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The Two Sides of Pascua Lama: Social Protest, Institutional Responses, and Feedback Loops

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Abstract

The article shows that the ability of activists to achieve outcomes that they value is fundamentally conditioned by how bureaucracies implement policies and regulations. Relatively minor changes to bureaucratic policies, regulatory enforcement, or judicial oversight – in a context of rule of law and institutional capacity to implement – can generate new opportunities and feedback loops that increase the influence of social movements over extractive sector governance, even when other political and legislative opportunities are closed. In this regard, despite the failure of glacier legislation in Chile, increased bureaucratic and judicial responsiveness enhanced the ability of social activists to attain their goals via direct access to regulatory agencies. In Argentina, the fragmented federal system allowed the passage of legislation to conserve glaciers, yet prevented effective implementation of the law. *Keywords:* Barrick Gold; mining; extractivism; glaciers; social movements; political opportunities; institutions; bureaucracy; regulation; Argentina; Chile.

Resumen: Los dos lados de Pascua Lama: protesta social, respuesta institucional y circuitos de retroalimentación

El artículo muestra que la capacidad de los activistas de alcanzar resultados que valoran está fundamentalmente condicionado por la manera en la que la burocracia aplica las políticas y las regulaciones. Cambios relativamente menores de políticas burocráticas, aplicación regulatoria, o la supervisión judicial, en un contexto de estado de derecho y capacidad institucional, puede generar nuevas oportunidades y circuitos de retroalimentación que aumentan la influencia de los movimientos sociales sobre la gobernanza del sector extractivo, incluso cuando se encuentran cerradas otras oportunidades políticas y legislativas. En este sentido, a pesar del fracaso de la legislación sobre glaciares en Chile, el aumento de la capacidad de respuesta burocrática y judicial mejoró la capacidad de los activistas socio-ambientales sociales para alcanzar sus objetivos a través del acceso directo a las agencias reguladoras. En Argentina, el sistema federal fragmentado permitió la aprobación de leyes para conservar los glaciares, pero impidió la implementación efectiva de la ley. *Palabras clave:* Barrick Gold;

minería; extractivismo; glaciares; movimientos sociales; oportunidades políticas; instituciones; regulación burocrática; Argentina; Chile.

Introduction

In 2000, Canadian mining company Barrick Gold announced the development of one of the region's largest gold mines, Pascua Lama, at a deposit that straddled the Chile-Argentina border, located between 3800 and 5200m, and containing an estimated 17 million oz. gold, 560 oz. silver, and 100,000 tonnes of copper (Muñoz, 2016, 35-6). Over the next 18 years, as costs of developing the project ballooned from an estimated initial US\$950 million to over US\$8 billion, Pascua Lama emerged as an emblematic mining conflict, contested by local, nationally-based, and transnational activist organizations, and subsequently inspiring efforts to develop and pass glacier protection legislation in both countries. Those efforts culminated in provincial (July 2010, San Juan) and federal (September 2010) glacier laws in Argentina, while Chilean legislators failed to pass legislation. Nonetheless, the mining project, as designed at that time, was definitively halted, by a ruling from Chilean regulators on January 17, 2018, responding to activist claims of ongoing violations of the company's environmental license. But why was Pascua Lama halted in Chile without a glacier law, and not in Argentina, with two (Taillant, 2015, 292)?

This question gets to the heart of how social activism impacts policy, and particularly, how activist opposition interacts with political and institutional opportunities in each of the two countries (Silva 2015, 2016; Cortez & Maillet, 2018). By taking a comparative approach and considering the effects of a single mining project on two different institutional environments, this article asks how institutions affect social movement opportunities for policy influence, and how institutional and policy reform, once implemented, can have a feedback effect on the ability of activists to achieve their goals.

The article contributes theoretically to the literature by arguing that the ability of activists to achieve outcomes that they value is fundamentally conditioned by how bureaucracies implement policies and regulations. Relatively minor changes to bureaucratic policies, regulatory enforcement, or judicial oversight – in a context of rule of law and institutional capacity to implement – can generate new opportunities and feedback loops that increase the influence of social movements over extractive sector governance, even when other political opportunities are closed. The literature on social mobilization and policy has, perhaps due to the intuitive preference of progressives for legislative victories, tended to focus on activist alliances that lead to policy outputs (policies) instead of policy outcomes (implementation of policies), even though the latter is essential to long-term change (Tosun & Workman, 2018, 338-9).

But, activists deal directly with regulatory agencies, and it is here that the potential for unmediated influence on outcomes is greatest. In Chile, it was exactly these small changes in the relationship between activists and the regulatory

agency, and activist pressure on the regulatory bureaucracy, that resulted in feedback loops that contributed to the decision of the *Superintendencia del Medio Ambiente* (SMA) to freeze the development of Pascua Lama, at the same time that alliances with national actors, diverged from local interests, and failed to deliver hoped-for glacier legislation. In Argentina, the fragmented federal system allowed national actors to pursue federal legislation to conserve glaciers, while “politicized enforcement” (Amengual, 2016; also Levitsky & Murillo, 2013, 101) at the provincial level prevented effective implementation, or the kind of feedback loops evident in Chile.

This paper follows a most-similar case design based on a comparison of the Chilean and Argentinean sides of the Pascua Lama mining project (George & Bennett, 2005). It is primarily based on secondary sources published in academic venues (books, journals, and working papers), as well as reports available online from activist organizations involved in, or observing the conflict. Additionally, stakeholder interviews were conducted with key players at the national and regional levels on both sides of the Andes, including government, business and civil society representatives (2011-2014).

Pascua Lama: a flawed project and perfect comparative case

The Pascua Lama project is an almost “perfect” comparative case that allows us to isolate how institutional factors interact with activist mobilization, in a similar way to the example used by Acemoglu and Robinson to introduce their argument in *Why Nations Fail*. In that contemporary classic, the divergent economic development of two otherwise “identical” cross-border towns, Nogales (Sonora, Mexico), and Nogales (Arizona, USA) is explained by the principal substantive difference between them – the historical development of political institutions (Acemoglu & Robinson, 2012, 7). Although we must recognize the specificity of any given case, when looking at the two sides of Pascua Lama project, it is apparent that many of the principal variables considered to be determinants of activist mobilization (Bebbington & Bury, 2013; Haslam & Ary Tanimoune, 2016; Conde & LeBillon, 2017) and policy influence (Tosun & Workman, 2018; Baumgartner et al., 2018, 62), are broadly similar, while the variable of interest, institutional quality, varies significantly. I comment on each of these variables in turn:

- o Firm and project. Here we have a single set of facts in Barrick Gold’s mega-project at an altitude of 4500m on the Chile-Argentine border, regulated at the same time by political-institutional authorities in both Santiago and San Juan, Argentina, each responding to civil society pressures. Although mining activity was not planned to be equally distributed between the countries, with the deposit located 75 per cent in Chile and 25 per cent in Argentina; initial processing occurring on the Argentine side, taking advantage of existing facilities at Barrick’s nearby Veladero mine; and the final product

shipped through a purpose-built tunnel across the Andes to a Chilean port (Li, 2016, 3), significant environmental risks were to occur on both sides of the watershed.

