### First period. Seeking just distribution of benefits:

#### *a. The project and its impact:*

Historically the mining project MLP can be traced back to the beginnings of the 20<sup>th</sup> century, but its large-scale extraction begins in the 1990s. It was in 1914 that William Braden made the first explorations in the higher parts of the Choapa Province. But it was not until the beginning of the 1970s that the mining field started to be exploited on a small scale by the state company ENAMI in collaboration with a special United Nations Program for the exploitation of mining activities.<sup>73</sup> During the dictatorship of Augusto Pinochet, and based on the ideal of privatising state operations, Anaconda Minerals Corporation (a United States Company) acquired the right to exploit the mining company Los Pelambres in 1978 and in 1979 transferred this right to Anaconda S.A. (a Chilean registered company).<sup>74</sup> In 1986, the Luksic family group bought the Chilean branch of Anaconda.<sup>75</sup> Although the project was

<sup>73</sup> Loan given by CORFO, as stated in agreement of the 8<sup>th</sup> of September 1970, under the signature of the Notary Herman Chadwick V., found in the Judicial Archives (Fojas 291 N° 58, tomo 1640).

<sup>74</sup> Agreement of 14<sup>th</sup> August 1979 archived in the Notary of Eduardo González Abbot (fojas 421 N° 1.022). Anaconda S.A. incorporation was approved on the 14<sup>th</sup> September 1979, and its objective was “the exploration, development and exploitation of the mining field Los Pelambres”, with a capital of USD\$ 25 million. See *Conservador de Bienes Raíces de Santiago*, fojas 11,658 number 7,299 from the *Registro de Comercio de Santiago* year 1979.

<sup>75</sup> Agreement made on the 17<sup>th</sup> of October 1989 in the Notary of Andrés Rubio Flores, registered at fojas 29,641 number 16,014.

bought at the end of the dictatorship, the approval, development and exploitation of the mining project occurred under democratically elected governments. In 1997, MLP received the environmental qualification to start its large extraction operations and in the year 2000, Los Pelambres S.A., as we know it today, started to exploit an average of 350 thousand metric tons of copper a year, most of which is exported as raw material. The levels of predatory extractivism are also visible in the high levels of incomes that have not materialised in terms of investment, tax payment and creation of jobs (see **Table 13** that shows the changes in the property of the project and its impact).

**Table 13:** MLP Ownership and Impact

	1970	1978	1986	2000	2011	2015
Owners	ENAMI (State owned company)	Anaconda (United States)	Luksic Group (Chile)	Antofagasta Minerals (Chile-UK - 100%)	Antofagasta Minerals (Chile-UK - 60%) Marubeni & Mitsubishi (Japan - 40%)	Antofagasta Minerals (Chile-UK - 60%) Marubeni & Mitsubishi (Japan - 40%)
Mine copper in thousand of tonnes	n/i	n/i	n/i	308.8	426.1	375
Molybdenum in metric tonnes	n/i	n/i	n/i	5,053	9,879	10,150
Copper exports	n/i	n/i	n/i	288.8	442.1	410.4
Total Investment in mm of \$USD	n/i	n/i	n/i	n/i	181	188,3
Incomes in mm of \$USD	n/i	n/i	n/i	n/i	3,682	1,827
Total labour (number of people)	n/i	n/i	n/i	n/i	842	928
Taxes (Royalty + Income Tax) in mm of \$USD	n/i	n/i	n/i	n/i	611	142

**Source:** Own creation based on (Minera Los Pelambres, 2011, 2013, 2014, 2015) and COCHILCO statistics.

In terms of impacts, the forms of predatory extractivism observed in the 1990s ended up modifying an agricultural pattern of life that the communities living in the Choapa valley used to have –at least- since the 1960s.<sup>76</sup> The shift was provoked by several factors such as

<sup>76</sup> The Chilean Agrarian Reform, which intended to give ownership of land to individual and collective groups of *campesinos*, affected the *Hacienda Choapa*, a piece of land with good quality soil, abundant sources of water and great communitarian spirit (La Nación, 1966, p. 3). This *Hacienda* and the process of restitution of land to *campesinos*, has been described in the following terms: “*The foreigner that visits this land feels respect, when he observes the affection and attachment that farmers have to their own land. [...] In the riverside of these northern rivers and in the mountain valleys of the Hacienda Choapa, the Agrarian Reform has begun. This reform was the lonely, miserable and silent hope of the farmers. They are now the ones that raise their triumphant claims, conscious of being protagonist of one of the most important events of our history. Here is the Agrarian Reform: The most important event after National Independence*” (La Nación, 1966, p. 16).

high intensity in the usage of water, privatisation of territories, and contamination of water sources, among others. A resident of Caimanes remembers the availability of water before the mining operations started in the zone, in the following terms:

*All the agricultural and farm activities are over. It is related to water. We used to sow beans, squash, vegetables and corn. I have a well here [in my house], it has water, but little. Then we water part of our garden one day and other parts other days and so on. We have no water; water has dried up, because the underground supply is finished. Down in the river the children used to swim, they fished; now they don't. That is over. It used to be so cute, now it is not. I would prefer a thousand times that the mine leave us alone, that they close the tailings dam. I tell you sincerely that I would prefer the tailings dam to be closed and to live calmly, without danger. But the damage is done and they will have to pay for it; they have polluted the water'* (Interview Caimanes number 6; 24:56 – 26:32).

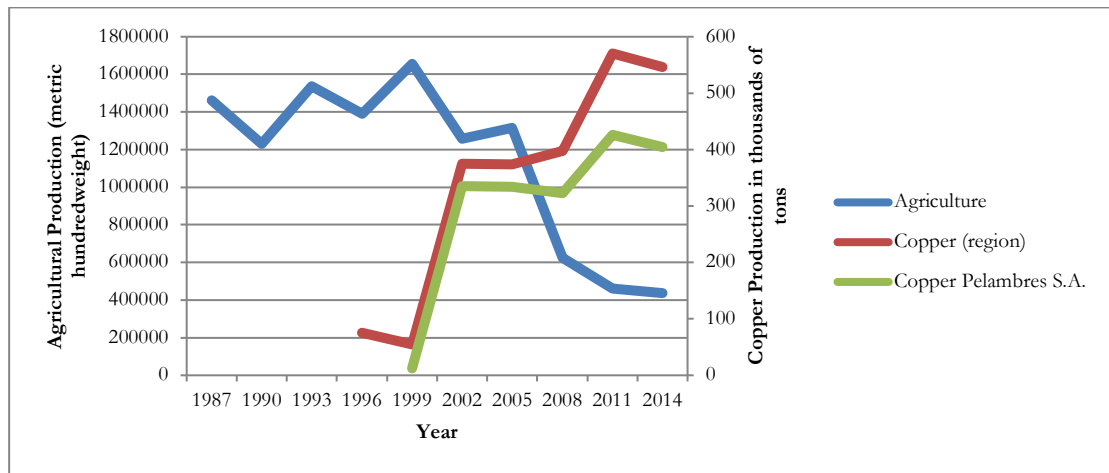
One of the main affected territories has been *El Mauro*, a piece of land that used to be a *Hacienda* for agricultural production and that is now under tons of mining waste.<sup>77</sup> When I asked one of the former inhabitants of El Mauro about the patterns of agricultural life that they used to have, she responded stating that “*we used to have a lot of water, each one could produce their own products, we were able to harvest potatoes, wheat, maize, lentils, beans. To produce the flour, we had a windmill. There was enough water available for us* (Interview Caimanes number 13; 00:07 – 00:47). To unveil this sense of dispossession of the agricultural pattern of the community, I compared historical data of the local production of wheat, maize, beans and potatoes and the exploitation of copper in the region. This exercise that allows concluding that the mining activities have correlation with a decrease in the total agricultural production in the region (see **Figure 17**).<sup>78</sup> In this figure we can clearly observe copper dramatically replacing agriculture as the main economic activity from the end of the 1990s, clearly affecting the local economy and community. This change in the pattern of economic life that, as will be seen, ended up generating social discontent.

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<sup>77</sup> Strategically important for MLP is the tailings dam El Mauro, where the waste of the mining exploitation is deposited. The dam has the capacity to store 2,060 million tons of mining waste, flooding the former Hacienda *El Mauro* through the construction of a wall 1,400 metres long and 237 metres high, blocking the path of the Pupío River.

<sup>78</sup> This figure is based in agricultural statistics from 1987 onwards (as the INE did not have previous data). Another problem with the data is that it is regional (Coquimbo region), while the best option would have been to have Provincial (Choapa) data. Mainly, because -as we have seen- the Choapa region was a huge agricultural cluster during the XX century.

**Figure 17:** Copper exploitation (MLP) and agricultural production (Coquimbo region)



**Source:** Own creation based on (Comisión Chilena del Cobre, 2016a) and agricultural statistics from INE, retrieved from: [http://www.ine.cl/canales/chile\\_estadistico/estadisticas\\_agropecuarias/estadisticas\\_agricolas/agricolas.php](http://www.ine.cl/canales/chile_estadistico/estadisticas_agropecuarias/estadisticas_agricolas/agricolas.php) (last access 6 July 2016).

*b. Previous mobilisations in the zone:*

A key element for the exploitation of the mine was the construction of the tailings dam, where the by-products of the operations are stored. The initial plan of MLP was to build a dam close to Chillepín; a small town located just 20 kilometres from the mine. The initial proposal for the construction of the dam in Chillepín attracted great opposition from local communities. Indeed, in September 2001, and due to the potential effect of the construction of the dam, the communities of Chillepín, Coirón and Panguecillo formed the *Comité de Defensa del Valle Choapa* (Committee for the Defence of the Choapa Valley), a local organisation that was supported by some environmental NGOs such as the Instituto de Ecología Política, Greenpeace and OLCA, and that warned of the catastrophic consequences of the construction of the dam, arguing that the only solution was to stop its construction. The support from NGOs vanished once the committee lobbied to construct the tailing dam close to Caimanes, arguing that it was ‘a place that has fewer inhabitants and that is not an agricultural community’ (OLCA, 2002). The dichotomy of frames between national and international organisations that wanted to stop the construction of the project and local communities that wanted to relocate it, ended up in a fragmentation of the support network that decided to step out of this conflict.

The claims made by local organisations resulted in the company looking for an alternative location for its project. On its 2002 report, the company stated that ‘a new Environmental Impact Study relating to a new tailings dam [...] will be submitted to the relevant authorities during the first half of 2003’ adding that ‘the most important feature is the Mauro Dam

Project' (Antofagasta Minerals, 2003, p. 7). But the decision to construct the dam close to Caimanes was not just based on the will of the communities living in Chillepín. The decision was taken mainly due to financial considerations. Actually, the company recognised in 2003 that the 'construction of the Mauro dam would have the advantage, over earlier proposals, of being in one location and needing less overall investment than estimated in the 1997 feasibility study' (Antofagasta Minerals, 2003, p. 7). With a cost of approximately USD\$ 450 million, the dam has a storage capacity of 2.1 billion tons of mining by-products and it 'will be sited at a lower altitude than the alternative locations and in an isolated area in the Pupio Valley and will be located more than 10 kilometres from the nearest community' (Antofagasta Minerals, 2004, p. 7).

*c. The first mobilisations in Caimanes:*

The nearest community to the dam is Caimanes, a village of 1,600 people that refused this new plan.<sup>79</sup> In fact, during 2002 and 2003, two self-convoked plebiscites found that 98% of the community opposed the construction of the dam, a majority that resulted in street blockades, demonstrations in the main Chilean Highway (Pan-American: Route 5) and barricades (Coordinadora por la Defensa del Agua y la Vida, 2008, p. 10). The arguments made by the community were double-sided. On the one hand, the community established that the construction of the dam would block the sources of water that irrigate the Choapa Valley, as the construction of the dam would close the *El Mauro* territory, where the Pupio River rises. On the other hand, they alleged that the construction of the largest tailings dam in Latin America and one of the largest in the world, constituted a threat to the security of the community, particularly, taking into consideration that the dam, containing 2,100 million tons of mining by-products is constructed with sand and could collapse in the event of an earthquake.<sup>80</sup> Like what happened in November 2015 in Mariana (Brazil), where the collapse of the tailing dam of the Samarco operation (BHP Billiton-Vale) ended up killing 19 people, the community in Caimanes believe that they will have as little as ten minutes to escape from an eventual catastrophe.

But, learning from the contention episodes faced in Chillepín, the company used a different approach and strategy to obtain the social license to operate. And so 'consultation with the

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<sup>79</sup> Caimanes, a town with 1,600 inhabitants, represents 4.9% of the communal population of Los Vilos, a Municipality that is part of the Choapa Province in the south of the Coquimbo region. According to the INE (2005), 623 people lived in Caimanes (census from the year 2002).

<sup>80</sup> El Mauro is situated in a tectonic setting (intersection between Nazca and Antarctic tectonic plates). Of the total dam failures in the world, 41% involved sand tailing dams (Villavicencio, Espinace, Palma, Fourie, & Valenzuela, 2014)



local communities began 18 months before the project was due to start' (Antofagasta Minerals, 2005, p. 41). The Corporate Social Responsibility (CSR) approach was based on the proposition of social and economic programmes that ended up dividing the community, as they had to compete to apply for grants supporting the 'production and sale of honey, educational grants for students, improvement of the irrigation and piping systems, plans to improve farmers production and technical educational programmes' (Antofagasta Minerals, 2005, p. 41). This approach was successful for the company, as it ended up gaining the environmental qualification with low levels of community participation: only five organisations and five individuals opposed the project (COREMA, 2004).<sup>81</sup> As we will see in the next chapter, this process differed enormously with the levels of participation found in the case of *No Alto Maipo*.<sup>82</sup>

These low levels of participation were due, in part, to the division of the community. With the support of a portion of the community the company created a new organisation to distribute and create their CSR programmes. The company knew that the opposition to the construction of the tailings dam was coming from the Neighbour Council number 4 led by Mirella Ardiles, so to diminish the power of the organisation they created the Neighbour Council number 5. The President of the new council was the son of Mirella Ardiles, Claudio Herrera, who ended up opposing his mother's fight against the mining company (Claudio Pizarro, 2010). The family disunity reflects the division that the community was experiencing, where an important number of people that had been historically part of the Neighbour Council number 4 were now on the opposite side. A former community leader from Caimanes recognised that 'there are people that simply do not understand the level of the problem and others that are against the project, but cannot say it; places to work here are

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<sup>81</sup> Only five institutions (Agrícola, Forestal y Ganadera Tipay, Comité de Agua potable Rural de Caimanes, Junta de Vecinos número 4 de Caimanes, Comité de Defensa Valle Pupío and Comunidad de Aguas Canalero Caimanes) and five individuals based in Caimanes (Abel Campos, Jaime Carvajal, Juan Olivares, Osvaldo Olivares, Juan Tapia) participated in the EIA process, claiming the potential contamination of the waters, the effects on their rights to water and the potential security risk of the El Mauro tailings dam. Regardless of this participation process, their claims were ignored. On the 6<sup>th</sup> of October of 1997, the SEA approved the Environmental Impact Study that allowed MLP to exploit the open-pit mine located in the Choapa Province, the construction of three tailing dams (Quillayes, Quebrada Seca and Las Lajas), and the necessary infrastructure for the exploitation of the mine (see Resolution number 71 (1997) COREMA). Then on the 28<sup>th</sup> of May 2002, the Environmental authority allowed the expansion of the mining project to current levels of exploitation (see Resolution number 108 (2002) COREMA). After financial considerations, MLP decided to present the project for the construction of, the Mauro tailing dam that was approved on the 7<sup>th</sup> of April 2004 (see Resolution number 38 (2004) COREMA). In order to approve the construction of the dam, the mining company needed the approval of the Chilean Water authority, which was obtained on the 30<sup>th</sup> of November 2005 under resolution 1791/2005.

<sup>82</sup> Factors such as the requirement of technical advice in the participation process, the lack of political support and the geographical isolation of Caimanes are key features that differentiate this process from the one that will be explained in the next chapter.

not abundant' (Coordinadora por la Defensa del Agua y la Vida, 2008, p. 13). The economic promises made by MLP and the creation of the new Neighbour Council ended up dividing the community; as a member of the Caimanes community recognised:

*"They came here with false advertising. They said they would give us work. They created the social neighbourhood committee number 5 to defend the mining operations. Historically we have had number 4 representing the community. I participated in the creation of number 5. I was a member, because I thought that it was going to be good, that the company would employ our children, but time passed and nothing happened"* (Interview Caimanes number 6, 00:26-02:05).

Regardless of the division, some members of the community continued their opposition to the project. They argued that the construction of a 1,400 metre long and 237 metre tall dam would not just close the access to El Mauro valley and its agricultural potential but it also would need to displace 23 families living in the zone, destroy an archaeological zone with over 400 pre-Hispanic sites and destroy the hydrological system of the Pupío River that rises in this area. While the Environmental Qualification was approved, the construction still needed the approval of the National Water entity (DGA). So, the opposition made by the Caimanes community was directed to impede that authorisation. The argument of the community was based on the illegal appropriation by MLP of the waters of the Pupío River. They argued that MLP did not have rights over the waters of the Pupío River and that they were the ancestral owners of those rights. While the arguments sound reasonable, the DGA dismissed them and on the 30<sup>th</sup> of November 2005 approved the construction of the project (resolution 1791/2005). Some organisations claimed that the project was approved even before the resolution of the Environmental Service (CORAMA at that time). Their argument relies on the fact that a couple of days before the decision made by CORAMA, the former President Ricardo Lagos visited the zone aligning all the sectorial services to approve the project (Coordinadora por la Defensa del Agua y la Vida, 2008, p. 9).

At this point of the mobilisation, the frames of the community were based on environmental justice discourse, especially on ideas of distributive environmental justice, i.e., 'how the distribution of environmental risks mirrors the inequity in socio-economic and cultural status' (Schlosberg, 2004, p. 522). The socio-economic inequality between Caimanes and the company is boosted by the fact that the town is far from the central power and that the community (mainly constituted by farmers) was opposing a project that had high levels of political support. The isolation was then both political and geographical. Far from big cities, without the support of their neighbour communities, and inhabited by less than 1,600 people, it was difficult for Caimanes to receive communicational support and to be recognised as an

important socio-environmental conflict by national and international NGOs that decided not to continue in this struggle after the communities in Chillepín decided to relocate the tailing dam.

*d. The judicialisation of the protest and division of the community:*

The frame based on rights and the closed structures motivated the community to change their strategy from direct action to the judicialisation of the protest. The community found some windows of opportunity in local elites, specifically in the figure of Víctor Ugarte, an important landowner of the zone, who wanted to follow a legal strategy to oppose the construction of the tailing dam that also affected his own land.<sup>83</sup> So, shadowing Ugarte's strategy, on May 2006 a group of eight community leaders representing the towns of Caimanes and Pupío and Ugarte himself, filed separated actions against the decision made by the DGA.<sup>84</sup> At this point it was a 'win-win' strategy, Víctor Ugarte needed the support from the community to generate public pressure for his demands and the community benefited from Ugarte's legal strategy as he was able to find support from the lawyer Fernando Dougnac, president of the NGO Fiscalía del Medio Ambiente (FIMA) and recipient of the National Environmental Award in 2002, a lawyer who, as will be seen, has also been part of the conflicts *No Alto Maipo* and Chiloé (Chapters 5 and 6). The judicialisation of the protest generated a key shift in the protest strategy followed by the community that argued in the following terms: 'we will not protest in the street. It is useless. We put all our trust in the decision of the tribunals' (La Nación, 2006).

The judicial strategy generated some positive outcomes for the community. Six months after the legal claim was filed the Appeal Court in Santiago stated that:

*"It has become evident to this Court that the territory chosen by MLP to place the dam, 45 kilometres from the mine, was chosen considering only economic factors [...] The Political Constitution of the State protects—in its article 19 number 21- 'the right to develop economic activities that are not against moral considerations, public order or national security'. So, economic activity cannot be privileged over the interest of the community, whether the local and directly affected community as in this case, or the national community that will once again see its environment seriously damaged. For this reason, this Court establishes that it is its duty*

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<sup>83</sup> He was owner of the Haciendas *Haciendas* "Tipay" and "Romero" that were directly affected by the construction of the dam.

<sup>84</sup> See Corte de Apelaciones de Santiago (2006) *Agrícola Ganadera y Forestal Tipay/Dirección General de Aguas. Recurso de reclamación*. Rol: 11,915-2005 and Corte de Apelaciones de Santiago (2006) and *Comité de agua potable rural Caimanes/Dirección General de Aguas: Recurso de reclamación*. Rol: 12,004-2005.

*not to stay impassive in the face of this serious situation, but it must prevent it from happening.*<sup>85</sup>

The court ruling ended up being a key and strategic environmental judicial decision.<sup>86</sup> It was able to break the closed structural political opportunities and allowed the community to generate networks at the national and international level.<sup>87</sup> A concrete example of these opportunities can be observed in the capacity of the leaders of the community to present the case against the DGA and MLP to the *Latin American Water Tribunal*, an alternative justice system created in 1998 to observe the illegality of the norms protecting water sources in Latin America.<sup>88</sup> During the session of 2007 in Guadalajara, Mexico, the Court declared that the company and the state should repair the archaeological and ecological damage in the zone; a decision that was not legally binding but that generated further support for the community's frame (Tribunal Latinoamericano del Agua, 2007). Despite the decisions taken by the Appeal Court in Santiago and the moral arguments established by the Latin American Water Tribunal, the company persisted with the construction of the dam in *El Mauro*.

From a strictly legal perspective, the company could construct the dam, because it offered a judicial settlement to the claimants. The Supreme Court approved the settlement in May 2008 ending up the first attempts to stop the project and creating a huge community division. The agreement established that 1,250 UF (approximately USD\$ 45,000) should be paid to each of the claimants (5 organisations and 5 individuals).<sup>89</sup> On a separate claim MLP agreed

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<sup>85</sup> Own translation from Corte de Apelaciones de Santiago, *Agrícola Ganadera y Forestal Tipay/ Dirección General de Aguas. Recurso de reclamación*, Rol: 11,915. Decided on 03.11.2006, paragraph 27 and 34.

<sup>86</sup> Paloma Infante (2016) recognise as 'emblematic' some cases that after being approved have been paralysed through judicial or conventional (social protest) acts, see for example the thermoelectric project Barrancones, Campiche, Punta Alcalde and Castilla, los hydroelectric cases of Hidroaysen, Ranco, Achibueno and Río Cuervo, and the mining projects El Morro, Pascua lama, Los Pumas and Pelambres (Infante, 2016, pp. 156–157)

<sup>87</sup> Caimanes have tended to internationalise the conflict from the very beginning of the process mainly with organisations that are critic to mining operations or that have lobbied for the preservation of water sources (OLCA, 2004a, p. 4). Probably one of the most important has been the French organisation *France Libertés-Fondation Danielle Mitterrand* that has presented four reports of the case of Caimanes in the United Nations Human Rights Council (See reports A/HRC/20/NGO/62, A/HRC/21/NGO/76, A/HRC/22/NGO/33, A/HRC/26/NGO/10). The French organisation also had a permanent international observer living in Caimanes during 2014 and 2015. Another organisation that has supported the community is London Mining Network (LMN), an NGO based in London that fights against the abuses of big mining companies. LMN has made some contacts between the community and law firms in the United Kingdom (UK) to design a strategy to pursue the responsibility of MLP in the UK and has invited the leaders of the community to speakers' tours in order to lobby in Universities and with public authorities in the UK against Antofagasta Minerals.

<sup>88</sup> This alternative Tribunal was created as a response to the insufficient reaction of local Tribunals. It does not have any kind of jurisdiction over states and has been created as a moral and not a juridical Tribunal (Armijo, 2010)

<sup>89</sup> Junta de Vecinos de Caimanes, Junta de Vecinos de Pupío, Comité de Defensa del Valle del Pupío, Comité de Agua Potable Rural de Caimanes, Comunidad de Aguas Canal Comuneros Caimanes El Llano, doña María Stella Bañados Van Wyngard, don Ricardo Alfredo Meneses Paredes, don Juan Rubén Tapia Bonilla, don Felipe

to pay USD \$ 23 million to the owner of the Haciendas Tipay and Romero, Víctor Ugarte. From this agreement, Ugarte paid USD\$ 3 million to the lawyer and \$2,227,680,000 Chilean pesos (approximately USD\$4.5 million) to 117 Caimanes inhabitants arguing that that money should allow them to ‘move from Caimanes’ to avoid the externalities of the construction of the tailing dam.<sup>90</sup>

A resident of Caimanes remembers the consequences of this settlement in the following way:

*The first fight was won; we could have stopped the construction of El Mauro [tailings dam]. Then, these thieves came and grabbed the money of the people. There is one person who is making a very nice house. I told him that his house was getting really beautiful with the sale of the town. At first, we said that we did not want to give the water to Los Pelambres, and Mrs Mirella went to talk with them. We had fresh, clean water. Now we drink water with worms. (Interview Caimanes number 6).*

And indeed, the agreement raises important juridical and moral questions, such as the capacity of people and communities to renounce inalienable human rights to life and water and the legal capacity of a group of people to decide the future of the community, without consultation. It also leaves some questions regarding the importance of the measures developed by the Courts: while the Appeal Court of Santiago decision was based on human rights of the community, it did not provide any kind of precautionary measures, such as for example stopping the construction of the dam until the Supreme Court decided the case. It must be said that the agreement was reached when the construction of the dam was in its final stage; the best proof of it is that it started its operations on November 2008, a couple of months after the settlement was approved by the Supreme Court. While the legal battle was going on, 23 families were displaced from *El Mauro*, a few archaeological sites were recovered and the rest lie under tons of waste, and the water flow of the Pupío River was choked off. Most of the families that received Ugarte’s and MLP’s compensation remained living in Caimanes, generating a huge division with those who hold that they were ‘falsely’ representing the community. This situation ended up –as we will see- reconfiguring the social movement in Caimanes and the strategy that upcoming leaders will follow.

Second period. Seeking recognition of the unjust distribution of externalities:

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Hernán Montalvo Silva y Osvaldo Eduardo Olivares Godoy. As established in Corte Suprema, *Comité de agua potable rural Caimanes/ Dirección General de Aguas: Recurso de reclamación*. Rol number 292-2007. Decision 08.05.2008,  
<sup>90</sup> Juzgado de Letras Los Vilos, *Insinuación de donación*. Rol number 1,964-2008. Decision 03.09.2008.

*a. New organisation and new strategies to oppose MLP:*

While a few families received compensation from the company, a good proportion of the community were now convinced of the damages generated by the construction of the dam. Those that did not receive the compensation from the company saw the former leaders of the community as traitors and decided to create a new organisation: the *Comité de Defensa Personal de Caimanes* (hereinafter ‘the Committee’ or ‘Committee’). The organisation was legally constituted on November 19<sup>th</sup>, 2008, just a couple of months after the Supreme Court approved the settlement with the former leaders of the community. The first step that they took was to find a group of lawyers that could assist them to overturn this agreement. The decision of the community was then to follow the same strategy adopted by its predecessors, i.e. the judicialisation of the protest. With part of the funds from the extrajudicial agreement, the newly created Committee approached the law firm Ossa & Cia, who agreed to be the new representatives of the community. In December 2008, the community and the new lawyers presented a claim in the *Juzgado de Garantía Local de Los Vilos* arguing that though the construction was finished, the wall of the dam was in permanent construction, as it receives the sediments of the mining waste to increase the wall resistance (*‘obra nueva’* claim). This action aimed to stop the construction of the wall and so to stop it receiving waste materials from the mine. Additionally, on the 29<sup>th</sup> December 2008, the Committee presented a claim arguing that the construction of the dam was wrongly executed, being a threat to the security of the community (*‘obra ruínosa’* claim). The intention was the demolition of the dam. Both claims were based on the decision taken previously by the Court of Appeal of Santiago.

Despite the fact that this new group also judicialised the protest, their strategy was somewhat different. The distinction, when compared to the legal strategy followed by former leaders of the community, was that the Committee was not accusing public institutions (e.g. DGA) over the approval of the dam, but they were directly accusing the company and its owners for the effects of the dam. The aim of the community and the lawyers shifted from the administrative responsibility of the State and its lack of capacity to protect human rights to a claim of private responsibility for the construction of the dam. Both legal actions presented MLP and the Luksic family as the main responsible parties for the effects on security and lack of water in the community. The identity of the Committee was then based on opposition to the most powerful economic group in Chile, the Luksic family; a strategy that, as we will see in the next chapter, has also been adopted by the No Alto Maipo movement with some

initial success.<sup>91</sup> While the Committee understood that the inequalities in the distribution of the effects of extractivism were important, they also knew that in order to seek justice they had to gain a space in the political and communicational agenda, something that was difficult with the political veto and power of the Luksic family.<sup>92</sup> The Committee knew that to oppose the elite they needed something more than just the judicialisation of their protest. So, they started local campaigns to generate a boycott to Luksic companies and generated a narrative frame around inequalities in the distribution of power and political privileges that benefited the owners of Antofagasta Minerals.

To complement the judicial strategy, the community undertook forms of direct action. The community was sceptical of the political support that they –sporadically- received<sup>93</sup> and understood that the legal cases would take some time to be decided; they opted to follow a parallel strategy of direct action. The first example of this direct action that gained national recognition was the hunger strike initiated by 11 members of the community on the 28<sup>th</sup> of September 2010. The public declaration of the Committee argued that this decision was taken after the ‘irresponsibility of MLP’, which had decided to construct the *El Mauro* tailings dam, one of the largest tailings dam in Latin America in the head of the Pupío River and continued stating that the tailings dam had forced the community to live ‘without water, air, vegetation and animals [...] underestimating the decision made by the Appeal Court of Santiago [...] moreover it obliges the community to live at the foot of a dangerous structure’. The public declaration ended claiming support for its cause and seeking the right to live in an environment free of contamination, and right to life, recognised in the Chilean

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<sup>91</sup> A family listed number 101 in the 2016 Forbes list of billionaires and number 1 in Chile, with a net worth of USD \$10.4 billion. Information retrieved from <http://www.forbes.com/profile/iris-fontbona/> [last access: 12 June 2016].

<sup>92</sup> The *Comité de Defensa de Caimanes* suggest that one of the clearer examples of this co-optation of the State may be found in the figure of Jorge Insunza, former member of the Chamber of Deputies and Minister of Michelle Bachelet’s government in 2015. After 27 days of being named as Minister and Secretary General of the Presidency in Chile, he had to resign, recognising that while he was a deputy and president of the Mining Commission of the Chamber of Deputies, he received over USD\$ 300,000 through his company *Sistema Consultores*, for consultancies made to the mining companies CODELCO and Antofagasta Minerals (Alarcón, 2015). The community argues that there are other cases of co-optation of the government made by Antofagasta Minerals. Among the most important cases of potential corruption claimed by these movements are the funding given to the political campaigns of local politicians, such as the former Governor of the Choapa Province, who admitted the reception of funds for his campaign (Salamanca Chile, 2016). Also the community criticise that Aurora Williams, Minister for Mining in Michelle Bachelet’s government was a former employee of one of Luksic family companies (Antofagasta Terminal Internacional) and that his secretary Adolfo Galindo, had to resign because of alleged cases of preferential treatment to MLP (The Clinic Online, 2015).

<sup>93</sup> For example, the community was invited to present their case in the Natural Resources and Environmental Committee of the Deputy Chamber see 52° Periodo Legislativo, Legislatura 358ª, Comisión De Recursos Naturales, Bienes Nacionales y Medio Ambiente, 11th session, 16 de June 2010.

Constitution (Comité de Defensa Personal de Caimanes, 2010a). With this action, the Committee aimed to give visibility and recognition to their claims. Within a human rights framework, they tried to represent the unfair environment on which they were forced to live.

The hunger strike was the motivation to pursue a series of demonstrations that created both local and national solidarity. Within this process of direct action, it is important to highlight the figure of Cristián Flores, one of the leaders of the community and the founder of the Committee. Cristián Flores was a young person that was born in, and displaced from, El Mauro, someone who had lived the conflict from its very beginning, and due to these circumstances had pushed the community to follow both a legal and a direct action strategy to stop the abuses committed by MLP (Claudia Pizarro, 2015).

The leadership of Flores combined with the hunger strike ended up in the generation of the first massive demonstration of the community. It occurred on the 4th October 2010, where 150 members of the community blocked the access road to *El Mauro* tailings dam. The demonstration attracted the attention of the local authorities, who tried to open dialogue with the communities, but the protesters refused it. Their argument was based on solidarity with the community members who were on hunger strike, and recognised that they would maintain these forms of strike until MLP and the government secured a form of open dialogue between the community and the company (Comité de Defensa Personal de Caimanes, 2010b). Following this demonstration, a series of further mobilisations occurred in the zone; actions that in some cases were subject to great police repression (David Noticias, 2010) others that mobilised the community of Caimanes to Illapel (capital of the Choapa Province) in solidarity to the hunger strikers (OLCA, 2010b) and others that blocked the entrance of the mine in the location of *Portones* (Ossandón, 2010b). These activities created a sense of solidarity within the community similar to what occurred in the initial periods of the mobilisations in 2003-2004.

Important elements that demonstrate this internal unity were the usage of black flags and billboards in the town. Most of the houses in Caimanes hung black flags and wrote billboards in representation of their opposition to the mining project and the consequences of the tailing dam. Using the theoretical approach elaborated by Herbert Blumer (1951), we can argue that the representation of a common enemy (represented by the company), the personal relationships of the group that have been enhanced with the episodes of direct action, the solidarity of the group with those that were on hunger strike and the usage of black flags and billboards as a development of ceremonial behaviours, generated an *'esprit de*



*corps*' within the Committee (p. 205). As argued by Gemma Edwards (2014), 'when the combination of these factors occur, the sense of belonging to the group is reinforced because they feel like they are part of something bigger than themselves. The result of 'esprit de corps, then, is solidarity' (p. 27).

The local cohesion was supported with national solidarity. Ten socio-environmental organisations organised a massive demonstration in front of *La Moneda* (the government palace) in solidarity with the hunger strikers (OLCA, 2010a).<sup>94</sup> People from Caimanes and Santiago participated in this demonstration. A member of the community argued that it was necessary to come to Santiago to be heard, because the 'local authorities have never been part of the conflict, we need to come here to La Moneda because unfortunately they have never given us any support' (Comité de Defensa Personal de Caimanes, 2012, pp. 5:29–5:45). This fact demonstrates once again an aspect part of the inequalities that the movement had to face, represented this time in the centralisation of politics in Chile, a situation that, as will be seen, has also been detrimental for other socio-environmental movements that have fought against extractivism, such as the Defendamos Chiloe movement (Chapter 6).

After the conflict was nationally known, political parties and representatives of the Catholic Church showed some solidarity with the community. While the movement has constantly requested political support, it was not until the hunger strike lasted some weeks that political representatives began to show their interest, inviting the company to begin a dialogue process with the community. What was unclear for the community was whether the politicians were concerned in the interests of the hunger strikers or of those of the company. A member of the Teachers Association in Illapel -where the hunger strike was taking place- remember the political interest in the following way,

*Once the hunger strike started I got involved in the Caimanes problem. Then I saw the operation of the local parliamentarian Lemus very closely. He took over the hunger strike. The Socialist Party was there at the regional level; they operated as a party. Lemus had a political operator (who is his adviser) and formerly she was fighting with us. Lemus was ratified as an important interlocutor within the town of Caimanes, and they request him to negotiate with the company to end the hunger strike. They told him that their problem was not about money, but security and water. Then, the following day the front pages of the newspapers said that the Caimaninos were going to stop the hunger strike for 350 million pesos, or something like that. This situation was not a coincidence; it was an indicator. Clearly there was pressure. This was being driven to other*

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<sup>94</sup> Comité de Defensa del pueblo de Caimanes y el Valle de Pupío, Asamblea de Organizaciones Sociales en Defensa de la Madre Tierra, Comité de Iniciativa por una Asamblea Constituyente, Observatorio Ciudadano, Revista El Ciudadano, Observatorio Latinoamericano de Conflictos Ambientales, Asociación Nacional de Mujeres Rurales e Indígenas, Federación de Estudiantes de la Universidad de Chile, Corporación Ayun, Red de Estudiantes por la Asamblea Constituyente

*levels, at levels that seemed unnoticed to me. I always stayed with that image of how the environmental political operators work, and here it was very evident. (Interview Caimanes number 6, 18:47-23:29).*

To avoid misunderstandings between politicians and the company a representative of the Catholic Church was proposed as facilitator of a dialogue table. The Illapel Bishop, Jorge Vega was elected to facilitate the transparency of this process. With this guarantee the protestors ended an 81 days' hunger strike on December 2010. The company accepted this condition but said that they were not able to dialogue with Cristián Flores, the leader of the Committee, arguing that this condition would be better for the interests of the community. But the community immediately reacted saying that those conditions could not be accepted, and going further they asked for the transparency of the process arguing that the dialogue should be filmed (MTP Coquimbo, 2010, p. 3:10). After long negotiations, the dialogue process did not reach an agreement and the Illapel Bishop stored the copies of the videos. The community voiced mistrust towards the Catholic Church, stating that the company had the privilege of storing and reviewing the videos, while the community was never able to do so (Ossandón, 2010a).

