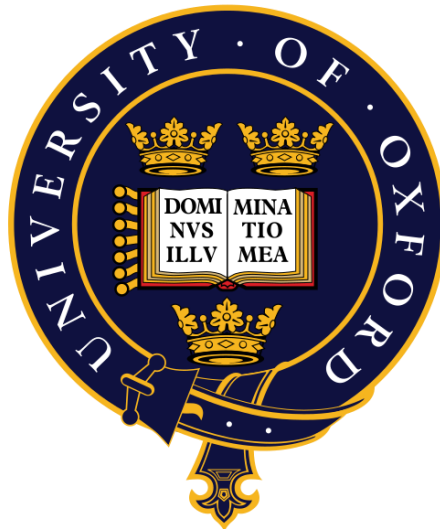


Power, Fragility and Corporate Social Responsibility

An ethnography of a mining corporation in Colombia



Anneloes Hoff

St Antony's College

Centre for Socio-Legal Studies, Faculty of Law
University of Oxford

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Abstract

This thesis is an ethnography of multinational gold mining corporation AngloGold Ashanti in Colombia (AGAC). It examines how a corporation engages with the norms and ideas of corporate social responsibility (CSR) and the role these play in the company's response to mining resistance. A multi-sited ethnography, it follows the company's CSR practices from its headquarters in Bogotá to its project sites in the departments of Tolima and Antioquia. Based on fieldwork with AGAC as well as anti-mining activists, it provides a unique account of the polarised dynamics surrounding AGAC's activities in Colombia. The first part of the thesis describes AGAC's arrival in Colombia and the establishment and evolution of its CSR programmes, against the background of an emerging anti-mining movement which targeted its principal project, 'La Colosa'. The second part focuses on the anti-mining movement's mobilisation of the legal mechanism of *consulta popular* as a means to ban mining, which contributed to the indefinite suspension of La Colosa.

This thesis challenges the monolithic image of corporate omnipotence and impenetrability by uncovering frictions and contradictions characteristic of the inner workings of a corporation. Examining the dynamics between AGAC and its opponents, it highlights the anti-mining movement's capacity to control the terms of the public debate on mining, thereby revealing the vulnerability of the corporation in the discursive domain. It argues a need to nuance common critiques of CSR which suggest that corporations are simply able to appropriate the discursive power of their opponents to their own ends. Adopting CSR narratives, the thesis shows, did not appear to strengthen the company's position in the Colombian mining debate. Nevertheless, CSR's discursive power was visible inside the company, where it helped shape the beliefs and convictions of employees, who zealously defended the corporation in the face of resistance.

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Abbreviations

ACM	<i>Asociación Colombiana de Minería</i> [Colombian Mining Association]
ACP	<i>Asociación Colombiana de Petróleo</i> [Colombian Oil Association]
AGA	AngloGold Ashanti Limited
AGAC	AngloGold Ashanti Colombia S.A. [<i>Sociedad Anónima</i> , Colombian equivalent to public limited company]
ANDI	<i>Asociación Nacional de Empresarios de Colombia</i> [National Business Association of Colombia]
ANLA	<i>Autoridad Nacional de Licencias Ambientales</i> [National Environmental Licensing Authority]
ANM	<i>Agencia Nacional Minera</i> [National Mining Agency]
Apacra	<i>Asociación de Productores Agroecológico de la Cuenca del Rio Anaime</i> [Agro-Ecological Producers Association of the Anaime River Basin]
Aprominca	<i>Asociación para la Promoción de la Minería Responsable en Cajamarca</i> [Association for the Promotion of Responsible Mining in Cajamarca]
AUC	<i>Autodefensas Unidas de Colombia</i> [United Self-Defence Forces of Colombia]
BVI	British Virgin Islands
CAR	<i>Corporación Autónoma Regional</i> ['Regional Autonomous Corporation', regional environmental agency]
CME	<i>Comité Minero-Energético de Seguridad y Derechos Humanos</i> [Mining and Energy Committee on Security and Human Rights]
Corsae	<i>Comité de Responsabilidad Social Ambiental y Empresarial</i> [Committee for Social, Environmental and Corporate Responsibility]
Cosajuca	<i>Colectivo Socio-Ambiental Juvenil de Cajamarca</i> [Socio-Environmental Youth Collective of Cajamarca]
CSR	Corporate Social Responsibility
Dejusticia	<i>Centro de Estudios de Derecho, Justicia y Sociedad</i> [Centre for the Study of Law, Justice and Society]
Ecotierra	<i>Emprendedores por la Ecología y la Tierra</i> [Entrepreneurs for the Ecology and the Earth]
EITI	Extractive Industries Transparency Initiative
EIA	<i>Estudio de Impacto Ambiental</i> [Environmental Impact Study]
ELN	<i>Ejército de Liberación Nacional</i> [National Liberation Army]
EOT	<i>Esquema de Ordenamiento Territorial</i> ['Territorial Planning Scheme', municipal land use plan]
EPL	<i>Ejército Popular de Liberación</i> [Popular Liberation Army]