- o *Impact area/populations affected.* In both countries, the impact areas are defined by the rivers that have their headwaters in the high peaks of the project zone, born from snow and glacial melt, and which wind through arid landscapes, making small-scale agriculture possible. The population of the Huasco Valley in Chile is approximately 70,000, distributed among small settlements and its administrative centre (Alto del Carmen) in the upper watershed – many of whose inhabitants identify as indigenous Diaguita – and larger towns further down the valley (Vallenar, capital of Huasco province, Freirina, and Huasco). In Argentina, Las Taguas river follows the Valle del Cura across the department of Iglesia to the Cuesta del Viento reservoir, before becoming the Jáchal river which flows to Jáchal, the major town of the region (Jáchal Department), covering approximately 30,000 inhabitants in the province of San Juan.
- o *Policy image (definition of problem).* In both countries, local activists defined the problem as a threat to the water resources upon which local agriculture and rural lifestyles were based, which took its empirical-emotional form as a “policy image” of the mining company destroying glaciers. Policy demands of local activists were broadly similar in both countries: in Chile, local activists demanded the revocation of the company’s environmental license due to project impacts on the valley’s hydrological ecosystem, while nationally-based activists leveraged that into efforts to protect glaciers. In Argentina, activists similarly demanded a cancellation of the project due to risks of water pollution, the protection of all Andean ice bodies, and the reform of national mining legislation. Ongoing cooperation between activist networks in Chile and Argentina contributed to consistency between the two movements in policy image and demands.
- o *Alliance possibilities/coalition partners.* Social mobilization around the Pascua Lama project rapidly attained emblematic status in both countries (although the mobilization cycle began earlier in Chile than in Argentina) and local activists were quickly linked into national and international activist networks with clear policy agendas, from which they received ideological, organizational and material support. On both sides of the Andes, coalition partners, including nationally-based NGOs and political actors leveraged local demands focused on local environmental consequences into national policy proposals to protect glaciers from mineral exploration and exploitation. Chilean policy proposals were diffused to and adapted in Argentina through personal networks linking key political actors.
- o *Political settlement.* Both countries enjoyed a relatively strong elite consensus around the importance of developing the mining sector. In Chile, the

political settlement was shaped by the pacted transition to democracy (see Silva, this volume). In mining, this meant continuity between the democratic period and the dictatorship's legislative framework governing mining, foreign investment and property rights, despite the development of a new, but weak environmental framework in 1994 (Silva, 2015), and mining tax regime in 2005 (Haslam, 2010). Nonetheless, social protest on environmental and indigenous issues gradually emerged as an important source of public pressure on governmental decision-making in the democratic period (Delamaza et al., 2017, 42; Silva, 2016, this volume). In Argentina, the Kirchner administrations promoted the development of the mining sector in direct continuity with the original liberalization and reform efforts of the early 1990s (Álvarez & Composto, 2013, 231-235; Giovannini et al., 2010, 257, 259). The political settlement in mining was grounded in federal recognition of provincial claims to autonomous development and regulation of the sector, following constitutional reform in 1994. Elite consensus on the desirability of mining was strong in provinces like San Juan under governor José Luis Gioja (2003-2015), where mining was seen as an important source of provincial revenue and employment in jurisdictions that were historically rentiers dependent on transfers from the federal government (Gervasoni, 2010, 306; Haslam, 2016, 2018).

Given those broad similarities, the Pascua Lama disputes allow us to focus on the interaction between broadly similar social movements and initial conditions, and different institutional structures, identifying the cause of outcomes in the latter. Key institutional differences I consider include the following:

- o *Constitutional structure.* Chile, is a unitary and centralized state, with policy delivered through decentralized agencies, which requires policy proposals to be focused through national political actors and the national political system, and encourages regulatory consistency. In contrast, the federal structure of Argentina, and powers delegated to provinces through the national constitution create overlapping jurisdictions in mining and the environment that offers multiple opportunities for activist influence on policy, and legal appeal at different levels.
- o *Institutional capacity.* Chile is known for its professional and technically capable civil service and capacity for implementation – meaning that legislation and regulations, once adopted can be implemented effectively. Argentina's civil service is highly politicized at both the federal and provincial levels with high turnover in key positions associated with new governments, and low technical capacity (specialized knowledge). Provincial administrations are generally considered to have very weak institutional capacity (Gervasoni, 2010, 306; Remmer, 2007, 365, 374; Tommasi et al., 2001, 176).

- o *Regulatory Authority/Rule of Law.* The technical capacity of Chilean personnel and institutions did not always translate into strong regulatory authority. Deference to the state-owned copper company CODELCO (*Corporación del Cobre*), and the private sector in mining, meant that environmental legislation from 1994 (Law 19,300), which created an environmental impact assessment and project authorization system, was characterized by low standards and weak enforcement. Nonetheless, the Chilean judiciary is generally free of direct political influence and remains an avenue to secure the application of the rule of law, where deficient. In Argentina, the provinces are the regulatory authorities for mining and the environment, responsible for implementing the federal environmental legislation, monitoring environmental compliance, evaluating environmental impact assessments, and managing public consultation processes. Regulation and enforcement are highly politicized and dependent on political commitment (Amengual, 2016). The Argentine judicial system is also politicized, especially at the lower levels, and Supreme Court rulings are non-binding for provincial courts (Khadim, 2016, 73).

Activism, institutions and policy change

This case study of the two sides of Pascua Lama is organized according to three phases of social activism and institutional response, which I label as “birth of a movement (2001-2006)”, “the foundations of institutional change (2006-2011)”, and “new institutions, new opportunities (2012-2018)”. The periodization is approximate, as activists on the Chilean side of the project gained traction and influence earlier than in Argentina. However, by structuring the analysis in this way, I hope to draw attention to how the political opportunities that permit the initial link between activism and policy, can be reshaped by the institutional and policy reforms themselves, as well as by the strategic manoeuvring of important institutional and political actors responding to those same reforms (see Table 1). The periodization shows the importance of considering how political and institutional feedback loops affect the policy influence of social movements over a considerable time period.

The article chooses not to focus on the details of the activist campaigns in each country, which have been excellently documented in other studies (Cortez & Maillet, 2018; Li, 2016; Luna et al., 2004; Muñoz, 2016; Urkidi, 2010; Urkidi & Walter, 2011; Rodríguez Pardo, 2011; Svampa et al., 2010; Taillant, 2015). Similarly, the strategic reaction of the company to activist concerns and campaigns, including by revised social responsibility programmes, changing corporate policy and institutionalized practices such as stakeholder consultations (see Godfrid, 2018), lies outside our principal focus.