*b. Counter-mobilisation and persecution of human right defenders:*

The intention of the company to weaken Flores' leadership became evident when they started a process of counter-legal mobilisation against him. The period of hunger strike left Caimanes, and especially the people participating in the Committee, with a sense of identity and an initial network of support but also with a legal case presented by MLP against the leaders and lawyers of the movement. The community of Caimanes was now full of black flags that represented the death brought by MLP, with clear leadership and with national and international support that recognised their reputation as a community of resistance. A good example of this reputation was the gold medal given to community representatives by the Mayor of Pau (France), Martine Lignères Cassou, in recognition to their fight in defence of water rights in April 2011 (Quillier, 2011). In this context of potential success of the movement, MLP decided to follow a counter-mobilisation legal strategy, accusing the leader of Caimanes (Cristián Flores) and the lawyers (Ossa & Cia) of prevarication, criminal association, public disorder and false subscription of documents. This persecution of the defenders of the community was seen by the Committee as a strategy to intimidate the leadership of the movement and as demonstrating a renewed intention to divide the community, but it created exactly the opposite effect.

In November 2011, exactly one year after the hunger strike, the company presented the complaint against the leader of the Committee, Cristián Flores and the lawyers supporting the community. Immediately the Committee responded with the campaign 'Defend those who defend you'. This campaign argued in the following terms: 'MLP has broken the social relations of Caimanes' inhabitants, through the distribution of economic benefits it has generated divisions within families. Today, through legal complaints against the lawyers and our leader, they seek to leave those that want to continue living in the Pupío Valley, without possibilities of legal defence' (OLCA, 2011). The lawyer of the defendants (Flores and Ossa & Cia), Alex Carocca, described the campaign in the following terms: *'The community is key. They are people with an admirable spirit, because they have been subject to different types of pressures to desist, to be subject to different projects and intentions from the mining company, to maintain a passive attitude'* (Porras, 2012). To achieve this 'spirit' the support from the community and from external organisations was key. An example of this support was that given by the *Asamblea del Agua*, that representing 75 local movements and institutions which signed a petition supporting the leaders of Caimanes (OLCA, 2012b).

It was not until November 2012 that the public hearing of the case occurred in the *Juzgado de Garantía Local* of *Los Vilos* allowing the community to have certainty about past conflicts and to create new networks of support. The public hearing was a perfect occasion to reveal past struggles. For example Mirella Ardilles, one of the former community leaders, recognised in this instance that she had 'sold the town' and that the donations that they received in order to get into a settlement in 2008 were made by MLP and not by the owner of the land (Víctor Ugarte), as the mining company had historically argued (P. Correa, 2012a). Another witness in this case was the former lawyer of the community, Fernando Dougnac, who declared that Víctor Ugarte had paid him and that the idea to give a donation to some members of the community was decided before the extrajudicial agreement of 2008 (Ossandón, 2012). After 8 days of public hearings, the identity of the community was strengthened, they were able to have certainty on facts that were -until then- unknown and to receive the support of several organisations that protested outside the Tribunal on December 2012 (OLCA, 2012a). Also the international networks were expanded as the French NGO *Fondation France Libertés – Fondation Danielle Mitterrand* represented the community in two periods of the United Nations Human Rights Council, denouncing the

environmental catastrophe of the zone and the persecution to human rights defenders.<sup>95</sup> The identity created during the hunger strike, was now reinforced in support of the leaders of the community.

Finally, in December 2012, the Court decided against the will of MLP, declaring that the lawyers and the leader of the community were innocent of the four charges that MLP tried to present against them.<sup>96</sup> One of the accused lawyers showed her happiness with this decision arguing that “that was all we asked for: an impartial tribunal [...] they were brave Judges as it is not easy to decide in these conditions” (El Observatodo, 2012). The company appealed this decision, but both the Appeal Court of La Serena<sup>97</sup> and the Supreme Court refused the appeals.<sup>98</sup>

*c. Water Contamination. Contrary Institutional visions:*

While the criminal case against the leaders of the community was pending, the Investigation Police of Chile (hereinafter PDI) presented the results of their water analysis in Caimanes, concluding that they had levels of contamination that were above the legal maximum established in the Chilean legislation. The report was released on the 27<sup>th</sup> of August 2012 declaring that levels of mercury, iron and manganese present in the sources of water were above the Chilean norm and that the cause of these levels of contamination was the construction and operation of the *El Mauro* tailing dam (Policia de Investigaciones, 2012, pp. 14–15). This study was corroborated by the study carried out by the Medical Association of Chile that declared that the water in Caimanes had concentrations of mercury that were 26% over the Chilean norm and levels of iron 50% above the national norm (Tchernitchin & Muñoz, 2012, p. 202).<sup>99</sup> This study argued that the excessive consumption of metals in water may produce chronic health effects, for example, an excess of manganese may produce psychiatric effects and that excessive consumption of iron may produce cardiovascular and neurological diseases, among other effects (Tchernitchin & Muñoz, 2012, p. 209).

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<sup>95</sup> Human Rights Council, 20<sup>th</sup> Period of Sessions, Theme 3, 13 June 2012, A/HRC/20/NGO/62 and Human Rights Council, 21<sup>st</sup> Period of Sessions, Theme 3, 4 September 2012, A/HRC/21/NGO/76.

<sup>96</sup> Tribunal Oral en lo penal de Ovalle, *Minera Los Pelambres c/ Ramon Ossa y otros*. Rol: O-25-2012, decision 18 January 2013.

<sup>97</sup> Corte de Apelaciones La Serena, *Contra Flores Tapia, Cristian, Ossa Infante, Ramon; Arroyo Correa, Roberto; Dagnino Urrutia, Sandra; Sanhueza Belmar, Ivan*. Rol: 39-2013. Decision made on 9<sup>th</sup> May 2013.

<sup>98</sup> Corte Suprema, Reposicion in cause *Contra Flores Tapia, Cristian, Ossa Infante, Ramon; Arroyo Correa, Roberto; Dagnino Urrutia, Sandra; Sanhueza Belmar, Ivan*. Rol: 1527-2013. Decision made on 2<sup>nd</sup> April 2013.

<sup>99</sup> Also in 2004, the Water authority (DGA) recognized that the levels of contamination in the Choapa Province were provoked by the operations of MLP (Dirección General de Aguas, 2004, pp. 102–3).

The report was an incentive for new legal claims and protests. A few days after knowing the results of the PDI, on the 14<sup>th</sup> of September 2012, 60 people from Caimanes filed a protection claim in the Appeal Court of La Serena.<sup>100</sup> The claim was based on the report made by the PDI, but also on the decision made in 2005 by the Appeal Court of Santiago that declared that the construction of the dam was a danger to human life (decision made before the extrajudicial agreement). The lawyers representing MLP argued that the lawyers representing the community (Ossa & Cia) had tried –since 2008- to judicialise the protest of the Caimanes community and that the report made by the Investigation Police was misleading as the laboratory that analysed the contamination of the water was not approved by public institutions. Finally, they argued that the construction of the dam was made with high levels of technology and that the sources where the PDI took the water samples were not for human consumption.

Similar arguments to those presented by the defence of MLP were given by the regional representative of the Health Minister, Dr. Osvaldo Iribaren, who went to the town of Caimanes to argue that the results of the PDI were misleading. In an act that challenged the legal arguments presented by the community, the public representative drank water in front of the Caimanes assembly, generating anger in the community (J. Correa & Trejo, 2013 min 54:13). The indolence of the authorities generated an immediate reaction in the community, which again blocked the entrance to the *El Mauro* dam, claiming that they should be treated –by public representatives- as humans (P. Correa, 2012b). The problems with the contamination of the water and security of the community were reactivated on October 2012, when an employee from MLP told the leaders of Caimanes that the dam had some leaks. While the company argued that the problem was promptly solved, the leaders of the community expressed the view that the authorities of the country had failed to support them.

The Appeal Court of La Serena argued that the right to health, as established in the Chilean Constitution, had not been breached in this case dismissing the protection claim presented by 60 community members.<sup>101</sup> This decision was not a block to continuing the strategy of judicialising the protest. The new evidence of leaks from the dam and the potential danger of its structure caused 80 people from Caimanes present another protection claim at the La Serena Court of Appeal. Again, this Tribunal dismissed the claim of the community arguing

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<sup>100</sup> Corte de Apelaciones La Serena, Protection claim made by Clodomiro Tapia Diaz y otros contra la Sociedad Minera Los Pelambres. Rol: 1008-2012

<sup>101</sup> Corte de Apelaciones La Serena, Protection claim made by Clodomiro Tapia Diaz and others against Sociedad Minera Los Pelambres. Rol: 1008-2012. Decision 9 November 2012, paragraph 15.

that the pictures that demonstrate the leaks were not enough evidence to conclude that the dam was a threat to human life.<sup>102</sup> But this time the lawyers defending the community appealed this decision, arguing that the Court of Appeal of La Serena had always decided against them. The strategy was successful, as the Supreme Court in Santiago, declared on July 2013 that the dam was a threat to the physical and mental integrity of the community and ordered MLP to create security evacuation plans and the public authorities (DGA and SERNAGEOMIN) to make constant reports on the situation of the dam.<sup>103</sup>

*d. Legal results leading to the largest street blockage in El Mauro:*

The decision made by the Supreme Court in July 2013, was the basis of a series of judicial victories for Caimanes. On February 2014, the Environmental Superintendence sanctioned MLP for non-compliance with the Environmental qualification, ordering to pay 2,595 UTA (Annual Tax Unity) due to archaeological damages. In May 2014, the Los Vilos Tribunal declared the El Mauro tailings dam to be a ‘ruinous construction’.<sup>104</sup> This decision was the basis for a new demonstration in May 2014, where the community blocked the entrance to the El Mauro arguing that ‘if the justice system tells you that you live beneath a ruinous construction and that it is a threat to your physical and mental integrity, then the only solution is to stop the dam operations’ (P. Correa, 2014). The community leaders argued that these decisions should be obeyed and that the only way of complying with them was closing the tailings dam.

Moreover, in October 2014, the Supreme Court accepted the claims of *obra nueva*, overturning the decision made by the first instance Tribunal in Los Vilos<sup>105</sup> and La Serena Appeal Court<sup>106</sup> and ordered MLP to allow “the natural runoff of the water that come from the Pupío river; the community of Caimanes should receive it free of any contamination or waste that may come from the *El Mauro* tailing dam”.<sup>107</sup> To achieve this conclusion, the Supreme Court based

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<sup>102</sup> Corte de Apelaciones La Serena, Protection claim made by Luis Nestor Fernandez Fernandez and others against Sociedad Minera Los Pelambres. Rol: 1106-2012. Decision 18 December 2012, paragraph 8.

<sup>103</sup> Corte Suprema, Protection claim made by Luis Nestor Fernandez Fernandez and others against Sociedad Minera Los Pelambres. Rol: 19-2013. Decision 4 July 2013, paragraph 9.

<sup>104</sup> Juzgado de Letras y Garantía de Los Vilos, *Sociedad Defensa Comunidad Caimanes against Minera Los Pelambres*. Rol: 7981-2008. Decision made on 16 May 2014. As it has been the tendency, the La Serena Appeal Court reversed the decision made by the Los Vilos Tribunal and declared that the construction was not ruinous. See Corte de Apelaciones de La Serena, *Sociedad Defensa Comunidad Caimanes against Minera Los Pelambres*. Rol: 946-2014. Decision made on 22 April 2015.

<sup>105</sup> Juzgado de Letras y Garantías Los Vilos, *Flores, Cristian y otros con Minera Los Pelambres*. Rol C-7957-2008. Decision 12.11.2012. [Obra nueva]

<sup>106</sup> Corte de Apelaciones La Serena, *Flores and others against Minera Los Pelambres* Rol 1326-2012. Decision 28.08.2013.

<sup>107</sup> Own translation from Corte Suprema, *Flores and others against Minera Los Pelambres* Rol 12938-2013. Decision 21.10.2014.

its argument on international human right treaties, arguing that the “Chilean state cannot allow the development of activities that affect the environment and its inhabitants”.<sup>108</sup> However, the Supreme Court does not make reference to specific international treaties -that are the basis of its argument- only declaring that the state should take preventive and reactive measures to protect the environment, stating that any activity (even those legally approved) that may cause a potential damage should be prevented.<sup>109</sup>

To comply with this decision the Supreme Court ordered the company to propose a plan to allow the natural flow of the water or to demolish the dam. This decision was the main motivation for the largest street blockage by the community. Just after the decision of the Supreme Court, the community decided to block the entrance to the El Mauro dam. The Committee argued in the following terms: ‘during at least six years of judicial processes, we have shown the damage that the construction of the dam has done to our community. The tailings dam has brought the loss of our water sources, undermined our agricultural heritage and generated huge harm to our society and to families in our community’ (Comité de Defensa Personal de Caimanes, 2014).

If the hunger strike of 2010 was the catalyst for the first massive mobilisations that attracted national interest, the favourable decisions of the Courts were now the driving force behind the blockage, an action that has been one of the peak mobilisations of the Committee. It was a blockage that attracted the interest of the press and political figures and support from NGOs. The *Movimiento por la Recuperación del Agua y la Vida* (MODATIMA) was one of the organisations that supported this new mobilisation. After 60 days of street blockage, the spokesman of this movement declared:

*“As a movement, we are completely convinced that the fight given by Caimanes is an example of courage and decision. Regardless of the difficult circumstances, they are engaged in a just fight. Different organisations that form this movement, wanted to join and support them. That is why we are here, because we know that the conflicts in different territories have the same cause and that it is fundamental to fight them with unity”* (MODATIMA, 2015)

Caimanes also received the support of the No Alto Maipo movement (that will be described in detail in the next chapter). Marcela Mella, the spokeswoman of No Alto Maipo declared that they were supporting Caimanes, because:

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<sup>108</sup> Id., Paragraph 20.

<sup>109</sup> Id., Paragraph 23.

*“[...] Since 2013, when the Luksic group bought 40% of the hydroelectric project Alto Maipo and signed an agreement with AES Gener to expand the operations of MLP, our fights have become sister fights with Caimanes, because MLP has been the worst environmental disaster of this valley” (MODATIMA, 2015)*

After 74 days, the national police forcibly displaced the blockage of the road. The police came to the place at 6:30 a.m. attacking the provisional tents that blocked the route. The community alleged that the police did not have an order to evict the families and that they were receiving orders from the company. One of the leaders of the Committee declared: *“rich people are passing over the judicial branch ... the fact that a private guard is giving orders to Carabineros is a symptom of a serious problem”* adding that *“people should stand up to enforce the Tribunals’ decisions”*. As a reaction to these repressions, the National Institute of Human Rights made observations about the conditions of the community and declared that ‘the police acted with a disproportionate use of force’ (INDH, 2015d, p. 31).

*e. Current status of the movement: New approach from the company and new division of the community:*

Facing unfavourable judicial decisions and constant protests, the company elaborated a new strategy of relations with Caimanes that was based on dialogue with the community. This new approach was based on MLP’s recognition that part of the decrease in the exploitation of copper in 2015 had to do with community protests (Antofagasta Minerals, 2015a, p. 41). Apart from the episodes of contention, the local tribunals that usually decided to favour the company now started to decide against it. A good example may be found in the Los Vilos local Tribunal, a Court that had the responsibility to enforce the decision made by the Supreme Court in 2013, and that decided that the plan presented by the company was insufficient, as it did not allow the natural flow of the Pupío River; ordering MLP to demolish the dam.<sup>110</sup> The Committee was then gaining support not just from different organisations, but also from the judicial decisions made at the local level. This new judicial victory of the Committee motivated the organisation to organise a massive march in front of *La Moneda* to draw attention to the repression that they suffered during the street blockage (Gutierrez, 2015). In this adverse context for the company, MLP started a new approach of lobbying and community relations.

In terms of the judicial strategy, MLP appealed the decision made by the Los Vilos Tribunal on March 2015 stating that “the demolition of the dam was an impossible physical and juridical fact” (Antofagasta Minerals, 2015b). In terms of political lobbying Jean Paul Luksic,

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<sup>110</sup> Juzgado de Letras y Garantías Los Vilos. *Flores, Cristian y otros con Minera Los Pelambres. Rol C-7957-2008.* Decision 06.03.2015, paragraph 13. [Compliance obra nueva]



President of Antofagasta Minerals and also President of the Chilean Mining Council, organised a meeting with high-level representatives from the government to analyse possible new socio-environmental conflicts and judicialisation of the protest that had made MLP to lose the production of 8,000 tons of copper (Esturillo & Pozo, 2015).<sup>111</sup> The Chilean government declared that they were working on a long-term and a short-term strategy to support mining activities. Within the short-term strategy, the government recognised that they would continue supporting companies with the deployment of security forces to impede the blockage of mining activities (Esturillo & Pozo, 2015). This government promise was kept. In April 2015, the community again blocked the access to El Mauro; the same day the police suppressed this act and evicted the protesters, using MLP machines (El Clarin, 2015).

In terms of its community approach, the company started –in September 2015- a process of dialogue with the lawyers that represented the community and members of the Committee to achieve an agreement on security, water and community investment. The community alleged that previous conversations between the lawyers defending the community (Ossa & Cia) and the company had resulted in a pre-designed agreement that was the basis of the three points that would lead the dialogue process (water, security and compensation). The lack of community participation in the definition of these topics, argued the leaders of the movement, divided the community (Claudio Pizarro, 2015).<sup>112</sup> While the three points were previously decided, the conditions to implement them were fixed in ten public assemblies.<sup>113</sup> The agreement covered the topics of security, water (complementary buildings to bring water through canals), a community development fund of approximately USD\$ 8.5 million and a personal donation of approximately USD\$ 42,000 per family (if 350 families approved it would be USD\$ 14,7 million). In order to approve the agreement, the company and the community agreed that the minimum quorum of votes should be 70% of the people living in Caimanes (Chile Transparente, 2015, p. 5).<sup>114</sup> The leaders of the Committee resisted the agreement arguing that the lives of the people in Caimanes could not be bought.<sup>115</sup> Finally, the vote to approve or disapprove the agreement occurred on the 8<sup>th</sup> of December 2015.

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<sup>111</sup> On a Price of 0.266 dollars/lb. is approximately USD\$ 4,2 million

<sup>112</sup> To have transparency in the dialogue with the community, MLP asked *Chile Transparente*, the Chilean branch of Transparency International to document the whole participatory process. But, the community alleges that MLP finances Chile Transparente.

<sup>113</sup> The public assemblies took place between September and November 2015.

<sup>114</sup> According to a census created by the company and the community, only those that were over 18 years old could vote.

<sup>115</sup> A completely different approach when compared to the decision made by the Committee that represented the community in 2008.

Only 64% of the people living in Caimanes voted, therefore the referendum was not valid (Caimanes Resiste, 2015).

Despite the refusal of the community, MLP continued with their intentions to achieve an agreement with the community. The intentions were clear; they wanted to present this agreement as evidence of extrajudicial agreement in the cases of *obra nueva* and *obra ruinoso*. In order to achieve it, Ossa & Cia and 466 members of the community sent a letter to MLP asking them to respect the agreement previously presented (Ossa & Cia, 2015). The question then is why the lawyers that had already won a protection claim in the Supreme Court that declared the dam a physical and mental threat and won the *obra nueva* case in the Supreme Court wanted to achieve an agreement? The intentions of the lawyers supporting the community were also clear as they would receive 10% of the money paid by the company for their representation and none of the pending decisions in Tribunals were asking for monetary compensations. This fact ended up breaking the trust that the community leaders had placed in the lawyers, as in 2008, when the strategy of the lawyers represented by Fernando Dougnac was to achieve an extrajudicial agreement enabling construction of the dam. Now, the lawyers who were defended by the community in the campaign “Defend those who defend you”, and who had won important cases in different Tribunals for over 8 years, wanted to achieve an agreement with the company to receive a payment (Maher, 2018). This specific episode reflects some of the important limitations of legal mobilisation.

After a process of negotiation, on the 18<sup>th</sup> of May 2016, 552 people from Caimanes (representing 81.3% of the people over 18 years of age in the community) signed the agreement. The Committee ended up representing a small proportion of the community that still believe that the dam is a threat to the security of the community and that the complementary works to bring water to Caimanes will not be sufficient to recover the agricultural potential that the valley had. Moreover, they believe that the money offered per family (USD\$ 42,000) is not sufficient compensation for the violations committed. For the company, the strategy was successful, as they could present the agreement in the case of *obra ruinoso*, achieving an extrajudicial agreement.<sup>116</sup> They also presented it as evidence in the case of *obra nueva* in the La Serena Appeal Court. This was a case where the Supreme Court had asked MLP either to create a plan to allow the natural flow of the Pupio River or to demolish the dam. Regardless of this decision, the Appeal Court decided that:

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<sup>116</sup> Corte Suprema, *Sociedad Colectiva Civil Defensa Comunidad Caimanes con Minera Los Pelambres*, Rol 6991-2015. Decision 01.06.2016.

*“The complementary works proposed by MLP and the agreements signed by many inhabitants of Caimanes on May of this year are suitable to allow the free flow of the waters of the Pupio river to Caimanes”<sup>117</sup>*

The Supreme Court accepted these arguments in November 2016,<sup>118</sup> leading the constituents of the Committee to present a new legal claim that aims to pursue the criminal responsibility (prevarication) of the lawyers that represented the community and that ended up negotiating the case with the company (R. Fuentes, 2017; Clara Medrano, 2017). This issue opens a new cycle in the judicial strategy of the movement, similar to what occurred in 2011, when a group of neighbours tried to pursue the legal responsibility of the lawyer Fernando Dougnac (Labrín, 2011). The conflict therefore continues.<sup>119</sup>

## II. Explaining mobilisation

Through this study, I argue that it is important to understand how the factors that generate conflict interact between each other. The case of Caimanes reflects the fact that the factors generating conflict are far from being static. In particular, the case of Caimanes shows, in a very evident way, how the combination of opportunities, frames and resources varies over time and space. Such combination shows that the emergence of the conflict depends on a series of elements that have allowed the community to perceive, conceive and construct the effects of the tailings dam as unjust. **Table 14** summarise the variations analysed in the previous section, over time (before the conflict started, first period and second period) and in space (factors that occur at the local, national and global level)

As shown in the first column of **Table 14** the combination of political opportunities, frames and resources started even before the conflict in Caimanes was a reality. In particular, the case of Caimanes is representative of the increasing demand for mineral resources at a global scale, which ends up generating conflict at the local level. As seen, the conflict against MLP started in the early 1990s in opposition to the exploitation of the 5<sup>th</sup> largest copper mine in the world by the Antofagasta Minerals Group. Antofagasta acquired these reserves as part of the process of privatisation of state companies led by Augusto Pinochet. In the particular case of Caimanes, the conflict pertains to the decision of the company to build the tailings dam just eight kilometres from the community. Such decision –as we have seen- had important economic advantages for the company. Also, before the company decided to

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<sup>117</sup> Corte de Apelaciones La Serena, *Sociedad Colectiva Civil Defensa Comunidad Pueblo de Caimanes / Minera Los Pelambres: Denuncia de obra nueva*. Rol 551-2015. Decision 08.08.2016.

<sup>118</sup> Corte Suprema, *Flores, Cristian y otros con Minera Los Pelambres, Rol 76323-2016*. Decision 21.11.2016.

<sup>119</sup> In fact, in October 2017, the community that continues the opposition to the project have decided to elect a new leader to continue the struggle (Mr Alvaro Badillo).

locate the *El Mauro* tailings dam just eight kilometres from Caimanes, the communities of Salamanca and Choapa organised a series of protests against the potential effects of the company, mainly arguing that the construction of the tailing dam near Chillepín would end up generating important socio-environmental consequences in the zone. With an anti-mining discourse, the Committee for the Defence of the Choapa Valley, with the support of important national and international environmental organisations such as OLCA, IEP and Greenpeace, mobilised against the construction of the mining project. Through different forms of direct action, they argued that they would not grant the company social license to operate in the zone, as they understood that the consequences of such a massive project were unavoidable. While the network of organisations was based on an anti-mining discourse, local communities lobbied the company to relocate the tailings dam to *El Mauro*, a zone that had an important agricultural vocation and that was the source of water of the Pupío River.

Put in a very simple way, at this point of the conflict, the political opportunities were very closed for the community in Caimanes, and the networks available at the national level, were not accessible. The decision of the company to relocate the tailings dam left the community in Caimanes with few support networks. The national and international organisations that used to support local communities in Choapa and Salamanca decided not to continue in this struggle. The decision of local communities to relocate the tailings dam was then contrary to the aim and visions of environmental organisations supporting the movement. The difference or dichotomy in the aim of the movement (formal organisations that wanted to stop the project and local communities that wanted to relocate it) ended up fragmenting the support network. Because of these different visions, the initial opposition in Caimanes to the construction of the tailings dam in *El Mauro* was not supported by national or international socio-environmental organisations. Moreover, the community in Caimanes had to oppose the mining giant in isolation, as the neighbouring communities argued that the construction of the tailings dam over the Pupío River was the best solution for the company and the communities living in the Choapa Valley. The context of an isolated community that lacked the support of other networks was perfect for the company's aim, i.e. to construct the tailings dam in *El Mauro*.

**Table 14:** Factors that generate conflict in Caimanes

		Before Caimanes	First period	Second period
Structural opportunities	Global	Global demand for copper (boom of commodities) in the 1990s; ownership acquired during the liberalisation process of the 1980s	Increasing global demand of copper	End of the commodity boom (price) but increasing demand of copper

	<b>National</b>	Privatisation process established during Pinochet's dictatorship	Ill-designed environmental participation policies; openness of judiciary but lack of implementation	Relation between the company and other institution (church and politics) that generate mistrust. Police repression.
	<b>Local</b>	Prospection phase of a large-scale tailing dam in Choapa province (where the mining project is under operation).	Construction phase of large-scale tailing dam. Also the company's strategy to divide the community.	Operation phase of large scale-tailing dam. Also, counter-legal mobilisation.
<b>Incentives</b>	<b>Global</b>	The frame was based in an anti-extractive discourse	Water Tribunal allows to generate an environmental frame	New leadership that base the discourse not much on the farmers externalities, but on rights to life, health and access to water
	<b>National</b>	The protests start on a period of democratic governments that recognise the right to protest	Opportunity to judicialise the conflict and to adopt a human rights frame	Continuation of the judicialisation of the conflict and protest, now at a national scale. Also it appears a frame of centralisation of politics.
	<b>Local</b>		The community initially reacted over the potential damages on the farmers' way of life of the community	The incentives were given by a series of factors such as the opposition of neighbour communities, the forced displacements of El Mauro and recognition of first externalities
<b>Resources</b>	<b>Global</b>		Latin American Water Tribunal	France Libertés-Fondation Danielle Mitterrand & LMN. And usage of International Human Rights Mechanisms
	<b>National</b>	OLCA, IEP, Greenpeace	FIMA	OLCA, Observatorio Ciudadano, Asamblea del Agua, MODATIMA. Some connections with other communities in conflict
	<b>Local</b>		Capacity to access local elites	Resources given by the judicial settlement that allow to hire the new lawyers

**Source:** own creation based on case study

So, the first period of the mobilisation in Caimanes started with a mining company that was already operating and that had the support of neighbouring communities to construct the tailings dam necessary to increase the extraction of minerals. As represented in the second column of **Table 14**, the lack of knowledge of the community regarding the execution of environmental assessment laws generated weak community participation in the process, allowing the company to gain the environmental qualification for the construction of the tailing dam without major administrative obstacles. Moreover, the company developed a new local organisation that ended up generating further community division.

In a context of territorial division and the lack of network support, the company initiated the process of gaining social and environmental license to operate in Caimanes and Pupío.

Initially, the community opposed the construction of the dam, mainly because of their peasant condition; the community lived from agriculture and they knew that mining was there to replace their historical forms of life. Such an experience of injustice was enhanced by the fact that 23 families were forcedly displaced from El Mauro and by the fact that some of the externalities of the construction of the tailings dam such as the disappearance of archaeological sites became plainly visible. Those facts allowed for the creation of a frame and discourse that ended up generating important forms of protest and direct action. While most of the community in Caimanes was against the construction of the tailing dam, the company understood that they should approach the community with a dialogue process. They also managed to make important CSR promises and ended up generating a new social neighbourhood that served as an employment office in Caimanes. This process ended up fragmenting the community between those that supported the construction of the dam and those that opposed it. The second group found -in local elites and in FIMA- a chance to judicialise the protest. Put differently, the access to local elites transformed the aims and means of the community; from then on, the strategy became judicial and the aim was not to stop the construction of the dam, but to receive compensation or reparation for the unfair decision of constructing such dam in Caimanes. This occurred with the signature of a judicial settlement between the company and the leaders of the community.

Such settlement marks the end of the first period of mobilisation and the start of the second one (as represented in the third column of **Table 14**). Part of the community was disappointed with the decision undertaken by the former leaders and decided to continue the struggle. The new leadership decided to continue the legal claims but to change its strategy from public claims (pursuing the responsibility of the state), into private ones (now pursuing the direct responsibility of Antofagasta Minerals). Moreover, they restarted the forms of direct action (e.g. hunger strike) and sought the support of neighbouring communities (e.g. Illapel). The sense of belonging at the local level was marked by the usage of black flags that represented the death brought by the mining company. This decision to undertake a more radical judicial and direct action strategy was blocked through several counter-mobilisation strategies undertaken by the company and which represent, once again the closed structural opportunities for the mobilisation of a community such as Caimanes. In this period we can observe how the company started a counter-legal mobilisation against the leaders of the community. Also, it has become evident that the movement has found some barriers at the local level with the Appeal court of La Serena that has constantly decided against the will of the community, even rejecting the decisions undertaken by the Supreme Court. The

opportunities became even more closed when we observe how other state and non-state organisations such as political parties, the police, the central government and the Catholic Church defended the interests of the company. Once again, despite the aims and incentives/frames of the community and the increasing support that the movement was able to gain, the closed opportunities for mobilisation ended up with a new judicial settlement signed by the lawyers representing the community and the majority of the people living in Caimanes. In the meantime, those who still resist the operation of the tailings dam have to face issues of water shortage and the insecurity of living just below one of the largest tailings dam in the world.

### **III. Conclusion**

The case of Caimanes highlights a series of factors that generate conflict at the local level and that shape the forms and means of the mobilisation against MLP. The geographical isolation of the community is key to understand its closed opportunities for mobilisation. This situation was reinforced by processes led by the company such as the creation of the Neighbourhood Council number 5 that resulted in the division of the community. Once the community found the support of local elites and environmental organisations such as FIMA they immediately changed their direct-action strategies into forms of judicialisation of the protest. While at the beginning of the mobilisation, the community in Caimanes framed their discourse around the inequality of environmental distribution; they ended up shifting their frame that emphasised the unequal distribution of profits. The change in the networks and frames also reflect the aims of the community. The aim, during the first period of the mobilisation, was not to stop the construction of the dam, but to receive compensation from the company for the actual and any future impacts of the project.

The second period starts with a frame that emphasised the unjust distribution of externalities of the project, particularly how it affects the rights to water and security. The new frame allowed the community to follow both a strategy of judicialisation of the protest combined with forms of direct action that re-attracted the support of different national and international organisations. But the intensity of support from external organisations varied according to the needs of the community and process of the conflict. The intensive network support at key points of the protests (e.g. hunger strike and massive blockage to El Mauro) have somehow diminished in the last period of the movement, a period that has been marked by the lack of support of some of the most important networks (e.g. lawyers) ending up with

the fragmentation of the community and leaving the Committee in a minority position within Caimanes. A community leader from Caimanes explains this fragmentation both within the community and between the community and external organisations in the following terms:

*We did not know too much about social movements and protest. This is like being sick and going to different doctors, each one of them will give you different prescriptions. Civil society organisations did exactly the same with us here. Too many organisations came here to give us their advice. It was crazy.* (Interview Caimanes number 4).

The division of the community and lack of support ended up shifting the aim of the community. Most of the people in Caimanes have signed an agreement with the company that allows them to continue with their operations and potential expansion of the project. The frame shifted again from distribution of externalities into distribution of profits. There are several people that are still fighting against the mining company, people that have not signed the agreement, who have continued their legal battle (now against the former lawyers for prevarication) and who still believe that their rights to water and security cannot be transacted through judicial settlements or private agreements with the company.

In other words, it is possible to observe that the combinations of the factors that generate conflict are not static. The community may find opportunities or create networks in some points of the struggle, yet these opportunities and resources may be catalysers for both mobilisation and demobilisation. The isolation of the community, both in terms of geography and relations with other conflicts and organisations at the beginning of the conflict restricted the opportunities, yet served to create identity within the community. In terms of resources and networks, the resources from first period compensation and national and international support have served the community in Caimanes to gain national recognition and to open some windows of opportunities, especially within the judicial system. Yet, they also have a demobilisation effect, in terms of community division and dispersion of the community frame. Finally, this is a case in which we can observe clear patterns of counter-mobilisation made both by the company and the state, which end up closing, even more the political opportunities. The combination of these factors leads to the current situation of the community, which is again one of division and isolation. In this sense, the case of Caimanes differs enormously from the next case study, a community that lives close to Santiago and that has, from the very beginning of the struggle, created frames and networks that transcend the local scale.



## CHAPTER 5: THE NO ALTO MAIPO MOVEMENT

The No Alto Maipo movement opposes a hydroelectric energy project that is currently under construction in central Chile. The movement represents the resistance of people living in the foothills of the Santiago Valley, corresponding to approximately 7 million individuals that may be affected with a decrease in their drinking water sources and with the potential destruction of a territory that is characterised by its environmental and ecotourism capacity. As will be shown, the geographical location of the project and the support given by local elites to the movement make this a case that contrasts with the other two case studies analysed in this study, in the sense that it was born as a case of environmental resistance that while it acted locally enjoyed the support of national and international environmental networks. From the beginning of the conflict, the community has been able to attract resources and networks, generating a discourse that is based on an environmental justice frame and that aims to stop the construction of the hydroelectric project at the local level.

The analysis of the episodes of contention against Alto Maipo shows that the strategies adopted by the community have developed as consequences of the support of local elites and networks supporting the movement. Such support has been key in finding some windows of opportunity in the usually closed Chilean political and legislative context. In this sense, this case is especially important to understand how networks (environmental, political, legal, artistic among others) can help to mould the aims and means of a community that opposes extractivism. Such analysis is made through a rich descriptive analysis of both the factors that generate conflict at the local level and how they influence the capacity of the community of San José de Maipo to remain in the local struggle, but with broader transformative aims, i.e. to change the policies regulating and protecting environmentally fragile ecosystems.

The openness to support from different networks has created both advantages and disadvantages for the No Alto Maipo mobilisation. As already highlighted, one of the most distinctive characteristics of the *No Alto Maipo* movement –when compared to the other case studies- is their capacity to create cross-mobilisation alliances; a process that has allowed them to think beyond the local conflict. The leaders of the movement argue that the main characteristic of *No Alto Maipo* is their capacity to open spaces to the adherence of different individuals and organisations, a situation that has allowed them to broaden their capacities and protest strategies. They also recognise that this openness has made them –at some points

in its history- lose the focus of the aim of the mobilisation, sometimes creating divisions within the group.<sup>120</sup>

The chapter begins by tracing the episodes of contention that are marked by two periods of protest: (i) a period in which the community aimed at stopping the environmental certification of the project and that generated an important mobilisation network against the project, but the environmental permission to construct it was nonetheless granted, and (ii) a period in which the community used the socio-environmental network to try to stop the construction of the project, but –despite broad support- has not been able to achieve its aims. In the second section, I unpack the key factors that generate conflict and how they interact. The chapter concludes that the *No Alto Maipo* movement is an on-going mobilisation that is mainly framed in an environmental justice discourse. The capacity to mobilise resources and networks has been key to maintain an active mobilisation for over 10 years, yet it has not been able to stop the construction of the project.