FARC-EP	<i>Fuerzas Armadas Revolucionarias de Colombia—Ejército del Pueblo</i> [Revolutionary Armed Forces of Colombia—People’s Army]
FPIC	Free, Prior and Informed Consent
GRI	Global Reporting Initiative
HRDD	Human Rights Due Diligence
INCORA	<i>Instituto Colombiano de la Reforma Agraria</i> [Colombian Institute for Agrarian Reform]
Ingeominas	<i>Instituto Nacional de Investigaciones Geológico-Mineras</i> [National Institute of Geological and Mining Research]
ISO	International Standardisation Organisation
JAC	<i>Junta de Acción Comunal</i> [Community Action Council]
M-19	<i>Movimiento 19 de Abril</i> [19th of April Movement]
MAIS	<i>Movimiento Alternativo Indígena y Social</i> [Alternative Indigenous and Social Movement]
MOE	<i>Misión de Observación Electoral</i> [Electoral Observation Mission]
OCMAL	<i>Observatorio de Conflictos Mineros de América Latina</i> [Observatory of Mining Conflicts in Latin America]
OECD	Organisation for Economic Co-operation and Development
Osada	<i>Organizaciones Sociales del Cañón de Anaime</i> [Social Organisations of the Anaime Canyon]
PFS	Pre-Feasibility Study
PINES	<i>Proyectos de Interés Nacional Estratégico</i> [Projects of National and Strategic Interest]
PMA	<i>Plan de Manejo Ambiental</i> [Environmental Management Plan]
PPE	Personal Protective Equipment
PTO	<i>Programa de Trabajos y Obras</i> [Construction and Work Programme]
Siso	<i>Seguridad Industrial y Salud Ocupacional</i> [Industrial Safety and Occupational Health]
UNGPs	United Nations Guiding Principles on Business and Human Rights
Usocoello	<i>Asociación de Usuarios del Distrito de Adecuación de Tierras de los Ríos Coello y Cucuana</i> [User Association of the Irrigation District of the Coello and Cucuana Rivers]
VPs	Voluntary Principles on Security and Human Rights

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Introduction

Sunday afternoon, 27 March 2017. A large crowd has gathered in a central street of Cajamarca, a small town located amidst the steep green mountains of the Central Cordillera of the Colombian Andes. I find myself surrounded by people wearing white sombreros – a symbol of peasant culture, which they have made into a trademark of their opposition to mining. Anticipation fills the air as we await the results of a municipal referendum [*consulta popular*] in which they cast their votes earlier that day, many travelling down from the remote rural areas where they live and farm. The *consulta* asked whether the people of Cajamarca agreed with mining activities in their municipality and was the result of many years of determined anti-mining activism in the region. In 2006, South African gold mining corporation AngloGold Ashanti discovered a gold deposit near Cajamarca which, analysts and speculators claimed, could become Latin America's largest gold mine. Since then, the company has invested considerable amounts of money and effort in community engagement and local development projects. It has forged alliances with some groups in the town, but has also elicited significant opposition. A vociferous regional anti-mining movement has emerged in response to the project, seeking to defend 'water', 'life' and 'territory', to which it considered mining poses a threat.