Birth of a movement (2001-2005)

The Pascua Lama project became visible to local communities and the state in Chile, when Barrick Gold, via its subsidiary Cia. Minera Nevada, submitted its first environmental impact assessment (EIA) on 3 August 2000 to Chilean authorities, the regional office of CONAMA (*Comisión Nacional de Medio Ambiente*), as required by law. A key turning point was Barrick’s declaration,

Table 1: Phases of Social Activism and Institutional Response, Pascua Lama (2001-2018)

	Argentina	Chile
Phase 1: Birth of a Movement (2001-2005)	Local: isolated activists groups concerned with water pollution in San Juan articulate with a national network; and develop a legal, ecological and anti-imperialist critique.	Local: activists express concerns over water pollution, and hydrological ecosystem during environmental impact assessment; solicit support from a national NGO.
	Political: province “backslides” by criminalizing protest; but also acts to capture more mining rent for local communities.	Political: national allies broaden issue to glacier protection; presidential candidate Bachelet agrees to protect glaciers to court political support.
	Bureaucratic: province promotes mining, limits public participation, while distributive benefits associated with political clientelism demobilize activists.	Bureaucratic: activist pressure causes regulatory agency to grant environmental license to the company with “strong conditions”.
Phase 2: Foundations of Institutional Change (2006-2012)	Local: activists demobilized and fragmented as political opportunities close at the provincial level.	Local: local activists continue opposition and demands. Indigenization of some demands as Diaguitas officially recognized.
	Political: opportunities open federally, as national actors take over agenda to draft and pass strong (conservationist) glacier protection legislation.	Political: national reform of environmental institutions; national NGOs push effort to draft a weak glacier law.
	Bureaucratic: province jointly conducts glacier inventory with national glacier agency.	Bureaucratic: “glaciology unit” created in DGA; CONAMA requires assessment of environmental impact on glaciers; bureaucracy becomes more assertive regulator.
Phase 3: New Institutions, New Opportunities (2012-2018)	Local: political opportunities remain closed in a clientelist provincial context.	Local: new responsiveness of regulatory bureaucracy leads to “activist monitoring” of environmental compliance, allows ongoing presentation of allegations to authorities.
	Political: implementation of the national glacier law stalls, activists respond by legalizing their strategy. Federal government proposes changes to weaken the law.	Political: glacier legislation fails.
	Bureaucratic: IANIGLA emerges as key bureaucratic actor conducting the glacier inventory. Activists do not view IANIGLA as responsive to their concerns.	Bureaucratic: bureaucratic actors embrace active role permitted by new environmental legislation, and protected by the courts, actively monitoring compliance and sanctioning.

during the EIA process, of its intent to “remove and transfer” parts of some small glaciers that obstructed the planned site of the open-pit (Muñoz, 2016, 44). The perception among local communities along the Huasco Valley that the project would threaten their water supply, by damaging the glaciers, motivated an initial phase of mobilization in Alto del Carmen (Barandiarán, 2018, 127-135). This led to the creation of the *Pastoral de la Salvaguarda de la Creación*, a church-based organization, which was able to quickly and effectively bridge to other organizations throughout the Huasco Valley (Muñoz, 2016, 46-8). The *Pastoral* and the influential organization representing Diaguita agriculturalists, *Comunidad agrícola Diaguita Los Huascoaltinos*, enlisted the help of the *Observatorio Latinoamericano de Conflictos Ambientales* (OLCA) based in Santiago, which provided them with technical and legal advice, while also diffusing the issue to national and international media and activist organizations, notably through a 2004 publication, *El Exilio del Cóndor* (Luna et al., 2004, 5; Urkidi & Walter, 2011, 689-90).

The company's submission of a “modified” EIA in August 2004 for a larger mine that directly impacted three small glaciers (Toro 1, Toro 2 and Esperanza), and which included plans to break up 10 hectares of glacial ice with explosives and move it 2km by front-loader to a nearby glacier (Guanaco) where it would be re-attached and conserved (Muñoz, 2016, 50), spurred renewed mobilization at the local level and caused the issue to jump scale to national-level media reports, protests and lobbying (Muñoz, 2016, 50-52; Urkidi, 2010, 223). In response, important contentious and political acts occurred throughout 2005 including marches held in the provincial capital, Vallenar, that increased in size from an estimated 500 participants in March to 2000 by early June (Muñoz, 2016, 53); congressional hearings in April (Ross, 2005, 17); protest theatre in front of Barrick's Santiago offices (Muñoz, 2016, 58); and country-wide protests in July (Muñoz, 2016, 54; Ross 2005, 18).

At the local level, activists were principally motivated by concerns over the effect of the Pascua Lama project on water resources (Bottaro et al., 2014, 101-2). Early on, they recognized the role of high Andean glaciers in the hydrological health of the Huasco Valley, and in this regard, Barrick's plans for the glaciers were the main “trigger” for activism (Muñoz, 2016, 47; Li, 2018). More broadly, the social movement sought to defend their right to enjoy rural livelihoods, and “God's Creation” (Muñoz, 2016, 47). In terms of specific policy demands, the over-riding concern of local communities was to stop the project, and in bureaucratic terms that meant the revocation of the environmental license, *Resolución de calificación ambiental* (RCA), granted by CONAMA in 2006. These demands were communicated to Chilean regulators on numerous occasions (Gómez, 2015).

At the political level, the conflict brought the issue of the protection and conservation of glaciers to centre stage, as well as the weakness of the existing institutional structure for protecting the environment. Cortez & Maillet (2018) provide a detailed account of how mobilization around the Pascua Lama project

incorporated expanding political coalitions at the local, national and international scales that ultimately translated into political actions for a “project law” to protect glaciers, drafted by a NGO-coalition. They suggest that the specific framing around the impact on glaciers emerged with local activist links to OLCA, and an early ruling by the national water authority, *Dirección General de Aguas* (DGA), on the inadequacy of Barrick’s “glacier management plan” – which constituted the first institutional set-back for the project (Cortez & Maillet, 2018, 15). Other NGOs pushing the glacier legislation, such as *Chile Sustentable* and Greenpeace did not have deep ties to local organizations (Interview #101CLVA13).

On November 21, 2005, Michelle Bachelet, then-candidate for the *Concepción*, and running in the second round of the presidential elections, sought to bolster her support by signing on to the Chagual Accord with twenty-three environmental organizations (Muñoz, 2016, 61; Silva, this volume). Among the ten points of the Accord, was commitment No.9 to “Protect the glaciers, and not approve their removal or destruction”, and creation of a Ministry of the Environment (Cortez & Maillet, 2018, 6, 18; Terram, 2008). The Communist Party also made protection of the glaciers its condition for supporting Bachelet against Piñera (Cortez & Maillet, 2018, 18). Ongoing civil society pressure kept the issue on the public agenda (Bottaro et al., 2014, 104). In this way, the Pascua Lama project made its way onto the policy agenda of the Bachelet government.