### **I. Periods of contention:**

For analytical purposes I have divided the episodes of contention into two large periods (see **Table 15**). The first one is marked by the creation of networks and the first attempts to stop the construction of the hydroelectric project, mainly through participation in the environmental impact assessment. This period ends with the approval of the project by government agencies in a context of strong relations between private and public interests, thus closing the opportunities for social and political mobilisation. The second period is characterised by the movement's intention to break through these closed contextual opportunities by following alternative and innovative strategies. This is a period where we can observe the flexibility of the movement in receiving support from different networks, opening alternatives for innovative forms of protest, mainly through the combination of judicial action, lobbying, communications and massive mobilisation strategies. These protest strategies have tried to both stop the construction of the project, and to break through the closed opportunities for social mobilisation. While social movement has made some achievements, the construction of the project persists, i.e. this is an on-going mobilisation.

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<sup>120</sup> There is some evidence that suggest that the extent to which movement actors are tactically flexible determines their success (see for example McCammon, 2012) and others that argue that movements that adapt to different environments are more likely to fail (see for example Minkoff, 1999).

**Table 15:** Chronology of the conflict against Alto Maipo

	Year	Event
First period	Jun-07	The company start to create the first approaches with the community. For example, offering to buy some houses.
	Jul-07	Local communities start to mobilise resource to generate networks to oppose the Alto Maipo project
	Aug-07	First marches to stop the environmental qualification of the project
	May-08	AES Gener stop the process to gain the environmental qualification
	2008	AES Gener starts the political lobby to approve the project
	2008	549 observations are made by the community in the formal EIA process
	Mar-09	The environmental qualification is granted to start the construction of the project
	Second period	May-09
Nov-09		The Chamber of Deputies concludes the investigation arguing that the EQ was approved with irregularities
2010		The Coordinadora starts a series of massive protest against the project
Oct-11		People living in the Maipo Valley and some parliamentarians make a judicial claim to know the agreement between AES and Aguas Andinas
Jan-13		The Appeal Court decides to grant access to the private contract between Aguas Andinas and Alto Maipo
Nov-13		Over 5,000 people protest against the project in the Maipo Canyon
Jul-14		The company initiates the construction of the project
Aug-14		Over 70 organisations supported the call to demonstrate against the project. The manifestation was supported by over 15,000 people
Oct-14		People in the Maipo Canyon attack the Minister of Energy in a visit to San Jose de Maipo
Dec-14		25,000 people participate in a manifestation against Alto Maipo in Santiago
May-15		Violent detention of the leader of the Coordinadora
Sep-15		The Coordinadora starts its demands in the United States against the investors of the project
Dec-15		Massive mobilisation in Santiago to oppose Alto Maipo
Jan-16		The Medical Association recognise that the waters in the Maipo River are contaminated
May-16		AES Gener present a criminal claim against Dr. Tchernitchin accusing him of giving false water samples
Jan-17	Under huge pressures from the community, the Luksic family decides to retire their investment from the project	

**Source:** Own creation based on interviews, press clip & analysis of legal cases

As in the previous chapter, part of the information collected in this case study comes from the analysis of judicial cases presented by the movement against the company. In the two periods of protest, this chapter references thirteen legal cases. To simplify their analysis, I have created **Table 16**. This table serves as a summary of the cases, listing: the number (Rol) of the case, the tribunal making the decision and if the decision was favourable or unfavourable to the aims of the community. The cases are important to understand both the motivations and the decisions undertaken in each of these periods and the key claims of the community in different stages of the conflict. They are also important to understand the legal opportunities given by the judicial branch in Chile.

**Table 16:** Summary of the legal cases presented the No Alto Maipo movement

	Favourable	Unfavourable	Settlement	Withdraw
Supreme Court		2 cases Rol: 13854-2015 & 32101-2014		1 case Rol: 32987-2016
<i>Santiago Court</i>	1 case Rol: 6193-2012	3 cases Rol: 6633-2010; 2073-2014 & 851-2010		
<i>San Miguel Court</i>	1 case Rol: 512- 2016	1 case Rol: 989- 2015		
<i>Juzgados Civiles of Santiago</i>		2 cases Rol: C- 9382-2013 & C-26318-2008;		2 cases Rol: 22957-2008 & C-26325-2008

**Source:** Own creation based on information retrieved from the Judicial Branch of Chile ([www.poderjudicial.cl](http://www.poderjudicial.cl))

### First period. Creation of the movement and networks:

#### *a. The project and its impact:*

The Alto Maipo Hydroelectric project (hereinafter AMHP or ‘the Project’) is a large-scale energy project situated near Santiago. While initially the project was exclusively owned by AES Gener, to initiate the construction of the project the company needed a financial partner; so, in 2013 *Minera Los Pelambres* acquired 40% of the project, a partnership which was key in obtaining the support of different financial institutions (AES Gener, 2014, p. 37).<sup>121</sup> The water that the project would use to generate energy comes from water rights owned by the commercial owners of the project, and by using the waters owned by *Aguas*

<sup>121</sup> The financial institutions supporting the project are: The Overseas Private Investment Corporation (OPIC), the Inter-American Development Bank (IDB), the International Finance Corporation (IFC), Corpbanca, Banco de Crédito e Inversiones, Banco Itaú Chile, Banco del Estado de Chile, KfW Ipex-Bank GmbH, and DNB Bank ASA.

*Andinas*, the most important company providing drinking water for Santiago.<sup>122</sup> It is important to highlight the ownership structure, not just because of the important economic forces and relationship with foreign investment behind the project, but also because, as we will see, it has been one of the key arguments to develop innovative means of protest often positioning the owners of these companies as the main (and well-known) targets to mobilise against.

In terms of political economy, AES Gener was re-organised during Pinochet's regime, but the project was developed during democratically elected governments. The legal predecessors of AES Gener have been present in *San José de Maipo* since 1924 but it was not until the year 2000 that the United States company AES Corp acquired dependencies in the zone. The *Compañía Chilena de Electricidad* (Chilectra) constructed the hydroelectric station *Los Maitenes* in 1924. Chilectra was nationalised in 1970 during Salvador Allende's government, and then privatised again in 1986 during the government of Augusto Pinochet under the name of Chilgener. The Energy Commission carried on the process of privatisation of the energy sector during the dictatorship. The key actors in the process of privatisation of the energy sector during the 1970s were Hernán Büchi (former Minister of Pinochet and Presidential candidate in the 1990s election) and Bruno Phillipi (President Secretariat of the Energy Commission). After the process of privatisation, Bruno Phillipi led an important part of the energy sector as the President of the private company Chilgener, a process that lasted eighteen years (from 1982 until the year 2000 -when the United States Company AES Corp bought Chilgener) (Mönckeberg, 2015). The Chilean company Gener S.A., which was looking for strategic partners, sold part of its property to the United States company AES Corp on 28<sup>th</sup> December 2000, i.e. during the period of a democratically elected regime. The initial conception of the project was created in 1992, but it was not until 2014 that

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<sup>122</sup> As already explained in the introductory chapters, Chile is based on a model that has a public institution regulating water, but the companies in charge of granting the access to it are private, in other words the Chilean model of water is a private model with a public authority supervising it. While the private company *Aguas Andinas* initially opposed, the project arguing that it may affect the availability of drinking water in the Metropolitan region, they then accepted it (See Servicio de Evaluación Ambiental, Expediente número 105, Evaluación de Impacto Ambiental, Proyecto Hidroeléctrico Alto Maipo, retrieved from: [http://scia.sea.gob.cl/expediente/expedientes/Evaluacion.php?modo=ficha&id\\_expediente=2933044](http://scia.sea.gob.cl/expediente/expedientes/Evaluacion.php?modo=ficha&id_expediente=2933044) (last Access 16 September 2016)). The turnover in the argument is based in private commercial agreement between AES Gener and *Aguas Andinas*, leaving the Water authority without any capacity to regulate the availability of drinking water for the population. The agreement may be commercially beneficial for the companies, but it does not change the original argument of the reduction of available drinking water for the Metropolitan region. The community claimed through the Transparency Council to know that agreement. The negative from the Council ended up in Tribunals that have declared the agreement to be publicly known, nevertheless it has never been revealed. See Corte de Apelaciones de Santiago, '*Allende, Isabel, Agrupación gremial de guías y prestadores de servicios jurídicos Cajón del Maipo, Instituto Colorad, Sociedad de Turismo Cascada de las Animas Limitada y otros con Consejo para la Transparencia*', Rol 6193-2012.

construction of the project started. It must be highlighted that in 2017, as will be explained below, Antofagasta Minerals S.A. decided to step down from the project.

**Table 17:** Alto Maipo ownership and impact

	2007	2013	2014	2017
Owners	AES Gener	Incorporation of MLP: AES Gener (60%) - Antofagasta Minerals (40%)	Construction starts: AES Gener (60%) - Antofagasta Minerals (40%)	MLP withdraw from the project: AES Gener (93%) Strabag (7%)*
Potential electricity Production	530 MW	190 MW**	190 MW	190 MW
Potential tonnes of rock debris in m2	2,000,000	2,000,000	2,000,000	2,000,000
Potential amount of water used in the project in m2	3,000	3,000	3,000	3,000
Total Investment in mm of \$USD	600	2,100	2,100	2,600***
Expenses in mm of \$USD			745	
Percentage of construction			24%	49%
Total labour (number of people)			96	4,300

\* With a coalition of 9 banks that granted USD \$1,217 mm

\*\* The manager of the company has recognised that it will be difficult to produce more than 200 MW. Also 110 MW will be exclusively directed to MLP

\*\*\* 22% over the original price, it motivated the withdraw of Los Pelambres as investor in the project (AES Gener, 2017, p. 196)

**Source:** Own creation based on (AES Gener, 2008, 2014, 2015, 2017)

The political economy argument behind the construction of the AMHP is that the country requires more energy to enhance its economic growth, especially the growth of extractivism. Marcelo Tokman, former President of the National Energy Commission and former Minister of Energy during Bachelet's first mandate (2006-2010), stated that the 'challenge that the energy sector is facing is that the country is growing and every economy that grows requires more energy [...] it is impossible to grow without energy; by 2020 we should double the available energy and by 2030 we should triple it' (Cámara de Diputados, 2009a, p. 14). He based this analysis in a historical path of energy consumption, stating that 'from 1979 to 2001, the energy consumption grew at the same level as that of economic growth. Then, from 2002 onwards the energy growth became lower than the economic growth' (Cámara de Diputados, 2009a, p. 20). By 2014, 40 per cent of total energy was consumed by the industrial and mining sectors (mining only consumed 14 per cent) (Ministerio de Energía, 2015, p. 27) and the projections suggest that this percentage should increase, as the minerals

have become harder to extract, and the crushing process requires more energy to exploit the same amount of mineral ore. Indeed, during the period 2001-2015, the energy consumption of the mining industry increased 89 per cent (COCHILCO, 2016, p. I), and it is expected that by 2026 it will increase another 57,2 per cent (Comisión Chilena del Cobre, 2016b, p. I).

The project is under construction in the San José de Maipo Municipality a sector that has been characterised for its environmental capacity, its low density and high Human Development Index (HDI).<sup>123</sup> Technically, the project consists of the construction of a 70 kilometres-long underground tunnel that catches the water of the Maipo basin, depositing it in two hydroelectric stations that have a potential installed capacity of 530 MW. According to the company, the AMHP is a run-of-river hydroelectric project, designed for 90 % of its works to be underground, it does not have a reservoir or involve the relocation residents, and the SIC (Central Electric Grid) will benefit from savings in power transmission as a result of its proximity to the city of Santiago (AES Gener, 2011, p. 71). This argument clearly differs from the view of the community that opposes the project. They argue that the construction of a 70 kilometres-long tunnel is in fact an underground dam (reservoir) that will not benefit the SIC, but a private company: Los Pelambres.<sup>124</sup> As we will see, this dichotomy and clash of values, visions and metabolisms between the company and the movement are important in understanding the opposition to the project.

In terms of environmental intensity, the project catches the waters from the Maipo River in 8 different points and then release it in two lower points, generating a potential desertification impact in an area of over 100,000 hectares, affecting not just the community of San José de Maipo but the whole Metropolitan region.<sup>125</sup> Another potential large-scale impact is that of the debris and rocks that will be removed with the construction of the tunnel. These materials

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<sup>123</sup> The San José de Maipo Municipality is part of the Cordillera Province situated in the Metropolitan region, located approximately 48 kilometres from Santiago. Economically, San José de Maipo can be characterised as a Municipality that is oriented to ecotourism, nature and environment, but where we can also find energy, extractive and agricultural activities (Jadue et al., 2010, pp. 109–110). It is a Municipality with low-density occupation, concentrating only 0.22 % of the regional population but occupying 32 % of its territory (14,464 inhabitants in 4,995 square kilometres). People living in San Jose de Maipo are mainly employed in the commercial and tourism sector (18.5 %), construction sector (10.35 %) and transport and communication sector (8.67 %). The Human Development Index of the Municipality is of 0.759, that means that the community living in the sector has levels of health, education and income that are over the national average (PNUD, 2004, p. 26).

<sup>124</sup> AMHP is one of the largest underground tunnel infrastructures of the world. As a reference point, the Laerdal tunnel in Norway has a length of 24,5 kilometres, the Zhongnanshan tunnel in China is 18 kilometres long, the Seikán tunnel in Japan is 53 kilometres long and the Eurotunnel that connects the United Kingdom with France is 50 kilometres long, also the average diameter of the tunnel is 8 metres.

<sup>125</sup> To avoid major effects, the company has committed to guarantee an 'ecological flow' recognised by the Chilean Law as the minimum water conditions to maintain the biological ecosystem of the river, that is, maintaining the depth and velocity of the water flow (Cámara de Diputados, 2009a, p. 8).

will be deposited in the *Las Arenas* valley. A valley with an important archaeological heritage and where the *Volcán* River is born. There, and in another 13 centres, the company would deposit 400,000 trucks of debris, equivalent to 2,000,000 m<sup>3</sup> of rocks creating effects in terms of climate change and the availability of drinking water.<sup>126</sup> The potential capacity of the debris to contaminate the sources of drinking water is important, especially if we take into consideration that the *Volcán* River is one of the most important sources of water of the Maipo River, source of 27m<sup>3</sup>/s of drinking water, representing 70 % of the available water of the Metropolitan region (40 % of the national population). Finally, it is important to mention that the project has the potential to affect the San Francisco glacier situated in the National Monument *El Morado*.

Bringing back the theories of social mobilisation developed in chapter 2, it is possible to argue—at this stage— that the conflict against *Alto Maipo* has developed through a combination of structural opportunities characterised mainly by a lack of trust in public institutions and companies; incentives that came from a dichotomy in the visions and metabolisms of how to use the territory; and resources, that as will be shown, came from previous mobilisations in the zone. Between these arguments we can observe crosscut frames, such as claims based on political and economic inequalities, territorial justice and environmental justice, issues that have been developed in time by the *No Alto Maipo* movement.

*b. Previous mobilisations in the zone:*

This is not the first time that the Maipo Canyon has been the focus of conflict between extractive companies and the community. In 1995, the Gas Andes project aimed to build a pipeline to bring natural gas from Neuquén in Argentina to central Chile, traversing San José de Maipo. This was an emblematic case, mainly because it was the first environmental conflict ‘to take place within the new environmental legislation (Law No. 19,300)’ (A. Rojas, 2002). For Flavia Liberona, Executive Director of the Terram Foundation, ‘this conflict served to see in action the recently created environmental legislation’, in a context in which the Chilean government was clearly supportive of the project (C. Pérez, 2014).

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<sup>126</sup> These deposits were not assessed in terms of the impact that they will generate on climate change and potential disasters (Vega, 2014, pt. 11:09). It must be said that 2014 and 2016 presented the case of heavy hot rains (rains during the summer). The climate incapacity to transform that rain into snow and ice ended up creating floods that swept rocks and debris. Though the cause of the floods is still undetermined, the consequences were disastrous leaving 25 Municipalities of Santiago without drinking water, as the water plants were full of rocks and mud. The community alleges that this situation will only increase in terms of danger with the deposits generated by the construction of the tunnel.



The main geographical area of resistance to the project came from *San Alfonso* and the *Cascada de las Animas*, a place owned by the Astorga family for over a hundred years. The ancestors of the Astorga family contributed actively in the creation of the Chilean Socialist party and supported the government of Salvador Allende. The subsequent generation, catalogued as ‘left-wing professionals, legendary adventurers and “flower children” of the 1960s’ lead the opposition to the Gas Andes project (A. Rojas, 2002, p. 10). Also, several members of the environmental movement of the 1990s, described in chapter 3, were living in San Alfonso, including the former presidential candidate Sara Larraín, members of the Red Nacional Ecológica (National Ecology Network or RENACE), members of the Institute of Political Ecology (IEP) and Juan Pablo Orrego, recipient of the Goldman Prize (known also as the alternative Environmental Nobel). The movement was also able to connect with Canadian environmentalists and with the green factions of the Socialist Party (PS), the Party for Democracy (PPD) and the Christian Democrats (DC) (A. Rojas, 2002, p. 11). With these networks supporting the movement, the conflict ended up with an alternative route for the pipeline and by signing an agreement between Gas Andes and the representatives of the *San Alfonso* and *Cascada de las Animas* communities on 1996 (C. Pérez, 2014).

This historical pattern of resistance is important, not just in terms of understanding the capacity of a specific location to mobilise, but also to understand its impact in contemporary mobilisation. As we will see, the No Alto Maipo movement has used part of these networks and actors and learned from the mistakes made during the mobilisation against Gas Andes, to build a strategy and framing to oppose the *Alto Maipo* project.

*c. The first mobilisations against Alto Maipo*

Immediately after the first efforts of AES Gener to obtain the Environmental Qualification (hereinafter EQ) in 2007, local communities, NGOs and people that used the *Maipo* basin for recreational activities opposed the project, creating the *Coordinadora Ciudadana Ríos del Maipo* (Citizens’ Coordinator of the Maipo Rivers – hereinafter ‘the *Coordinadora*’).<sup>127</sup> The first

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<sup>127</sup> The company started its feasibility study to build the Alto Maipo Hydroelectric Project in 2005, but it was not until 2013 that they started the construction of the project (AES Gener, 2006, p. 45, 2015, p. 71). The company took eight years to initiate the construction of the project; a period marked by a long process to obtain the EQ and the pursuit of financial support for its construction. The company intention was to obtain the EQ by 2006, but the feasibility studies allowed them to present the Environmental Impact Assessment (hereinafter EIA) just on 2007. After a first failed attempt, the company presented its environmental impact study on May 2008, obtaining the EQ on March 2009. Between 2010 and 2012 the project obtained different construction and hydraulic permits and selected the contractors for its construction (AES Gener, 2011, p. 9, 2012, p. 78,

meetings to coordinate the efforts of the opposition came from guardians and teachers of the Primary School *Andino Antulequén*, situated in the community of *El Manzano*. From 2007 when the movement was created, the *No Alto Maipo* movement has held weekly public Assemblies. These meetings attracted the attention of some key actors in the movement, such as Lorella Lopresti (Director of the School), Marcela Mella (current spokeswoman of the movement), the hydraulic engineer Jack Stern, the former presidential candidate Sara Larraín, and some local touristic entrepreneurs such as Olaf Bercic and the Astorga family (who were key opponents in the Gas Andes conflict). Also, organisations such as the Chilean Climbers Federation (*Federación de Andinismo de Chile – FEACH*), the NGO *Chile Sustentable* (lead by Sara Larraín) and the Maipo Canyon Chamber of Tourism began to join this movement. As a member of the movement recalls,

*‘There was a mix between professionals that were related to the environmental movement, or knowledge in engineering, in history, geography, most of them were guardians in the Colegio Andino that came to live in the Maipo Canyon and others that had historically lived there. It was a good mix because you had on the one hand, the social mobilisation and on the other a group of academics that gave technical support to our demands’* (Interview *No Alto Maipo* number 1; 03:18 – 03:58).

The cross-movement mobilisation has been one of the key characteristics of the community that opposes the project. The convergence of interests and a coalition of groups across class divisions, both in terms of individuals and organisational networks, has been a characteristic that the *No Alto Maipo* movement has exploited from the very beginning of its creation, following, in part, the strategy and networks developed by the movement against Gas Andes. From the very beginning of the mobilisation, the pillars of the movement had been both to attract transversal support from different actors and to use the expertise of some of its constituents to create a technical support to their demands.

At this point in the mobilisation, the concerns of the movement were mainly environmental. The main argument to oppose the project was based on the negative effects produced by the five hydroelectric projects that were already operating in the zone, arguing that the construction of the AMHP would saturate the Maipo basin. The FEACH also claimed that the project will close the entrance to the mountains and will have important environmental

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2013, pp. 75–76). With the permits and the financial capacity, the project started its construction in 2013 and the last report of December 2015, states that USD \$745 million had already been invested in the project and that the works were 24 % complete (AES Gener, 2016, p. 69). See Servicio de Evaluación Ambiental, Expediente número 105, Evaluación de Impacto Ambiental, Proyecto Hidroeléctrico Alto Maipo, retrieved from:

[http://scia.sea.gob.cl/expediente/expedientesEvaluacion.php?modo=ficha&id\\_expediente=2933044](http://scia.sea.gob.cl/expediente/expedientesEvaluacion.php?modo=ficha&id_expediente=2933044) (last Access 16 September 2016).

and social effects (FEACH, 2007). The active role of the *Coordinadora* in the participatory process to approve the AMHP resulted in a great opposition to the initial plan of the company. This opposition was represented in demonstrations in front of La Moneda and in approximately 3,000 citizen observations to the EIA statement (No Alto Maipo, 2007). A process that differs enormously when compared with the previously analysed case of Caimanes that presented only 10 observations. The capacity of the *No Alto Maipo* to react promptly against the project was based both in the environmental network structure that was already functioning in the zone, and due to the high proportion of professionals and people with political interests that were part of the *No Alto Maipo* movement since the beginning of the mobilisation.<sup>128</sup> This specific situation offers an advantage in terms of participating in a process that is highly technical and political.

While the company thought that the citizen observations were unfounded, and indeed declared that the ‘stupidity of the people does not have limits’, different public agencies recognised the weaknesses of the project, thus recognising the legitimacy of the voice of the *Coordinadora* (Calichoury, 2007). This advice forced the company to desist from the first attempt to obtain the EQ.<sup>129</sup> Jack Stern, representative of the *Coordinadora* stated that ‘it is necessary to say that the unilateral interruption, just 11 days before the project was meant to be voted on, is a result of an accumulation of inconsistencies denounced by public services and citizens. It was the only way AES Gener could be saved of an adverse vote’ (El Mostrador, 2008a). The fast and massive reaction of the *Coordinadora*, supported by the historical capacity created during the Gas Andes opposition to generate networks and organise the community, resulted in the first success for the movement. The *No Alto Maipo* movement could stop the first attempt to construct a project that would use 300,000 cubic meters of water and had the potential of drying over 100,000 hectares in the upper zone of the Metropolitan region. But, regardless of this initial victory, Sara Larraín showed some concern on the real capacity of the environmental authority to stop future efforts of the company to construct the project (El Mostrador, 2008a).

*d. Blocking structures to approve the project*

And indeed, Sara Larraín was right; a few weeks after the withdrawal of the process, the company presented its second attempt to obtain the EQ, an EIA that was again highly

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<sup>128</sup> Two characteristics that the *Defendamos Caimanes* movement lacked, at least, at the beginning of the process.  
<sup>129</sup> Comisión Regional del Medio Ambiente de la Región Metropolitana, *Acepta desistimiento que indica*, Resolución exente 327/2008, 5 May 2008.

criticised by the community and public services. The project that took into consideration part of the recommendations from public services and that was now estimated at USD\$ 700 million was again highly opposed by the affected communities. Indeed, the organised citizens were able to present 549 observations with over 3,600 signatures.<sup>130</sup> The formal participation in the administrative procedure was complemented with cultural activities to attract the interest and to 'renew the commitment of the citizens with the Maipo basin' (Cooperativa, 2008). Also, the *Coordinadora*, through Sara Larraín, lobbied different political sectors to inform them of the potential effects of the project (El Mostrador, 2008b). The results were like those presented in the first attempt of the company in the sense that 16 of the 18 sectorial authorities reviewing the project presented observations to the project. The two most important were those made by the Forest Agency (CONAF) and the Water Directorate (DGA). The first one claimed that the project would have impacts on the natural reserve *El Morado*, and the second one argued that the project needed to regularise their water rights (Donoso, 2008).

Regardless of the formal opposition to the project, it was finally approved on the 30<sup>th</sup> of March of 2009 with 17 favourable votes, 4 abstentions and 1 contrary vote.<sup>131</sup> The question then is how did the sectorial services that had made observations during two years of EIA process ended up approving the AMHP? The answer given by the community and by some public servants is that public agencies received pressure from the central government and the company itself. *Alto Maipo* was part of the energy projects that, according to the former Minister of Interior of the first Bachelet government (2006-2010), must be approved, urging the sectorial services to approve it.

The *No Alto Maipo* movement argues that the company has put a special emphasis on closing the political opportunities of the movement generating important alliances between private and public institutions in the development of the project. Examples of former politicians now working in the project or former directors of the project now working as politicians support the thesis of the movement,<sup>132</sup> which has been reinforced by the lack of interest

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<sup>130</sup> See citizen participation in the SEA file record Number 150, EIA Alto Maipo, retrieved from: [http://seia.sea.gob.cl/expediente/expedientesEvaluacion.php?modo=ficha&id\\_expediente=2933044#-1](http://seia.sea.gob.cl/expediente/expedientesEvaluacion.php?modo=ficha&id_expediente=2933044#-1) [last access: 06 September 2016]

<sup>131</sup> See 'Resolución exenta 256-2009' made by CONAMA, Metropolitan Region.

<sup>132</sup> Probably the best example to understand the crosscutting issues between political and economic ideals is the figure of Jorge Rodríguez Grossi, who worked in key governmental positions in Aylwin, Frei and Lagos presidential periods and then assumed as the President of the AMHP in 2014. Another example is the lawyer Marcelo Araya Nuñez, who working as a private lawyer managed the operation to acquire the water rights for AES Gener. In the moment that the company needed to acquire more water rights for the AMHP, he assumed

presented by mass communication media (also highly concentrated in the economic elites)<sup>133</sup> and the lack of reception of the environmental authorities to hear the claims of the community. Also, at the local level, the company convinced the mayor of San José de Maipo, of the benefits of the project, through the signature of an agreement for local employment creation and a budget of USD\$ 8 million to create local social development programmes (Donoso, 2009b).<sup>134</sup>

But, the *No Alto Maipo* movement was not only faced with acts of political blockade generated by the company and the central government. They also confronted the existence of gaps between law and practice that became evident in several irregularities during the environmental assessment process of the AMHP. These irregularities in the implementation are based in different crosscutting issues, such as non-observation of environmental impacts,<sup>135</sup> non-coordination between different public organisations,<sup>136</sup> or changes of criteria

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as Director of the legal team within the DGA, the organisation responsible for granting those rights (Vega, 2014, pt. 54:50)

<sup>133</sup> The Chilean media is hugely concentrated in the economic elite of the country (Mönckeberg, 2011; Sunkel & Geoffroy, 2001). Though the project was approved with clear irregularities, just a few media (mainly independent ones) have showed the struggles generated by civil society organisations. One of the few exceptions was the ‘*En la Mira*’ program from the television broadcast *Chilevisión*, who on June 2014 distributed the documentary ‘*Aguas turbulentas en el Cajón del Maipo*’ (Turbulent waters in the Maipo Canyon). This television program showed the irregularities of the project, the influence peddling, the potential consequences and the construction problems that the project was facing. As a reaction to the exhibition of this documentary, AES Gener presented a complaint at the National Television Council (CNTV), an independent organisation that declared that the TV program has breached the right of information, because it has presented incomplete and biased material about the AMHP. Consejo Nacional de Televisión, *Amonestación a Programa en la Mira*, minutes of 20<sup>th</sup> of October 2014. Retrieved from <http://www.cntv.cl/historial-de-sanciones-2012-a-2015/cntv/2012-08-06/154252.html> (last access 16 September 2016).

<sup>134</sup> This agreement is based in two main programs: a. one to foster employment, benefiting local workers with the jobs created by the AMHP; and b. a long term (30 years) program that benefit the community with funds awarded to local projects in areas such as education, social development and community infrastructure (AES Gener, 2012, p. 90). A special Council, composed by local government representatives, community leaders, and AES Gener executives, administrates the fund (AES Gener, 2013, p. 86).

<sup>135</sup> Sara Larrain have claimed that ‘the regional environmental authority CONAMA did not make observations to the impacts in the reduction of water. This is a clear dereliction of their duties’ (Cámara de Diputados, 2009a, p. 35). Also, the DGA did not make observations with regard to the lack of water rights of AES Gener, so the project was approved in spite of the lack of water rights owned by the company (Cámara de Diputados, 2009a, p. 38).

<sup>136</sup> A good example of the lack of coordination is the protection of glaciers. The project has the potential to affect the San Francisco glacier situated in the National Monument *El Morado*. The authority responsible of *El Morado* is CONAF (the Chilean Forest Agency). But this organisation recognised that it did not have the technical expertise to evaluate the effect on the glaciers, so, it asked the organisations that could have such expertise (SERNAGEOMIN and DGA) to make a report. The regional branch of CONAF made observations during the first and second *adendas* on the potential effect of the glacier but ended up giving the environmental qualification because they never received the report from the expert authorities (Cámara de Diputados, 2009a, pp. 36–37). The former national director of CONAF, Catalina Bau, recognised that ‘the institution has the capacity to administrate the protected area, but is not the expert organisation in terms of glaciers’ leaving a gap in the protection of the water sources (Cámara de Diputados, 2009a, p. 44). Also, the former director of the National service for Mining and Geology (SERNAGEOMIN), said that the service ‘does not have competence in glaciers management. This issue should be made by the Water Authority (DGA), because it is not a geological phenomenon but a meteorological one’ (Cámara de Diputados, 2009a, p. 46). The DGA did not make any commentary, and the Environmental Authority could not make any observation to the technical observations

within the process.<sup>137</sup> A special commission created in the Chamber of Deputies in May 2009 investigated the lack of implementation of the legislation in the EIA of the AMHP. After a period of 6 months of investigation, the Commission concluded that certain public agencies had given the environmental qualification under erroneous implementations of the law (Cámara de Diputados, 2009a).

The relationship between public and private institutions and the gaps found between law and practice, created a sense of mistrust in the *No Alto Maipo* movement that has been catalogued by Sara Larraín as ‘bribery or corruption’ (Vega, 2014, pt. 9:41). It is thus under this context that the social movement has been forced to find innovative forms of protest that could allow them to break the closed political and economic opportunities.

#### Second period. Opening opportunities through innovative tactics:

##### *a. The same organisation and the expansion of the support network:*

To break the closed structural opportunities found in the Environmental Impact Assessment the *No Alto Maipo* movement started to expand its support contacts. Using the networks developed by the individuals that were already working in the movement they started to gain more support from people working on environmental organisations and political parties, without renouncing to the autonomy of the movement, as one of the leaders of the movement argues,

*We have been building this autonomous citizen’s movement. We have always had the clarity that we were not going to link it with political parties, or NGOs, as we wanted to maintain our autonomy. However, we always had the door open for all of those who would like to help. From the beginning, there have been people with relationships with the political world and NGOs. As a movement we are pragmatic, our goal is that the project is not done, so we add to all those who want to collaborate (Interview No Alto Maipo number 1; 05:47–08:38).*

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or omissions of the organisations present in the EIA (Cámara de Diputados, 2009a, p. 12). The question then is who is responsible of the effects that the project may have in the glaciers? The project was approved without solving this question.

<sup>137</sup> A good example is what happened with CONAF. The former regional director, María Teresa Latorre, rejected the project before it was approved, arguing that she was unable to give permission as the AMHP contemplated the cutting of protected species such as *olivillos* and *guayacanes*, contravening the Native Forest Legislation (Law 20,283). Nonetheless, the national director of CONAF, Catalina Bau, forced the regional director to approve the project (Donoso, 2009a). So, the project was approved in clear contradiction to articles 7 and 19 of Law 20,283 (Cámara de Diputados, 2009a, p. 35; Vega, 2014, p. 8:30). It must be said that Catalina Bau was the wife of Enrique Correa, former Minister in Patricio Aylwin’s government and now owner of the lobby company *Imaginación*, that overseen the communication strategy of AES Gener (Vega, 2014, pt. 9:20).

One of the key elements of support came from the legislative branch and different individuals involved in politics. As previously stated, the *Coordinadora* recognise that they are open to receive the support both from the left and the right wing, but what they do not want is to involve political parties in their decisions. They argue that the mobilisation should be characterised as a citizen-led movement, and not respond to specific partisan politics. The scepticism shown towards the potential support of political parties has not impeded the movement to receive support from different politicians in different periods of the protest. Clear examples of this support may be seen in the Special Commission created in 2008 to investigate the irregularities that occurred during the *Alto Maipo* EIA process, the support shown by some members of the parliament in massive manifestations, or even the support of some parliamentarians who have been part of the legal processes against AES Gener.

Parliamentarians from different wings have supported the *No Alto Maipo* movement through different activities, such as demonstrations and by participating in the judicialisation of the struggle. This support reflected the intense political lobby generated by the *Coordinadora* and the political networks of some of the key leaders of the movement, such as the Astorga family and Sara Larraín. Also, some parliamentarians such as Camila Vallejo (PC), Daniel Melo (PS), and Giorgio Jackson (RD) have demonstrated with the movement (El Ciudadano, 2013). Others like Cristina Girardi (PPD), Adriana Muñoz (PPD), Enrique Accorsi (PPD) and Carlos Montes (PS) have used the *No Alto Maipo* movement as an example to propose the nationalisation of the water sources in the country (Cámara de Diputados, 2013). Finally, some political figures such as Isabel Allende (PS), Jaime Quintana (PPD), Fulvio Rossi (PS), Antonio Horvath (RN), Ricardo Lagos (PPD) and José Antonio Gómez (PR) have participated in legal process supporting the claims of the movement.<sup>138</sup>

One of the concrete forms of support given to the *No Alto Maipo* movement by parliamentarians has been the creation of an Investigation Commission. The irregularities seen during the process to obtain the EQ of the project and the political connections of the movement generated an immediate political support that was reflected in the Special Commission's investigation of the abuses committed during the EIA process. In May 2009, 2 months after the CONAMA approved the AMHP, the Environmental Commission of the Chamber of Deputies started an investigation to determine the potential liabilities involved in the environmental qualification of the project lead by *Alto Maipo*. After 6 months of

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<sup>138</sup> See Corte de Apelaciones de Santiago, '*Allende, Isabel, Agrupación gremial de guías y prestadores de servicios jurídicos Cajón del Maipo, Instituto Colorad, Sociedad de Turismo Cascada de las Animas Limitada y otros con Consejo para la Transparencia*', Rol 6193-2012.

investigation and receiving representatives of all the affected sectors, the Commission unanimously concluded that: a. the project may affect the security and quality of potable and irrigation water of the Metropolitan area, and b. it may cause the irreversible degradation of the Maipo basin, as the ecological flows will destroy the *Volcan*, *Yeso*, and *Colorado* basins, c. that the project may affect the security and quality of potable and irrigation water of the Valparaiso region, and d. that it may affect *El Morado* park, affecting both the glacier and the native forests, affecting also the biodiversity of the zone and its touristic potential (Cámara de Diputados, 2009a). The president of the Commission, Roberto Sepúlveda, added that ‘the Commission has concluded that there were a series of irregular situations that embarrass the Environmental institutions of the country. We have been able to observe how different sectorial services allowed the company to do whatever they wanted to approve the project that does not comply with the environmental legislation’ (Cámara de Diputados, 2009b). But, regardless of these clear conclusions, the company has not yet been sanctioned, as the Chamber of Deputies has an inspection mandate but not a sanctioning one.