A leader of the anti-mining movement takes a microphone to share the results. 'Of the 6,296 votes cast in the *consulta*,' he announces, holding up a piece of paper with the referendum outcome, 'for the "no", 97.9 per cent, 6,165 votes.' The crowd bursts into loud cheers and starts chanting: '*¡Sí, se pudo! Sí, se pudo!*' ['Yes, we did it!']. A month later, against the expectations of many, the mining company announced that it would suspend its project in Cajamarca. Its official press release stated that the company 'accepted the results of the *consulta popular*' and 'respected

and accepted the position expressed by the community' (AGAC 2017a).¹ At the time of submitting this thesis, the project remains suspended.

Over the past thirty years, mining investment in Latin America has grown substantially. The rising demand for minerals, in particular by emerging markets such as China and India, has driven up commodity prices on the global market, and technological developments in the mining industry have enabled the unearthing of deposits that were previously not accessible or profitable, leading the mining frontier to expand into areas that were once considered too difficult or dangerous to invest in (Bebbington et al. 2008, 2018; Bridge 2004). All this took place against the backdrop of the globalisation of capital and corporations.

The Latin American mining boom was driven by neoliberal legal and fiscal reforms during the 1990s. These followed the Washington Consensus, the dominant policy paradigm which international financial institutions such as the World Bank and the International Monetary Fund promoted for countries in the Global South. Its prescriptions included trade liberalisation, promotion of foreign direct investment (FDI), deregulation, privatisation, fiscal discipline and tax reform (Williamson 2003). As part of these reforms, many Latin American states introduced new mining laws, seeking to increase FDI in their mining sectors (Bridge 2004; Bury and Bebbington 2013; Hogenboom 2012). Three decades later, the view that the promotion of the extractive industries will accelerate economic development, which scholars have termed 'extractivism' (Svampa 2013), 'neo-extractivism' (Acosta 2013), or the 'extractive imperative' (Arsel et al. 2016), continues to hold currency for many Latin American governments (Bebbington et al. 2018). Mining represents a crucial source of government income in what may be regarded as 'a common regional narrative of extraction' (Li 2015:232).

¹ A variety of reasons motivated the company's decision to suspend its project, which I discuss in detail in Chapter 7. The official reason the project remains under 'force majeure' is that the environmental agency has not granted the company the environmental permits required to carry out its exploration activities in Cajamarca.

The expansion of the mining frontier has produced new forms of protest and conflict. These mining protests articulate a range of interrelated concerns about the environment, human rights, land, livelihood and territorial autonomy, in addition to long-standing causes of protest such as labour conditions and wealth distribution (Bebbington et al. 2008; Kirsch 2014). Central are contestations over the meaning of development (see Escobar 1995). The actors involved tend to assume a more hostile position towards mining activity, arguing that mining should not take place at all, or be banned in a particular place. In Latin America, such mining resistance is widespread. By September 2020, the Observatory of Mining Conflicts in Latin America (OCMAL), a coalition of Latin American environmental justice organisations which tracks ‘mining conflicts’ [*conflictos mineros*], reported 277 on-going conflicts across the continent (OCMAL n.d.-a). In the most extreme cases, these have resulted in the killing of environmental defenders (Global Witness 2020). The events I described in the introductory vignette were unique fieldwork experiences, but far from a unique phenomenon. The slogans on protest signs carried around Cajamarca – ‘*sí a la vida, no a la mina!*’ [yes to life, no to mining!], ‘*el agua vale más que el oro*’ [water is worth more than gold] – can be heard in many parts of rural Latin America. Even the use of a referendum as a mechanism of mining resistance has many parallels in the region, although their legal ramifications differ. Mining conflicts in Guatemala, Argentina, Ecuador and Peru have all seen the use of anti-mining referenda (OCMAL n.d.-b; Walter and Urkidi 2017).