At the administrative and bureaucratic level, most observers of the conflict concur that anti-Pascua Lama mobilization between 2001 and 2005 had a significant effect on the behaviour of regulating agencies, specifically CONAMA, which was responsible for evaluating and approving (or denying) the environmental impact assessment submitted by the company in 2004 for the “modified” project.

In 2001, CONAMA, did not consult on the issue of damage to the glaciers before granting the initial RCA, but on 15 February, 2006, following over a year of activism on this issue, the RCA issued to approve the “modified” version of the Pascua Lama project included more than 400 conditions notably the strong condition that the project “did not cause any retreat, displacement, destruction, or physical intervention” of the nearest glaciers, Toro 1, Toro 2, and Esperanza, and obliged the company to monitor the glaciers on an ongoing basis (Aguilar Cavallo, 2013, 241). Muñoz, in the definitive history of the conflict, saw those conditions as the direct consequence of mobilization (Muñoz, 2016, 62), as have other accounts (Ross, 2005, 19). Barandiarán points out that CONAMA officials were aware that their decision on the RCA was both historic (for its potential effect on glaciers) and under the political microscope, and as a result they sought out professional advice from a glaciologist prior to taking a decision, as did other technical and administrative agencies, which had not been done for Barrick’s 2001 application (2018, 140). In this regard CONAMA’s ruling on the RCA was in part political, and responded to changing political and public opinion on the need to protect glaciers (Barandiarán, 2018, 150).

Although activists tended to see the public consultations associated with the environmental impact assessment, as an “institutional charade” in which “the participatory spaces provided are totally insufficient, lacking equality of conditions, and restricted to small groups” (Luna et al., 2004, 80-81), it was these participatory spaces that allowed activists to introduce the idea of glaciers as essential hydrological resources to regulators and to Chilean society more broadly (Muñoz, 2016, 62; Li, 2018, 106-7). Overall, the evidence seems to suggest that activist pressure made the regulatory institutions of the state more attentive to potential trade-offs between the promotion of the extractivist model, and citizen concerns. In the longer-term development of the conflict, although not apparent at the time, the strong conditions established by CONAMA turned out to be “impossible conditions” that could not be fulfilled by the company, meaning that continued development of the project appeared to imply the ongoing violation of the RCA.

In Argentina, mining and its potential effects on nearby communities entered the national consciousness in 2002-2003 following a debate and ultimately a municipal plebiscite that resulted in the public rejection of a gold mining project near Esquel, Chubut (Urkidi & Walter, 2011, 691-2). This social conflict also laid the intellectual and organizational infrastructure that led to a flurry of anti-mining activity resulting in a series of provincial bans on open-pit mining, and to the formation of the national activist networks of RENACE (*Red Nacional de Acción Ecologista*), Red CAMA (*Comunidades Afectadas por la Minería*), and later, in 2006, the UAC (*Unión de Asambleas Ciudadanas*) (Urkidi & Walter, 2011, 686; Svampa et al., 2010, 124, 127; Interview #15ARBS11).

Most important to the early development of local mobilization, was the involvement of RENACE and its protagonist, journalist-activist Javier Rodríguez Pardo, who first visited San Juan province and its small and fragmented activist groups at the invitation of a group of “self-convocated [*autoconvocados*] Sanjuaninos” in May 2004 (Rodríguez Pardo, 2011, 46). In Jáchal, which was downstream from the Pascua Lama project, a local organization, *Madres Jachalleras* had already been formed to contest the construction of its sister mine Veladero in 2003. However, Rodríguez Pardo’s tour and his speaking engagements were well covered by local radio stations and gave impetus to the formation of additional *autoconvocados* protest groups in Jáchal and San Juan city, as well as laying the basis for a cross-sectoral alliance between activists and the San Juan winemakers’ association (Rodríguez Pardo, 2011, 47-53). A subsequent visit in June 2004 provided the flashpoint for broader public engagement in the province when a scheduled protest mass “for water” was banned by the Archbishop (Rodríguez Pardo, 2011, 55). A series of important events were held across the province between 2004-2005, including public debates, meetings and marches, which culminated in a proposal from the mayor (*Intendente*) of Calingasta, José Adolfo Ibazeta, to hold a local plebiscite in July 2005 on the desirability of mining in that department (Rodríguez Pardo, 2011, 85; Interview #34ARSJ12).

As in Chile, local activists were able to articulate an effective “policy image” of companies destroying glaciers for private profit, which drew attention to the role of glaciers in the hydrological ecosystem upon which livelihoods in these rural communities depended. In particular, the input of RENACE and Rodríguez Pardo into the early development of “citizen assemblies” in San Juan, in the form of support for organization and networking, diffusion of the Esquel example, collection of testimonials from workers and affected communities, public lectures on modern “chemical mining” (as he called it) and the environment, and social critique of the national legislation governing the sector contributed to a consistent set of demands emerging out of local activist groups in San Juan (Interview #15ARBS11; Rodríguez Pardo, 2011, 166-7; also Svampa et al., 2010, 130).

Rodríguez Pardo, in particular, through his lectures and activism, pushed the idea that natural resources should be considered a public trust (*bienes comunes*) and never squandered for private profit (Rodríguez Pardo, 2011, 165). Several of the specific demands listed above were delivered by activist groups directly to the vice-governor of San Juan province in October 2004 (Bottaro et al., 2014, 106), but did not have direct influence on provincial or federal policy, although they entered the critical public discourse on mining and extractivism. The policy image of companies “destroying glaciers” was particularly useful for the advocacy efforts of nationally-based NGOs, that had otherwise been unable to find traction in advocacy efforts against large-scale mining, such as AAAA (*Asociación Argentina de Abogados Ambientalistas*), CEDHA (*Fundación Centro de Derechos Humanos y Ambiente*), FARN (*Fundación Ambiente y Recursos Naturales*), FOCO (*Foro Ciudadano de Participación por la Justicia y los Derechos Humanos*), and Greenpeace (Taillant, 2015, 51; Interviews #7ARBS11, #11ARBS11).

At the provincial political level, the immediate effect of growing activism around the Pascua Lama (and Veladero) projects, was what other authors in this volume have identified as “backsliding”, and what Svampa et al. have described as “repressive and authoritarian policies that criminalize poverty and social protest” (2010, 157). Svampa reported that in late 2007, San Juan passed “criminalization” legislation in response to the protests, which provided for 30 days imprisonment, or community service for those who were “announcing, in public places or places open to the public, inexistent disasters, accidents, or dangers that provoke alarm, in such a way that it could foment unease or fear among the population [Law 7,819, Art. 113]”. As a consequence of this legislation, the leaders of *Madres Jachalleras* were detained by police for displaying protest signs during municipal festivities on 25 July 2007 (Svampa et al., 2010, 162). In addition to discouraging protestors, the law was seen as a way to control journalists (Giovannini et al., 2010, 271).