*b. The judicialisation of the protest:*

The relations between the company and the central government and the ‘irregular’ process to approve the project ended up in the decision of the *Coordinadora* to judicialise the protest. As a member of the movement recalls,

*‘One of the basic principles of the movement is to have a technical support for our social demands. The legal issue has been important for the movement. While at the beginning we thought that environmental legislation could be an important tool -that is why we put all our efforts in that process-, after acknowledging the traffic of political influence in this process, we changed our strategy. From then on, we began to use all the technical documentation we had to follow the legal path. That is one of our strategic axes, along with social mobilisation and communications. The legal with the social -with the overcrowding of the cause- is the only strategy, we believe, can offset the political pressures that are also exerted on the judicial system’ (Interview No Alto Maipo number 1; 10:45–12:33).*

To do so, they hired the lawyer Fernando Dougnac. The same lawyer that defended the community of Caimanes during the first legal process that ended up in an agreement with Los Pelambres S.A.<sup>139</sup> According to Lorella Lopresti, former leader of the *Coordinadora*, he was ‘the best environmental lawyer in the country’ adding that they have ‘had the fortune that he wanted to work [with them], and at a minimum price’, arguing also that they were just ‘a citizen organisation that does not have resources’, finally stating that ‘he is doing it because he is convinced that we have to defend the river’ (El Mercurio, 2009).

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<sup>139</sup> It was an agreement between the company and the owner of the land where the El Mauro dam was going to be constructed. The company paid USD\$ 23 million and the division of the money created a huge social division within the community.



The legal strategy was divided in two claims: a civil *jactancia* petition and an administrative public nullity one. The civil litigation strategy followed by the community and supported by Dougnac was based in the appropriation of the sediments of the river made by the company. According to the lawyer, AES Gener, did not have the rights to exploit the river sediments adding that it will cause a change in the level of the river, producing a potential damage to irrigation canals and public infrastructure, such as bridges.<sup>140</sup> The other strategy was to follow a public nullity of the act that recognised the EQ of the AMHP. The argument of this administrative claim was based in the irregularities committed within the process of the EIA, arguing that the administrative permission granted by the regional branch of the CONAMA was incompatible with the Environmental Law. The claim also argued that the process was characterised by the abandonment of duty of some public servants, and the pressures that some subaltern public servants received to approve the project.<sup>141</sup>

Both actions were rejected. In the first instance, the tribunal dismissed the civil action on September 2010 based on the statute of limitation of the civil action, a decision that was also endorsed by the Santiago Appeal Court on December 2012.<sup>142</sup> In terms of the administrative action, the CONAMA partially accepted the arguments presented by the claimants, but they did not reverse the EQ.<sup>143</sup> The Coordinadora reacted by presenting a protection claim against this decision, but the Santiago Appeal Court dismissed this claim on July 2010.<sup>144</sup>

The incentives to judicialise the protest were thus diminished by the negative decisions of the tribunals. However, regardless of these negative decisions, the movement has continued to seek justice in the form of compensation for the usage of land concessions,<sup>145</sup> and through administrative claims led by the legal team of the NGO OLCA, that claim that the company has breached its duties established in the EIA.<sup>146</sup> Other organisations that have received the

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<sup>140</sup> 22 Juzgado Civil de Santiago, *Juicio de jactancia 'Tapia with AES Gener'*, Rol C-26318-2008.

<sup>141</sup> Claim made by Jack Stern and Lorella Lopresti representing the Coordinadora Ciudadana No Alto Maipo and Mónica Escárate representing Armin von Plate Harries and Udo von Plate Harries made on the 24th of April 2009 against the *resolución exenta* 256-2009 made by CONAMA, Rol 15-2009 d.

<sup>142</sup> See 22 Juzgado Civil de Santiago, *Juicio de jactancia 'Tapia with AES Gener'*, Rol C-26318-2008, decision made on the 24<sup>th</sup> September 2010; and Corte de Apelaciones de Santiago, *'Tapia with AES Gener'*, Rol 6633-2010, decision made on the 6<sup>th</sup> December 2012.

<sup>143</sup> CONAMA, *resolución exenta* 82-2010, Rol 15-2009, decision made on 28th January 2010.

<sup>144</sup> Corte de Apelaciones de Santiago, *Organización Comunitaria Coordinadora No Alto Maipo with Comisión Nacional del Medio Ambiente*, Rol 851-2010, decision made on 12th July 2010.

<sup>145</sup> See *Larrain with AES Gener* in 1er Juzgado Civil Puente Alto, Rol C-9382-2013, Corte de Apelaciones de San Miguel, Rol 989-2015, Corte Suprema, Rol 13854-2015.

<sup>146</sup> The No Alto Maipo movement have presented 15 claims in the Superintendencia of Environment for acts committed by the company that have breached the EQ. The Environmental Superintendencia initiated a process

support of the movement have also followed patterns of legal mobilisation to stop the project. As Marcela Mella recognises, the *No Alto Maipo* is a judicialised conflict; while after the defeat in the two former cases the *Coordinadora* froze its legal strategy, other organisations and people have followed judicial suits to stop the project, among them, we find the cases brought by Sara Larraín, Jack Stern, the *Asociación de Canalistas del Río Maipo* (represented by the lawyer Juan Carlos Urquidí), the *Instituto del río Colorado* and the *Camping El Estero El Manzano* (Interview No Alto Maipo number 3).

It was not until 2016 that the *Coordinadora* reinitiated its judicial mobilisation. In 2016, the San Miguel Appeal Court recognised the contamination of the waters in the Maipo basin and asked the Environmental Superintendence to investigate the cause-effect relationship between the construction of the AMHP and the contamination of the waters. The claim was based in the study of Doctor Andrei Tchernitchin (the same doctor that declared that the waters in Caimanes were contaminated). His study concluded that the waters in the Maipo basin were contaminated with arsenic, nickel, lead, molybdenum, iron, and manganese, among others (Tchernitchin, 2015). The San Miguel Appeal Court recognised that the waters were contaminated but they could not determine the cause-effect relation between the construction of the project and the contamination of the waters. So, they asked the Environmental Superintendence to determine the existence or inexistence of that causal relationship, and in the case that it exists to stop the construction of the project.<sup>147</sup> The company and the central government appealed this decision. The Environmental Superintendence established that it was not possible to demonstrate the cause – effect relation in the period of time established by the tribunal (30 days), and the company ended up withdrawing from their appeal.<sup>148</sup> While the Superintendence has not yet determined the cause-effect relation, the reaction of the company was to exercise a countermovement legal mobilisation, as they demanded the civil responsibility of Dr. Tchernitchin for falsely representing the Medical Association and achieving false conclusions. This countermobilisation represented a new motivation for the No Alto Maipo to mobilise, now in defence of Dr. Tchernitchin (González, 2016).

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against the Company for the breach of 14 environmental breaches in January 2017 (Martinez, 2017; Super Intendencia del Medio Ambiente, 2017)

<sup>147</sup> Corte de Apelaciones de San Miguel, Rol 512-2016, decision made on 12 May 2016, paragraph 19.

<sup>148</sup> See Supreme Court, Macarena Soler Wyss representing Marcela Mella and others against Sociedad Alto Maipo SPA and the Comisión de Evaluación Ambiental de la Región Metropolitana, Rol 32987-2016, decision made on the 11.08.2016

Finally, it must be said that the movement is starting to think about other legal strategies to stop the project. As will be seen, the *Coordinadora* has already started its complaints in the formal Ombudsman processes of different international financial organisations and is also thinking to use the national contact points of the OECD to claim the company's responsibility. The combination of claims against the company and the State is also enhanced by the potential complaint that the movement is willing to present in the Inter-American Human Rights System against the Chilean State, and the potential use of extraterritorial laws in both the United States and the United Kingdom to claim that bribery acts committed in Chile by AES Gener (company with headquarters in United States) and AMSA (company with headquarters in the United Kingdom) may be prosecuted with extraterritorial jurisdiction.

*c. Communication strategy – technical arguments and hitting the elite:*

The *No Alto Maipo* movement has used a communication strategy that tends to denounce the atrocities committed by the company, always with a basis in technical arguments. The leaders of the movement consistently argue that the awareness campaigns that they create are based on reliable information regarding the lack of water, the destruction of glaciers, the contamination of the waters, or the potential destruction of certain environmentally protected areas. The support received from professionals that work as hydraulic engineers, lawyers, environmental specialists, anthropologists, geologists, and doctors, among others, have allowed the movement to create a technical discourse. The *Coordinadora* has complemented this technical support with awareness-raising communication strategies, such as campaigns that aim to receive denunciations from local inhabitants of the Maipo Canyon and the creation of a 'popular database' of the atrocities committed by the company (Coordinadora No Alto Maipo, 2015a). The combination of popular claims and a technical team have allowed the movement to generate a fact-based communications strategy that has been used to support legal claims, to make fundraising campaigns, to denounce the contamination of the project, to convoke massive demonstrations, and to 'support those who support the movement'.

The communication strategy has moved from local activities to national awareness campaigns. As already seen, the movement started in 2007 with a communications strategy at the local level. It was a campaign that aimed to inform the affected community of the potential impacts of the project. This campaign had a great influence; as already seen, it

attracted over 3,000 signatures during the public participation process of the EIA. After the project was approved, the *Coordinadora* aimed to raise awareness at a national level. The local concerns for the environment had been transformed into claims to change the Constitution, or to de-privatise water, shifting from a Not in My Backyard (NIMBY) discourse to a Not in Anyone's Backyard (NIABY) one. A member of the movement explains this shift in the following terms,

*'One of the political issues that the Coordinadora has assumed is that of the Constituent Assembly and the unity of the movements for the recovery and defence of water. That is one of the networks of which we were founders, because we know that what happens in the Maipo Canyon occurs, to a greater or lesser extent, in all corners of Chile. It affects more or less people, but the same thing happens everywhere'* (Interview *No Alto Maipo* number 1; 23:03–24:15).

But, the leaders of the movement agreed that there was still a lot to do with regards to this form of communications strategy. Though they have been able to generate massive demonstrations (e.g. in December 2015 they were able to mobilise 30,000 people in Santiago) they are still far below the levels of support that other environmental movements such as the *No Hydro Aysén* have been able to gain (La Tercera, 2011).

The difficulties in generating massive national campaigns have forced the *Coordinadora* to find resources and networks outside the national territory. That is why they initiated -in 2015- an international campaign to express their discontent against the international financial institutions that are currently supporting the project. In September 2015, supported by several international organisations<sup>149</sup> and the local NGO Ecosistemas (lead by Juan Pablo Orrego), the leaders of the community travelled to Canada and the United States to meet the Inter-American Development Bank (IDB) and the *Compliance Advisor/Ombudsman* of the International Finance Corporation (IFC), a process that was repeated in 2017, at which point they filed formal complaints against both institutions (Leiva, 2017). In May 2016, they were invited by the British NGO London Mining Network to participate in the AMSA Annual meeting, where they were able to directly express their discontent to the Luksic family (Solly, 2016).

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<sup>149</sup> The organisations supporting the campaign in 2015 were International Rivers, Center for International Environmental Law (CIEL), Natural Resources Defence Council (NRDC), Accountability Counsel and the Bank of Human Right and in 2017 the same organisations and the Association supported them for Environmental Defence (AIDA) and Patagonia Inc. (see Leiva, 2017).

Attacking the financial institutions behind the project has been one of the key communications strategies of the movement. The capacity to talk directly with the Luksic family was a key milestone in the communications campaign of the movement. Since the incorporation of AMSA into the AMHP in 2013, the *No Alto Maipo* movement has decided to generate a communications campaign against the figure of its owners, the Luksic family. The strategy of direct attack on the figure of the Luksic family is based on the idea that without the support of this family, the project would not be economically viable. Even the President of AES Gener recognised this direct attack, arguing that ‘from the very beginning of the construction of the power stations, part of the opposition to the project has initiated an unjust campaign against the Luksic family, controllers of AMSA. It is evident that these actions generate emotions that can make them think on the convenience to invest in this project, as the familiar and reputational cost is very high’ (Carolina Pizarro, 2016). Furthermore, the patriarch of the family, Andrónico Luksic, recognised that indeed, the project has generated a huge impact on his family (Luksic, 2016, p. 3:18), and has added that under no circumstance will they invest again in a project like *Alto Maipo* (Carolina Pizarro, 2016).

Having an identifiable and well-known target to mobilise against has had some benefits and initial degrees of success for the movement. The aim of this direct attack is supported in the ideals of inequalities, i.e. the purpose is to differentiate between those that protect the environment and the national elites (represented in the figure of the Luksic group) that put economic progress over environmental protection of the country. This antagonistic position has been strategic for the movement in two senses: a. it has been used to attract the adherence of participants that have seen the *No Alto Maipo* movement not just as an environmental conflict, but also as a class conflict demanding economic equity;<sup>150</sup> and b. it has achieved the already expressed concern of the Luksic family that this persecution and the increasing cost overrun of the project have made them decide to drop the project (Patricia San Juan, 2017).

But this strategy has also brought some negative consequences. The Chilean communications infrastructure and resources are hugely concentrated in economic groups, so the strategy of criticising the elite has closed part of this massive communications infrastructure, generating a clear invisibility of the movement and jeopardising their intentions to gain popular support

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<sup>150</sup> Probably one of the best examples is the support given by Gaspar Rivas (Independent pro RN), that referring to the AMHP stated that Andrónico Luksic was a ‘son of a bitch’ (Cooperativa, 2016). A claim that received large communication coverage and ended up with Andrónico Luksic alleging the criminal responsibility of the parliamentarian (Claudio Medrano, 2016).

(El Ciudadano, 2014b). To contrast the lack of interest from corporate media, the communications strategy has relied mainly in independent media and the usage of social media where over 250,000 people follow the movement.<sup>151</sup> Within this last strategy, we can highlight the support given by the network Anonymous, which in April 2013 hacked the webpages of the government and AES Gener, demanding that they close the project (Cooperativa, 2013b).<sup>152</sup>

*d. Massive mobilisations and direct action:*

Probably one of the best examples of the invisibility of the movement is the incapacity to gain the attention of the corporate media during their massive demonstrations. The massive mobilisation strategy had been part of the movement since 2007, but it was not until 2013 that the movement understood it as a form to complement the other strategies that they had been carrying out (legal, judicial and communications campaigns). It was in 2013 that the spokeswoman of the movement, Marcela Mella argued in front of over 4,000 people in San José de Maipo, that that specific moment was ‘the beginning of a mobilisation process, as we need to continue generating awareness and information of the irreversible consequences of the project, but also we need to call the attention of the authorities, to the candidates and the Judicial branch, we have already presented three claims that tent to prevent the construction of the project; we are a community that want to preserve our territory for the future’ (Cooperativa, 2013c). Since then, the *Coordinadora* has been able to convoke massive demonstrations, but they have not received the attention that mass media has given to other environmental mobilisations (El Ciudadano, 2014b).

The mass mobilisation strategy started in 2013 (Cooperativa, 2013d) the same year that the project started its construction and the year that saw the arrival of the Luksic family to the project. From then on, the movement has largely used this strategy. In August 2014, the *Coordinadora* was able to receive the support of over 15,000 people, a demonstration that was supported by over 70 organisations and that asked directly of the president (Michelle Bachelet) to stop the project (El Ciudadano, 2014a).<sup>153</sup> In December 2014, the movement was able to mobilise 25,000 people in central Santiago with the support of parliamentarians and several non-governmental organisations (El Ciudadano, 2014b). But the mobilisation

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<sup>151</sup> Facebook (191,129 Likes), [Instagram](#) (40,800 followers) and [Twitter](#) (20,600 followers).

<sup>152</sup> Another example may be the special web designed to recollect signatures against the Project (von Blohn, 2012).

<sup>153</sup> Among the organisations supporting the mobilisation were Chile Sustentable, Eco Sistemas and MODATIMA.

that was able to mobilise the most adherents was the December 2015 mobilisation, also in the centre of Santiago. This demonstration drew over 30,000 people demanding a stop to the construction of the AMHP. A mobilisation that served not just to increase the networks of organisations collaborating with the movement (it was supported by over 93 organisations), but also to serve as a platform to raise awareness of the potential damage that the project may produce broadly, not just at the local level. Taking into consideration these advantages, Marcela Mella declared that ‘the success of this demonstration is a reflection that all of us have to defend the Maipo Canyon, lung and climate regulator of the Chilean capital, and source of drinking water for Santiago; a place that already have 5 hydroelectric stations that are connected with the SIC, giving energy to all of us and not just to the Luksic family’ (Coordinadora No Alto Maipo, 2015b).

The community has also followed other strategies of direct action, such as road blockages, confrontation with authorities and employees of the company. These strategies aim to give visibility to the arguments of the movement and to gain the support of new members, especially from those directly affected by the project. For example, in January 2013, neighbours from *Los Maitenes* and *Río Colorado* blocked the *Aucayes* bridge that allows access to *El Alfalafal*, their demand was for access to drinking water (Cooperativa, 2013a). Also in 2015, the community blocked the main road in San Alfonso, the aim was to block the entrance of the company’s vehicles (M. Rojas, 2015). The community has also been engaged in direct confrontations with political authorities and members of the company and their financial partners. Other examples are the artistic intervention during the Sustainability Meeting in 2013 (OLCA, 2013a), a protest during the visit of the IFC to San José de Maipo (OLCA, 2013b), the interruption of a seminar of the Federation of Chilean Industry (SOFOFA) in which members of the movement told the AMHP General Manager that they will not allow the construction of the project (La Nación, 2014), and an attack on the Energy Minister while he was visiting San José de Maipo (Cooperativa, 2014).

*e. Current status of the movement: Patterns of success and divisions:*

The mixture of strategies followed by the movement has created both advantages and disadvantages. Currently, we can observe a movement that is able to generate diverse and successful strategies. For example, their communications strategy against the Luksic family has provoked the withdrawal of the economic group; the NIABY discourse has allowed the *No Alto Maipo* to generate alliances with different social movements in the country and to expand their constituent network, and the judicial strategy is starting to produce some results as the administrative claims in the Environmental Superintendence have been opened –with

the potential capacity to stop the construction of the project. Despite these patterns of success for the movement, the diversity of strategies has also created some difficulties for the *No Alto Maipo* movement, as a member states,

*'It is very complex to carry on so many strategies. For the older people, it is not that difficult to engage with social movements, the dictatorship made us strong. Some people today only give a like in social networks and go to an assembly to give ideas and do not carry them forward. The most stable team of the Coordinadora has decided to focus in legal issues and unfortunately, we do not have the ability to call massive mobilisations. Probably today we could congregate more than 30,000 people, but we do not have the personal force to do so. Hands and heads are required. We need people willing to deliver pamphlets to create real non-virtual networks; I'm sure that's something that future generations are going to learn'* (Interview No Alto Maipo number 1; 32:14–34:40).

The first and probably most evident limitation of a diverse or mixed strategy is the lack of resources. The diversification of the strategies may prove to be useful in the 'ideal world' of unlimited resources. While the capacity to gain intangible resources such as skills and know-how, commitment, access to networks and access to elites has proven to be one of the strengths of the movement, they still lack the capacity to gain tangible resources (mainly money and communications infrastructures). With the limitation of these resources, the movement recognises that some strategies have been prioritised over others to achieve their objective: stopping the project. They recognise for example that the lack of resources has made it impossible to attract the commitment of the masses, so they have decided to focus mostly in the judicialisation of the protest and the creation of international networks.

The diversity of the support network has also tended to divide the movement's constituents. A clear example of this division occurred at the beginning of 2015, when a group that had been working with the leaders of the *Coordinadora* created a parallel organisation, the *Red Metropolitana No Alto Maipo*. The newly created organisation is led by former, young leaders of the *Coordinadora*, mainly Anthony Prior and María Jesús Martínez, and is supported by the NGO OLCA. According to members of the *Coordinadora*, OLCA and some of the founders of the *Red Metropolitana* are trying to differentiate their actions from the *Coordinadora*, applying a more left-wing political discourse, i.e. not recognising the trans-versatility that has characterised the work of the *No Alto Maipo* movement. This episode has forced the *Coordinadora* to re-evaluate the relations with the networks that are supporting their cause, arguing that they are now sceptical of the work of some of the organisations that have supported their work. Though they understand that in some cases network organisations



need to distinguish themselves from one another in order to obtain the same scarce resources.

## II. Explaining mobilisation

As shown in **Table 18**, the factors that generate conflict in the No Alto Maipo movement also vary in time and space. As in the case of Caimanes, the No Alto Maipo case is one that has to do with the globally increasing demand for natural resources and how it creates conflict at the local level. But in this case, such demand becomes indirect in the sense that the increasing demand for natural resources has depleted the mineral sources, requiring more energy (for example electricity and gas) for its extraction. The political context of the conflict is also similar to the one stated in Caimanes, as it is a conflict that began under democratically elected governments, but the causes of the Alto Maipo conflict are also related to the legacies of state repression manifested in the privatisation of state companies, in this particular case: Chilectra and Chilgener. These companies, as already highlighted, have saturated the environment with different energy projects in the zone and are currently constructing the large-scale hydroelectric project Alto Maipo in a zone that has been characterised by its environmental and ecological potential.

**Table 18:** Factors that generate conflict in Alto Maipo

		Before Alto Maipo	First period	Second period
Structural opportunities	Global	Global demand of natural resources that require more energy for their exploitation. In this case, natural gas and electricity.	Official discourse of necessity to create more energy sources for the development of the country	Participation of international financing organisations and construction of other energy projects
	National	Nationalisation of public companies, such as Chilectra during Pinochet's dictatorship	Ill-designed environmental legislation and participation	Manifest the concentration of capital and the relations between money and politics
	Local	Prospection phase of a large-scale hydroelectric project in San José de Maipo that adds to a network of other hydroelectric projects	Political approval of the AMHP	Construction phase of the AMHP
Incentives	Global	The frame was based in an environmental discourse that came with environmentalists that were exiled during Pinochet's dictatorship	Water Tribunal allows to generate an environmental frame	Incorporation of moderate international environmental frames, that allow presenting cases at the international level

	<b>National</b>	The protests start on a period of democratic governments that recognise the right to protest and in a context of new environmental legislation	A discourse that is based in the technical participation of the environmental process.	Intense judicialisation and politicisation of the protest
	<b>Local</b>	Important environmentalists and elites living in San Jose de Maipo	Importance of local organisations such as the school to create bonds between elites and communities	Local elites tend to guide the discourses of the movement. More radical discourses appear from other sections of the movement
<b>Resources</b>	<b>Global</b>	Canadian organisations that supported with frames and resources	International Rivers	International Rivers, AIDA, LMN & others
	<b>National</b>	IEP, Renace, Astorga family and several political parties such as	FEACH, Chile Sustentable and others	OLCA, IEP, Chile Sustentable, TERRAM, Ecosistemas & others
	<b>Local</b>	Involvement of cross-class mobilisation with important connections both with the bases and elites	cross-class mobilisation. Importance of local school in the creation of connections within the community	Red Metropolitana no Alto Maipo

**Source:** own creation based on literature review and case study

As highlighted in the first column of **Table 18**, the frames and resources of the No Alto Maipo mobilisation can be tracked to previous mobilisations in the zone, such as the No Gas Andes project. This is a conflict that started during a period of democratically elected governments, indeed it has been characterised as the first conflict framed under the newly created environmental legislation. The networks created at the local level (mainly political and ecological) created discourses and frames that tended to emphasize the preservation of the area's natural environment. In fact, an important number of Chilean environmentalists live in the zone and drew upon important connections with national and international organisations. At the national level, the community was able to generate connections with a series of environmental organisations such as IEP and RENACE and with political parties such as the PS, the DC and the PPD. These networks also allowed connections with other locally-based conflicts in other parts of the country. The incentives generated during the No Gas Andes conflict, as well as the corresponding political opportunities and resources, served as a basis for the No Alto Maipo conflict.

These networks and resources were represented for example in the massive participation of the No Alto Maipo movement in the environmental assessment process that occurs in the

first period of mobilisation. As shown in the second column of **Table 18**, the connections between different organisations at the national and local level that came from the Gas Andes conflict, allowed the movement to gain the support from FEACH, *Chile Sustentable* (led by Sara Larrain) and others. Such resources permitted the mobilisation to generate an important environmental frame supported by strong scientific data to oppose the project. In fact, I would say that the scientific and ecological frame was the basis of the discourse of the movement in this period. It is a discourse that tends to be very technical, which lacks in its ability to create a sense of belonging in the mobilisation, in the sense that usually it ends up setting aside the discourses of environmental protection, that tend to be more epic. It could be argued that the movement relied more on morale than on the creation of ideologies and esprit de corps in this first stage of the mobilisation, and that in fact has to do with the factors that generated conflict in the first place, and most importantly in the support network initially created by the movement. It is important to see how, despite the efforts to massively participate in the environmental assessment, the company ended up being granted the environmental qualification. This fact raises questions regarding the limitations of an ill-designed environmental participation mechanism, but also about the political opportunities for mobilisation. In fact, it is difficult to find a case in Chile with better political and environmental networks than the No Alto Maipo movement. But, the relations between political authorities and economic elites become evident even in this context; a good example is that of how the company ended up generating agreements with the local government or with state institutions such as CONAF, creating the conditions both to approve the project and to divide the community.

The second period of the mobilisation, as shown in the third column of **Table 18**, started just after the company was granted the environmental qualification to construct the project. Understanding the limitations of a frame that was based on the scientific evidence of the project and with the need to mobilise as many people as possible to oppose the construction of No Alto Maipo, the movement started to generate more important bonds with the local communities. This is reflected in the fact that the movement started to create cross-class mobilisations from local elites to communities in resistance, such as guardians and parents of a local school. And indeed, these bonds resulted in increasing public demonstrations that were able to mobilise over 25,000 people in Santiago. The opportunities for mobilisation continued to be closed, but have found some windows to open them. In fact, they became even more closed with the participation and support of international financial organisations such as the IDB and the World Bank. But, at the national (governmental) level there has

been a decrease in the importance of the project in terms of energy, mainly because of the generation of new sources of energy (wind and solar), which have started to represent important sources of power for the country. The strategy of the movement was then to campaign against the owners of the project (for example the Luksic family) as they were still able to generate political incentives to support the project; and indeed –as already seen- it has been a successful strategy. At this point, the community began to understand the global process of extractivism and correspondingly how to use the international mechanisms to stop the financial support of the project. Although this strategy resulted again in a frame that is highly technical and that does not necessarily serve to attract the massive support required to oppose this project. In fact, at some point in the conflict, such a technical frame ended up dividing the community, with a group (Red Metropolitana No Alto Maipo) creating a more radical opposition.

### III. Conclusion

One of the most important factors that has allowed for opposition to the AMHP has been the support of networks and local elites. The mobilisation against *Alto Maipo* has benefited from the geographical location (very close to Santiago) and from previous networks and mobilisations occurring in the zone. The *Gas Andes* mobilisation and the capacity of people such as the Astorga family, Sara Larraín, and Juan Pablo Orrego, among others to mobilise resources and networks was key for the development of the *No Alto Maipo* mobilisation. Once the company decided to start its operations and to construct the hydroelectric project in San José de Maipo, the community was already organised and had clear environmental incentives. The cross-mobilisation between political and environmental elites with the mobilisation that came from local communities and the *Colegio Andino Antulequén* allowed for the creation of a social mobilisation with technical expertise and social support, a combination that permitted the movement to massively participate in the environmental impact assessment. While the initial process of the movement was successful in terms of denying the EQ, the company started a process of high-level lobbying with commercial partners and political alliances that ended up granting the permission to construct the project. In other words, the 3,000 citizen observations were disregarded by the central political power that supported the project, generating clear incentives to continue and to broaden the mobilisation.

Though this movement has important resources –when compared to the other case studies of this study- it has still been confronted with the aims and means of political and economic elites at the national level that tend to close the structural opportunities for social mobilisation. As seen in the introductory chapters, Chile’s economy is based on an extractive model that is strictly dependant on the private market, privileging highly concentrated economic groups.<sup>154</sup> Although the movement has been able to generate connections with some economic and political elites, they have still not been sufficient to stop the project. The usage of formal mechanisms such as the environmental participation and legal tools to potentially stop the construction of environmentally damaging projects, have not been sufficient to break the closed structural opportunities of the Chilean socio-economic context. The gap between law and practice in this case can be explained then by the important veto power of a highly concentrated economic elite in the country. In the *Alto Maipo* case the initial illegality of the project has been solved based on political and economic decisions that have proven to be –at least- questionable, misjudging the potential environmental and social conflicts that the decision to approve the project has provoked.

The analysed periods of mobilisation show that the factors which have generated conflict are not static but vary in time, also modifying the aims and means of the movement. The interest of individuals and national organisations in the *Gas Andes* period was marked by a strong environmental discourse and the aim was to protect the natural environment of the Maipo Canyon. On the other hand, the support networks in the first period of protest of the *No Alto Maipo* movement also reflect their aims and strategies. The interest of local and national environmental networks in the movement was represented in the massive participation in the environmental impact assessment process that gathered over 3,000 observations to initially stop construction of the project. But soon the movement realised that the political structures were closed, and that to stop its construction they needed a broader support network. Rapidly, the mobilisations of one or two thousand people were transformed into mobilisations of over 25,000 people, allowing them to develop different strategies for communications, judicialisation and political lobbying. The emphasis in these different forms of protest and the expansion of the support network also allowed the *No Alto Maipo* to expand its framing.

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<sup>154</sup> While the privatisation of the energy market was developed during the dictatorship, it has been democratically elected governments the ones that have defended and in some cases enhanced the neoliberal model that benefit these privatisations.

In terms of framing, the *No Alto Maipo* movement has maintained a discourse based on environmental justice. While at the beginning of the mobilisation, the *No Alto Maipo* framed their discourse in terms of the inequality of environmental distribution; they ended up shifting their discourse towards forms of unequal distribution and national political concerns. The new frame allowed the community to follow both a strategy of judicialisation and parliamentarisation of the protest, combined with forms of direct action and extensive communication strategies that attracted the support of different non-environmental organisations. But, while the broadening of the networks resulted in changes in frames and strategies, the aim of the movement remains the same, i.e. to stop the construction of the hydroelectric project, and to declare the Maipo Canyon a natural sanctuary or protected area.

Following from the findings of this chapter the next chapter will study how isolated communities in southern Chile can also mobilise their own resources and create new discursive frames, specifically how the dialogue between indigenous and non-indigenous peoples allows to do so.

## CHAPTER 6: SOCIO-ENVIRONMENTAL MOVEMENTS IN CHILOÉ

The case of Chiloé represents cross-mobilisations between indigenous communities and local organisations to defend their territory against the potential construction of extractive projects, especially mining and energy projects. The capacity of the local community to adopt, and adapt, indigenous and non-indigenous discourses has been key in preventing the construction of these extractive projects. In this sense, this case adds to the theoretical framework, as it develops factors that generate conflict which are specific to indigenous communities, such as the special legal protection of indigenous peoples and special participatory mechanisms that tend to broaden the opportunities for mobilisation but that, as will be analysed, have important limitations in practice.

Through cross-mobilisation and using indigenous and Chilote frames, the movement has developed the capacity to generate a common diagnostic of the extractive situation and the usage of a common 'language' to oppose extractivism, pillage, dispossession and colonisation in an isolated geography: the Chiloé archipelago. A group of islands situated in southern Chile formed by the Big Island and approximately 40 small islets. Chiloé is a territory dominated by forests, small mountains and rivers; mostly inhabited in the seacoast. The only way to access the Big Island is by a 25-minute ferryboat ride from the continent that allows access to a place that has been historically dominated by Mapuche-Huilliche indigenous communities<sup>155</sup> and *Chilotes*. The region's population live a mostly rural form of life that has defined most aspects of Chiloé's culture. This situation has changed dramatically in the last 30 years. The Chilean neoliberal project has been felt on the island through industrial fishing (mainly the salmon industry), huge forest monocultures, expansive conservationist projects that have displaced indigenous communities, massive energy projects and the dispossession of territory through mining concessions (Mondaca, 2016a).

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<sup>155</sup> The Huilliche people (people from the south, in Mapudungun) inhabit the archipelago from immemorial times. They are part of the Mapuche people and speak the same language (Mapudungun). Its socio-political organisation is based in 'cavies' which are communities constituted by a group of families lead by a cacique or Lonko (leader). While the Mapuche people living in the *Araucanía* where independent until the nineteenth century, Chiloé was colonised by the Spaniards that tended to reduce the number of local huilliches through a semi-slave system lead by Garcia Hurtado de Mendoza (Mondaca, 2013). But the insurgent Mapuche spirit arose in the eighteenth century, through important rebellions qualified by that time as the most important success after the rebellion in the *Araucanía* (Molina & Correa, 1996, pp. 20–21). Nevertheless, the Chilean historiography have tended to silence the huilliche people, cataloguing them as pacific, Christians and friends of the Spaniards (Cayunqueo & Scandizzo, 2013).

The chapter begins with a process tracing analysis of the episodes of contention which are marked by two large periods of protest: (i) a period in which the movement had different and sporadic reactions to extractivism on the island and which ended with the process of national discontent that occurred in Chile in 2011; and (ii) a process that starts with the social assemblies that took place in Quellón in 2013 which allowed for the creation of a common frame, a dialogue of knowledge and common strategies to oppose extractivism in the territory. The second part of this chapter analyses the most important shifts of the socio-environmental movement in Chiloé, their strategies and networks, as well as the counter mobilisation process which followed, driven mainly by the government. The chapter concludes that an increasing connection between indigenous and non-indigenous frames in Chiloé has been able to create meaning and narratives, which have slowly been transformed into protest, and which is likely sustain the mobilisation in the archipelago.

### **I. Periods of contention:**

Chiloé has historically been a source of socio-environmental movements. During the 1970s, in the middle of the dictatorship, a multidisciplinary group of people mobilised against the forest project *Astillas de Chiloé* (Abalos, 1985; Grenier, 2006, p. 175). Likewise, in the early 1990s, diverse groups, mainly indigenous communities opposed the forest project, known as Golden Spring (Sepúlveda, 1995a). On the other hand, during the 1990s and 2000s the archipelago saw the increasing development of industrialised salmon activity which generated scarce popular resistance, due to its capacity to generate local employment (Skewes, Álvarez, & Navarro, 2012). Using these historical paths of resistance, ideas and meanings, in 2013 a transversal mobilisation (which started in Quellón) demanded better health conditions, mobilising resources and adherents from the whole archipelago (Arriagada, 2016). The movement was structured and organised in local social assemblies which reactivated social mobilisations in Chiloé, allowing for the creation of dialogue between different indigenous and non-indigenous groups; a form of organisation that has created a collective framing process that has been used to oppose the pillage and colonisation of extractivism in the island.

For analytical purposes I will divide the successions of contentious episodes in two broad periods: before, and after, 2013. As already highlighted, this year constitutes a milestone because local social assemblies allowed for the creation of a new cross-movement organisation and common framing process. As argued by one of the leaders of a local NGO,



during the last 20 years the inhabitants of Chiloe have protested in order to demand better health conditions and the fishermen have protested to have better work conditions. Building from these movements, during the last 4 years a new movement has arisen to centre extractivism as one of the greatest challenges that the island faces (Interview 2). What explain this key turning point is the usage of a framing process developed by cross-movement mobilisation that has inspired the common diagnosis of the socio-environmental movement in Chiloe: the lack of recognition of its people and their capacity to decide their own development (Schlosberg, 2004). See **Table 19** for a summary of these periods of protest and the key events that mark such stages.

As with previously analysed cases, in Chiloé, the socio-environmental movement has also used forms of legal mobilisation. Nevertheless, it has been used with less emphasis. Indeed, with the exception of the mobilisation against the *Parque Eolico Chiloe* and some protection claims presented against the construction of the Chacao Bridge, the socio-environmental movement has not massively resorted to the judicialisation of protest. This may be explained by at least two factors: (i) the mobilisation is in its initial phase, i.e. they are still exploring other forms of mobilisation such as direct action and awareness campaigns; and (ii) the constituents of the movement claim that there is a lack of legal support to begin the judicialisation of the protest, that there is a lack of lawyers who can support their demands. Despite this, some communities have managed to use different networks to present a few protection claims against extractive projects in the zone (see **Table 20**). It must be anticipated though, that despite the lack of judicial strategy and support networks, they were able to win one important case in the Supreme Court, based on the right of indigenous peoples to previous Consultation as stated on the ILO169 Convention.