Mining resistance may be seen as a counter-movement against the environmentally and socially deleterious consequences of resource extraction. Contemporary industrial mining typically involves large-scale, capital-intensive ‘megaprojects’ [*megaproyectos*], often requiring the excavation of large amounts of soil and rock, the use of large quantities of water to process the ore, and the construction of extensive facilities for the storage of hazardous waste. It is linked to forest and biodiversity loss, primarily because resource extraction requires infrastructure development to meet its access and energy demands, which in turn increases the demand for minerals (Bebbington et al. 2018). Infrastructure development also enables the expansion of the agricultural frontier into forest areas, accelerating deforestation (ibid.). Although improved

environmental management practices have made mining operations safer and less polluting, the industry is inherently extractive. Benson and Kirsch characterise it as a 'harm industry', 'predicated on' environmentally harmful practices (2010a:462). Gamu and Dauvergne note the industry's 'innate tendency' to cause 'slow violence' (2018:961). This term, introduced by literary critic Nixon, describes slowly unfolding environmental catastrophes, such as climate change, the thawing of the Arctic and Antarctic, deforestation, and the radioactive aftermaths of wars. This 'delayed destruction that is dispersed across time and space' (Nixon 2011:2) lacks immediacy and spectacle, but is no less devastating than disasters with a greater sense of urgency. The environmental harm caused by mining practices is typically incremental and only visible after a long period of time, and it affects areas far beyond the direct surroundings of the mine, for instance through water and soil degradation (Kirsch 2014).

Slow violence disproportionally affects communities on the peripheries (Nixon 2011). This has given rise to an 'environmentalism of the poor': the defence of the environment by marginalised 'poor' people, often indigenous communities, who do not necessarily label themselves environmentalists and whose livelihoods are particularly vulnerable to environmental degradation (Guha and Martínez-Alier 1997; Martínez-Alier 2002). The term is also used in activist circles, although many consider the term 'poor' to be derogatory and prefer to speak of an 'environmentalism of the people' [*ecologismo popular*] (Martínez-Alier et al. 2014:24). Anti-mining activism often works through 'transnational advocacy networks', which link these marginalised communities and grassroots movements to national and international NGOs, the media, churches, trade unions, lawyers and other experts. This provides local contestations over land and livelihoods with more resources, expertise and international recognition (Keck and Sikkink 1998; Tsing 2005). Social media further extends their visibility. Stuart Kirsch (2014), in his ethnography of the campaign against the Ok Tedi mine in Papua New Guinea, refers to these alliances as using the 'politics of space'. This, he argues, enabled the campaign to mobilise support, gain recognition and foster debate. Ultimately, however, it could not prevent the mine's substantial environmental damage, because of the time it took to signal the problem and rally the

support required to intervene. Mining corporations, Kirsch argues, are able to ‘manipulate’ the ‘politics of time’ by extending the ‘latency period between the onset of mining and public recognition of the project’s long-term environmental impacts’ (2014:191). A ‘more hopeful political turn’, he considers, lies in activists’ use of this ‘politics of time’ by shifting the focus in anti-mining activism to the period before a project is operational (ibid.:191). Social movements rarely have the power to stop a mine after it has started producing, but their influence may be more substantial when a project is still raising the necessary capital or awaiting government licensing.

Whereas the processes by which local communities and social movements resist mining expansion and seek to challenge corporate power have been studied extensively, the ways in which corporations respond when their power is challenged remain underexamined. As Welker notes, ‘for all the anthropological attention to how indigenous-environmental networks form, operate and alter over time, anthropologists have had surprisingly little to say about the cultural form and substance of capitalist counterstrategies’ (2006:289). How do mining corporations make sense of the opposition to their activities? How do they respond to resistance movements, in particular to new social movements using the ‘politics of time’ to challenge the plans of mining corporations before their realisation? In this thesis, I contribute to the literature on mining conflicts through an ethnographic focus on the corporation. I use AngloGold Ashanti Colombia (AGAC), the Colombian subsidiary of Johannesburg-based multinational AngloGold Ashanti, as a case study through which I explore the corporate response to resistance, in particular, resistance based on the ‘politics of time’. By exploring the ways in which a corporation responds to opposition, I aim to shed light on the workings of corporate power in practice.