Other policies introduced by the government of San Juan responded to the resource nationalist and anti-imperialist sentiments that underlay activist critiques of mining (see González, 2016). In immediate response to the social

mobilization in Jáchal, the government insisted on greater local content and employment from Barrick (Interview #28ARSJ12). In 2006, the government of San Juan negotiated changes to the royalty calculation formula with the province's mining companies that significantly increased the government take (González, 2016, 321-2). In 2009, San Juan pioneered a "Trust Fund" policy in which companies voluntarily agreed to contribute to a local infrastructure fund that paid for projects in the municipalities in the impact area, although this "voluntary" agreement was obviously the result of hard bargaining, and was later codified in legislation passed by the provincial congress (Haslam, 2018). This fund massively increased the resources available to municipal governments (Interviews #28ARSJ12, #32ARSJ12; González, 2006), and through providing benefits to impacted communities, undercut mobilization efforts.

At the bureaucratic and administrative level, the enforcement of laws and regulations in San Juan that might have permitted activists to rack-up small victories remained politicized, as did the delivery of social benefits to citizens. San Juan centralized mining-specific environmental impact assessments and approvals within the provincial Ministry of Mining, which was principally concerned with promoting and facilitating mining development in the province (Taillant, 2015, 78). Additionally, the San Juan government exempted mining projects from the broader public consultation processes that were normally included in EIAs (Interview #11ARBS11).

The EIA documents that were submitted by Barrick for the Veladero and Pascua Lama projects were characterized by San Juan glaciologist, Juan Pablo Milana as being very poorly done, in comparison to the EIA submitted previously to Chilean regulators, which had to contend with specific demands from the regulatory agency, CONAMA. According to Milana, the EIA on the Argentine side did not even recognize the existence of glaciers on some maps and only devoting a couple of paragraphs to the issue, in comparison to the 100s of pages about glaciers produced in Chile (Rodríguez Pardo, 2011, 176). Furthermore, the particular nature of mining developments in San Juan province, meant that when deposits were found on provincially-owned "reserves" the state took a stake in the business through its state-owned company IPEEM (*Instituto Provincial de Exploraciones y Explotaciones Mineras*). In that context, this agent of the provincial state "accompanied" the private investor through the regulatory process (Interview #30ARSJ12). Overall, the context was one in which the process for environmental impact assessment offered weak and politicized oversight.

With regards to the plebiscite on mining scheduled by the *Intendente* of Calingasta-Barreal on July 3, 2005, Governor Gioja indicated that the effort was illegal and non-binding since municipalities did not have jurisdiction over the management of natural resources. This culminated in a ruling by the province's Electoral Tribunal that annulled the plebiscite (Rodríguez Pardo, 2011, 89-90; Interview #15ARBS11). Additionally, activists alleged that the Gioja government kept a strong hand on the media, tracking the media for stories critical of mining, and creating an incentive for media owners to toe the line through the

distribution of government advertising contracts (Rodríguez Pardo, 2011, 143, 146; Interviews #7ARBS11, 13ARBS11).

More generally, in a relatively poor province, characterized by political clientelism, in which the state was the principal source of income for the population through public-sector jobs and social transfers, the state was able to influence mobilization through the manipulation of those benefits. For example, in Jáchal, the largest town directly affected by Veladero and Pascua Lama, activist activity that had occurred there in 2004-2005, was quickly demobilized, with only one organized activist group (*Madres Jachalleras*) continuing to function by 2007. In Iglesia, even closer to Veladero and Pascua Lama, social mobilization largely failed to occur (Godfrid 2018). Svampa reports, based on interviews, that fear of losing social benefits from the municipality or province led people to abandon public protest (Svampa et al. 2010, 160). In Calingasta-Barreal, a similar demobilization effort was reported.² Rodríguez Pardo reported that protesters were photographed and identified, and public sector employees were subsequently threatened (Rodríguez Pardo, 2011, 47-8). At public meetings, local Peronist organizers (*punteros*) turned up to threaten and verbally abuse anti-mining presenters (Rodríguez Pardo, 2011, 47-8). A member of the Calingasta *autoconvocados* claimed that the organization was originally 120-150 strong, then dwindled to 4 that came regularly to the assembly – for fear of losing public sector jobs or contracts or benefits (Svampa et al. 2010, 161-2). My own interviews in Barreal collected similar testimonials from former activists (Interview #36ARSJ12). More generally, the ability of companies to effectively attend to the social needs of the population neglected by the state also limited mobilization (Interviews #7ARBS11, #8ARBS11, #13ARBS11, #17ARBS11).

The foundations of institutional change (2006-2011)

Following the initial burst of mobilization in both countries, in the second phase national actors, linked local claims to broader policy proposals to protect glaciers from industrial activity. In Chile, a government commitment to improve the quality of environmental governance, though not directly related to the Pascua Lama case, resulted in new institutions. But relatively weak glacier protection legislation proposed by national NGOs stalled, and instead only minor bureaucratic changes to protect glaciers were made inside key regulatory agencies. Nonetheless, these minor changes were to prove important in the third phase of this analysis, as activists sought to capitalize on new bureaucratic opportunities. In contrast, efforts to obtain glacier protection legislation at the federal level in Argentina succeeded dramatically, producing by 2010, tough conservationist legislation, using broad interpretations of “glacial” and “periglacial” that appeared to protect vast swaths of territory from mining activity. However, as will become apparent in the third phase of the analysis, the legislation proved difficult to effectively implement.

In Chile, at the political level, Cortez and Maillet see the incorporation of national and international allies into the Pascua Lama conflict as precipitating a break between local interests and the technical and political policy-oriented agenda of environmental NGOs (2018, 18). Local activists were primarily interested in the revocation of Pascua Lama's RCA. While, at the national level, the interest was legal and institutional reform. Various efforts were made to draft a glacier law with a prominent role played by environmental NGOs, including *Chile Sustentable*, Terram, Greenpeace y *Chile Ambiente* (Cortez & Maillet, 2018, 18). The legislative option, which had seemed promising ran out of steam. After a number of false starts, the project law was finally pulled from Congress by the Minister of the Environment at the end of June, 2018 (Mining Press, 2018).

Nonetheless, the Bachelet government also passed a suite of legislation that created a new institutional framework for environmental policy and management in 2010. In this case, the link to the Pascua Lama conflict is less clear. Although the government was responding to long-standing civil society demands (expressed in the Chagual Accord), there was also international pressure for institutional reform from an OECD report, *Desempeño ambiental de Chile* (2005), that criticized Chile for its lack of credible environmental regulation. In response, an institutional reform in 2010 created the Ministry of the Environment and the Superintendency of the Environment (*Superintendencia del Medio Ambiente, SMA*), with the latter becoming operational on 28 November 2012. The SMA had the power to sanction companies for non-compliance with environmental standards and regulations, with fines and even mine closure. At the time of its entry into operation, the SMA remained a relatively small institution with only 90 employees (Interview #70CLSA13). The reforms also replaced CONAMA, which had been responsible for the environmental impact assessment of investment projects, with the *Servicio de Evaluación Ambiental* (SEA), and created a system of environmental tribunals (Interview #74CLSA13).