**Table 19:** Chronology of the conflict in Chiloe

	Year	Event
First period	2007	The CECPAN is informally created in Chiloe
	Jul-10	ECO-Power decided to make an Environmental declaration to approve the <i>Parque Eolico Chiloe</i>

Second period	Jul-11	The San Pedro 1 project is granted the environmental qualification
	Aug-11	The <i>Parque Eolico Chiloe</i> is granted the Environmental qualifications (through a Declaration) and organisations fill a protection claim.
	Dec-11	The Supreme Court declares that the EQ of the <i>Parque Eolico Chiloe</i> violated the ILO 169 Convention
	2011	Series of local protest in solidarity with national demands
	Mar-12	Sebastian Piñera reopen the debate of the construction of the bridge
	Apr-12	The <i>Parque Eolico Ancud</i> is granted environmental qualification
	Feb-13	First cycle of Pensar Chiloe
	May-13	First massive blockage of the big Island
	2013	The Consejo de Comunidades Huilliches is created
	2013	The <i>Consejo de Defensa del archipelago de Chiloe</i> is created
	2014	The CESCH is created
	2015	Awareness campaigns against mining concessions in the Chiloe archipelago.
	2015	First Provincial Census of Chiloe and their priorities
	2015	Huilliche communities in the west coast of the Island use the Lafkenche law to block potential mining projects in the zone
	Oct-15	1,500 people demonstrated in Castro against the bridge and the <i>Parque eolico Chiloe</i>
	Feb-16	Over 2,000 people demonstrated against extractivism in the <i>Chiloe esta Privao</i> protest.
May-16	Blockage of the Big Island for 20 days	
Jun-16	National Meeting to Analyse the strategies of territorial Defence	

Source: Own creation based on interviews, press clip & analysis of legal cases

**Table 20:** Summary of the legal cases presented by the socio-environmental movement in Chiloe

	Favourable	Unfavourable
Supreme Court	1 case: 10,090-2011	2 cases Rol: 10,383-2011 & 10,609-2011

Source: Own creation based on information retrieved from the Judicial Branch of Chile ([www.poderjudicial.cl](http://www.poderjudicial.cl))

### First period. Creating the basis of the socio-environmental movement in Chiloé:

#### *a. The projects and their impacts:*

Chiloé's economy can be understood as moulded by the development strategy of liberalisation and commercial openness, driven by the Chilean State during the 1970s and 1980s. This model has generated important structural transformations that have provoked the change from a semi-autarchic economic tradition into an extractive one, dominated by large-scale projects dependent on foreign investment. This economic strategy has resulted in the increase of the population and decreased the poverty of the archipelago,<sup>156</sup> but it has also had important cultural and environmental impacts (Ramírez, Modrego, Claire, & Yáñez, 2009). The *Chilotes* have historically been moonlighting economic agents, considered by a dual relation both with the ocean and the soil. Agricultural activity has been characterised as a subsistence activity based in the production of small extensions of land and the harvest of fish and seafood (Ramírez et al., 2009, p. 6). This dual economic activity comes from the adoption of indigenous activities and practices by colonists, a pattern that has persisted until now (Torrejón, Cisternas, & Araneda, 2004).

The historical, self-supporting economic capacity of Chiloé allowed for the invariability of the Chilotes' culture and economy. Nonetheless, during the second half of the twentieth century, the salmon industry broke this historical economic, social and environmental path in the archipelago. An activity that has generated profound transformations in the economic system and the social relations in the island (Julián, 2013; Ramírez et al., 2009, p. 7; Rebolledo, 2012). An example of these transformations may be seen in the fact that even four centuries following Spanish colonisation, the emergence of a labour market is seen in some parts of Chiloé as a relatively new phenomenon, associated with the entrance of the salmon industry (Barrett, Caniggia, & Read, 2002).

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<sup>156</sup> According to the Instituto Nacional de Estadísticas (INE), Chiloé had a total population was 86,275 people in 1970 and currently has 154,766 (data from last census: 2002), Information retrieved from: <http://www.ineloslagos.cl/app/bancodatos/bancodatos.htm> (last access: 10 October 2016).

One of the representatives of a local non-governmental organisation in Chiloé explains the disconnection between the Chilean and Chilote economy and culture in the following terms:

*'The pillars of Pinochet's legal framework have generated -at the local level- an alienation of our communitarian resources. The communitarian aspect does not mean that I am communist or leftist. I explain it in the following terms. Here we can find bullshit companies that have privatised the places where my mother, my grandmother and my neighbours have ancestrally collected seafood. A private company came and asked for the concession of that place ruining over 100 people that collected seafood there. Then my neighbour comes and in the same huinca<sup>157</sup> logic he privatise other places. The Chilote starts to act in the same extractive logic, reproducing a cultural pattern of alienation of common goods, leaving us without fish, seafood, with privatised beaches, alienated from Chilotes and from indigenous people (that in Chiloé accounts for over 60%). When I talk about communitarianism, I am not talking about a utopic model, but of a pre-capitalist community that existed here before the 1980s. If you go to certain rural places, you will find an exchange economy. You may say: what an uncivilised people! But then you have to ask yourself: what is civilisation? Before, we had free fish, mountains and water; we could survive with no money. Our material conditions and notion of development was different' (Interview 2: 19:52-25:55).*

Apart from the fisheries, during the last 15 years a large number of energy projects have been planned and constructed in Chiloé. The estimated energy production from all the sources of energy projected in Chiloé is over 900 MW, more than 20 times the amount of energy consumed in the archipelago (see **Table 21**). The aim of these projects is to add energy to the Central Grid System (SIC) through the creation of renewable sources of energy, mainly wind power projects, a process that has led some authors to refer to Chiloé as an 'energy battery' (Campos, 2016). At least eight wind power parks are projected in the Big Island; they will be added to the three thermoelectric and two hydroelectric projects that are currently in operation in Chiloé. Most of these projects are planned in areas that overlap with exploratory mining concessions; i.e. energy companies request these concessions to secure the property of the sub-soil and to obtain the legal viability of the project and the transmission lines, distorting the aim of mining law (see **Table 22**).

**Table 21:** Chiloé energy projects ownership and impact

Project	Company	No. turbines /engines	Capacity in MW	HQ company - Country	EQ	mm USD	Status
Parque eólico Ancud	Viento Austral S.A.	32	120	Callis Energy - Hungary	Yes. 16.04.2012	250	Approved

<sup>157</sup> Term to refer to those non-indigenous people.

Parque eólico Chiloé	Eco Power S.A.C	42	100.8	Eco Power - Sweden	Yes. 28.09.2015	250	Approved
San Pedro 1	Alba S.A.	20	36	Trans Antartic - Chile	Yes. 28.07.2011	100	Constructed
San Pedro 2	Rio Alto S.A.	42	216	Trans Antartic - Chile	Yes. 19.12.2013	432	Under construction
Termoelectrica Degañ	Energy Partners	27	36	Petroamerica - Chile & Sociedad de Inversiones Baco Ltda - Chile			Constructed
Ampliación Termoelectrica Degañ	Nueva Degañ SpA	12	14		Yes. 08.06.2016	3	Approved
Parque eólico Pichihue	Andes Mainstream	47	11.5	Orange Investment - Chile	No	240	Suspended
Hidroelectrica Piruquina	Compañía Eléctrica Tarapaca S.A.		7.6	Celta - Chile	Yes. 12.11.2009	24	Constructed
Hidroelectrica Dongo	Inversiones Navitas Holding Ltda		6	Navitas - Chile	Yes. 24.12.2008	9	Constructed
Parque eólico Huilliche	Juan Jose Hernandez	20		IDB - United States	No		Prospection
Parque Eólico Cateao	Eólica Cateao Sp.A.	50	100	Petroquim S.A. - Chile	Under evaluation	224	Evaluation
Parque eólico Tablaruca	Tablaruca S.A.		260	Holding Zeman - Chile	No	230	Prospection
Termoelectrica Quellon	SAESA		7	SAESA	Yes. 05.03.2008	11.7	Constructed

**Source:** Own creation based on information collected through the Environmental System evaluation web page: <http://sea.gob.cl/evaluacion-ambiental>

Though wind power is widely accepted as being a source of clean and renewable energy, the current construction of wind power parks has encountered strong opposition by local communities and NGOs that base their discourse in a development, isolated, territorial and indigenous frame (Sannazzaro, 2016). The main critiques focus on the absence of a territorial regulation to determine the appropriate locations for these projects. The communities claim that the construction of wind power projects such as San Pedro 1, have already destroyed part of the *'turberas'*, a special fungus recognised as the 'glaciers' of Chiloé, for its capacity to accumulate and release water on the island. The destruction of this vital element of Chiloé's ecosystem has taken place through the usage of dynamite, used to place the 150-180 meter-tall wind turbines. The loss of *turberas* is cited as one of the main causes of Chiloé's current drought (CESCH, 2016b, p. 7).

Simultaneously, as part of a silent process of extractivism, throughout the last 10 years the judiciary has been granting mining concessions in the archipelago. It has been a silent process, mainly because it does not require any form of participation from local

communities, which has resulted in the lack of awareness of this process at the local level.<sup>158</sup> The secrecy to grant mining concessions has allowed it to be massive. As of October 2016, the Chiloé archipelago had 269 mining concessions; 169 of those concessions are for exploration, and 90 are for exploitation.<sup>159</sup> These mining concessions can be categorised both in geographical terms and in terms of their aim. Geographically, they can be divided in three zones: north (Ancud), centre (Cucaco) and south (Quellón), but as we will see, only in Cucaco (centre) we can find a continuous historical pattern of artisanal exploitation.<sup>160</sup> In terms of their aim, they have been granted to: a) exploit minerals (mainly gold, iron and coal); b) exploit *turbas* (a special moss categorised as non-metallic mining); c) exploit gravel for construction; and d) to ensure the usage of these lands for future wind energy projects.

**Table 22:** Chiloe mining concessions ownership and impact

Area	Owner	Aim	Project near the concessions	Number of concessions	HQ - Country
North	Branex	Gravel for construction		51	Branex - Chile
North	Victor Manuel Ortuzar	Wind	Parque Eolico Ancud	18	
North	Viento Austral SPA	Wind	Parque Eolico Ancud	7	Callis Energy - Hungary

<sup>158</sup> 88.47% of the population did not know about the mining concessions given in Chiloé (CESCH, 2015b).

<sup>159</sup> Information retrieved from *Catastro online de concesiones mineras Sernageomin*, retrieved from <http://catastro.sernageomin.cl/map.phtml?config=518> (last access: 19 October 2016).

<sup>160</sup> Northern Chiloé (Ancud): Historically there has not been an important level of extraction in northern Chiloé. This zone has been described by Roberto Maldonado in the following terms: ‘the mining operation produced little gold and silver; the Spaniards were more inclined to agriculture [...] Because of these conditions it was difficult to find gold and silver within the inhabitants, nonetheless, the indigenous communities argued that some gold could be found in Carelmapu and that it was abundant in Osorno and Valdivia’ (Maldonado, 1897, p. 48). As described by Maldonado, just across the Chacao Channel in continental Carelmapu, the extraction of gold has been part of its history. It is said that during the 1890s over 200 groups of people were extracting gold in the beach of Carelmapu, with an extension of 6 kilometres long. The concentration of gold found in Carelmapu made a group of Chileans to prospect the beaches near Ancud, but the results were disappointing as the eight tests pits indicated that the levels of gold were under 4 c per cubic meter (Mella, 1921, p. 499).

Southern Chiloé (Quellón): The same as Ancud, this zone has not been historically a land of mining extractivism. But, based on a sample shown by local residents of the zone in 1964, Augusto Millán recognised the potential existence of platinum in the southern beaches of the island, specifically from Catiao to the south. While Millán recognised that the platinum was of excellent quality, he could not prove the amount of mineral nor the origin of the metal (Millán, 1964, p. 5).

North	Juan José Quijano Fernandez	Mining		16	Medinah Minerals Inc - United States
Centre	Cañas & De la Barra (including María Teresa Cañas, Andrea de la Barra & Jorge de la Barra)	Wind	San Pedro 1 & 2	68	María Teresa Cañas y Cia Ltda. - Chile
Centre	Cañas & De la Barra (including María Teresa Cañas, Andrea de la Barra & Jorge de la Barra)	Wind	No project	36	María Teresa Cañas y Cia Ltda. - Chile
Centre	G Sourcing SLU SpA	Mining		19	Global Sourcing Investment - United Kingdom
Centre	Jose Miguel Hernandez Calderon	Wind	Parque Eólico Pichihue	26	
Centre	Waldemar Borquez	Turba		2	
South	Petroquim	Wind	Parque Eólico Cateao	39	
South	Juan José Quijano Fernández	Mining		28	Medinah Minerals Inc - United States
South	Domic & South World Business	Mining		49	South World - Chile

**Source:** Own creation based on information collected in the Sernageomin web page <http://catastro.sernageomin.cl/>

Historically, mining in Chiloé has been a source of artisanal income, which has seen some periods of semi-industrialised exploitation.<sup>161</sup> The only place where we can find a long-term history of gold extraction is the Cucao Bay (Centre) where the extraction of gold is an activity

<sup>161</sup> During the colonial era, Chiloé had a reputation of a poor and distant land. Such isolation and precariousness was overturn with the hope to find the ‘flying gold’, obtained from the dragging made by the waves that left the rock sediments from the coast of the archipelago in the beach, a process known as black sands (Moreno, 2007, p. 303). Such hope also increased due to the great number of indigenous people that were gentle with foreigners, something difficult to find in southern Chile, especially in the Araucanía. Quickly, the first Spanish conquerors settled their bases in Castro. But, the hope was rapidly exceeded; little amount of available gold did not justify the effort made to extract it. The amount of gold was never able to generate a lucrative activity (Moreno, 2007, pp. 3003–304). Martín Rivas described the flying gold in the following terms: *‘it is poor and difficult to extract, so bad quality that does not compensate the amount of labour required. Its quality is so poor that it does not exceed the 17-carat gold and it is more costly than the interests’*.<sup>161</sup> Taking into consideration these conditions, the first conquerors abandoned the poor mining deposit of the cost of Chiloé, leaving just forms of artisanal exploitation in the archipelago.

The interest to exploit the beaches of Chiloé revived in the early twentieth century. This new interest has to do with new metals and new deposits, specifically in the south-occidental part of the Big Island (Millán, 1964, p. 3). Initially, the Spaniards were based in Castro, specifically near the river Gamboa, on the east coast and the black sand beaches on the west coast did not attract their attention (Mella, 1921, p. 497). By 1921 when Mella made his study, he found that gold and platinum had been exploited in the west coast of Chiloé, mainly in the Cucao Bay. But Chilotes’ were aware of the existence of platinum, but not its value that by that time was globally recognised as the white gold (Mella, 1921, p. 498). Martín Romero made a study on the Pumillahue beach, arguing that it still had good concentrations of gold and platinum (M. Romero, 1932), a report that was corroborated in 1981 by José Frutos, who argued that in any part of the beach were you make an excavation you can find very fine gold that requires amalgamation to extract it (Frutos, 1981, p. 3). It can then be inferred that the beaches of Chiloé have important concentrations of metals, but the lack of technology and knowledge had maintained their lands under a form of artisanal exploitation.

that has been present in the zone since the nineteenth century.<sup>162</sup> It began as an artisanal practice, which then reached levels of semi-industrialisation, which in turn generated certain social and economic consequences.<sup>163</sup> Due to the over-exploitation of the zone and the 1960 earthquake, the gold entrepreneurs decided to leave the zone, and from 1965 onwards local people have been working these lands through artisanal and small-scale forms of exploitation (Gajardo, Mondaca, & Santibáñez, 2016, p. 21).

These forms of silent extractivism affect the whole territory and its inhabitants, but especially affect the relation between indigenous communities and their territories. According to the lawyer from *Observatorio Ciudadano*, Nancy Yañez,

*Indigenous peoples should be aware of the mining concessions requested in Mapuche-Huilliche territory. The process is different to what happened for example in Caimanes [analysed in previous chapter], where the people did not have an entrenchment with the land. In the case of indigenous communities, the situation is different, it is the entrenchment with the land which marks its ethnic identity. In consequence, the cultural identity of these communities is affected by these projects; we can find incompatible rights. Communities have the right of consultation which must be present in every phase of the projects, including the grant of mining concessions, because these acts define the territorial vocation, they are acts that are incompatible with indigenous territorial and cultural necessities' (Fütawillimapu, 2013).*

The special connection with the land has led indigenous communities to utilise protest strategies and tools that –in some cases- are not available for non-indigenous communities. For example, the INDH (2015b) has declared that a special legal framework should be created to defend indigenous movements from extractivism, arguing that the process of granting mining concessions

*'[I]s an evident practice made by companies and people investing in renewable sources of energy, infrastructure and forestry and agriculture projects, that protect the land where the projects will be located with mining concessions in order to protect their interests [...] This situation represents a weakness of the normative design in the country, as it allow to use the mining law for purposes that are not the extraction of minerals, it has become evident that a Constitutional reform should be made mainly to protect the human rights of those indigenous communities affected by this situation' (p. 29).*

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<sup>162</sup> One of the first references of this activity was made by Roberto Maldonado (1897) who found inhabitants of *Rabue*, *La Montaña* and *Cucao* looking for gold in black sands (see also Gajardo et al., 2016, p. 14). Mining is an activity that has been present in these communities for 150 years.

<sup>163</sup> Due to the high number of people that arrived to Cucao to search for gold, the levels of alcohol consumption increased and so the fights between employees. On 1933 the newspaper *La Voz de Castro* described a homicide in Cucao caused by the 'sed del oro'. After a series of thefts and other kind of criminal acts, the authorities decided to pass a dry law, banning the consumption of alcohol (Mansilla Maldonado & Rehbein Montaña, 2007, pp. 56–59).



*b. Previous mobilisations in the zone:*

A historical pattern of anti-extractivist movement in Chiloé can be tracked back to the mid-1970s, just after Pinochet's coup. As seen in Chapter 3, it was a decade that saw the arrival of new technologies, which allowed for the acceleration of the rhythm and the geographical expansion of the exploitation of natural resources, mainly of forest industries, in Chiloé. The first project that could have had massive environmental consequences began in 1974, just months after the coup. Based on a secret agreement between the Commercial and Economic Promotion agency of the government (CORFO) and the Japanese companies *Marubeni Corp.* and *Sanyo Kokusaku Pulp Co. Ltd.*, the *Astillas de Chiloé* project was approved. This project was projected to require over \$USD 400 million in investment and create over 2,500 jobs through the cutting of over 80,000 hectares of native forest on the island (Equipo de Estudios Silvioagropecuarios Universidad de Chile, 1979).

Opposition to the project came from a fragmented civil society that was able to unite through the work of FUNDECHI (*Fundación Diocesana para el Desarrollo de Chiloé*), led by the bishop Juan Luis Ysern, who for over 20 years was an icon of the defence of Chiloé and of the fight against the dictatorship. As the French geographer Philippe Grenier (2006) states, the role of FUNDECHI was key, because it attracted 'university students, ecologists, regionalists, forest specialists and political opponents, mainly *Chilotes* living in the great cities of central Chile' (p.175). The key moment of the mobilisation occurred between the 27<sup>th</sup> and 29<sup>th</sup> of July of 1978, a period in which a series of seminars, organised by the FUNDECHI, allowed different opponents of the project in Ancud to meet one another.

The outcome was abrupt; the Japanese companies withdrew their capital, arguing that the price of the wood pulp had decreased. The movement became a key milestone in the creation of an ecological, cultural and regional consciousness. This was the first time that the inhabitants of Chiloé discussed –within their territory– the model imposed by the Chicago Boys (Grenier, 2006, p. 177). While the movement was successful in terms of impeding the expansion of the project, and the creation of a socio-environmental frame that is still being used by social movements in Chiloé, the structural economic and political threats that promote extractivism are still present on the island, a situation that has provoked the rise of sporadic socio-environmental mobilisations on the archipelago.

As we have seen in Chapter 3, the patterns of extractivism generated during the dictatorship have been reinforced during the transition to democracy. A good example of this continuity

can be seen in the Golden Spring case that arose in 1993. A forestry project, owned by a company based in Hong Kong that projected to exploit 23,000 hectares of forest that adjoined Hülliche territory. The conflict arose when the company built a road to access the Hülliche land without consultation. The movement against the exploitation of the forest was conformed both by Hülliche communities that claimed self-determination, and socio-environmental groups that proclaimed the conservation of the environment, an alliance that soon was well known all over the country, and that ended-up stopping the project (Sabatini, 1997, p. 58). As seen in Chapter 2, it can be argued that this movement saw a combination of radicals and reformists environmentalists. On one hand, the collective frame that was used by the movement was based on the ideas of ancestral ownership of the territory and the defence of a vital space for indigenous communities (Sepúlveda, 1995b). On the other, environmental groups framed the conflict within the ideal of protection of the Chilean native forests (Sabatini, 1997, p. 58). While these two collective frames had different origins and diagnoses, they ended up generating a collective frame that tended to defend the economic, cultural and political self-determination of the Hülliche indigenous people, as well as the environmental capacity of their territory.

During the 1990s, different social, indigenous and environmental groups started the opposition to the construction of a bridge that was designed to connect the continent with the Big Island. While it was not directly an extractive project, the collective frame behind the opposition to the bridge, was built from the argument that it would only benefit private – mainly extractive- projects on the island and that it does not align with the necessities of the inhabitants of the archipelago.<sup>164</sup> The initial idea to construct the bridge was announced by the end of the 1990s during the government of Eduardo Frei and it was immediately opposed by the *Federación Hülliche de Chiloé* (Chiloé's Hülliche Federation). Sergio Cuyul, former leader of the Federation argued that '*the topic was largely discussed in Assemblies*' stating that they '*always believed that the bridge will not solve their problems, because it will mostly benefit private companies*'; in the same vein, and using a frame given by indigenous international treaties and standards, the leader of the *Consejo General de Caciques de Chiloé* (General Council of Wülliche leaders of

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<sup>164</sup> 86% of the inhabitants of the archipelago thought that the resources that were aimed for the construction of the bridge could be used in other urgent necessities, such as the construction of an hospital, the construction of a public University and the ban to the indiscriminate chopping of the woods in the archipelago (CESCH, 2015b). The argument is that the bridge is seen as an investment to consolidate the violent model of extractivism present in Chiloé (Mondaca, 2016b). An ideal that is not just in the imaginaries of the inhabitants of Chiloé but has also been recognised by the government that have argued that the bridge could 'improve the accessibility to zones that have great economic potential (Chiloé's Big Island and Aysen) advancing the possibilities of development of those zones, increasing the local GDP' (MOP, 2012, p. 32). But, as already seen, the economic potential of the zones is based in forest, mining, salmon and Eolic energy industries.

Chiloé) recognised that *'the project has never been consulted with the indigenous communities'* (Flores, 2006). During the 2000s the plan of the bridge persisted under the Lagos administration but was discarded during Bachelet's government because her administration thought that it did not have political viability.

In terms of collective frame mobilisation, since the initial planning of the bridge, the project immediately became an important topic within social meetings, local debates and discussions at the local level (Ramírez et al., 2009, p. 3). The debate polarised the visions of the inhabitants of Chiloé between those who sought to strengthen the economic development based on the traditional culture and existing natural goods, and those who sought to generate an economic model based on industrialisation. While one side argued that it would be naïve to think that the construction of the bridge could redeem one and a half centuries of state abandonment, the other saw in the construction of the bridge a platform to escape from the marginality and abandonment that the island experienced for centuries (Ramírez et al., 2009, p. 3). These debates contributed to the creation of the first local environmental organisations, such as the *Centro de Estudios y Conservación del Patrimonio Natural* (CECPAN) in 2007. While these debates were initially based on the construction of the bridge, as we will see, these conversations went beyond the mere construction of it, allowing for different groups to come together and start thinking about the development model that they wanted at the local level.

*c. Conservationist, environmental and indigenous mobilisations:*

In Chiloé, we can differentiate –at least- three groups that have struggled against the advancement of extractivism: conservationists, environmentalists and indigenous peoples. These groups have different visions, compositions and ideologies. Conservationists see a value in nature itself, the aim is to conserve the nature 'as it is' [...]. Environmentalists on the other hand, will tend to attenuate the environmental effects of extractivism (reformists environmentalists) or to change the economic model that generates the existing environmental inequalities (radical environmentalists) (Acosta & Machado, 2012). Finally, indigenous peoples –as already seen- understand their attachment to land and environment as collective and ancestral rights. In some cases some of these groups (especially radical environmentalists and indigenous peoples) have generated common strategies to oppose extractivism, such as in the already analysed case against Golden Spring. In other cases, their visions contrast and can even generate opposition, as was the case between indigenous peoples and conservationists in the island.

There are numerous examples worldwide of indigenous peoples struggling with the consequences of environmental organisations' actions. This include indigenous people forcedly displaced for the creation of conservation areas which limits Indigenous people's use of resources they have traditionally consumed (animals or logging, for example) and a lack of consultation with Indigenous people as to future uses of land for which they assert traditional ownership (Poirer & Ostergren 2002; Adams & Milligan 2003). In Chiloe, such consequences occurred mainly with the creation of the Tantauco Park, a 118.000 hectares conservationism project, which has displaced Huilliche people and dispossessed of their ancestral territories (Mondaca 2013).

*d. From national awareness to local concern:*

As we have seen in the introductory chapters, since the year 2011, a series of different massive, national acts of protest began to flourish in Chile. Some of these episodes of protest were replicated at the local level in Chiloé. For example, in August 2011, a dozen of students from Chiloé blocked the entrance to the island, claiming that through this act they were supporting the demands of the national student movement (El Mostrador, 2011). In 2012, fishermen blocked the main route in Chiloe to support the claims of the local movement in Aysen (Cooperativa, 2012) and a series of people demonstrated in the streets supporting the claims of Aysen as well (Nuñez, 2012). In addition, a special Social Assembly was created in Quellón, in solidarity to the demands of the movement in Aysen.<sup>165</sup>

As already argued, the inhabitants of Chiloé wanted to be recognised and as so, wanted to decide their own future. A good example may be found in the renaissance of the opposition to the construction of the bridge. Coinciding with the acts of national protest, the former President Sebastián Piñera argued that he wanted to renew the state commitment to construct the bridge (Piñera, 2012, p. 13). The *Chilotes*, and especially the indigenous peoples living in Chiloé immediately reacted to Piñera's announcement, declaring that they were '*against the mega infrastructures such as the construction of the bridge, because it would break the territorial equilibrium of their territories*' (Radio del Mar, 2013). The mobilisation against the bridge was, and is, based on the idea that it would generate a potential destruction of the environment, and that the inhabitants of Chiloé have not participated in this decision. Currently, social

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<sup>165</sup> A movement conformed by fishermen, workers of the health system, school teachers, students, neighbours and local leaders of different political parties: Socialist Party (PS), Partido por la Democracia (PPD), Democracia Cristiana (DC), Radicals (PR) and the Communist Party (PC) (Federación de Sindicatos de Quellon, 2012).

movements demand that the resources spent in the bridge should be redistributed to create better education and health systems, which are the priorities of the inhabitants of Chiloé (CESCH, 2015b; Mondaca, 2015).

At this point, the effects of forestry and fisheries were evident and resulted in a series of conflicts.<sup>166</sup> The debates and conversations surrounding the conflict with the bridge permitted different groups to create awareness related to different forms of extractivism, mainly energy projects. In other words, the historical path of socio-environmental movements, the creation of an indigenous frame as well as the networks and collective framing process, allowed to extend the diagnostic of the effects of extractivism on the island. This process, as will be shown, also allowed for the creation of common strategies of protest. The socio-environmental movement that now brought together indigenous communities and *Chilotes* allowed the movement to follow different strategies such as political lobbying in the Chilean Congress,<sup>167</sup> massive mobilisations (Defendamos Chiloé, 2015a), judicialisation of the protest using the ILO 169 Covenant (L. Villegas, 2014) and indigenous celebrations such as Trawun (El Ciudadano, 2015) and We Chipantu (El Desconcierto, 2014).

*e. First protests against wind energy projects:*

The networks created by previous mobilisations in Chiloé have served to oppose a series of extractive developments in the region. The interrelation between environmental and indigenous organisations has allowed the communities in Chiloe to oppose not just some forestry projects, but also projects that are usually catalogued as clean and environmentally friendly developments, such as wind energy projects. This opposition comes from frames that are based in the lack of territorial plan and potential generation of socio-environmental externalities that mainly affect indigenous peoples.

One of the most notorious campaigns against extractivism in the last years in Chiloé is the *Salvemos Mar Brava* mobilisation, a movement that attempts to stop the construction of the wind energy project *Parque Eólico Chiloé*, situated in the northwest coast of the Big Island. In 2010, the Swedish-Chilean company Eco-Power decided to environmentally evaluate the

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<sup>166</sup> The conflicts surrounding fisheries have been largely analysed (Barrett et al., 2002; Barton & Fløysand, 2010; Bustos-Gallardo & Irarrazaval, 2016; Mansilla Torres, 2009; L. Salinas, 2011; Urra & Tamayo, 2010). The conflicts arising from forestry companies have also been analysed extensively (Abalos, 1985; Equipo de Estudios Silvoagropecuarios Universidad de Chile, 1979; Grenier, 2006; Sepúlveda, 1995a).

<sup>167</sup> See Cámara de Diputados, Comisión de Obras Públicas, Transporte y Telecomunicaciones, Sesión number 52, 20 October 2015, retrieved from: [https://www.camara.cl/trabajamos/comision\\_sesiones.aspx?prmID=402](https://www.camara.cl/trabajamos/comision_sesiones.aspx?prmID=402) (last Access 24 October 2016)

project. They decided to simply make an Environmental Declaration -without a participatory process- as the company argued that there were no habitants living near the zone and that the project was not situated over a protection zone. In reality, the area where the construction of the wind energy farm is projected is located close to rural sectors such as Pilluco, the Lacuy Peninsula and Pimillahue and indigenous communities such as Antu Lafken Huentetique, Lauquen Mapu Katrumán and Buta Lauquen Mapu.

The opposition was immediate. Communities, unions, social neighbourhoods, indigenous communities, local organisations and environmental NGOs created the *Colectivo de Acción Ciudadana de Ancud* (COMPAS) and then the *Salvemos Mar Brava* (Save the Brava Sea) movement, arguing that the company should carry out an Environmental Impact Study and not just a Statement or Declaration, because the project was planned within proximity of certain communities and a protected zone (Puñuhuil) where a number of migratory birds and whales tend to feed (See difference between Study and Declaration in Chapter 3). Despite these arguments, the Regional Environmental authority unanimously approved this project in August 2011.<sup>168</sup> This decision was declared illegal by communities, especially by the *Antulafquen de Huentetique* indigenous community who argued that the process to approve the project did not comply with the participatory process established in the ILO 169 Covenant, as no meetings or information processes were developed to approve the *Parque Eólico Chiloe*.

Following the approval of the project, communities and environmental organisations announced the filing of a protection claim against the Los Lagos Environmental Commission. In August 2011, the indigenous community Antu Lafquén de Huentetique, accompanied by other organisations,<sup>169</sup> filed an appeal for protection in the Court of Appeals of Puerto Montt to halt the project and relocate it. But in October, the Court ruled against the plaintiffs.<sup>170</sup>

The communities knew that the legal process would continue in the Supreme Court, so to emphasise their demands, they started a process of political lobbying. Firstly, the

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<sup>168</sup> See Comisión de Evaluación Ambiental Región de Los Lagos, Resolución Exenta number 373 from the 18th of August 2011.

<sup>169</sup> See Corte Suprema, *Macheros y otros contra Comisión de Evaluación Ambiental Región de Los Lagos y otro*, decision made on the 3<sup>rd</sup> January 2012, Rol 10,383-2011 and Corte Suprema, *Sociedad comarino Limitada y otros contra Comisión de Evaluación Ambiental Región de Los Lagos rep por Don Juan Montes Porcile y contra EcoPOWER S.A. rep por don Julio Albarrán Ríos*, decision made on the 12<sup>th</sup> June 2012, Rol 10,609-2011.

<sup>170</sup> See Corte de Apelaciones Puerto Montt, *Comunidad Indígena Antu Lafquen de Hentetique contra Comisión Regional del Medio Ambiente región de Los Lagos*, decision made on the 11 October 2011, Rol 239-2011

Parliamentarian Fidel Espinoza (PS) addressed the demands of the movement in the Chamber of Deputies and then, in December 2011, leaders of the *Centro de Conservación Cetácea* (CCC) and Ecoceanos, with the signature of more than 40 international scientists, delivered in *La Moneda* a statement addressed to President Sebastián Piñera to stop the construction of the wind energy project as it would affect the blue whales that live in the area (INDH, 2015c, p. 200).

All these efforts ended up in the first legal battle won by the community. On the 12th of March 2012, the Supreme Court revoked the Environmental Qualification of the project arguing that the Environmental Declaration clearly violated the rights established in the ILO 169 Convention and argued that the company should follow an Environmental Impact Assessment that considers the consultation with indigenous communities.<sup>171</sup>

Though this was one of the main achievements of the socio-environmental movement in Chiloé, they knew that they were not able to stop other projects in the territory. In the midst of the legal battle against the *Parque Eólico Chiloe*, the project *San Pedro 1* was approved. While it affected *Hulliche* territories and was approved just by an Environmental Declaration it did not encounter important opposition. This may be explained by the lack of capacity, at this point, of the environmental network and indigenous communities to react against projects that may have environmental, territorial and social consequences. Moreover, it was not until the *San Pedro 1* project was constructed and when the environmental consequences in terms of destruction of the *turberas* became evident that the socio-environmental movement in Chiloe reacted against it.

The legal victory and the environmental impacts of other projects allowed the re-configuration of the socio-environmental network in Chiloé. Projects such as the San Pedro 1 that dynamited the *turberas* of the zone, contributing to the draught of the Big Island, allowed for the initial creation of an environmental network which was concerned not just with the impacts of fisheries and forestry developments but increasingly with the lack of territorial planning to build and project wind energy projects in the archipelago, creating a clear clash of values, visions, metabolisms and rights between the ideals of the community on one hand, and those of the State and companies on the other.

As analysed in previous chapters, the opposition to extractivism can be explained through the lens of local participation and recognition. It has become evident in the cases of the

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<sup>171</sup> See Corte Suprema, Comunidad Indígena Antu Lafquen de Hentetique contra Comisión Regional del Medio Ambiente región de Los Lagos, decision made on the 12 March 2012, Rol number: 10,090-2011.

movement against MLP and Alto Maipo that there is a clear tension between majority needs –as formulated by governments and industry representatives- on the one hand, and needs of local communities on the other. The opposition to wind power in Chiloe is not an exception. While the government argues that development should be proportional to the demand of energy of the country, local communities stay that it should respond to local necessities and should be compatible with their territory. Also, the government and companies usually argue that renewable and non-conventional sources of energy may give continuity to the ideal of a sustained development and sustainable principles, but local communities argue that these projects may affect the culture of local people. It is also common to hear, especially from the government the idea of a unified territory, but local communities separate the world of those living in the continent and the people living in the island. And finally, while the government and the companies use technical and scientific language, communities more commonly employ socio-cultural and socio-economic language (see Sannazzaro, 2016).

### Second period. Building an environmental justice and anti-extractive frame

#### *a. Health injustice and social discontent:*

The awareness of social inequalities experienced at the national level and the creation of an incipient socio-environmental movement, allowed for the creation of cross-movement mobilisations at the local level in Chiloé. For the first time people, that worked in the fisheries, in the health system, in education, artists, Hulleche people, peasants, among others, came together to discuss the consequences, which the neoliberal model had had in their territory and outside it. This has been a key turning point, because while it is true that one of the main characteristics of the socio-environmental movement in Chiloé has been its capacity to receive support from cross-movement alliances, this is the first time that people living in Chiloé came together to discuss not just what was happening in their backyards, but also what was happening at a political level in other territories. A process that may be explained both by the path dependence of previous mobilisations and by the incorporation of new actors, such as the consolidation of CECPAN and the rise of the CESCH, as will be explained. This mixture of groups and opinions ended up creating three social gatherings that took place in February, May and October 2013, a process known as '*Pensar Chiloé*' (Think Chiloe).

These meetings, especially the one celebrated in February and the one celebrated in May, served as the basis for the first massive blockade of the island that occurred in May 2013.