My ethnography explores AGAC’s contested efforts to advance three mining projects in the Colombian Andes. For almost a year, I immersed myself in the daily life of the company, from its Bogotá headquarters to the exploration projects in small towns in the departments of Tolima and Antioquia. I was based in the company’s social team, which allowed first-hand observation of the

day-to-day practices of the people in charge of community, government and public relations. This provided me with an insight into the discussions, discourses and dynamics inside the corporation, and the way the company presents itself—in the micro-politics of corporate-community relations as well as the heated national-level public debate in Colombia. In this introduction, I discuss the central questions that undergird my research in relation to the anthropological scholarship on corporations, mining, and corporate social responsibility. In the second half, I reflect on the methodological and ethical challenges of conducting ethnographic research inside corporations.

The anthropology of corporations

Most anthropological work on the relations between the mining industry and its social environment focuses on local communities affected by mining activities and social movements resisting mining expansion. While these studies present complex accounts of these communities and movements, they tend to depict corporations in a monolithic way. Ballard and Banks consider that anthropologists have preferred to focus on what they refer to as the ‘more familiar “exotic”’ (2003:290), such as local communities living near mining sites, instead of the less familiar (but arguably no less ‘exotic’) mining corporations. As a result, they note, ‘the figure of “the mining company” lurks monolithically and often menacingly in the background of many anthropological accounts of communities affected by mining operations’ (ibid.).

Anthropologists commonly portray the corporation as a powerful and harmful vehicle of capital, driven by a persistent and consistent logic of maximising profit and shareholder value, at the expense of local communities and the environment. This image dovetails with the depictions of the corporation found in many popular and activist accounts (e.g. Achbar et al. 2003). While profit maximisation can certainly not be denied as a motivation for corporate action, using it as a logic to explain how corporations act overlooks the intricate internal dynamics and the complex inner workings of corporations in practice. In the words of Ballard and Banks:

[T]he dynamics of the corporations involved in mining are often at least as complex, revealing, and challenging as those of governments or local communities. Closer attention to the internal structure and politics of mining corporations has the potential to offer rich

insight into the anthropology of multinational capital and its global processes and local entanglements more generally (2003:290).

My thesis, therefore, seeks to ‘interrogate conceptions of multinational miners as homogenous, powerful, hierarchical, rational, profit-seeking beasts’ (ibid.:293). Who are the people that make up the corporation? How do corporate practices and processes take shape? What logics and motivations shape corporate practices?

Since the late 1960s, anthropologists have noted the need for the discipline to expand its analysis from subaltern actors to ‘major institutions and organizations that affect everyday lives ... to get behind the facelessness of a bureaucratic society, to get at the mechanisms whereby faraway corporations and large-scale industries are directing the everyday aspects of our lives’ (Nader 1969:286,288). Laura Nader famously called on anthropologists to ‘study up’ and study the powerful as well as the powerless:

What if, in reinventing anthropology, anthropologists were to study the colonizers rather than the colonized, the culture of power rather than the culture of the powerless, the culture of affluence rather than the culture of poverty? (1969:289).

Ten years later, June Nash, in her study of managers of a petrochemical multinational, called for an ‘anthropology of the multinational corporation’, to study the interplay of local, national and transnational interests (1979a:422). In the following decades, however, anthropological work on corporate contexts continued to focus on disempowered and vulnerable actors, such as precarious workers, women, migrants, unionists and indigenous peoples, resulting in a vast body of scholarship referred to as the ‘anthropology of work’ (see Burawoy 1979; Mollona et al. 2009; Nash 1998; Ong 1987; Wallman 1979). These studies enrich our understanding of ‘corporate life’, but tend to take the marginalised actors within the structure of corporate power, rather than the corporation itself, as an object of study.