Despite the failure to significantly advance with a glacier law during this period, at the bureaucratic level, social mobilization prompted the government to create a Glaciology Unit in the DGA (Cortez & Maillet, 2018). This unit “commissioned a national glacier strategy and impact evaluation manual” and its creation led to a case-by-case review of impacts on glaciers (Barandiarán, 2018, 152; also Taillant, 2015, 66). Additionally, the Bachelet reforms to CONAMA added the requirement of “specific glacier-focused environmental impact studies for projects in glaciated areas” (Taillant, 2015, 66). More generally, regulatory agencies, charged with inspecting the Pascua Lama project, showed a willingness to sanction the company. As early as 2010, Urkidi noted that incipient activism of the bureaucracy was contributing to “continuing delay” of the project (Urkidi, 2010, 225). Although the sanctions were few in this period, they began to lay the foundation for a more active role by regulatory agencies after 2011 (Li, 2016, 6; Muñoz, 2016, 171-2; Aguilar Cavallo, 2013, 241-2).

In Argentina, at the political level the influence of social movements on the policy process quickly diverged at the provincial and federal levels. At the provincial level, sporadic mobilization continued, supported by the provincial, national and international networks of the UAC – including deepening ties with Chilean activists in Santiago and the Huasco Valley brokered by OLCA in Santiago.³ But the heavy hand of the provincial state kept the political opportunities for policy influence firmly closed at the municipal and provincial levels – especially in the flashpoint communities of Jáchal and Calingasta-Barreal. However, in 2006, political opportunities opened at the federal level with the appointment of activist and CEDHA founder, Romina Picolotti, as Secretary of the Environment. From Taillant’s (2015) accounting, Picolotti had been aware of anti-mining social movements from her activist days before entering government and was looking for a way to address the environmental impacts of mining and gain federal jurisdiction over the issue. A San Juan-based NGO *Fundación Ciudadanos Independientes* (FuCI), introduced Picolotti to the problem of mining impacts on glaciers in September 2006, who recognized it as a trans-provincial boundary problem, permitting federal jurisdiction (Taillant, 2015, 5-9, 58; also Bottaro et al., 2014, p.107). In this regard, the San Juan activists and scientists involved with FuCI had a direct impact on shaping the national agenda of glacier protection.

However, the trajectory of the glacier protection legislation at the federal level was almost immediately divorced from the mobilization efforts of San Juan activists, as it became the key initiative of Picolotti. Draft legislation was provided independently by congresswoman Marta Maffei (Bonasso, 2011, 375), based on the Chilean draft written by *Chile Sustentable*, with scientific and technical input from the Argentine Institute for Snow Research, Glaciology, and Environmental Sciences (IANIGLA, *Instituto Argentino de Niviología, Glaciología y Ciencias Ambientales*). Picolotti supported the Maffei draft in Congress and insisted that the federal Environmental Secretariat be the “implementing authority” (instead of the provinces) and was willing to allocate a budget to key obligations such as conducting a glacier inventory, in order to ensure there was real enforcement of the law (Taillant, 2015, 74). The bill took a strong conservationist tone (Taillant, 2015, 68-70), and was consistent with activist demands, but only San Juan glaciologists involved in these groups had direct input on the legislation.

On 11 November 2008, the first version of the Glacier Law was vetoed by Cristina Kirchner because, by protecting periglacial (permafrost) environments, it clearly implied a major conflict of interest with several big mining projects coming on stream, including Pascua Lama, and the provincial administrations that stood to benefit from them. Picolotti, and others speculated that Barrick had intervened with the president to make her aware of the issues (Taillant, 2015, 147, 173; Bonasso, 2011, 299). The president’s veto was known popularly in Argentina as the “Barrick veto”, and immediately nationalized the issue of mining impacts on glaciers (Taillant, 2015, 143). A second version of the legislation was debated between 2008 and 2010, eventually resulting in another

conservationist bill (Law 26,639), despite pro-mining pressure from the governing Peronists and government of San Juan, and with the only concessions to the mining industry being that power to sanction was to rest with the provinces (Bonasso, 2011, 397, 417-20; Taillant, 2015, 196).

The second version of the glacier law also had major implications for the provinces, and insofar as it affected mining, it was viewed as a federal encroachment in an area of provincial jurisdiction. For provinces with mining projects in the Andes, it meant “a practical ban above 3,500 meters” (Taillant, 2015, 284). In San Juan, where by 2014, mining accounted for 6.5 per cent of provincial GDP, equal to agriculture, and over 75 per cent of exports by value (González, 2015, 319-20), it threatened major projects in the pipeline such as Pascua Lama and therefore the provincial government’s economic development strategy. As a result, provinces responded by issuing their own glacier laws to assert provincial jurisdiction, many of which were compatible with the spirit of the federal legislation, but in San Juan and the Northwest (Catamarca, Jujuy, La Rioja, Salta, all introduced and passed in July-August 2010), the legislation was designed to preempt the federal law and allow mining to continue (Taillant, 2015, 192-3).⁴

Following the passage of the federal glacier law, the challenge for activists became one of implementation. IANIGLA emerged as the key bureaucratic actor after passage of the glacier law, which was to collaborate with the provinces in conducting an inventory of existing glaciers. Taillant recognized the challenges for implementation, especially in San Juan: “Neither the federal nor the provincial governments wanted this law, nor did they want to implement it” (Taillant, 2015, 233). Early implementation of the inventory seemed to progress well, but when San Juan published the draft inventory of some 2,500 glaciers in December 2010, the province did so without providing the coordinates necessary to locate them, assess their proximity to mining projects, and effectively ensure their protection, meaning that “the glacier inventory of San Juan was a sham” (Taillant, 2015, 287).

New rules, new opportunities (2012-2018)

In Chile, the foundations of institutional change that had been laid in the 2005-2011 period, both new environmental institutions, and more vigorous bureaucratic enforcement of the regulations, created a scenario in which the courts and regulatory institutions were more responsive to activist claims about corporate malfeasance. In Argentina, however, the implementation of the glacier law remained stalled, while politicized enforcement and the demobilization efforts of the provincial government, prevented local activist organizations from attaining influence. Local and national organizations focused their efforts on legal challenges to the failure to implement the legislation. In Chile, progress on a glacier law appeared to take a big step forward in 2014, when a newly elected multi-party “glacier bench” proposed draft legislation supported by technical advice from a number of state agencies, business associations and national NGOs such

as *Chile Sustentable*, Terram and Greenpeace, and although initially receptive, the Bachelet government later “substituted” its own weaker version, which continued to permit mining in the vicinity of glaciers (Cortez & Mailliet, 2018, 19-20). Cortez and Mailliet observe that by this time, the “promotional coalition” behind the legislation had few ties to local organizations in the Huasco Valley (2018, 20; Interview #101CLVA13). The legislative route was formally abandoned in late June 2018, when the draft legislation was pulled by Sebastián Piñera’s Minister of the Environment, although independent initiatives continued to circulate in Congress (Mining Press, 2018).