After two people died due to medical malpractices, the movements that were already organised came together to claim for better public health system blocking streets, suspending school classes and convoking massive demonstrations. This episode shows how the socio-environmental movement was able to share and manifest their concern with other social issues. In a public statement, the movement stated that *'We are the owners of our own history, mainly the one that is built in our archipelago. As Chilote's in resistance we strongly say that we are no longer asleep or indifferent, we do care. We have a challenge, to conquer a different Chiloé, to conquer a different reality'* (Pensar Chiloe, 2013). These acts of protest attracted the attention of the Chilean Health Minister and the local Municipal representatives (Huerta, 2013). But most significantly for the analysis of this chapter, it allowed for the creation of an organisation and a frame to mobilise against injustices.<sup>172</sup> The case of the demands for better health conditions in Chiloe which started with a social Assembly in Quellón, ended up generating an identity of integration that resulted in commitment, and so in resources for social mobilisation (Arriagada, 2016). The different groups that came together wanted to be active participants in their development and political decisions; the local demands for better health conditions ended up generating then, a political project that had a clear opponent: the Chilean state (Arriagada, 2016).

The first condition that allowed for the creation of a frame that was beyond the local, was the return of Chilotes who went to study in other territories. From 2013 onwards, a series of *Chilotes* who had the capacity and opportunity to observe the pillage and destruction of extractivism in other territories, decided to come back to Chiloé to join the struggle of the Huilliche people who –for centuries- have avoided the extractive exploitation of the archipelago. Among the most important non-indigenous organisations constituted by Chilotes, are the CESCH, the CECPAN and the *Escuela Popular Agraria Curaco de Velez*.

These 'new' organisations entered in dialogue with already constituted socio-environmental and indigenous groups. In words of one of its members:

*'...we have created a dialogue between different movements, there is a great aim to join forces. Constantly we are trying to coordinate our aims, leaving aside some differences [...] In a joint effort we have created a common dialogue, we recognise an extractive problematic that is affecting our territories and to avoid it, we need to work together. We talk about the strategies, how to break the egos, how to bring down to the communities these issues. We are in a moment where*

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<sup>172</sup> The following Assemblies were created: Asamblea Social de Quellón, Asamblea Social de Curaco de Velez, Asamblea Social de Dalcahue, Asamblea Social de Castro, Asamblea Social de Queilen, Mesa Social de Quellón and Asamblea ciudadana de Quinchao.

*our creativity will be proven and though there are some problems, I have an optimistic view'*  
(Interview 4: 19:52-22:26).

The optimism of this process of dialogue and coordination has not been exempt of criticism and problems. In some cases, the work done by these organisations has been seen as an opportunity to reproduce patterns of 'continental' discourse towards rural communities. This is a problem that has been recognised by these very organisations, who have taken some precautions in this sense. A representative and leader of one of these organisations argued,

*With regards to the young Chilotes that are coming back, they have arrived with continental action repertoires that usually crash, mainly in rural areas. This is a very complex topic, because in some cases its difficult to achieve dialogue, sometimes we arrive with impetus of changing things, but there is no respectful dialogue with what the other one wants. When we went to Cucao, we asked ourselves what will happen if people really wanted mining companies, then we realised that more than going with a struggle consist we should go and listen to their opinions and necessities with regard to their territories. Sometimes the fight consist generates resistance, but if you listen, then you'll be able to find really beautiful resistance and fight discourses. But these discourses use a different language and strategies, and then you need to be careful on how you dialogue with isolated territories* (Interview 4: 57:32-59:37).

The recognition of the potential differences in the discourses, strategies and motivational frames and the intention to 'listen' rather than to impose or misappropriate local and indigenous discourse is what has generated an open and transparent dialogue of knowledges in Chiloé, that has resulted in the creation of a real network of socio-environmental organisations.

*b. Counter mobilisation against indigenous movements:*

In parallel to the rise of socio-environmental movements in Chiloé, it is possible to observe different patterns of counter-mobilisation developed by the State. The Chilean State has never recognised the Huilliche rights over their lands and has treated them as occupants of private territories. But, the Huilliche relation with their territories is key for their existence as a people. That is how they have maintained the indigenous occupation in part of their territories through different strategies of resistance. From a legal strategy which claims the ownership of the land given by the '*titulos realengos*' (titles given by the Spanish crown) and the Tantauco Treaty (Mondaca, 2013, p. 141) to land occupations that have allowed the maintenance of the natural environment and lands for centuries, defending it from different extractive projects.<sup>173</sup> The sum of these struggles has led to the generation of different

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<sup>173</sup> See for example the defence of the Huilliche territory against the forest company Golden Spring in 1993 (Sepúlveda, 1995a)

organisations that unites Huilliche living in different territories in Chiloe. During the 1990s and 2000s at least two organisations were created: the *Federación Hülliche de Chiloé* (Chiloé's Hülliche Federation) and the *Consejo General de Caciques Hülliches de Chiloé* (General Council of Hülliche leaders of Chiloé). In 2013, and as a reaction to the fragmentation of the Hülliche communities that live in Chiloe, the *Consejo de Comunidades Hülliches de Chiloé* (Chiloé's Hülliche Community Council) was created. The leader of the Chiloe's Hülliche Community Council, explains the creation of different network organisation in the following terms:

*A couple of years ago I was part of the General Council of Hülliche leaders of Chiloé [...] Then we made a Congress of Hülliche communities. The first one was in Quellón and the second one in Ancud. Then we realized that the Lonkos [leaders] from Ancud were treachery Lonkos, instead of traditional Lonkos. We discovered that they were negotiating with the state on our backs. At the end of the Congress we made a declaration saying that we were against the wind power energy companies; arguing that it was a form of development that would just bring death. But, 15 days after that declaration the treachery Lonkos approved the wind farm (Interview 5: 27:30-29:32).*

The fragmentation of the indigenous movement described in the previous paragraph, may be explained as a consequence of the acts generated by the State. The form of State intervention to generate a counter-mobilisation, is of particular interest, because in previous chapters, we have seen that the companies –mainly through CSR programmes- have tended to divide communities, but in the case of indigenous people living in Chiloe, the communities claim that the state is the one responsible for this fragmentation.

In fact, I was able to observe a very clear example of the intention and motive to generate fragmentation in Chiloé. On the 14th of April 2016, the Environmental Ministry planned a free, prior and informed consultation with Hülliche people. Initially, I was seated in a room with a group of Lonkos and indigenous Hülliche leaders, the consultation was about to start when a group of other Lonkos came into the room. Immediately the Lonkos that were initially seated in the room stood up and left the consultation process. The state representative said that he could not force anyone to be part of this consultation process; what he did not say was that he would then make a parallel consultation with them. I was then informed that the first group of indigenous people (the ones that left the room) are open to negotiate with the government (the traitor Lonkos) while the second group has a stronger opposition (the traditional Lonkos). So, instead of making just one consultation the ministry of Environment, in a politically astute action to receive approval for the project from at least part of the community, made unannounced parallel meetings. What lies behind this division is that while the state is 'complying' with international standards in terms of

indigenous consultation, the aim is to approve their policies despite the potential denial of indigenous groups. This is just a small example of how the state tends to divide communities in order to adopt different political decisions without greater opposition.

To oppose this division, the Huilliche people have tried to unify their frames and strategies with indigenous peoples living in other parts of the country, generating networks and the creation of common frames. Perhaps the most important contact has been done with Huilliche peoples living in San Juan de la Costa. A member of the Chiloé Huilliche community recognised the importance of these contacts arguing that the Huilliches living in Chiloé lost their ‘*identity around 100 years ago, then the Huilliche from San Juan de la Costa came to raise the Huilliche. It was little knowledge that we had and less what we practiced by that time*’ (Interview 6: 2:33-4:33). Indigenous peoples living in Chiloé have also learnt from the Huilliches living in San Juan de la Costa new strategies to defend the territories from extractivism.

*c. Social minefields: the role of diagnostic and prognostic frames:*

In a context of strengthened socio-environmental networks, but simultaneously with signs of counter-mobilisation, Eco-Power decided to follow a new Environmental Assessment to approve the *Parque Eólico Chiloé*. Notwithstanding the closed structural context, the socio-environmental movement, mainly constituted by indigenous and local organisations, continued to oppose the construction of this project. The strategies that the movement has followed have benefitted from indigenous human rights legal frameworks, and acts of direct action, protest and lobby by non-indigenous groups, such as judicialisation and political lobbying. In 2014, during the third process to approve the project, the movement gained support from local communities, citizen organisations and politicians who wanted to protect a territory with such an important archaeological, landscape, biodiversity and touristic heritage. For example, the socialist parliamentarian Jenny Alvarez declared that she was in favour of renewable energies, but that it was also important that these projects end up benefiting the local communities, a view shared by the local councillor Rodolfo Norambuena and local NGOs (Salvemos Mar Brava, 2014). But, despite the initial judicial success in 2012, the Chilean-Swedish company *Ecopower* insisted twice for the project’s approval with the Environmental Authority, who ended up granting the Environmental Qualification of the project in September 2015.<sup>174</sup>

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<sup>174</sup> See Comisión de Evaluación Ambiental Región de Los Lagos, Resolución Exenta number 550 from the 28th of September 2015.

The approval of the *Parque Eólico Chiloé* forced social movements to develop preventive strategies to oppose extractivism. So, in 2015, a series of reports and seminars produced and organised by members of local organisations started to alert local communities of the development of a new form of ‘silent extractivism’:<sup>175</sup> concessions to explore and exploit mining resources in the island (see for example Burgos, 2015a, 2015b; CESCH, 2015a). These reports and seminars had the aim of informing the communities of the potential disasters that industrial mining operations may have in the archipelago. The Centro de Estudios Sociales de Chiloé (hereinafter CESCH) has been the most active organisation in this regard. CESCH published their first report on the threats of mining activities in the Cucao bay in February 2016 (Gajardo et al., 2016), and due to its positive reception by the community, they organised in June 2016 the “National anti-mining meeting”, which was proposed as a ‘space to interchange experiences and theoretical, practical and juridical tools to defend the territory’ (CESCH, 2016d). Since then, the organisation in collaboration with local indigenous communities has worked in order to create awareness of their conclusions and to share them with different local communities such as Chanquin (CESCH, 2016a), Quellón (CESCH, 2016e) and Natri Bajo (CESCH, 2016c).

A good example that reflects the extent and importance of these awareness actions is the publication of the ‘First Provincial Census: Chiloé and its Priorities’ made by the CESC(2015b). Based on the conclusions of this publication, that same year the *Movimiento Defendamos Chiloé*<sup>176</sup> was created. A movement that is ‘formed by an organised citizenship that is worried for the present and future of our territory and people. Those who form this movement represent the 86% of the inhabitants of the archipelago that state that the construction of the Chacao bridge is not a priority among other things’ and that recognise as part of its most important challenges: ‘(a) to exercise the right to decide the model of development that we want; (b) to safeguard our cultural and natural patrimony; (c) promote a rural, ancestral and insular huilliche identity; (d) to promote local models of development; (e)

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<sup>175</sup> As argued before the term silent extractivism is used to refer to forms of extractivism that are not evident to the general public, that do not require consultation and are granted by the judiciary, a branch of the state that as we have seen in previous chapters is highly dependant on the political structure of the country. When asked about the potential effect of mining concessions given in Cucao a local resident answered in the following terms: ‘At this moment they are just rumours. It is mainly a responsibility of the government. They have given concessions over these territories, the problem is that we do not have much information and we are indigenous communities’ (Interview 3). This answer reflects the lack of information regarding the owners of the potential extraction and the silence behind these concessions.

<sup>176</sup> It must be said that after the creation of the social assembly that claimed for better health conditions in Quellón a series of organisations created the *Consejo de Defensa del Archipiélago de Chiloé* that grouped the following organisations: Asamblea Social de Castro, Asamblea Social de Ancud, Asamblea Social de Curaco de Vélez, Centro de Estudios Sociales de Chiloé-Cesch, -Cecpan, Agrupación Mestizas de Castro, Movimiento de Defensa de Mar Brava, Agrupación Cultural El Rodezno, Unión Nacional Estudiantil-Sección Castro.

*generate an informed dialogue with Chilotes in order to propose local public policies to the authorities?* (Defendamos Chiloé, 2016).

*d. Massive mobilisations: a result of cross-movement networks*

As already seen, from 2013 onwards (i.e. after Pensar Chiloé), a series of socio-environmental networks were created in the archipelago. These networks are composed of formal organisations such as CECPAN and CESCH, and a number of grassroots organisations at the local level that have been working in order to organise their communities. They have been able to generate massive mobilisations against extractivism in Chiloé. In October 2015, the socio-environmental movement in Chiloé mobilised over 1,500 people in Castro against the construction of the Chacao bridge and the construction of the wind energy project in Mar Brava (Defendamos Chiloé, 2015b). Similarly, in February 2016, over 20 local organisations attracted the interest of the over 2,000 people who demonstrated in the ‘*Chiloe está Privao*’ (Chiloe is privatised) protest against the extractive pillage of the island (Poblete, 2016).

The creation of these networks of movements is explained by one of its members in the following terms:

*We are like a small country, so we act with a holistic logic, in term of trying to adopt all the problems that affect us. We have a common life and our problems are also common. We have experienced a change in the last years. With the health mobilisation that started in Quellón, we started to take into consideration the problems that affected other territories. We are a small country, but one that is fragmented in terms of geography, so the dialogue between different movements wasn't as fluid as we wanted. When Quellón started its mobilisation to demand better health conditions, we started to create different assemblies, and from then on we started a dialogue of experiences and problems that allowed the present mobilisation (Interview 4: 17:15- 18:58).*

It must be said though that the organisation of these networks has not developed into formal organisations, something that, as we have seen in the previous chapter, allows the strategies of the movement to be adapted more quickly. Despite the lack of formal organisation, the networks have been using semi-formal and social media platforms to organise their collective frames. A member of these local organisations explains how they have created and coordinated their networks and their incipient formality, in the following terms:

*I actively participate in these networks that are emerging in Chiloé. We make contact through social media or telephone. We don't have a formal instance that allow us to generate real networks, we mostly generate semi-formal instances of participation, but we still don't have one group able to coordinate all our demands (Interview 2: 32:23- 35:03).*

The knowledge dialogue and the framing process have also benefited from ideas and meanings that comes from socio-environmental and academic networks at the national and international level.

At the national level, the socio-environmental movement in Chiloé has direct contact with other social movements and with formal environmental organisations. A good example to help understand these relations is the participation of local movements opposing extractivism in other territories such as: the *Asamblea por el Agua de Huasco Alto*, the *Comité de Defensa del Mar de Mebuín* and the *Agrupación de Defensa y Conservación del Maule-Mataquito* in the seminar of resistance against mining in Chiloé organised in June 2016.<sup>177</sup> It is also important to highlight the relationship between the socio-environmental movement in Chiloé with national network organisations that promote a change in the development structures and defence of the territories, such as the *Observatorio Latinoamericano de Conflictos Ambientales* (OLCA) and the *Movimiento por la Defensa del Agua, Protección de la Tierra y Respeto al Medio Ambiente* (MODATIMA). Both of them have been highly active in giving advice and creating knowledge to develop the socio-environmental movement in Chiloé. The constant participation of these organisations in seminars organised in Chiloé, and the invitation to the local movements to participate in national assemblies, have allowed the socio-environmental movement in Chiloé both to learn from the strategies developed in other territories as well as to understand the negative externalities provoked by extractivism.<sup>178</sup> The work of the INDH can be also highlighted, particularly in their efforts to support some of these organisations; through the regional office they have supported the CESCH<sup>179</sup> and the CECPAN<sup>180</sup> to finance research projects and seminars, and they have monitored the social mobilisation which took place in May 2016 (INDH, 2016).

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<sup>177</sup> The *Asamblea por el Agua de Huasco Alto*, which fought against the mining company Barrick Gold and its project Pascua Lama in the Copiapó region, the *Comité de Defensa del Mar de Mebuín* that fights against the forestry company *Celulosa Arauco* in the Los Ríos region and the *Agrupación de Defensa y Conservación del Maule-Mataquito* that fights against the installation of the iron mining company in the Maule region.

<sup>178</sup> A good example of the incorporation of indigenous communities in networks of socio-environmental movements can be found in the national assembly and mobilisation that occurred in Temuco on April 2016. This assembly was convened by MODATIMA, a network of different social movements that generate associations between different territories. During that Assembly the organisation incorporated the movements in Chiloé (especially the movements lead by huilliches indigenous people) into the southern network.

<sup>179</sup> See information retrieved from <http://www.territorioscesch.com/noticias-2/igo13vvy26/Positivo-encuentro-entre-el-Instituto-Nacional-de-Derechos-Humanos-y-el-CESCH-para-analizar-la-postergaci%C3%B3n-de-Chilo%C3%A9-en-materia-de-derechos> (last Access 26 October 2016)

<sup>180</sup> Information retrieved from: <http://cecpan.org/reconociendo-tachi-nuke-tue-defensa-del-territorio-williche-de-chiloe/> (last Access 26 October 2016)

At the international level, both local *Chilotes* and *Huilliche* organisations have created networks that have allowed them to access information, solidarities and resources. A good example may be found in The *Escuela Superior Campesina Curaco de Velez*, which is part of the network of academic centres REECA and as part of this network has been active in the generation of links with international organisations. Several international organisations participated in a seminar organised in August 2016 in *Curaco de Velez* representing different countries, organisations and topics, including: the Permanent Forum of Indigenous Peoples of the United Nations, the Fund for the development of Indigenous Peoples of Latin America and the Caribbean, the Pan-American Health Organisation (PAHO) and academic institutions such as the Universidad Nacional Autónoma de México (UNAM), the Universidad Mayor San Andrés de La Paz, the Universidad Regional de la Costa Atlántica from Nicaragua, the Universidad Indígena Awantay Wasi de Quito, among others.<sup>181</sup>

As already stated, the international networks have also served to finance different socio-environmental activities in Chiloé, for example in 2016 the CESCH received funding from Global Greengrants Fund to: *‘organise a territorial defence against mining concessions, which prevail the rights of property landowners and the ensuing land grab that alarms local communities.’*<sup>182</sup> Similarly, the Rain Forest Action Network supported the Federación de Comunidades Huilliches de Chiloé in 2004 to *‘support the construction of an educational and cultural centre that will provide information on sustainable forest management and organic gardening and will also help preserve indigenous Huilliche culture’*<sup>183</sup> The CECPAN has also received funds from the European Commission (in coordination with the National Institute of Human Rights) to analyse the defence of the *Huilliche* territory in Chiloé.<sup>184</sup>

*e. Current status of social mobilisation in Chiloé:*

During April and May 2016, the archipelago of Chiloé faced one of its worst socio-environmental crises, one which resulted in a 20-day long blockade of the island. While most of the Chilean press was focused on the environmental disaster provoked by the so called *‘marea roja’* and the eventual cause-effect relation between the contamination of the ocean

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<sup>181</sup> Information retrieved from: <http://www.fundacioncuracodevelez.cl/seminario-internacional-dialogo-de-saberes/> (last access 26 October 2016).

<sup>182</sup> See Green-grant Funds, given by the Southern Cone Advisory Board. ID project 59-102 (2016). Information retrieved from:

[https://www.greengrants.org/programs/search/?region\[\]=South%20America](https://www.greengrants.org/programs/search/?region[]=South%20America) last access (26 October 2016).

<sup>183</sup> See Green-grant Funds, given by Rainforest Action Network. ID project 50-780 (2004). Information retrieved from:

[https://www.greengrants.org/programs/search/?region\[\]=South%20America](https://www.greengrants.org/programs/search/?region[]=South%20America) last access (26 October 2016).

<sup>184</sup> See *supra* note 17.



and the salmon industry; the truth is that this mobilisation was a continuation of the path of social mobilisation which began in 2013. While the contamination of the ocean was the catalyst to mobilise, the movement cannot be understood outside the broader aim of changing the extractive development model imposed in the archipelago. The *Movimiento Defendamos Chiloé* argued that though it was crucial to resolve the fishermen's dilemma, it was also a priority to resolve the historical demands; to think about the contamination in the archipelago and to think towards a sustainable model of development while reactivating the economy of the zone (Red por la Defensa de los Territorios, 2016). They argued that the state should *'think of an archipelago without salmon industries, without mining operations, with a strong campesino culture and a prosperous sea for the fishermen, with free and public education and without a bridge; that is our political task for today and the upcoming years, they are the bases of our barricades and burned tyres'* (Asamblea Social de Castro, 2016).

These demands were based in the historical abandonment of the state and the extractive pillage suffered throughout the last 30 years on the island; something that the government was not able to visualise, as they were constantly trying to solve the crisis based on the conflict raised by the fishermen (Arriagada & Gallardo, 2016). Yet, the base of the movement was demanding the end to a 'delayed but indiscriminate incorporation of capitalism in Chiloé' (Interview 2: 7:20-7:28). According to the CESCH: *'Today we are facing the worst socio-environmental crisis of our history mainly because of a consolidated extractive model that deprives us from our natural and social goods. This model has been materialised through the state incentive to expand the private and transnational salmon industry, the expansion of forestry monocultures, the construction of mega-wind farms without spatial planning, the privatisation of the land for conservationist projects and the current expansion of mining concessions'* (Red por la Defensa de los Territorios, 2016).

In every single form of protest against extractivism in Chiloé (whether they be mining, energy or other forms of extractivism and social injustice) we can observe a claim for political recognition and participation. We have seen how this frame has been developed over time and the intensity of the anti-extractive discourse has risen in the last years. The structural economic and political context is what lies behind the creation of this collective frame, but it does not show the whole picture. My argument is that behind the creation of this frame we can find an important capacity and agency of different socio-environmental, indigenous and academic movements that have been working at the grassroots level to build a common frame around environmental injustice in the archipelago and transform it into action. A good example of this intention to transform frames into action can be seen in the repertoire of strategies to combat extractivism on the island developed during the 'National Meeting to

Analyse the strategies of territorial Defence' organised by the CESCH in June 2016. Among others, different organisations have concluded that the following strategies should be developed to oppose extractivism (CESCH, 2016b, p. 13):

- a. *To force a Public Audience with the Mayor of the borough to know their position regarding the projects and mining concessions.*<sup>185</sup>
- b. *For the case of Cucao and all those communities living in the seacoast, they can defend their territories through Law 20,249, known as Lafkenche Law. A Law that recognise and protects the ancestral land in the coast for indigenous communities that live in it.*
- c. *It is important that communities and its leaders create and maintain trust links where assemblies and informed dialogue may be the foundations of its decisions.*
- d. *Also those "successful" experiences of territorial defence in Chile are characterised for being able to raise informative, communicational and mobilisation strategies that allows the visibility of their claims and the creation of networks.*
- e. *It is also key to generate networks and to join forces with external organisations that may be able to give information to decide with respect to the defence of our territories. It is important though to protect the independence of our decisions.*
- f. *Finally, we should advance in new forms of economic income that does not involve the destruction of our territories. To do so, the knowledge of successful experiences and the capacity to ask for economic support from the government is fundamental.*

## II. Explaining mobilisation

The case of Chiloé is representative of a territory that has not been accustomed to large-scale mining and energy projects and that is currently facing the pressure to implement them. During the liberalisation process that began in Chile in the 1970s and especially in the 1980s, Chiloé transformed its patterns of cultural and economic activities due to the international pressure for natural resources (mainly fisheries and forests). In other words, Chiloé had historically been an isolated community, without an important presence of the state, until the extractive potential of the island attracted state and private interest in the archipelago (see first column of **Table 23**). As with the other two case studies, the resistance in Chiloé has used the frames and discourses previously created in the island in past conflicts (e.g. Astillas de Chiloé). In this sense, it is a conflict that has been able to frame its resistance using a variety of discourses, from ecological, religious and indigenous discourses, that together were able

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<sup>185</sup> For example According to articles 15 and 16 of the "Ordenanza de Participación Ciudadana" of the Chonchi borough the citizens can ask a public audience with the mayor. It has to be written and with fundamentals. At least 5 people should be the representatives of the community and it should be signed by at least 100 people.

to create a ‘dialogue of knowledge’ to oppose current forms of mining and energy extractivism in the archipelago.

As already analysed, the increasing demand for natural resources at the international level requires more energy. From the 2010s onwards, and due to environmental concerns, communities, states and companies increasingly require ‘clean’ forms of energy. The discourse of ‘clean’ sources of energy was the key incentive to see Chiloé as a battery for the interconnected energy system of Chile. The natural characteristics of the island are perfect for the construction of wind energy projects, a form of clean energy, but one that generated important resistance from the community. A resistance that came about mainly due to the lack of consultation with indigenous peoples and the lack of public planning policies to regulate the development of the territory (see second column of **Table 23**). At this point in the mobilisation -2010 onwards- we can observe a mixture of project prospecting and the first consequences of these clean sources of energy. The consequences to the *turberas*, created by the wind energy project San Pedro 1, have been a motivation to oppose other wind energy project such as the Parque Eólico Ancud and Chiloé.

The incentives came, in part, with the incorporation of international standards regulating the consultation of indigenous peoples (also highlighted in the second column of **Table 23**). During my fieldwork I saw how huilliche communities had incorporated and are constantly studying the standards of the ILO 169 Covenant, a fact that represents the importance of international human rights frames in the defence of indigenous territories in southern Chile. Indeed, one of the judicial victories of the communities living in Chiloé to stop the construction of wind energy projects has to do with the lack of participation in the terms specified in the ILO 169. The incentives at the national level also came from indigenous connections in other latitudes. For example, the connections with Huilliche peoples in San José de la Costa, and with the mixture of frames that came from environmental organisations such as OLCA or the Observatorio Ciudadano at the national level. These connections are created in a context of democratically elected governments that allows creating incentives through the politicisation and judicialisation of protest. Such combination of incentives and opportunities allowed the community to gain important international resources through international environmental organisations, such as Rain Forest Action. At the national level, it is interesting to observe how the environmental anti-extractive frames are enhanced by periods of social contestation that had to do with better education or health conditions and how these topics generated the necessary resources to put together different frames and discourses at the local level.

In fact, the health injustice experienced at the local level created the necessary conditions to form social assemblies (Pensar Chiloé), which were then transformed into formal organisations such as CESCH, CECPAN, Defendamos Chiloe, Asambleas Sociales among others. The connections between different organisations at the local level allowed them to recognise other forms of injustices. In this case, injustices that came from the extractive model. Different organisations started to observe how the increasing demand for minerals has made the extractive frontier move to places that do not have a historical extractive vocation, such as Chiloé. At this point in the mobilisation, local organisations started to create awareness of the amount and scale of wind energy projects approved and the increasing rate of mining concessions granted at the local level, without consultation with local communities. At this point, the environmental movement in Chiloé was supported by international organisations and standards, such as the possibility to use the Inter American Human Rights System to demand indigenous prior consultation. At the local level, the incentives are created by a series of indigenous and peasant organisations that use different frames (dialogue of knowledge) to increase their environmental and territorial demands, with the support of national organisations such as OLCA, Greenpeace, MODATIMA, INDH, among others (see third column of **Table 23**).

**Table 23:** Factors that generate conflict in the case of Chiloe

		Previous to current mobilisations	First period	Second period
<b>Structural opportunities</b>	<b>Global</b>	Increasing demand of natural resources mainly forestry and fisheries	The increasing demand of natural resources require clean energy, found in Chiloé	Demand for minerals expand the extractive frontier into Chiloé
	<b>National</b>	Extractivism comes into Chiloé with the support of the state and private international companies	Perfect conditions for wind energy projects. Also lack of implementation of consultation process	Relations between politics and business
	<b>Local</b>	The liberalisation process found an isolated territory that lacked the presence of the state	Mixture of energy projects. Most of them in prospection phase. But, some of them already constructed	The construction of the energy projects are imminent and a series of mining concessions have been given

<b>Incentives</b>	<b>Global</b>	The global religious and environmental frames adopted during the dictatorship serve to create the first incentives to defend the territory	ILO 169, as a key element for the creations of frames.	International frames supported by organisations that include an international human rights frame
	<b>National</b>	At the national level, the role of the church and specifically of Luis Ysern were key to create incentives in a repressive environment	Indigenous discourses that come from outside the territory	Increasing politicisation
	<b>Local</b>	Indigenous peoples were supported and had networks with some external territories. They start to organise	Environmental discourses that take into consideration the process done in previous stages of conflict	Dialogue of knowledge between indigenous and non-indigenous communities
<b>Resources</b>	<b>Global</b>		Various environmental organisation such as Rain Forest Action	Global Greengrant Funds, European Commission support and give context to local demands
	<b>National</b>		Ecoceanos, CCC, among others	Important support of national organisations such as OLCA, Greenpeace, MODATIMA, INDH, among others.
	<b>Local</b>	It is possible to observe the first networks between indigenous and non-indigenous peoples in Chiloé. Such a process attracted the attention of local elites living in other parts of the country.	CECPAN and Salvemos Mar Brava, Consejo General de Caciques de Chiloé	CESCH, CECPAN, Defendamos Chiloé, Asambleas Sociales among others

**Source:** own creation based on literature review and case study

### III. Conclusion

There are a series of important contextual, historical and cultural factors that generate conflict in the case of Chiloé and that complement the theoretical framework developed in this thesis. Firstly, as in previously analysed cases, the current status of mobilisation in Chiloé cannot be understood in isolation from previous historical mobilisations that have generated bridges between indigenous and non-indigenous discourses in the zone. The forms of organisation and capacity developed in the 1970s with the Astillas de Chiloé mobilisation,

and in the 1990s with the Golden Spring conflict has configured important characteristics of the current social mobilisation. In particular, these conflicts were the first approaches to create a collective and cross-movement (indigenous and environmental) frame to oppose patterns of neoliberal extractivism in the archipelago. The destruction caused by other forms of extractivism (salmon and forestry industry), the awareness of the environmental destruction that is occurring at the national level, the wave of national mobilisation that started in 2011, the creation of ‘new’ organisations that are able to dialogue with previous environmental and indigenous organisations have also served to create frames which situate extractivism as one of the key catalysts of mobilisation in Chiloé. While the first period of mobilisation was based on an environmentalist discourse to oppose energy projects, since 2013 environmental and indigenous organisations have started to use a more radical discourse to oppose extractivism.

By analysing the periods of contention against extractivism in Chiloé, it is possible to unveil the creation and usage of collective frames that have served to create a diagnostic, prognosis and motivation for the movement. In the specific case of Chiloé, the collective framing process and the means used to oppose extractivism are influenced by historical connections between indigenous and non-indigenous discourses that have created a local chilote-huilliche frame to defend the territory. The unified ideas and meanings to oppose extractivism of both indigenous and non-indigenous organisations in Chiloe are clearly influenced by the disruptive economic, social and cultural model imposed during the dictatorship and continued during democratically elected governments.

To oppose these closed political opportunities local organisations and indigenous leaders have created collective frames that have permeated local communities and transformed them into active agents in the opposition to extractivism. Through these discourses the communities have been able to recognise how the incorporation of mining property rights have generated a cultural and economic disruption in their territories. Though there is a common diagnosis of the causes of the socio-environmental impacts in the archipelago, there is also recognition of the difficulties and obstacles in opposing a model which is highly concentrated in the political and economic elite. While local organisations recognise that it is difficult to change the extractive model that has penetrated Chiloe, the capacity of local organisations to create cross-movement mobilisation (especially indigenous and environmental networks) at the local, national and international scale has allowed for the creation of a dialogue of knowledge in Chiloé, that in turn permits the creation of a collective framing process to oppose a series of potential mining and energy projects on the islands.

These ideas, meaning and narratives have slowly been transformed into action, and will probably continue to grow the mobilisation in the archipelago.

## CONCLUSIONS

This study indicates that the expansion of social conflict against extractivism has constituted local communities and civil society organisations into new and strategic actors of the governance of extractivism. Yet, their actions are still limited by a form of governance, which is deeply rooted in the decisions of governments and companies. The extensive human rights, political ecology and social movements literature used in this thesis adds to these theoretical insights, by providing a more grounded understanding of the factors that shape communities' capacities to mobilise against extractivism. It also contributes to explanations of the impact that such conflicts may have, for example, in the creation of further mobilisation.

As argued in the introduction turning the focus to Latin America, raises a fresh set of puzzles about the renaissance of the socio-environmental movement (Martínez-Alier, Temper, Bene, & Scheidel, 2016). Dominant theories of social movements argue that in order to understand mobilisations, it is necessary to look at political opportunities, organisational resources and framing processes (McAdam et al., 1996; Tarrow, 2011; Goodwin and Jasper, 2009). As we have seen these factors play critical roles in socio-environmental conflicts, yet they are not static. There are other issues that need to be taken into consideration when we analyse socio-environmental movements in Chile and other parts of Latin America.

The empirical cases examined in the thesis advance our understanding of the ways in which different factors such as political opportunities, frames and resources are related enabling socio-environmental mobilisation against extractivism. For example, in the case of the Alto Maipo conflict, we can observe closed political opportunities, but an important historical network of socio-environmental organisations supporting the community, while in the case of Chiloé we observe closed political opportunities but an important capacity of communities to adopt indigenous and non-indigenous frames to mobilise against extractivism. Put differently, the three analysed cases have used the political opportunities found at the local level to mobilise resources and to frame their discourses against extractivism. This correlates with the literature that argues that the liberalisation reforms of the 1990s often resulted in opportunities to mobilise the available resources and frames to mobilise against such liberalisation (Conde et al., 2017, p. 28). Yet, this liberalisation has also generated limitations for mobilisation. In the empirical cases we observe forms of counter-mobilisation developed both by state and non-state actors, which varies between the three cases, and depend on the characteristics of the company and the political importance of the project.



Also, when analysing the micro foundations of contentious politics we have observed for example that the political opportunities will vary according to class, vulnerability of groups to economic and political pressures, regulations, and ethnicity. They all matter to understand social mobilisation. In the thesis we argued that geography and the constituents of a community were key factors to understand the creation of frames and meanings. We started from the premise that isolation, for example, was an important factor that limited the opportunities for mobilisation. Yet, as we have seen in the case of Caimanes for example, the isolation that they have had at the beginning of the conflict was a key factor to create solidarity to mobilise. In this sense, it is important to understand that the framing processes are intrinsically related to the capacity of communities to frame contentious politics as well as their ability to create collective identities and emotions. Finally, the study of empirical case studies have shown that the networks can be both facilitators as well as a being an impediment for further mobilisation. We have seen that in certain stages of the conflict, the networks have been beneficial for the three mobilisations, but also how the openness of the movement has generated further mobilisation problems in the cases of No Alto Maipo and Caimanes. In these two cases, the communities have tended to split due to the influence of external actors and networks.

The specific cases examined in this thesis also offer important illustrations of their multiple potential effects both within the communities that mobilise and beyond. First, the analysis shows the ways in which communities are able to reconfigure their ideas and frames in order to oppose certain extractive projects, adapting the struggles to the scenarios that they are facing. This is the case of the community in Caimanes, for example, which after the first period of struggle that ended up receiving economic compensation, decided to create a new organisation to oppose the project, now with a clear environmental justice frame. It is also possible to observe how these conflicts can reconfigure the resources used by communities and the levels of pressure that they can develop in order to open windows of opportunities. As seen, for example, in the case of Chiloé, which through its struggles has been able to incorporate legal resources such as the 'Lafkenche' law, that protect the maritime territories of these communities. But they can also cause changes at the international level, as in the case of No Alto Maipo, which has managed to generate changes in the ombudsman mechanisms of international institutions that support the project (in particular the IDB and the WB). Put differently, the frames and networks used by social contention can create further opportunities for mobilisation, specially in closed political scenarios for social

mobilisation and when the community find some shifts either at the very local, national or international scale.

Moreover, these mobilisations have also been able to create new discursive opportunity structures. In particular it is possible to observe the importance of historical alliances in the cases of Chiloé and No Alto Maipo and how they configured the frames and discourses of mobilisations analysed in this study. In contrast, in the case of Caimanes, the community created cross-class alliances and cross-mobilisation networks environmental and human rights alliances to reconfigure their discourses and frames after the first period of mobilisation that ended-up in compensation. While the capacities to generate those networks and discourses depend on the resources and capacities of local communities, it is also possible to observe that different local conflicts have started to coordinate their demands creating solidarities and formal networks that have been able to transcend over time, constituting the basis to create a broader socio-environmental movement in the country.

To analyse these findings, contributions, broader implications and limitations, this concluding chapter is divided into three sections. The first section summarises the main findings of the study with respect to social mobilisation in Chile. In particular it highlights the relations between different factors that generate conflict (political opportunities, frames and networks) and how they shape the aims and means for mobilisation. Section 2 lays the groundwork for future extensions of this study by examining how well the main propositions work in explaining socio-environmental mobilisation in Chile can be applied in three other Latin American countries. Contemporary Costa Rica provides the most likely cases for testing the theory, while Paraguay and Nicaragua, provide the least likely cases. The chapter concludes with a discussion of the theory's implications, limitations and future directions for the study of socio-environmental conflicts and social movements more generally.