Over the past decade, a body of ethnographic scholarship has emerged that responds to Nader and Nash’s calls by treating corporations as ethnographic subjects, examining the people, practices and processes that constitute them. This ‘anthropology of corporations’ deals with broad anthropological concerns such as capitalism, globalisation, development, institutions and

personhood (Shever 2018; see also Foster 2017; Urban and Koh 2013; Welker et al. 2011). Several of these studies concern mining corporations (Golub 2014; Kirsch 2014; Li 2015; Rajak 2011; Rolston 2014; Welker 2014). Most similar to my own approach are Dinah Rajak's (2011) ethnography of Anglo American in London and South Africa and Marina Welker's (2014) study of Newmont in Denver and Indonesia. Both also had a high degree of access to the corporations they studied.

Stuart Kirsch's (2014) ethnography of the campaign against the Ok Tedi mine inspired my analysis by drawing attention to the importance of the corporate response to critique and resistance for our understanding of contemporary 'mining capitalism' (see also Benson and Kirsch 2010a). Furthermore, my ethnography builds on Kirsch's notion of the 'politics of time' by providing insight into the workings of a mining corporation during the period before its mines are operational, and the way it deals with opposition during this relatively unstable period. I also draw on Fabiana Li's (2015) account of mining conflicts in Peru, which in many ways resemble those in Colombia. Particularly useful for my analysis of AGAC's response to anti-mining activism was her discussion of the way Newmont's discourse and strategies engaged with environmental concerns, particularly over water, which highlights how corporate practice was shaped by the issues anti-mining activists brought to the table. A third mining ethnography that engages with themes that also emerged from my own fieldwork is Jessica Rolston's (2014) work coal miners in Wyoming, in which she illuminates, among other things, the ways in which employees make sense of their work, their industry, and their own position in it. My own ethnography brings these various themes together by analysing, from inside a corporation, how a mining corporation makes sense of and responds to contestation and resistance, the role resistance may play in shaping corporate strategies and programmes, and the position of employees in a contested industry.

The rise of corporate social responsibility

The world in which mining corporations operate today has been fundamentally shaped by the corporate social responsibility (CSR) movement, a new paradigm for business in which economic

and ethical values converge (Dolan and Rajak 2016). It promotes an orientation not only towards profit-maximisation, but a 'triple bottom line' of profitability, environmental quality and social justice (Elkington 1997), also translated into catchphrases such as 'people, planet, profit' and 'win-win-win business strategies' (Walker-Said 2015b:283). Responsible business conduct, according to the 'business case' for CSR, has commercial benefits, such as enhancing or shielding the corporate image and preventing potentially costly community protests (Davis and Franks 2014; Vogel 2005). These ideas have become widely accepted and institutionalised in the world of international business. CSR has become a thriving industry itself, involving CSR experts and consultants, CSR conventions, audit firms, certification bodies, reporting frameworks relying on indicators of corporate performance (Merry 2011), management systems, toolkits, best practice models, and 'impact assessments' on issues ranging from human rights and the environment to peace and gender. In the mining industry, nearly all corporations now claim to operate 'responsibly' and 'sustainably'. They have adopted CSR standards, developed social and environmental policies and procedures, and routinely partner with governments and NGOs in 'multi-stakeholder initiatives' in order to show their commitment to environmental or social issues.

The rise of CSR has resulted in a wealth of new, typically non-binding, norms to regulate and ethicise global business practices. International organisations, such as the UN and the International Labour Organisation, along with states, civil society and the industry itself have developed a range of CSR standards, principles and guidelines. These tend to be broad sets of commitments, emphasising issues such as safe and dignified labour conditions, environmental stewardship and community development. CSR norms, often categorised as 'soft law', characteristically put moral imperative above legal obligation (Blowfield and Frynas 2005:502), based on an understanding of corporations as 'self-disciplining moral actors' (Rajak 2016:29). But how are these norms implemented on the ground? What role do the standards and practices associated with CSR play in the day-to-day operations of a mining corporation?