By far the most significant consequences of activist mobilization to this point had been in the bureaucratic sphere, where new rules, new attitudes to the implementation of those rules, and a new institutional structure allowed activists to deploy a novel and effective strategy. Here we see a recursive effect, where early achievements changed the political opportunity structure sufficiently to amplify later efforts. Firstly, the courts proved willing to uphold the right of regulatory agencies, particularly the SMA, to sanction Barrick for non-compliance with the obligations assumed in the RCA of 2006. In September 2013, the Supreme Court upheld the temporary closure of the mine until the completion of environmental mitigation measures, issued by the SMA in May, as *Resolución Externa* No.477 (Muñoz 2016, 139-140). In March 2014, The Environmental Tribunal ruled that RE No.477 was incomplete and ordered the SMA to reopen the sanctioning process – which culminated in the closure of the project in 2018. Secondly, the courts were willing to hear complaints related to the alleged violation of indigenous rights, particularly to consultation on investment projects, that emerged after the Chilean state recognized the Diaguita in 2006 and implemented ILO 169 in 2009 (Aguilar Cavallo 2013, 238). In 2007, A Santiago-based NGO, *Observatorio Ciudadano*, supported indigenous communities in a complaint to the Inter-American Commission of Human Rights alleging non-respect of traditional rights (Urkidi & Walter, 2011, 688-9; Interview #18CLSA11). While a case brought by Diaguita organizations, in parallel to the sanctioning process described above, resulted in a court order to suspend operations at the mine in April 2013 (Aguilar Cavallo 2013, 242-3; Gajardo 2014).

In this context, local activists devoted themselves to “participatory or activist monitoring (*fiscalización activista*)” – accumulating evidence of wrongdoing. While attempts to use institutional mechanisms to leverage claims of damage had failed in the past, activists “understood that it was the moment to use the judicial and administrative institutions” (Muñoz, 2016, 201). Muñoz writes that the institutional path taken by the opposition in the Huasco Valley was facilitated by the errors and negligence of the company, that found itself violating the letter and spirit of the permissions it had obtained from Chilean regulators (Muñoz, 2016, 111). Activists pursued a double strategy of monitoring the firm and using every available institutional avenue to report non-compliance, and actively pressuring the regulatory institutions of the state to be more responsive, in part directly, and in part through public opinion (Muñoz, 2016, 111, 113). For example,

a compendium of administrative sanctions applied against Barrick Gold, since the initiation of the project identified two levied in 2007-2011; but six between 2012 and 2014, (Muñoz, 2016, 192-4; also see Li, 2016, 7).

The view from inside the bureaucracy supports this interpretation. The SMA made headlines by taking on Barrick Gold's Pascua Lama project in its first ruling after becoming operational. A manager at the SMA explicitly viewed the institution's sanctioning of the Pascua Lama project as an "achievement" that sent a message that the "open negligence" that characterized the company's non-compliance with its own environmental impact assessment was unacceptable. The ruling also sent broader messages to companies about the need for cultural change in attitudes towards compliance with environmental standards and regulations; and to the government, that it ought to increase regulatory oversight (Interview #74CLSA13). As one observer put it, "[Companies] still have the idea that it will be possible to solve a problem extra-judicially, with a conversation with the authorities" (Interview #71CLSA13). Faced with this historic ruling, community representatives continued to send complaints to the SMA, that alleged ongoing violation of the RCA, and contested Resolution No. 477 before the Second Environmental Tribunal as *failing to adequately sanction* the company (Muñoz, 2016, 119). Subsequently, the SMA was required to reopen the sanctioning process, and confronted with more evidence of ongoing violations by provided by activist monitoring (Muñoz, 2016, 122-4), definitively closed the project on 17 January 2018.

Following the passage of the 2010 Glacier Law in Argentina, activist organizations at both the local and national levels increasingly oriented their struggles towards the courts. Activists pursued a strategy that sought court rulings in favour of immediate implementation of the legislation, as well as prosecution of those who had sought to subvert the implementation of the law. Legalization was a response to the federal-provincial division of powers which fed, at both levels of government, a legal rationale for inaction, and when actions were taken, what appeared to activists to be deliberate efforts to obfuscate full and effective implementation of the law.

As discussed above, neither the federal, nor the provincial authorities in San Juan province wanted to implement the Glacier Law. Immediately after the law was passed, its application to San Juan was suspended by a federal circuit judge responding to a case brought by the mine-workers union and Barrick Gold. Ultimately the Supreme Court on July 3, 2012 ruled that the law should be in "full force and effect", finding that the national law prevailed over provincial glacier laws, and struck down the earlier injunction (Bonasso, 2011, 434; Khadim, 2016, 70; Taillant, 2015, 235). Subsequently, federal judge Sebastián Casanello leveraged a case that had originated in a complaint by the local activist group *Jáchal No Se Toca* about a cyanide spill at the Veladero mine in 2015 into a broader investigation into the failure to apply the Glacier Law. A subsequent uncontrolled discharge of acid water from the trans-Andean tunnel at the Pascua Lama

site, which suggested to activists that the site occupied a protected periglacial environment, enabled Casanello to link environmental pollution with non-implementation of the Glacier Law. As a result, Casanello indicted several bureaucrats, including Ricardo Villalba, the former Director of the glacier agency IANIGLA with failing to uphold the legislation (Mining Press/ Infobae, 2017).

As of the time of writing, however, neither process had resulted in the implementation of the Glacier Law in San Juan. In the bureaucratic sphere, the glacier inventory of 16,968 glaciers officially published by IANIGLA in May 2018 established clear no-go zones for mining across the Argentine Andes. Despite the technical achievement of the inventory, IANIGLA and its director faced immediate criticism for limiting the size of glaciers included to 1 hectare, which excluded one of the small glaciers on the edge of the proposed Pascua Lama pit from official protection (CEDHA, 2018). It was also impossible to implement the law without the completion of the Inventory, which, as released did not define the coordinates periglacial zones. The requirement of the legislation that impact studies be conducted on priority zones where mines or mining projects were currently being developed was never applied (Taillant, 17 May 2018). Additionally, the Ministry of the Environment did not enforce the law, nor did it inform the provinces that they were responsible for doing so until September 2015 (Mining Press/ Infobae, 2017).

Whether the publication of the Glacier Inventory will give added impetus to legal efforts to force application of the law on unwilling governments remains unclear. The administration of Mauricio Macri (2015-present), together with the mining provinces, has begun to explore how to limit the application of the law in its most contentious aspects, particularly its protection of periglacial areas. However, the uncertainty created by the law, if not the law itself, was perceived to have caused a major slowdown of mining investments, and stoked fears in government that major infrastructure projects such as hydroelectric dams, and the planned cross-Andes tunnel could also be affected (*La Nación*, 2017). In this regard, the legal uncertainty created by the Glacier Law, despite the failure (and unwillingness) of the federal and provincial governments to implement it, continued to be functional for anti-mining activist strategies.