## **1. Extractivism and socio-environmental movements in Chile**

### Political opportunities:

In the Chilean case we can observe increasing patterns of extractivism and sophisticated forms of counter-mobilisation that limit the political opportunities for socio-environmental mobilisation. The Chilean territory has been subject to historical patterns of extraction, mainly mining activities in the north of the country and forestry companies in the south. The early neo-liberalisation experienced in the 70s and implemented by force during Pinochet's

dictatorship enhanced the role of extractivism as a key sector of the Chilean economy, allowing private and under-regulated companies to expand the extractive frontier, mainly to inhabited territories that did not have a historical extractive vocation. Also, as in other countries in Latin America, democratically elected governments have made promises towards industrialisation and diversification of the economy but have ended up defending the extractive model as a form of social distribution and employment generation.

Apart from this macro-political context, the case studies show that there are specific political and economic circumstances that have a key relevance at the local level. In the particular case of Chile, they have to do with the political and economic centralisation and concentration. Such situation has forced communities living far from Santiago to face more difficult political opportunities when compared to those that have closer relations to central decision-making processes. Also, as we have seen, communities have more possibilities of success if the project that they face is in its prospection or construction phase such as in the cases of Chiloé and No Alto Maipo, when compared to communities that oppose a project that is already under operation, such as the case of Caimanes.

*The importance of geography and the phase of extractivism:*

In theory, companies can be installed in any part of the national territory, provided that they obtain the environmental qualification for their projects. In practice, as we have seen, these projects are often resisted by local communities who argue that they do not match the vision of development that they have for their territories. The foregoing reveals an absent State in territories that are localised far from Santiago, and a lack of capacity to create a dialogue to combine visions regarding the development of the territory.

Such barriers increase in countries such as Chile that have centralised decision-making. The hyper-presidentialism that have been analysed in the Chilean case has the effect of concentrating the political decisions as well as the State representation and organisations in Santiago. In this political scenario communities that are geographically far from central powers tend to have less democratic and participatory spaces for mobilisation.

Companies tend to find more flexible regulations in isolated territories, leaving communities as the only counterpart to their projects. Is in remote communities such as some parts of Chiloé and Caimanes that companies tend to operate without much regulation, as there is incapacity of the State to operate in such distant areas. As an example, in Caimanes, there are no representative's form the executive or judicial branch of the government, nor from

the Municipality. There are no police or environmental administrative offices. The Municipality of Los Vilos distant 50 kilometres from Caimanes, manages the territory. In such conditions the company usually tend to self-regulate their actions.

Moreover, usually, in these territories the company adopts the role of the government, limiting the participatory and democratic spaces that should be guaranteed by the State. In San José de Maipo, the company has made an agreement with the local government to develop social projects, while in Caimanes, Los Pelambres invested in the public school and the local hospital infrastructure, the company has built the local football stadium and are making plans to build a sewage network. While the investment in social projects may benefit communities, it also evidences how the company has undertaken a role that corresponds to the State. In more extreme cases such investment has been able to influence the local territorial plan, and even mechanisms to vote, without the guarantees given by a participatory and democratic process. Put it different, the company assumes a State role but communities do not have the democratic tools to counteract such decisions.

Through the three case studies, it is also possible to conclude that the scale and stage of the project also matters for social movements political opportunities. Large-scale projects such as Alto Maipo and Los Pelambres tend to have more relations with central and local governments, closing even more the political opportunities for social mobilisation. On the contrary, in the case of Chiloé, the communities have anticipated the potential development of small-scale mining projects and communities are already organised. The scale of the project and the period of mobilisation have been crucial in the case of Chiloé to gain the support of local governments and parliamentarians who have supported the claims of local communities. Such opportunities tend to diminish in a construction phase of the projects. In such periods the investment of the company is already in place, usually generating programs with local authorities and is the phase that tend to generate larger job opportunities at the local level that usually end up in internal tensions between those that want to oppose the project and those that see it as a labour and economic opportunity within the community. During the operation phase, such as in the case of Caimanes, job opportunities decrease and the environmental damage become evident, usually resulting in rising grievances (see for example Bebbington, Humphreys Bebbington, et al., 2008; Conde et al., 2017; Franks, 2009).

*Counter-mobilisation:*

Similarly as to what has happened in other Latin American countries, we can observe different forms of repression against land and environmental defenders in Chile, perhaps with different emphases and counter-mobilisation strategies. The levels of violence in Chile are not comparable to the current situation experienced in other countries in the region. But this situation does not necessarily mean that state and non-state repression is absent in the country. We have seen how different activists have been arrested, judicially persecuted and forcedly evicted in the cases of Caimanes, No Alto Maipo and Chiloé. Also, we have described forms of persecutions against supporters of the socio-environmental movement, such as Dr. Andrei Tchernitchin, who was criminally persecuted. Probably, the worst forms of repression are experienced in indigenous territories in southern Chile, Mapuche people in *Wallmapu*<sup>186</sup>, as well as Mapuche-Huilliche people in the southern coast of Chile and Chiloé have historically been subjected to state repression. In fact, in cases of demonstrations regarding territorial issues by the Mapuche people, the Inter American Commission of Human Rights recognised that there have been cases of physical violence on the part of the police against defenders of Mapuche rights; a situation, which in some cases, has ended in the death of such defenders. Despite the disproportionate use of force by the police, these events remain in impunity.<sup>187</sup>

In some cases, we have also seen how companies or the state use counter-mobilisation strategies to oppose the ‘uncertainty’ generated by the demands of the communities. As already stated these forms of counter-mobilisation range from direct repression to more sophisticated strategies such as suing communities, leaders or supporters of the movement and the creation of public-private alliances to use public force against social conflict.

Repression and violence persist as one of the main counter-mobilisation strategies to avoid demonstrations. For example, during the Third National Demonstration for Water and Life held in April 2015 in Valparaíso, communities and organisations from different sectors of the country were repressed after the police deployed, without any justification, violent and irrational actions against the attendees, resulting in children and adults being affected by the toxicity of water and chemicals used for dispersal (OCMAL, 2016, p. 38). Also, we have seen how the community of Caimanes has been systematically criminalised by the police forces, mainly during the blockage in 2014, how leaders from No Alto Maipo had been arrested and

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<sup>186</sup> Form to denominate the Mapuche territory that constitutes part of southern Chile and Argentina.

<sup>187</sup> IACHR, Hearing on the Situation of human rights defenders of the Mapuche People in Chile, 131<sup>o</sup> Period of Sessions, March 10, 2008 and IACHR, Report No. 81/12, Petition 404-06. Admissibility, Alex Edmundo Lemún Saavedra And Others (Chile), November 8, 2012

how different policies have ended up dividing indigenous communities in Chiloé. These criminalizing practices seek to instil fear within organisations and to restrain social movements. The amendments to the anti-terrorist law, the charges against certain leaders before the courts by business groups, and the interpretation of the legitimate right to social protest as a crime by the government are just some of the factors that are constantly threatening socio-environmental movements in Chile (OCMAL, 2015, p. 41).

The violation of human rights is undoubtedly one of the major issues of concern to communities and organisations in the country. The communities see how mining extractivism deprives them of the right to live in an environment free of pollution, the right to access water and the right to life. According to the results of the ‘Third National Survey of Human Rights 2015’ carried out by the INDH, the right to live in an environment free of pollution is among the four main rights violated in Chile, constituting itself as one of the main concerns for civil society (INDH, 2015a; OCMAL, 2016, p. 38).

It is also important to notice that most of the current forms of human right violations are still dependent on policies implemented during the dictatorship. One example are the privatisations that took place during the dictatorship that ended up benefiting –mainly– economic groups that were supporters of Pinochet’s regime. We have seen in Chapter 3 how these economic groups are still in key economic positions and manage most of the extractive sector in the country. This situation generates some doubts surrounding the mechanisms of transitional justice developed in Chile, mainly because they had not been able to deal with the economic accomplishments of the dictatorship. This is a situation that is accentuated by some inheritances left by the dictatorship, such as the mining law, the Constitution and the antiterrorism legislation, which in combination end up generating an extractive form of governance that does not take into consideration respect for international human rights law. In fact, we have seen that the local recognition of the liberalisation model imposed during Pinochet’s dictatorship is present in the discourse, ideas and meanings of local movements.

#### Frames and resources:

As in the rest of Latin America, socio-environmental movements have increasingly mobilised against predatory extractivism in Chile, using different frames and resources. We have seen in Chapter 3 that a developing socio-environmental frame was created during the dictatorship. Part of the socio-environmental movement was not repressed during Pinochet’s

government because it was seen as ‘apolitical’. With the reinstatement of democracy (1990), a number of exiles returned to the country. Some of them came with a more radical socio-environmental discourse, which was combined with that of *campesinos*, environmentalists and indigenous groups that were already rising up against extractive projects at the local level. The combination of frames, ideas and strategies generated a diverse socio-environmental movement that permitted some of its constituents to work in the state apparatus, to influence political parties and to form a number of socio-environmental organisations. This network facilitated some of the most important socio-environmental movements against extractivism in the country such as: Ralco, Gas Andes, No Hydro Aysen, No Pascua Lama, among others.

Cross-movement mobilisation has also been a characteristic of the socio-environmental movement in Chile. During the dictatorship the Catholic Church was key in the support of human rights and environmental movements in Chile; we have seen for example how Bishop Juan Luis Ysern supported social movements in Chiloé during the 70s. This pattern of support has continued in democracy. Bishop Luis Infanti has become a key actor in the No Hydro Aysen struggle and Bishop Gaspar Quintana has done the same in the Pascua Lama conflict. Nevertheless, the Catholic Church has also ignored the struggle of certain communities; probably the best example is the one experienced in Caimanes, where the local Bishop served as the mediator after the hunger strike in 2010, but ended up benefiting the company. Human Rights organisations have also been key to support the struggle of socio-environmental mobilisations. We have seen for example how the French organisation *France Libertés* has represented the town of Caimanes in the United Nations Human Rights Council, and how at the local level the INDH has reported on the situation of human right violations in the cases of Caimanes and Chiloe. Also, during 2017 the local office of Amnesty International commenced their campaign of defending Human Right defenders, one of their main campaigns has been the defence of Rodrigo Mundaca, member of MODATIMA, who on the 28<sup>th</sup> of March 2017 received death threats in Chile as a consequence of his fight to defend water in the country.

*The role of previous struggles:*

In the three analysed case studies, it is possible to identify –with different emphasises– preceding struggles that occurred at the local level. The capacity of these previous struggles to assign social significance to what is perceived as the social good to be protected can influence the meanings and aims of current forms of mobilisations. Usually in the case of socio-environmental mobilisations these goods are either the environment or the community, concepts that are not necessarily homogenous. In the three cases it is possible

to observe how current forms of contestation tend to take into consideration the construction of frames and networks previously built at the local level, evidence that adds to the understanding of trans-generational approaches to social mobilisation.

The most evident case in the uses of previous forms of mobilisation is the case of No Alto Maipo, which was created under similar frames and using the same networks used by the Gas Andes conflict. An important number of Chilean exiles that came with new environmental ideas at the end of 1980s and beginning of 1990s became established in San José de Maipo, adding international connections and discourses to the communities that lived there. In this case, it is possible to observe how different environmentalists that live in the Maipo Canyon have been able not just to create different institutions and civil society organisations that work in the environmental realm at the national level (see for example Sara Larraín with Chile Sustentable, Juan Pablo Orrego with Ecosistemas or Flavia Liberona with Terram), but also have been able to create community networks at the territorial level to defend the environment. A good example is the Astorga family who, with important political connections, were key in the conflict against Gas Andes and are still key actors in the No Alto Maipo conflict. This role of environmental elites has been complemented by the struggles of local communities, which have been able to create a real cross-class mobilisation at the local level and that aim, beyond the Alto Maipo project, to preserve the environment and nature in the foothills of the most dense urban city in Chile: Santiago.

A similar process of trans-generational building of frames and incentives has occurred in the case of Chiloé. In the 1970s, the environmental and religious frames led by Juan Luis Ysern, started to gain some attention by local communities in Chiloé. Though the Pinochet regime limited every aspect of the civil liberties at the national level, environmental discourses, such as those that came from the FUNDECHI, were allowed as they were seen as apolitical and in this case, as religious. Such opportunity allowed at the local level to create bonds between indigenous and non-indigenous communities that were drawn upon in further mobilisations. For example, at the beginning of the 1990s, i.e. in the Golden Spring conflict, the community was able to use these networks and frames, a process that was complemented by windows of political opportunities opened by democratically elected governments; in turn allowing for the creation of new movements. Such combinations of past opportunities and incentives have transcended generations, constituting the main factors of current struggles in Chiloé.

The case of Caimanes differs when compared to the other two case studies as it is built from important community bonds, but with a lack of network support. In this sense, the case of



Caimanes is exceptional when compared to the other two case studies in the sense that it started as a community mobilisation that practically had no networks with other communities (indeed it was the pressure of other neighbouring communities which generated the conflict in the first place) and with no support from organised civil society. Nonetheless, it is possible to find in Caimanes a community that had some patterns of cohesion from struggles that were not environmental but had to do with equal access to rural land. Indeed, the case of Caimanes is representative of one of the first communities that had access to Agrarian reform lands, creating important bonds among the Caimaninos and a sense of community that has historical roots which were strengthened through agricultural practice.

It is possible to conclude that the three case studies result from previously constructed ideas, frames and ideals of “environment” and “community”. These two concepts are key to understand current forms of mobilisations. This does not necessarily mean that these concepts are homogenous. Indeed, the trans-class, trans-generational and cross-cultural constitutions of the movements tend to generate contested meanings of both what environment and community mean. These are concepts that also tend to vary in their meaning within a movement in different moments of the struggle.

*The significance of “environmental justice” and “territorial” frames in socio-environmental mobilisations:*

The representation of what environment and territory mean in socio-environmental mobilisations differ both between, and within, different struggles and they are key to understanding different mobilisations. The ‘environment’ and ‘territories’ are contested concepts that tend to represent the construction made by the community and mould the aims and means of it. The representation of what environment and territory signify differs when analysing a peasant community like Caimanes, a mostly urban community such as San José de Maipo, or an indigenous community such as the one living in Chiloé, but also, it may be a concept that is created and transformed in different moments of the mobilisation.

In the literature we find explanations of socio-environmental mobilisations that are based on the clash of values, inequalities in the distribution of profit, inequalities in the distribution of externalities (usually generating human right violations), lack of participation and lack of recognition. But, after analysing the case studies of Caimanes, No Alto Maipo and Chiloé, one can conclude that social-mobilisation may be explained as a combination of a values clash in the forms of framing the concepts of environment and territory. These clash of values usually have an important consequence in terms of environmental justice, i.e. in the

distribution of goods and externalities, the process of participation and the recognition of the communities as key actors.

In the case of Caimanes, the 'environment' becomes of increasing importance once the project is in operation. While some opposition by the community could be observed during the construction phase of the project, the community started to resist more vigorously once the impacts of a large-scale extractive project became evident. The environment in this case does not necessarily refer to the nature surrounding the community, but mainly the capacity of the community to live in a safe area with access to certain resources such as water and land. These issues of the environment became evident when the project changed their daily life practices, which before the construction of the dam, related mainly to agricultural activities. The community alleges in this case that the distributions of externalities are unfair, as they tend to affect the community living in Caimanes in a disproportionate form when compared to other communities in the zone.

In the case of No Alto Maipo, the concept of environment is more related with issues of nature. While the preservation of nature may be one of the main aims, such form of preservation is not only linked with the idea of an environment free of contamination and how the environmental goods and bads are distributed, but also with how the community is able to participate in such definition; in other words, the idea of environmental justice in the case of No Alto Maipo has to do with the procedural aspect of it, i.e. forms of participation. While the community is also worried with issues of security and access to water, as in the case of Caimanes, one of the main aims of the movement is to have the capacity to decide how to preserve the natural surroundings of the Maipo Canyon and how to preserve them for future generations. As already stated, the community is already recognised as an important and relevant political actor, nonetheless, the inequalities that they have encountered in their capacity to participate in the planning of their own territory is one of the key elements that mobilised the community.

In the case of Chiloé, the territory and the environment are seen as key components of the predominantly indigenous culture that lives in the archipelago. Compared with the situations that had been experienced in other territories, the communities living in Chiloé want to avoid the transformation of their territory into a sacrifice zone. The notion of sacrifice zones stems from the ignorance of the notion of common goods: an original territorial language of many Latin American indigenous contexts (Maristella Svampa, 2013b). The notion of common good of the territory is usually linked with familiar and ancestral history as part of what has

been called ‘original territories’. But, in the case of Chiloé, environmental groups that want to preserve the nature and culture of the islands have also used the language of common goods. Both of these concepts and ideas of territories have been threatened by extractivism in the region, and in both there have been reactions from indigenous and environmental justice movements. The dialogue of knowledge that exists in Chiloé has allowed them to use, for example, the frames of “*Buen Vivir*” a plural concept that is still under construction, which tends to be critical of ideas of development that link concepts that come from indigenous peoples (see for example Yampara Huarachi, 2011) and those that come from a post-development perspective (Acosta & Martínez, 2009; A. Escobar, 2011). It is important to say that the ideas of “*Buen Vivir*” have been shaping a new eco-territorial shift in the region, from a classical form and language of territories based on the idea of private property, into a notion of a common good that refers to far more than just the natural resources of a given territory (Maristella Svampa, 2013b).

It is then possible to conclude that, depending on the interpretations that the community may have of the process of dispossession experienced, the significance of nature and territory will differ. As seen in the three cases, the breakdowns in the daily lives of local communities, are produced by a process of appropriation of the resources of the communities by external actors (mainly private companies and States), under a logic that the British geographer David Harvey has called ‘accumulation by dispossession.’ This is a phenomenon which seeks to maintain the capitalist order at the expense of the most deprived communities, who often have visions of nature and development that contrasts with the vision of extractivist capital (Harvey, 2003). Taking into consideration this situation, the Argentine sociologist, Maristella Svampa (2011a), explains socio-environmental movements in Latin America, stating that mobilisation can be understood acknowledging the ‘divergent valuation languages over natural resources [that] refer to the territory and, more generally, to the environment, as to the need for its preservation or protection. In the end, these conflicts express different conceptions about nature and, ultimately, reveal a dispute about what is meant by development’ (p.187).<sup>188</sup>

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<sup>188</sup> Own translation, original: “*lenguajes de valoración divergentes respecto de los recursos naturales [que] se refieren al territorio (compartido o a intervenir) y, de manera más general, al ambiente, en cuanto a la necesidad de su preservación o protección. En fin, dichas conflictos expresan diferentes concepciones acerca de la Naturaleza y, en última instancia, ponen de manifiesto una disputa acerca de lo que se entiende por desarrollo*”

*Theorising the idea of community:*

The comparison also adds to the understanding of ‘communities’ in the context of social mobilisation. As has been seen, the communities that oppose extractivism usually start as a close group that is constituted at the local level, people that share patterns of life and that usually tend to live in the same –usually affected- place. This is the case of the community in Caimanes that created bonds since at least the 1960s through agricultural work. It is also the case of San José de Maipo, a peri-urban locality in the foothills of Santiago that is constituted by a series of communities, all sharing –to different degrees- the importance of the ecological relevance of the Maipo Canyon. Finally, it is definitely the case of Chiloé, where different communities have shared patterns of culture and economics since pre-colonial times. These are what Erica Simmons call the ‘quotidian community’ (Simmons, 2016). That is communities that are based on relationships developed from direct person-to-person contact (Tönnies, 2001) that can be intensified by economic practices that enhance on-the-ground associations (Gudeman, 2001). In the case studies, as already seen, the territory also says something about what these communities are, in the sense that it is the protection of a everyday form of life or the territory which makes people come together in the first place and creates this person-to-person contact.

But, at some point in the conflict, this face-to-face contact develops into an imagined community (Anderson, 2006). That is to say communities where the participants do not necessarily have face-to-face relations between each other. The most evident case is represented in the fact that the community that defend the island of Chiloé, may find adherents and supporters in other regions, countries or continents who may never have contact with local inhabitants of Chiloé. What generates the sense of community in these cases is an imagined concept of solidarity, territory, environment, preservation, and belonging to indigenous groups, among others. If we understand social mobilisation as a group of people that share common beliefs, then the idea of community, expressed both in a territorial or cultural form, adds to the understanding of social mobilisation.

In the case of extractivism, the threats to the environment, communities or human rights are what create the necessary solidarity to generate a community. In this sense, the threats that are perceived, created or conceived allow for the creation of a community. In the case of Caimanes, for example, the community that constitutes the mobilisation is composed of the ‘quotidian community’ which is the people that inhabit the town of Caimanes. But their

struggles to defend the environment are not alone, they have received the support of other mobilisations that occur at the national level, from environmental NGOs that work at the national level, from politicians and from international solidarity groups, just to name some of them; most of whom have actually never gone to Caimanes. To do so, the support of different technologies of communication has been key. The most extreme case analysed in this thesis, may be the community represented in the case of No Alto Maipo, where regardless of the fact that the quotidian community is the one leading the conflict, the imagined community has been able to broaden their demands through, for example, the use of social networks. In this sense, the idea of imagined communities helps to understand the creation of broad cross-movement, cross-class and cross-boarder mobilisation and explain to some extent why certain communities act locally but still think globally.

#### Different meanings in the three case studies:

The three case studies also demonstrate that class, vulnerability of groups to economic and political pressures, regulations, and ethnicity matters when analysing mobilisation against extractivism. In terms of class and vulnerability to economic and political pressures, we have seen that the No Alto Maipo movement has been constituted by a combination of local people (mostly peasants) and national elites that live in the Maipo Canyon. The influence developed by the Astorga family or Sara Larrain has allowed the movement to generate links with political parties and key decision making elites at the national level. Such situation allows the No Alto Maipo to have access to key political decisions but also has created a problem: the openness of the community to receive support from different political and economic groups ended up splitting the movement between those that have historically been part of it and those that want a more radical transformation. The case of mobilisation against Los Pelambres is significantly different. In this case the community is formed –mostly- by local peasants that do not have connections with national elites. The vulnerability to economic and political pressures became evident during the first period of mobilisation in Caimanes. Once they received the support from local elites, they changed their strategy from protest in streets to legal claims, and ultimately the movement was co-opted (during this first period) by the company and local elites. This situation served as a lesson for the community, which –during the second period- tended to avoid the links with political and economic elites, allowing them to generate more direct strategies to oppose the extractive project. In the case of Chiloé, we observe a movement constituted by two different groups that usually, but not always, generate dialogues and common mobilisation strategies: the Mapuche Huilliche

people and chilotes that have adopted a –mostly radical- environmentalist approach. Both in the Mapuche and in the environmentalist groups we can identify different groups and different grades of vulnerability to economic and social pressures. In the case of Huilliches, we observe a clear division between those groups that have been co-opted by the state and those that don't. This second group is the one that have tended to generate links with more radical environmentalists in the zone; mostly young chilotes that studied in central Chile or abroad and are now defending the territory from extractivism, including mining, energy projects and conservationists projects like the Tantauco Park. The radical position from these groups have allowed them to generate a sense of mistrust of political and economic elites, which has resulted ultimately in a barrier against economic and political pressures.

Regulations and violence also matter when analysing social mobilisation. As we have seen throughout the thesis, regulations can be an important factor that restricts or open opportunities for mobilisation. While Chile is characterised by having a centralist state, i.e. the legislation and regulations are similar for different territories, it also recognise some special regulations for indigenous peoples. Put it differently, the Huilliche people have access to special international conventions and national laws on indigenous rights that can be used in their benefit that the other two cases cannot access. We have observed, for example, how Huilliche people have used the Lafkenche law or the right to free, prior and informed consent to oppose extractivism in Chiloé. Such tools are not available for other environmental mobilisations and represent a clear example of how ethnicity matters when it comes to social mobilisation against extractivism. Ethnicity also allows the mobilisations in Chiloé to access broader networks when compared to the other two movements. The three cases have access to national and international environmental networks, albeit at different scales depending on their links and resources. What becomes evident when analysing the three case studies is that indigenous peoples have access to national and international networks that are not available to the other two mobilisations. The capacity of Huilliche people to develop links with other indigenous peoples in Chile and transnational networks have served them to access resources and use mechanisms, such as those developed by the United Nations for indigenous peoples, that are not available for the other groups and that have, ultimately, allowed them to have a broader spectrum of strategies of mobilisations when compared to the No Alto Maipo and Caimanes cases.

As illustrated in the previous discussion, the analysis of cases has given a number of theoretical insights in terms of political opportunities, frames and resources. These insights are useful to expand the theoretical understanding of social movement literature and to some extent they can be used to understand the political implications that these cases have in the Chilean political –economy context. The next section will further develop what these cases can say in terms of territorial plan and conflict resolution, identifying the gaps that exist in the current national context.

## **2. Policy implications:**

A better territorial plan with a process of previous, early and binding participation could help to reduce conflict. The process of confrontation against extractive projects could in part be avoided if a previous process of territorial planning was developed at the national, regional and local scale. This process should be done before the company decides to construct a certain project, a practice that would create certainty both for communities and companies. A national planning process could, for example, generate prohibitions towards the construction of tailing dams where rivers are born, such as in the case of Caimanes, the preservation of key strategic environmental areas, the creation of determined areas to localise the projects or maximum quotas of extraction or energy production per region. In turn, such a process could create legal certainty both for communities and companies regarding –at least- where to locate the projects, their scale, and impact, among others. In other words, if instead of instituting a reactive legal framework the State were to propose a previous process of planning, some of the existent conflicts could be avoided or at least minimised.

This does not necessarily mean that the Chilean State has remained passive in these matters. It is possible to argue that Chile has advanced its environmental controls. After the modification of environmental legislation in 2010 (Analysed in Chapter 3), we have seen that the levels of approval have been reduced from 90% to 59%, due in part to the withdrawal of the process made by companies, the anticipated termination of the process due to lack of information and to the judicialisation of the process that ends up making it impossible for companies to continue with their investments (P. San Juan, 2014). Also, according to different environmental organisations, the extension of the timings to approve the projects has to do with the unequal interpretation of norms, pronouncements that do not respect sectorial competencies and insufficient capacities to evaluate complex projects (CSCP, 2015).

Despite the improvement in the assessment process, the environmental institution is still unable to control companies once it grants environmental permissions, i.e. once the project

starts its operation or is under construction. One of the problems with the environmental institution in Chile is its incapacity to control the environmental damages once a project is accepted. We have seen for example how in the case of Caimanes, the company has been subject to administrative sanctions for not complying with its environmental license and how the community in Alto Maipo has claimed over 14 times that the company is not complying with environmental regulation. In both cases, and despite the *de facto* obligation of the Environmental Superintendence to control the environmental record of the projects, most of its investigations are based on citizens' demands. This reflects the incapacity of the control body to regulate the construction and implementation of extractive projects after they are approved. In other words, the current capacity of the environmental institution has been surpassed. Even more clearly so if we take into consideration that according to the Environmental Superintendent, 70% of the projects have some kind of failure or non-compliance with the environmental qualification (El Mercurio, 2015).

*Conflict solution: from judicialisation to counter-mobilisation*

Another clear deficit of the Chilean State apparatus is its incapacity to solve conflicts. In the three analysed cases we have seen that the Chilean State is not yet ready to institutionally conduct a proper dialogue with the levels of participation and inclusive decisions demanded by the actors in conflict. Instead, most of the environmental controversies surrounding extractive projects continue to be resolved on a case-by-case basis either by administrative complaints bodies or by the judiciary, and in some cases, such as in the case of Caimanes, these disputes are resolved through agreements between companies and communities. The absence of an active role of the State in these voluntary agreement instances exposes communities to inequities and asymmetries that diminish the possibility of reaching just agreements. Despite the fact that for at least two decades communities and experts have claimed better participatory processes, the advances in this area have been slow and insufficient. In particular, it is possible to argue that there is a secondary role of the State both in terms of promoting participatory spaces and in supporting the involvement of the most disadvantaged actors and guaranteeing their right to participate (Berdichevsky & Sepulveda, 2016).

To solve these issues, the State has promised to advance the environmental institution and to offer expert support for communities, but the improvements have been scarce. For example, Michelle Bachelet's Government Program (2014-2018) promised to advance policies to overcome asymmetries of participation, to advance in environmental mediation



and to implement a citizen's advocacy in environmental matters; however, little progress has been made in this area. Some ministries and agencies are implementing incipient units specialized in conflict management to accompany the environmental assessment of major projects. For example, the Ministry of Energy has a conflict resolution office, as does the Ministry of Interior, which is mainly reactive. However, there is still a lack of political will to solve this problem; inexistence of a public environmental defender that can guarantee community rights has definitely resulted in limited access to environmental justice. In fact, given the specialization of legal advice in environmental matters, its supply for people with scarce resources is reduced to a few NGOs based in Santiago, to a few environmental legal clinics installed in the Law faculties of the country and a small number of lawyers who have specialized in serving communities<sup>189</sup>.

Despite the lack of public environmental defence, communities have used different forms of judicialisation of protest to transform and enhance the environmental legislation and to solve the previously analysed deficits. For Luis Cordero (2012), the judicialisation of environmental resolutions has its background in the fact that the environmental impact assessment, as a system of administrative decisions, internalises all the deficits of environmental policies, and is then, paradoxically, forced to resolve such gaps without having any capacity to solve them directly. Furthermore, a study developed by the Universidad de Chile has concluded that the judicialisation of energy projects are concentrated in the institutional deficits experienced in the environmental impact assessment, among others they have to do with the incorrect implementation of indigenous consultation and other participatory mechanisms, the unequal distribution of environmental externalities and the incapacity of the environmental impact assessment to create and coordinate a national environmental strategy; but also the levels of judicialisation increase with the magnitude of the project, i.e. the larger the project, the more cases of judicialisation observed (Durán & Moraga, 2011).

On the other hand, the perspective of the business sector is that these levels of judicialisation are creating a climate of uncertainty in the extractive sector. One of the causes of the uncertainty and the blockage of over \$ US 63 thousand million of investment is the application of dissimilar criteria by the Environmental Superintendence, the Environmental Courts and the Supreme Court itself when defining the sanctions in cases of non-compliance

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<sup>189</sup> To solve these issues, some scholars have proposed to extend the capacities of the INDH to start working as an environmental ombudsman (Duran et al., 2016, p. 68).

(Duran et al., 2016). So, taking into consideration this reality, some companies have started to resolve conflicts directly with the communities. In some cases they have approached the communities in early stages of the project, even before the requirements of the EIA, to try to reach an agreement between the company and the community. But, as already seen, these negotiations usually end in economic compensation under conditions that leave much to be desired in terms of transparency and respect for the rights of communities, such as the analysed case of Caimanes.<sup>190</sup>

### **3. Socio-environmental mobilisation in comparative perspective**

As anticipated in the introduction, a single-country study is limited in its capacity to fully elucidate the broader processes of social contestation. In particular, the study has the limitation to observe how the framework developed in this thesis may apply in countries that represent important variations in terms of political stability, openness for civil society mobilisation and levels of extractivism. Nonetheless, and based on the key findings from the Chilean case, highlighted above, this section considers how the political opportunities, frames and resources interact in Costa Rica, Nicaragua and Paraguay. In particular in terms of political opportunities it looks at the centralisation/descentralisation of political decision and forms of counter mobilisation. In terms of resources and frames it analyses the role of previous mobilisations, the capacity of communities to generate networks and how cross-alliances between different networks –if they exist in each country- have allowed the creation of socio-environmental frames.

Though still only preliminary, the results of this exercise strongly confirm the main contributions of this study. Namely, that despite of the levels of extractivism, we can observe increasing forms of socio-environmental protest in countries characterised by open opportunities for mobilisation and where the resources and frames for mobilisation are able to create those opportunities. Also, communities have become new actors of the governance over extractivism. This is the case in contemporary Costa Rica, a country with low levels of dependency on the extraction of natural resources, yet with high levels of socio-environmental mobilisation. The cases of Paraguay and Nicaragua represent the opposite extreme. As seen in the introduction, according to the EIU Democracy Index, Nicaragua has one of the lowest levels of democracy and one of the lowest levels of income per capita in

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<sup>190</sup> A form of economic compensation that has also been used in other conflicts such as Mehuin, where fishermen received compensations from Celulosa Arauco to approve the base line for the construction of the aqueduct that would carry the by-products of the company and deposit them in the Mehuin Bay (Sepulveda & Bettati, 2005)

the region and despite the fact that over 50% of its economy depends on the extraction of natural resources; we can observe medium levels of socio-environmental mobilisation when compared to other countries in the region. Something that is further developed in the case of Paraguay, where we can observe high levels of dependency on natural resources and low levels of reported mobilisations.

### Costa Rica

Costa Rica represents a case of low levels of extractive dependence and high levels of socio-environmental mobilisation. As seen in the introductory chapter, after Bolivia, Costa Rica has one of the highest rates of socio-environmental conflict per capita. This occurs in a context where, for example, mining and quarrying represent only 0.1% of the national GDP (Wacaster, 2013) and where agriculture represent the most important commodity for national economy (22.3% of the exportation grid). Agriculture is mainly based in the exploitation of coffee and banana (Lederman & Maloney, 2007, p. 112), yet, the Costa Rican economy has tended to decrease its dependency on the exploitation of such products (as reflected in **Table 24**). In fact, natural resources (fuel, minerals and agriculture) represent only 23.4% of the exportation grid of the country, the lowest percentage in the Latin American region (Restrepo & Peña, 2017).

**Table 24:** natural resource dependence of Costa Rica's exports (in %)

	1995	2003	2013
Fuels	0.4	0.3	0.1
Minerals	1.2	0.7	1
<u>Agriculture</u>	<u>61.5</u>	<u>30.4</u>	<u>22.3</u>

**Source:** (Restrepo & Peña, 2017, p. 58)

### *Political opportunities*

Compared to other Latin American countries, which have suffered from a history of authoritarian rule and political violence, Costa Ricans enjoyed relative political stability and solid democratic institutions since the 1950s. In fact, the Costa Rican legislature has operated under the same constitution since 1949 (Scartascini, Stein, & Tommasi, 2010, p. 52). From

1953 onwards, the National Liberation Party (Partido de Liberación Nacional, or PLN), has dominated Costa Rican electoral politics. In the 1960s and 1970s the state adopted a range of social programs and subsidies and established a conciliatory response to grassroots protest, it was a process on which the state absorbed social contention and undercut popular mobilisation (D. Palma, 1989). Diego Palma argued that ‘Whenever conflict threatens, the Costa Rican state does not unleash repression, but simply creates another autonomous institution which provides a little space. The state thus opens a channel of apparent resolution, and institutionalizes the conflict in order to relieve pressure’ (D. Palma, 1989, p. 134; also see Pearson, 2009). A good example of these measures is that in 1977 Costa Rica becomes the first country in the region to have legislative procedures to protect indigenous peoples (Leff, 2001, p. 154)

Is precisely in this political context, that communities fought against the installation of the Aluminum Company of America (ALCOA), catalogued as the first socio-environmental mobilisation in Costa Rica (Cordero Ulate, 2017). The cross-mobilisation between students and environmentalist against the transnational capital that wanted to exploit bauxite in Costa Rica marks the beginning of the socio-environmental movement in Costa Rica (Alvarado, 2001). Despite the fact that, by this time, some legislative measures had already been undertaken by the government, the ALCOA mobilisation appears as a movement that, independent from the State, claimed both national sovereignty of natural resources and the protection of the environment (Cordero Ulate, 2017, p. 455).