A few anthropologists have started to analyse how the moral discourse and practice of the CSR movement manifests themselves in the day-to-day operations of corporations, and how different people in and around the corporation make sense of its responsibilities (see Dolan et al. 2018). CSR is a central theme to the ethnographies of mining corporations I described above, especially Rajak's and Welker's. Others have looked at CSR practices in industries such as soft drinks (Foster 2008), tobacco (Benson 2012), and oil and gas (Appel 2012; Shever 2012; Wszkalnys 2014). These studies explore the intended and unintended effects of CSR policies and projects on social relations in the locales where they are implemented, from fostering bonds between local communities and corporations to legitimise the corporation, to reinforcing inequality and polarisation (Appel 2012; Foster 2008; Li 2015; Rajak 2011; Welker 2014). They highlight the volatility and incoherence of CSR in practice, for instance by showing that corporations may simultaneously deploy seemingly contradictory CSR strategies (Sydow 2016; Welker 2014). Anthropological work on CSR has also revealed the contrast between the professional and detached arenas in which CSR mechanisms are often developed, and the relational and entangled settings in which they are implemented (Appel 2012; Cross 2016; Rajak 2011; Skrzypek 2020). Some studies interrogate the use of 'anthropological' terms and themes, such as personhood, kinship and reciprocity, in the CSR discourse, and the power relations that underlie this type of CSR language (Bashkow 2014; Foster 2014; Ho 2009; Kirsch 2014; Shever 2010; Welker 2014). My thesis aims to contribute to this literature by looking at how the moral language and practices of CSR are enacted in the everyday routines at AGAC, which describes itself as 'a company that believes in models of production that are sustainable with the community and the environment' and emphasises that '[its] activities go beyond the regulatory requirements and are governed by the best global practices in all aspects: technical, social, economic and environmental' (AGAC n.d.).

Global-level debates

The origins of the CSR movement can be traced back to the 1990s, when the idea that corporations have a central role to play in achieving 'sustainable development' started to gain

traction in global-level debates on international development.² Corporations became regarded as ‘purveyors of best practice and stewards of good growth, where states, often described in terms of chronic incapacity or corrupt rapacity, have failed’ (Gilberthorpe and Rajak 2017:187). At the UN World Summit on Sustainable Development, held in Johannesburg in 2002, CSR was ‘heralded as a new panacea to underdevelopment’ (Dolan and Rajak 2016:3). Two years earlier, then-UN Secretary-General Kofi Annan had launched the Global Compact, a ‘corporate sustainability’ initiative involving corporations, governments and civil society under the auspices of the UN. Participation in the initiative involves the adoption of its Ten Principles on human rights, labour, the environment and anti-corruption. Compliance is, in CSR’s self-regulatory spirit, based on self-monitoring. Under the banner of sustainable development, corporations became involved in poverty reduction initiatives, for instance through public-private partnerships and initiatives under the Millennium Development Goals, eight measurable goals which set out the global development agenda between 2000 and 2015 (Utting and Marques 2010). Their successors, the Sustainable Development Goals, continue to conceive of corporate actors as central to the solution, rather than the cause, of global development issues (Jägers 2020).

Human rights have been central to the UN-level debates on the social responsibility of corporations. In 2003, a sub-commission of the UN Commission on Human Rights (now the Human Rights Council) adopted the so-called Draft Norms on the responsibilities of business with respect to human rights, which, controversially, aimed to extend human rights obligations to companies as well as states. The Commission eventually set the proposal aside and instead appointed Professor John Ruggie, who had also been central to the development of the Global Compact, as the holder of a special mandate to identify and clarify the human rights

² Although the term ‘CSR’ is relatively new, precursors of the phenomenon can be found in, for example, the nineteenth-century boycotts of products made by enslaved people, the industrial paternalism of Rowntree and Cadbury in Victorian Britain, and the corporate philanthropy of Carnegie and Rockefeller in the US (Blowfield and Frynas 2005:500; Dolan and Rajak 2016:5).