Conclusion

The unique characteristics of the Pascua Lama project make it a perfect case to examine the interaction between mobilization and institutions. On both sides, local activists were directly influential in shaping a “policy image” that framed debates about the impact of mining on local livelihoods and glaciers. But, the apparent “success” of Argentina in passing the world’s first glacier protection legislation was, in fact, a failure in terms of its real effects. In contrast, Chile’s failure to pass glacier protection legislation, belied important successes for activists that eventually halted the Pascua Lama project. The difference between

the two sides of Pascua Lama is principally found in the effectiveness of iterated feedback loops between mobilization and policy outcomes.

It is important to make the distinction between policy outcomes (implementation of policies), and policy outputs (policies) as it is the former that are most likely to have a substantive effect (Jenkins-Smith et al., 2018, p. 143; Tosun & Workman, 2018, 338). Mobilization may influence *policy outputs*, but these outputs do not necessarily translate into effective governance – as was the case in Argentina. In that country, due to the nature of federalism and overall institutional weakness, legislative success was a blind alley that did not create regulatory oversight over the contentious projects in San Juan, or increase the leverage of local activists. As a project of national environmental organizations and federal politicians, it was developed independently from any negotiation with the provincial authorities that had vested interests in the matter, and the bet that it could be implemented over the head of these governments had not borne fruit at the time of this writing.

In contrast, *policy outcomes* are nested within social political and institutional feedback loops that change the context for social actors seeking additional change (Mettler & SoRelle, 2018, 103). Policy feedback, even through relatively minor changes “in administrative rules, budgetary allocations, statutory interpretation, and revision” (Jenkins-Smith, 2018, 145) can affect the capacity and efficacy of institutions, legitimacy of governmental or private sector practices, the legal standing of would-be stakeholders, subjective interpretations of citizen rights and obligations, and the resources available to advocacy groups (Mettler & SoRelle, 2018, 116-121). This is what happened in Chile, despite the failure of the glacier legislation. The reform of the environmental licensing system in 2010, implied changes that affected and enhanced the direct relationship between activists and the environmental bureaucracy. Increased activist scrutiny had already made CONAMA more responsive, while the reform increased its successor’s commitment to regulate and sanction. In this context, activists were able to adapt their strategy to monitoring compliance with Pascua Lama’s RCA, and were able to directly influence important bureaucratic outcomes, namely the definitive closure of the project.

The study underlines the importance of feedback loops between substantive (even small) policy outcomes, and the importance of rule of law and state capacity at the bureaucratic (implementation) stage. In the best-case scenario for activists, mobilization influences policy reform at the national level, which has effective outcomes at the regulatory level, enhancing the ability of activists to have direct influence. In the worst-case scenario, a disconnect between mobilization, policy and regulation or implementation, means that at the same time as local activists lose influence to national actors over the direction of a policy reform, they are unable to use that policy reform to enhance their influence at the local level.

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Notes

1. The UAC changed its name to the *Unión de Asambleas de Comunidades* in 2017/18.
2. Calingasta-Barreal was not in the Pascua Lama impact zone, but faced a similar project by Glencore-Xstrata called El Pachón, and a smaller mine by Troy Resources, Casposo.
3. OLCA organized a visit by Javier Rodríguez Pardo to the Huasco Valley in November 2004. In November 2006, Rodríguez Pardo participated in a public “mock trial” of Barrick Gold held at the II Foro Social Chile, which served as a model for the UAC-sponsored trial of Barrick held in Chilecito, La Rioja (Rodríguez Pardo 2011, 107, 150-1).
4. Taillant writes, “The public understood that the provincial glacier law initiatives ... were a direct result of the provincial executives’ alignment with mining interests, and in the case of San Juan, directly with Barrick Gold.” (2015, 193).

Interviews

Code	Date	Organization	Interviewee Level	Location
<i>Argentina</i>				
#7ARBS11	08 08 2011	Greenpeace	Campaign Coordinator	Bs.As.
#8ARBS11	09 08 2011	Héctor Colón, Dirección Desarrollo Minero, UN Program	Director	Bs.As.
#11ARBS11	15 08 2011	FARN (Fundación Ambiente y Recursos Nacionales)	Director	Bs.As.
#13ARBS11	18 08 2011	FOCO (Foro Ciudadano de Participación por la Justicia y los Derechos Humanos)	Militants	Bs.As.
#15ARBS11	22 08 2011	Javier Rodríguez Pardo, RENACE, UAC	Founder	Bs.As.
#17ARBS11	23 08 2011	Defensoría del Pueblo, Government of Argentina	Researcher	Bs.As.
#28ARSJ12	27 11 2012	Felipe Saavedra, Ministerio de Minería, San Juan	Minister	San Juan
#30ARSJ12	28 11 2012	IPEEM (Instituto Provincial de Exploraciones y Explotaciones Mineras)	Executive	San Juan
#32ARSJ12	29 11 2012	Roberto Garcés, Municipality of Calingasta, San Juan	Intendente	San Juan
#34ARSJ12	01 12 2012	Municipality of Calingasta, San Juan	Political	San Juan
#35ARSJ12	01 12 2012	Autoconvocados de Calingasta	Militants	San Juan
#36ARSJ12	03 12 2012	Barrick Gold	Managers	San Juan
<i>Chile</i>				
#18CLSA11	02 11 2011	Observatorio Ciudadano	Executive	Santiago
#23CLSA11	04 11 2011	OLCA (Observatorio Latinoamericano de Conflictos Ambientales)	Executive	Santiago
#59CLSA13	08 04 2013	Barrick Sudamérica	Managers	Santiago
#70CLSA13	01 07 2013	Servicio de Evaluación Ambiental, Government of Chile	Head of Department	Santiago
#73CLVP13	03 07 2013	Andrea Molina Oliva, UDI (Unión Demócrata Independiente)	Congresswoman	Valparaiso
#74CLSA13	04 07 2013	Superintendencia del Medio Ambiente, Government of Chile	Manager	Santiago
#97CLSA	05 08 2013	Junta de Vigilancia de Riego del Río de Huasco	Executive	Santiago
#98CLVA	06 08 2013	Barrick Gold	CSR Team	Vallenar
#99CLVA	06 08 2013	Barrick Gold	CSR Team	Vallenar
#100CLVA	06 08 2013	Municipality of Vallenar	Councillor	Vallenar
#101CLVA	06 08 2013	Consejo Defensa del Valle Huasco	Board member	Vallenar

Code	Date	Organization	Interviewee Level	Location
#102CLAC	07 08 2013	Municipality Alto del Carmen	Representative	Alto del Carmen

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