In 1989 the country decided to create the constitutional chamber of the Costa Rican Supreme Court (Sala IV), which has been seen as a key political opportunity for social movements (Lemke & Sim, 2015, p. 9). Such opportunities come mainly from specific rules regulating ‘access to and cost of approaching the court’, which ‘enabled marginalised groups to push for their rights and effectively circumvent the traditional policy-making process’ (Wilson, 2006, p. 328). Coinciding with this transformation, a second wave of socio-environmental mobilisation arose in Costa Rica. At the beginning of the 1990s, specifically between 1993 and 1994, different communities and social movements protested against the timber company Stone Container (Baltodano & Rojas, 2005), also between 1994 and 1998 it is possible to observe a wave of mobilisation against open-pit mining in Costa Rica. These protests were marked by cross-mobilisations and intense lobby and ended in 2010 with a law

that banned open-pit mining.<sup>191</sup> Costa Rica becomes then the first American country to prohibit open-pit mining and the usage of toxic materials (H. Machado et al., 2011, p. 108)

### *Frames and resources*

Costa Rican socio-environmental movements have developed conservationists, environmentalist and indigenous/peasant frames (Cordero Ulate, 2017). Conservationists, such as the *Centro de Derecho Ambiental y de Recursos Naturales* (CEDARENA) and *Justicia para la Naturaleza* (JPN), argue that the environmental damage has been caused by demographic growth and economic expansion. They are not against capitalist expansion and their campaigns are mostly based in the purchase of land for environmental conservation. On the other hand, some environmental groups such as Oilwatch or the *Federación Costarricense para la Conservación del Ambiente* (FECON) took a critical ecological frame, with a clear discourse against capitalism. These positions have been inspired by indigenous discourses such as the *Mesa Indígena* and *Mesa Campesina* (Cordero Ulate, 2017, p. 450). The *Mesa Indígena*, for example is an organisation that co-ordinates the work of 8 indigenous peoples in Costa Rica and for over 20 years has promoted the rights to indigenous autonomy and the recognition by the state of interculturality as an expression of a superior democratic values (MNICR, 2011).

Consistent with the political opportunities and the different frames of socio-environmental movements, a series of networks have been generated in Costa Rica. There are organizations such as the *Asociación Preservacionista de Flora y Fauna Silvestre* (APREFLOFAS), the *Asociación Protectora de Árboles* (ARBOFILIA), the *Centro Científico Tropical* (CCT), and the *Centro de Capacitación para el Desarrollo* (CECADE), which seek the conservation of the environment. For example APREFLOFAS was created in 1985 and initiated its environmental campaigns in the 90s with the clear vision of planting more trees in the country.<sup>192</sup> A more radical and political discourse has been undertaken by organisations such as the *Federación Costarricense para la Conservación del Ambiente* (FECON), the *Comunidades Ecológicas la Ceiba* (COECO Ceiba), Oilwatch, and the *Asociación de Ecología Social* (AES), these organisations are increasingly worried about the impact that environmental degradation have on different populations. They are constantly building bridges between conservationists and indigenous and peasant associations such as the *Asociación Coordinadora Indígena Campesina de Agroforestería Comunitaria*

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<sup>191</sup> La gaceta N° 171 del 2<sup>nd</sup> September 2010. [Online]. Available at: <http://goo.gl/xuvVYf> PORTILLO

<sup>192</sup> See [http://www.apreflofas.or.cr/acerca-de-nosotros/#.WyI4wdUvw\\_M](http://www.apreflofas.or.cr/acerca-de-nosotros/#.WyI4wdUvw_M)

(ACICAFOC), the *Mesa Campesina*, the *Mesa Indígena* and the *Comité Cívico de Cañas* (Cordero Ulate, 2017, p. 451).

These networks have been able to expand their discourses and networks internationally. A good example can be seen in the expansion of the ideas of food sovereignty. According to some literature, the idea of food sovereignty emerged twenty years ago from the mobilisation of the peasants in Costa Rica (Edelman, 1999). These mobilisations were able to connect with the protest marches of small farmers in the Indian state of Karnataka. They created common discourses in terms of food, agriculture and international trade, which then had been used for the creation of *Via Campesina*, which quickly became the largest transnational social movement in the world (Bringel and Pleyers, 2017, p.219).

*Conflicts against open-pit mining: Open political opportunities and conservationists frames*

In terms of mining, production, Costa Rica has low levels of exploitation (it is the second country in the region with less revenues from mining) (Liverman & Vilas, 2006, p. 337) and it has FDI of 2,021 million dollars, under the regional average (6.940 million dollars) (Ministerio de Minas y Energía, 2010, p. 41). One of the reasons for the low exploitation of mining in Costa Rica has been the strong social rejection towards this type of exploitation. This is manifested in a campaign that for years has fought against open-pit mining. The campaigns against mining were a constant and growing battle, which combined many socio-political efforts against exploration and gold exploitation in the cities of Cutris and Pocosol in San Carlos, and which continued until the end of the 2000s.

The case of Crucitas, localised in northern Costa Rica (in Cutris) is a good example of how mining generate conflict in areas of high ecological importance or inhabited by communities and ethnic groups. Crucitas is a mining project that includes several exploration concessions in San Carlos, a few kilometres from the San Juan River on the border with Nicaragua. The project affects the communities of Crucitas and Conchudita, who have denounced the illegal felling of trees and the potential impacts of the mining activity on the water sources, due to the drag of the flow of the sources of water, towards the bi-national basin of the San Juan river.

In 2008, the government of President Oscar Arias repealed a moratorium in effect since 2002 that prevented the development of mining projects in the area. With the approval of Executive Decree 34801-MINAET, the project was declared of public interest, with which the company proceeded to enter the area immediately. Yet, the Government of Nicaragua

submitted an application to cancel the mining concession contract, based on the fact that the river is trans-boundary and that its contamination would directly affect the populations that live in its basin on the Nicaraguan side.

Despite this formal complaint by Nicaragua, the intentions of Costa Rica persisted, which led to strong social opposition. In July 2010, a march of opponents to the mining activity travelled 170 km to protest against the government decision (El Nuevo Diario, 2010b). In October, activists from the North Front against Mining and the Coordinator Ni Una Sola Mina carried out a 14-day hunger strike demanding the repeal of Decree 34801-MINAE'T (El Nuevo Diario, 2010a). In addition to these processes of direct action, different organisations have judicialised the protest. In November 2010, the Administrative Dispute Court upheld the decision that suspended the concession to the company for having obviated basic requirements in the EIA necessary to approve the concessions, as well as the repeal of the decree of former President Arias. The court asked the prosecutor to begin an investigation against the former president for signing the executive decree and ordered to pay compensation to the affected families.<sup>193</sup>

These mobilisations also forced the government to pass legislation against open-pit mining. The government of Laura Chinchilla passed a reform to the Mining Law, declaring the country free of open cast metal mining. Apart from the legal prohibition and the suspension of the rights of exploitation, the judicial decision also demanded economic reparations from the multinational company for environmental damage caused by clearing woods (Aguilar, 2012, p. 9).

In October 2013, the Canadian company Infinito Gold announced its decision to use international arbitration to claim against the decision undertaken in Costa Rica. The company claimed a total of 1,092 million dollars for the breach of a concession contract to exploit gold in the north of the country. The lawsuit was filed with the International Center for Settlement of Investment Disputes (ICSID), a decision that has motivated further mobilisations framed in topics of national sovereignty of Natural Resources (P. Villegas et al., 2013, p. 197).

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<sup>193</sup> Corte Contencioso Administrativa, Decision number 4399-2010, case file 08-001282-1027-CA (decision undertaken on the 10<sup>th</sup> December 2010).

This case demonstrates the political opportunities that arise by changes in the administration of the country, but also those granted by the judiciary. In particular, the social movement succeeded in the context of the recently elected president Laura Chinchilla that helped to stop the project and ended up passing the mining moratorium. But, it also demonstrate how the decisions of the judiciary can open some windows of opportunities, this is due to the fact that the judicial branch in Costa Rica is seen as fairly independent from other branches (Scartascini et al., 2010, p.94). The case also demonstrates how different environmental frames, strongly influenced by conservationism, have generated discursive frames that are able to penetrate the political sphere. In conclusion it shows how institutional systems in Costa Rica are able to absorb the socio-environmental demands of the population (F. Machado, Scartascini, & Tommasi, 2011, p. 340).

### Nicaragua

Nicaragua has a medium rate of reported socio-environmental conflicts when compared to other countries in the region. In fact, as seen in the introduction of this study, Nicaragua has 1.5 conflicts per million inhabitants and the Latin American average is 1.9. This occurs despite the fact that Nicaragua's current administration has developed strict macroeconomic policies and strongly pro-market microeconomic policies (Restrepo & Peña, 2017, p. 221) and even in a context were almost 54% of the exportations depend on the extraction of natural resources. As seen in **Table 25**, most of Nicaragua's exportation grid depends on agriculture, but in the last 10 years it is possible to observe an increase in minerals dependency.

**Table 25:** natural resource dependence of Nicaragua's exports (in %)

	1995	2003	2013
<b>Fuels</b>	0.6	0.7	0.5
<b>Minerals</b>	2.8	4.4	10.4
<b>Agriculture</b>	74.5	56.5	42.7

**Source:** (Restrepo & Peña, 2017, p. 58)



Nicaragua then, represents a case with low levels of socio-environmental mobilisation despite its extractive vocation. Such demobilisation is explained, as will be shown by the party domination of social movements, which ends up closing the political opportunities for contention. Despite this reality, different communities have been able to build frames and mobilise resources for resistance such as in the case of the opposition to the Nicaragua Channel and conflicts against mining projects.

*Political opportunities:*

In contrast to Costa Rica, Nicaragua was ruled by a single-family dictatorship –the Somozas– from 1936 to 1979 and took over strategic components of the national economy for personal and familiar gain (Almeida, 2014, p. 110). The same that occurred in Chile and most of South American countries, the dictatorship engaged in privatisations that benefited the family and allies of the dictator, who also headed many of the state institutions. Moreover, the state reduced welfare programs and repressed political dissidents and organised opposition. The Frente Sandinista de Liberación Popular (FSLN) overthrew the dictatorship in 1979. While Augusto César Sandino initiated the opposition guerrillas in the 1960s it was not until the mass strikes and rural and urban insurrections of 1978 and beginning of 1979 that the dictatorship was forced to flee the country (Booth, 1985).

The FSLN organised civil society (Walker, 1985) and created important opportunities for the socio-environmental movement. Organisations such as the Union Nacional de Agricultores y Ganaderos de Nicaragua (UNAG), the Asociación de Trabajadores del Campo (ATC) or the Movimiento Comunal de Nicaragua (MCN) were created in the last years of Somozas Dictatorship and the beginning of FSLN government. Through student organisation, rural discourses and religious (liberation theology) frames (Matí i Puig, 2017), these organisations developed enormous levels of solidarity (Almeida, 2014, p. 111). Moreover, the *sandinismo* opened important political opportunities for grassroots mobilisation. A good example is the creation of the Area de Propiedad del Pueblo (APP), which nationalised mines, factories, and agricultural lands that belonged to Somozas relatives and allies and redistributed them to poor and middle-level peasants (Almeida, 2014, p. 111).

Moreover, the FSLN developed a radical ecological experiment (Faber, 1999). Based on the principles of social and environmental justice, national sovereignty, self-determination, sustainable development, and ecological democracy, the FSLN aimed at overcoming the social and environmental inequalities experienced in the country (Faber, 1999, p. 46). A good

example of this radical reaction was the creation of the *Instituto Nicaraguense de Recursos Naturales y del Ambiente* in 1979, which took the administration and responsibility of all the nationalised natural resources. Another key example is the creation of the Autonomous region of the North Atlantic (RAAN) where the political and economic life of an entire region is regulated by the Statute of Autonomy of 1986 (Leff, 2004, p. 7).

Yet, the popular movement was limited. Mainly because it was deeply rooted in the FSLN and state institutions (Matí i Puig, 2017, p. 526). In other words, it is possible to observe a vertical relation between the party and social movements, where mass organisations are located in a subordinate position vis-a-vis the party (Humphrey & Slater, 1987, p. 16). Moreover, the country experienced an internal counter-revolution (the contra war) and the geo-political blockage of the Reagan administration. The result: by the end of the 1980s the popular participation commenced to decrease. The FSLN call for elections in 1990, which resulted in the election of Violeta Barrios de Chamorro, who represented the coalition of 14 parties that composed the opposition.

President Chamorro (1990-1996) promoted privatisations and austerity measures, which resulted in further mobilisations. Unions, agricultural cooperatives and students were affected by these measures and reacted against the government (Stahler-Sholk, 1994). Social movements found spaces of party-independency and reacted against the policies developed by President Chamorro. In fact, between 1990 and 1995, the FSLN acted as a mediator to achieve agreements between the government and the social movements (López Castellanos, 2013). Martí i Puig argues that it was in this context that social movements understood the importance of articulating party-independent social mobilisations to confront the neoliberal agenda promoted by President Chamorro, but which also included some *sandinistas* (Matí i Puig, 2017, p. 529). This context serves to understand further socio-environmental mobilisations that occurred during the liberal governments of Arnoldo Alemán (1996-2001) and Enrique Bolaños (2002-2007), but also during the FSLN government of Daniel Ortega (2007-present).

#### *Frames and resources*

To confront the party domination of social movements, different socio-environmental mobilisations have framed their resistance in the ideas of autonomy and ownership. Perhaps one of the most notorious autonomy frames comes from indigenous peoples living in the Atlantic coast of Nicaragua. By mid 1980s, the FSLN government tried to include the

Atlantic coast to the central administrative structure. They did so, following the same strategy developed in the rest of the country, i.e. ignoring the ethnic, social, language and religious differences of the zone. At the same moment, the Miskitos, Sumo and Rama indigenous people demanded the autonomy of their territories (CLACSO, 2012, p. 86). After a long struggle, the FSLN declared the legal and constitutional autonomy of the territory, granting the above-mentioned indigenous peoples right to preserve their cultural identity, to maintain their own social organisation and to administer the territory taking into consideration their own traditions (Aylwin, 1992, p. 8).

Rural water managers have also taken the discourse of autonomy. In 1998 the Nicaraguan government started a process to privatise the water in the country. The first step was to privatise the country's largest hydroelectric plant HYDROGESA, a plan that was opposed by local communities and local NGOs (Almeida, 2014, p. 124). The opposition to the privatisation of water in Nicaragua comes from discourses that take into consideration the geographically uneven contributions of the state over time to rural water provision, resulting in the obligation for rural residents to develop autonomous water management capacities (Romano, 2016, p. 81).

Moreover, the environmental frames have also been crossed by political and religious discourse. In particular, popular religion has played a central role in the political radical consciousness of Sandinista supporters and in the environmental discourses. The theology of liberation permeated indigenous and peasants discourses all across the country in the 1970s and 1980s (Lancaster, 1988). Yet, Lancaster identifies a gap between popular religion discourses and the formal aspects of Sandinista politics, in particular, he states that these discourses were absent from the official voices of Sandinismo (Lancaster, 1988, pp. 143–144). Such distance forced social movements to generate discourses of autonomy and ownership.

As in other Latin American countries, environmentalist, human rights and transnational organisations that support local movements coexist in Nicaragua. Within the environmentalist organisations, it is possible to mention, for example, the work of the Humboldt Center. It is an organization created in the 1990s that looks after territorial development through the sustainable management of the Environment and natural

resources. Its main task is to organise alliances of civil society organisations and support local groups and agencies.<sup>194</sup>

In addition, there are human rights organizations such as the Center for Justice and Human Rights of the Atlantic Coast of Nicaragua (CEJUDHCAN), which works on the facilitation of the entire process for the legalisation of indigenous lands. It also supports articulating and coordinating civil society organisations. In particular, it works with the territorial governments of Indigenous people and Afro-descendants, generating spaces for dialogue and consensus. For its part, the Nicaraguan Centre for Human Rights (CENIDH) was created in May 1990 on the initiative of a group of representatives of civil society, concerned about the defence and promotion of Human Rights in Nicaragua.

*Conflicts against autonomy of indigenous peoples: opening and closing opportunities to mobilise*

After many years of negotiation the Sandinista government ended up creating the Autonomous Regions of the Atlantic in 1987. Through Law 445 (2002), the Nicaraguan government recognised the ‘indigenous communal property’ and conferred the management of the region to the indigenous Miskito and other ethnic communities. Moreover, the Political Constitution of Nicaragua establishes that these indigenous lands cannot be sold, bought or exchanged and Article 3 of Law 445 recognised that the communal lands cannot be taxed and are inalienable and imprescriptible. However, the expansion of agribusiness, and wood smugglers in the zone has threatened Miskito’s livelihood.

The Atlantic zone of Nicaragua is rich in natural resources. It concentrates over 90% of the fresh water of the country, most of the forests and around 40% of the mining reserves of the country (CALPI, 2015). The interest by colonos to exploit these territories has ended in high levels of violence. In the last 10 years there has been an increase in the levels of kidnappings, torture and murders of indigenous peoples (Global Witness, 2016, pp. 14–15). The Miskito people blame new settlers or ‘colonos’ who are occupying their ancestral territories, supported, in some cases by governmental agents and members of the FSLN and Yatama political parties (Miranda, 2016a). Moreover, those levels of violence have forcedly displaced the Miskito’s communities, who have been forced to cross the border and settle in Honduran territory (Miranda, 2016b).

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<sup>194</sup> See <https://humboldt.org.ni/quienes-somos/>

These acts of violence have remained in impunity. According to Global Witness, the Government has done nothing to investigate these crimes (Global Witness, 2016, p. 15). In addition, according to some reports, corrupt local officials may have illegally sold land in the hope of benefiting through the exploitation of the region's timber and mineral resources (E. Romero, Garth, & Álvarez, 2015). Despite Law 244, which guarantees the rights of indigenous peoples to their communal land, the Government has not implemented this legislation and continues to grant concessions for the execution of projects on indigenous land without consulting the communities (Global Witness, 2016, p. 15).

Human rights organisations have made a call to stop violence in the zone. The CEJUDHCAN and CEJIL, have both asked the IACHR to gain precautionary measures to protect the life of members of Miskito communities. Such Precautionary Measures were granted in October 2015, under the fact that indigenous communities are subjected to ongoing cycles of violence, murder, threats and acts of harassment, as a result of the presence of the so-called settlers (colonos) within their territories. The IACHR requested the government of Nicaragua to adopt the 'necessary measures to ensure the lives and personal integrity of the members of the indigenous communities [...]; to work out with the beneficiaries and their representatives an agreement on the measures that must be implemented; and to report on actions taken to investigate the alleged facts, which gave rise to the instant precautionary measure and thus prevent them from happening again'.<sup>195</sup> Yet, the government has not undertaken sufficient measures, and the IACHR has extended the Precautionary Measures.<sup>196</sup>

This case demonstrates the political opportunities that arise with the declaration of indigenous rights, but also how the lack of implementation can end up closing such opportunities. In particular, the Miskito and other indigenous communities that inhabit the Atlantic region of Nicaragua have been granted the right to autonomy and such right has been recognised by the Constitution and special laws. Such recognition has motivated the support of different human rights groups and the creation of a discourse that is based on human rights. Yet, the government has done little in order to protect the indigenous peoples. This situation is reflected in the increasing levels of violence observed in the zone and the lack of political will to comply with the Precautionary measures adopted by the IACHR.

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<sup>195</sup> IACHR, Precautionary Measure No. 505-15, Pueblo Indígena Miskitu de Wangki Twi-Tasba Raya respect de Nicaragua, 14<sup>th</sup> October 2015.

<sup>196</sup> See extensions of January (resolution 2/2016) and August 2016 (resolution 44/2016)

## Paraguay

Paraguay represents exactly the opposite example when compared to Costa Rica, as it has high levels of extractive dependence and low levels of reported socio-environmental mobilisation. In fact, Paraguay has one of the lowest rates of reported socio-environmental conflicts per capita in the region. At the same time, it is one of the countries that has largest dependence on the extraction of natural resources (91.2%) (Restrepo & Peña, 2017). Utmost of it (74.4%) depend on agriculture, mostly soy and cotton agribusiness. At the same time, it is important to highlight the increasing expansion of oil in the exportation grid, which has passed from 2.7% in 1995 to 15.4% in 2013 (see **Table 24**).

**Table 26:** natural resource dependence of Costa Rica's exports (in %)

	1995	2003	2013
Fuels	2.7	6.8	15.4
Minerals	0.3	0.4	1.4
Agriculture	83.3	89.4	74.4

**Source:** (Restrepo & Peña, 2017, p. 58)

The conflicts in Paraguay are geographically distributed. While in the north it is possible to observe an increasing conflict surrounding the extraction of oil and some conflicts that deals with agribusiness, in southern Paraguay, the conflicts are related to agribusiness and enormous hydroelectric projects. In particular, they have to do with land recoveries in a context where soy plantations are extended in over 20 thousand square kilometres in the country (Machado Araoz, 2012, p. 53). On the other hand, it should be noted that Paraguay has large hydroelectric projects, in particular the Itaipu hydroelectric plant (joint use of Brazil and Paraguay) and Yacyretá (bi-national power plant of Argentina and Paraguay) (CEPAL, 2013, p. 71).

## *Political Opportunities*

Historically, the political opportunities for social mobilisation have been fairly closed in Paraguay. The country has suffered from historical isolation expressed in constant wars (for example: Triple Alianza and Chaco) and the largest dictatorship in Latin America (1954–1989). Similar to what occurred in other dictatorial context in the region, during the dictatorship of Alfredo Stroessner, the members of the political opposition, peasant and social movements were persecuted, tortured and killed. Moreover the government privileged the concentration of land and large-scale agriculture to the detriment of peasant and indigenous peoples (Rodríguez Garavito, 2016, p. 305). But in this context, it is also possible to observe a wave of critical thinking (Third-world thought, Marxism and Liberation Theology) that, as will be seen, will become then key for social mobilisation (Soler, Quevedo Cabrera, Acosta, & Sosa, 2015, p. 14).

The end of the dictatorship was marked by the economic crisis and a social mobilisation without precedents in Paraguayan history. By 1980s Paraguay suffered the economic crisis, which ended up dividing those that supported Stroessner dictatorship (Soler et al., 2015, p. 14). Coinciding with this period, in 1987, Benjamín Arditi and José Carlos Rodríguez (1987), observed a process of gradual reversion of societal passivity and a growth of demands and social tensions, expressed among others in the land grabbing of peasant movements and international human rights advocacy groups. Likewise, during the last years of the dictatorship, there were efforts to rebuild dismantled organisations and to create new organizations in spaces where these did not previously exist, such as the Paraguayan Campesino Movement (MCP) or the National Coordinator of Agricultural Producers (CONAPA) (Fogel, 1986).

But, as in other countries of the region, the democratic enchantment was followed by disappointment. The democratic regime had not fulfilled in recreating a more just, free and equal society. The illusion of social movements was diluted by the rearrangement of the dominant classes in post-dictatorship (Borda, 1993). Moreover, the conservative and nationalist Partido Colorado triumphed in the presidential elections from 1989 to 2008. For some authors such as Guido Rodríguez Alcalá (1987) and Ticio Escobar (1992) this situation could be explained through the authoritarian culture of Paraguay. They argue that the Paraguayan conservatism has deep historical, cultural and political causes that transcend the dictatorship.

After 60 year in power of the Partido Colorado, Fernando Lugo was elected President in 2008. Although Lugo came from the thought of liberation theology, he took command in a

regional scenario of strong extractivism. In particular, Paraguayan society was immersed in a new economic matrix strongly linked to agribusiness. The penetration of soybeans occurred in the 1999-2000 and displaced around 8,000 families per year (Palau, 2008). Such penetration of soybeans agribusiness had political consequences that ended up in an abrupt end of Lugo's government in 2012. After three weeks of peasants land grabbing that protested for the lack of lands, the Ministry of Interior of Lugo's government decided to evict them by force, a decision that ended with 17 killings (11 peasants and 6 police members) and a political decision made by the Chamber of Deputies that decided to impeach Lugo (Rivarola, 2012).

### *Frames and Resources*

Similar to what occur in other Latin American contexts, the frames developed by the Catholic Church, in particular liberation theology, have been crucial to create further mobilisation discourses in Paraguay. An example of such influence can be taken from José Luis Caravias, a Jesuit priest and follower of the theology of liberation who after participating in the Ligas Agrarias Cristianas (LAC) was forced to exile, but who created the basis of the agrarian mobilisation. For some authors, his written pieces and frames has been the basis of one of the most important social movements in the history of Paraguay; they also add the fact that peasant movements are still deeply rooted in these discourses (Soler et al., 2015).

But, one of the main characteristics of Paraguay is that it is a country with two languages, Spanish and guaraní. Indigenous peoples have used the guaraní language to defend their lands and *teko* (form of living) (Melia, 2009). In particular, the indigenous peoples of the Paraguayan Chaco have long struggled to defend their ancestral territories from agribusiness and now from the attraction of foreign companies that want to exploit the hydrocarbon reserves (Rodríguez Garavito, 2016, p. 305).

Finally, an important frame of human rights is present in the struggles of –mainly- indigenous peoples. This is a frame that is mostly directed at land recuperation in a context of increasing state violence. In particular, it is a response to the increase in torture, detention and extrajudicial and arbitrary disappearances, which since the return to democracy has seen over 115 environmental and human rights defenders killed in the context of land and territorial recuperation (Mendieta, 2015a).

In terms of resources, the Paraguayan socio-environmental movement has been able to create a number of civil society organisations at the national level, as well as having contacts



that transcend frontiers. Most of the organisations that exist at the national level, deals with representation of peasant communities. Is the case of, for example, the *Mesa Coordinadora Nacional de Organizaciones Campesinas*, an association of peasant and indigenous organisations that promote Integral Agrarian Reform, starting from the right of every peasant and indigenous to access a piece of land and the case of CONAMURI, an organisation of peasant and indigenous women that, since 1999, has been working with women of the rural working class, organized in production committees and small associations throughout the country.

These organisations have also been supported by human rights organisations. That is the case, for example of Tierra Viva, a Human Rights organisation dedicated, since 1994, to promote and defend the rights of indigenous peoples in Paraguay, mainly the Enxet and Toba Qom peoples, who inhabit the Western Region of the country (the Chaco). In particular, they provide comprehensive legal advice to indigenous communities and their members, in the process of land restitution and recognition of property rights. They are also very active in the use of the Inter-American Human Rights System and have achieved, with the support of CEJIL, key achievements in the recognition of indigenous land in the cases Sawhoyamaya<sup>197</sup> and Yakye<sup>198</sup> against Paraguay.

Also in the context of the mega-hydroelectric projects in southern Paraguay, communities have developed transnational support networks. Is the case of the *Federación de Afectados por Yacyretá de Itapúa y Misiones* (FEDAYIM) and the *Asamblea Binacional de Afectados de Yacyretá*, organisations that from mid-1990s have opposed the effects of the hydroelectric Project that affect communities in both Paraguay and Argentina. It is also the case of the *Coalición Ríos Vivos* created in San Paulo in 1994 and which supports the effects of the hydroelectric projects in Paraguay, Argentina ad Brazil (Gómez, Wagner, Torres, Martín, & Rojas, 2015, p. 83).

*Conflicts against soybean plantations: closed political opportunities, peasant and indigenous frames*

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<sup>197</sup> I/A Court H.R., Case of the Sawhoyamaya Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of March 29, 2006. Series C No. 146.

<sup>198</sup> I/A Court H.R., Case of the Yakye Axa Indigenous Community v. Paraguay. Merits, Reparations and Costs. Judgment of June 17, 2005. Series C No. 125.

As briefly described, it is possible to say that Paraguay represents the case of closed political opportunities and patterns of counter-mobilisation and repression against social movements, but with increasing civil society organisation mainly supported by peasant, indigenous and human rights organisations. The question at this point is if those frames and resources have been able to open any windows of opportunities at the local level.

As we have seen, soy agribusiness has expanded in the country, to the point of occupying over 70% of the agricultural land in some departments (Férrandez Villalba, 2015). Such process of appropriation of land has been supported by public policies. In particular, the government has supported the expansion of Brazilian soy farms which has marginalised local agriculture and displaced peasant and indigenous communities (Palau, 2008). Communities have reclaimed that the acquisition of land has been illegal, yet according to a report developed by OXFAM, the judicial system and the police have supported such expansion (Guereña, 2013).

The expansion of agribusiness and the increased presence of foreign actors led to a higher concentration of land: 0,5% of the farms occupy more than 50% of the total land (Seoane & Taddei, 2015, p. 46). Such concentration is in hands of large companies such as Hilagro, Agro Altona, Sem Agro, Cargill, Bunge, Grupo Favero, Agro Tierra, Agro Trans, Agropanambi, Silo Vetri; and the transnational such as Bunge, Cargill, ADM and Monsanto (Férrandez Villalba, 2015).

The efforts of organised civil society to recover these lands have found some windows of opportunities. In particular, the Inter-American Court of Human Rights has recognised the right of indigenous peoples and peasants' access to land in the Paraguayan context.<sup>199</sup> Yet, the implementation of such decisions have not been sufficient, moreover, the human rights mobilisation faces a further limitation which is that 'most justice operators in the country do not incorporate international human rights law into their interpretations or applications of domestic law' (Mendieta, 2015b, p. 304). Also, after decades of fight, president Lugo announced an agrarian reform, which constituted more than just the sole recovery of the lands, but also the actions of the state towards the recognition of peasant and indigenous rights (Melia, 2009). However, President Fernando Lugo himself had to face the criminalisation of large-scale rural landowners and the most conservative sectors of the Government. The brutal murder of Enrique Brítez Irala, leader of the Unión Campesina Nacional (UCN) and member of the Mesa Coordinadora Nacional de Organizaciones

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<sup>199</sup> See above mentioned cases Sawhoyamaxa and Yakye

Campeñas (MCNOC), is a tragic example of the intensification of tensions and confrontations between peasant movements and landowners (Seoane & Taddei, 2015).

In conclusion, while peasant, indigenous and human rights organisations have been able to create some windows of opportunities for social mobilisation, the political structure of the Paraguayan government, the increasing levels of counter-mobilisation and the intensive dependence on soy bean plantations, may explain to some extent the low levels of reported cases of social contention seen in the national context.

#### **4. Implications, limitations and future directions:**

The theoretical framework to study social contention against extractivism opens a series of different areas for future research. First, the comparative logic of local mobilisation within a given territory should be applied to other countries both within Latin America and beyond. Yet, there are some limitations in doing so. This work has been based in current mobilisations and in-depth fieldwork study. Such decision has to do with the fact that usually there is scarce data on the opportunities, frames and resources mobilised by communities when opposing extractivism. A limitation, then in a comparative or extensive work, will be the capacity to systematically identify the forms that communities frame the opportunities, the networks and actors involved in social contention and the preferences of those mobilisations. The framework developed in this study will definitely benefit from a large-n comparative study, yet there are important limitations both in terms of time consumption in fieldwork study and methodologies to compare different political scenarios that should be taken into account when deciding to undertake such a task.

Also, in terms of the main model developed in the study, the basic assumption was that due to the increasing global demand for natural resources, extractivism has gone deeper and further, provoking direct damage to more communities and closing the political opportunities for mobilisation. Such limitations are based not just in the model of consumption, but also on the increasing barriers given by commercial agreements and international arbitrations mechanisms such as ICSID. In other words, the model was dubious about the capacity of the national State to have a real incidence on the global governance over extractivism. Empirical data from Chile confirms such assumption in terms that the dependency over the extraction of natural resources (mainly mining and forestry) has constantly – at least since the return to democracy in 1990- closed the political opportunities

to mobilise against extractivism. Yet empirical evidence from Costa Rica suggests that the state may have the capacity to overcome such limitations. For example, Costa Rica has been able to pass a moratorium on open pit mining, defeating the global trend of large-scale extraction. While it may be true that Costa Rica does not play an important role in the global governance of minerals extraction, such decisions should be taken into consideration for further developments of the theoretical model applied in this study.<sup>200</sup>

A third avenue for further research is to explore the role of networks and resources in socio-environmental contention. The model of this study follows the general principle of social mobilisation theoretical approach that argues that movements need both discursive frames as well as resources to mobilise. Yet, the empirical information from the case studies suggest that networks can be a great support in the initial phase of mobilisation, such as in the case of No Alto Maipo, but they may also generate limitations for mobilisation, such as in the case of Caimanes. In this last case we were able to observe how the interests of different support organisations have ended up dividing the community and creating further demobilisation. It is necessary then to re-think and re-interpret the role of networks and resources in social mobilisation, putting an emphasis not only on the benefits –as usually highlighted in the literature on social mobilisation- but also on the potential limitations of these resources to oppose extractivism.

Finally, beyond the understanding of local mobilisation, the theoretical framework could be expanded as to think about broader mobilisations, i.e. how different local movements are part of a broader socio-environmental movement. The central interest of the thesis, the unveiling of the factors that generate socio-environmental mobilisation against extractivism, has been explored through interlinked case studies and references to other movements. It is common to hear and observe references between and within socio-environmental conflicts. They usually talk of the struggles occurring in other territories, which serve both as an incentive to mobilise at the local level and as a way to compare and adapt experiences and strategies. In some cases, communities may talk about similar or sister mobilisations occurring in other territories as a way of committing their will and solidarity with the struggle and suffering of communities that may be thousands of kilometres away. This is representative of common forms of mobilisation that are occurring at a regional scale. Nevertheless, the differences in the extractive governance, elites, forms of extraction,

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<sup>200</sup> Especially because Costa Rica is currently facing two lawsuits at ICSID that tries to overturn such political decision (P. Villegas et al., 2013, p. 196).

political will, history of extractivism, among others is indicative of the fact that we are dealing with a social phenomenon that has an inevitable local ingredient, and thus there are important comparative limitations. One might argue of the virtual unity and actual differentiation of the Latin American socio-environmental movement against extractivism, in this sense, the analysis, but mainly the comparison of socio-environmental mobilisation will tend to be inexcusably incomplete. The trends of politics and struggles of course vary over time and space and so it is a history that is being written and experienced every day.

To conclude, treating socio environmental movements and communities as strategic actors allows understanding a wide range of important but usually unexplored behaviours and political decisions. In the case of Chile is that the socio-environmental mobilisation is generating a grassroots network that is proposing alternatives to extractivism at a national scale. The socio-environmental movement in Chile has moved from a NIMBY to a Not in Anyone's Backyard (NIABY) one. In such transformation NGOs have played a key role in delivering information, sharing strategies of opposition, analysis of conflicts, supporting the communities, and organising meetings. Some NGOs continue to have this role, but the socio-environmental movement is translating to a decentralised structure. Today, it is possible to observe a network led by territorial organisations. Cristian Flores, a major actor of the Caimanes conflict and Marcela Mella from No Alto Maipo are participating fully in this project. The territories are articulating their demands to generate greater consideration, greater justice, and greater respect for their rights, ultimately in the search for a new paradigm of development in Chile. The newness of this mobilisation is that it is avoiding the support from external actors, including NGOs. To avoid potential co-optations or divisions, communities are creating a network of knowledge and solidarities that come from the territories. The reconstruction of mobilisations, such as those analysed in this thesis, may serve to add to the global understanding of an emancipatory and massive organisation that is currently occurring, and which has already had some political impact in Latin America; this is just a small contribution to understand a regional, and even global, phenomenon.

## CITED LEGISLATION

### ARGENTINA

Law 1,919, *Código de Minería* (1997)

Law 26,639, *Ley de Protección de Glaciares* (2008)

### BOLIVIA

Constitución Política del Estado (2009)

Reglamento General de la Asamblea Constituyente Bolivia (2006)

### CHILE

Constitución Política de la República de Chile (1833)

Constitución Política de la República de Chile (1925)

Constitución Política de la República de Chile (1980)

Law 16,624, (Chilenización del Cobre) Fija el texto Refundido y Definitivo De La Ley N° 11.828, De 5 De Mayo De 1955, y de la Ley N° 16.425, de 25 de Enero de 1966 (1967)

Law 17,450, (Nacionalización del Cobre) Reforma a la Constitución Política del Estado (1971)

Law 18,097, Ley Orgánica Constitucional sobre Concesiones mineras (1982)

Law 18,248, Código de Minería (1982)

Law 19,300, Bases Generales del Medio Ambiente (1994)

Law 20,283, Ley Sobre Recuperación del Bosque Nativo y Fomento Forestal (2008)

Law 20,249, (Ley Lafkenche) Crea el espacio marino costero de los pueblos originarios (2008)

Law 20,417, Crea el Ministerio, el Servicio de evaluación ambiental y la Superintendencia del Medio Ambiente (2010)

Law 20,600, Crea los Tribunales Ambientales (2012)

Law 20,840, Sustituye el Sistema electoral binominal por uno de carácter proporcional, inclusive y fortalice la representatividad del Congreso Nacional (2015)

Decreto con Fuerza de Ley 523, Fija el texto refundido, coordinado y sistematizado del Decreto Ley 600, Estatuto de Inversión Extranjera (1974)

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