responsibilities of business. Ruggie developed the UN Guiding Principles on Business and Human Rights (UNGPs), a set of non-binding standards based on a normative framework involving the state duty to protect human rights, the corporate responsibility to respect human rights, and access to remedy for victims of human rights violations. Central to the ‘corporate responsibility to respect’ is ‘human rights due diligence’, a process of identifying, preventing, mitigating and accounting for adverse human rights impacts arising from a company’s operations (Human Rights Council 2011). The UNGPs have come to be seen as the ‘global authoritative standard’ for business and human rights (Zeid 2015), although they have also received substantial criticism from scholars and activists. Some critics consider them to enable the corporatisation and managerialisation of human rights (Scheper 2015). Others argue that their non-binding character will have little impact on actual business conduct. This call for binding standards has resulted in the creation of a UN working group in charge of drafting a UN treaty on business and human rights (Deva and Bilchitz 2017; Human Rights Council 2014; Treaty Alliance 2013).

In parallel to these global-level regulatory and policy developments, public scrutiny of large corporations increased, as civil society campaigns and media attention brought cases of corporate abuse to the attention of the public. The ‘anti-sweatshop movement’, for instance, called attention to inhumane labour conditions and child labour in factories used by major apparel brands (Rodríguez-Garavito 2005), and the Enron scandal heightened public scrutiny of the financial sector (Gledhill 2003). Many of these corporate scandals involved the extractive industries. Shell, for instance, faced accusations of causing an environmental disaster in the Niger delta and being complicit in the killing of Ken Saro-Wiwa and eight other Nigerian activists. Activists linked Talisman Energy to the Darfur genocide in Sudan. In Colombia, BP and Drummond were accused of collaborating with paramilitary death squads.³ As a result, anti-corporate sentiments in society

³ See, e.g., *Gilberto Edgar Torres Martinez v BP, Baloco v. Drummond Company*.

grew, creating what some scholars have referred to as a 'legitimacy crisis' of global capitalism, 'one faced by global corporations in particular as its most public face' (Newell 2008:1063). The corporate embrace of the CSR movement may be considered a response to this legitimacy crisis.

Mining corporations and CSR

One of the first coordinated responses by the mining industry to the growing societal criticism of its activities was the Global Mining Initiative (GMI), a coalition of ten of the world's largest mining corporations. Its initiator, Sir Robert Wilson, who was the executive chairman of Rio Tinto at the time, argued:

Despite the industry's efforts, mining has fallen into increasing public disfavour. ... Society's standards and priorities have shifted. ... The current set of perceptions, if left unchecked, will have a direct effect on the fortunes of the industry (Wilson 2000).

The GMI sought to align the mining industry with the new movement towards sustainable development, and include the notion of 'sustainable mining' on the agenda of international processes, notably the 2002 World Summit on Sustainable Development (Jacka 2018; Whitmore 2006). The International Council of Mining and Metals (ICMM) was formed out of the GMI and involves some of the largest mining companies in the world, AngloGold Ashanti included. All members have committed to the ten ICMM principles, which address a range of ethical issues, such as 'sustainable development', human rights, health and safety and biodiversity conservation. Alongside the ICMM, several other sector-specific initiatives have emerged, such as the Voluntary Principles on Security and Human Rights, which relate to public and private security providers around extractive projects, and the Extractive Industry Transparency Initiative, a voluntary standard aiming to combat bribery and corruption through the disclosure of tax and royalty payments by governments and mining, oil and gas corporations. Once the 'pariahs of capitalism', mining corporations have evolved into driving forces of the CSR movement (Rajak 2011:8).

As well as recognising these global standards, contemporary mining corporations now commonly have a department that deals with 'community relations', which may also go by names such as

‘sustainability’, ‘social investment’ or ‘human rights’. This usually undertakes the dual tasks of implementing development projects for local communities living in the vicinity of their operations and promoting the mining project to these communities to obtain their support. My thesis explores the role of these departments in AGAC’s response to societal opposition and criticism. Who are the actors involved? How do they understand their roles? How can the ethos of these departments be characterised? What are the dynamics between the ‘CSR-related’ departments and other parts of the corporation?

In the mining industry, local legitimacy and the ability to operate are interconnected. In the industry vernacular, this idea is referred to as the ‘social licence to operate’ (Parsons et al. 2014, Prno and Slocombe 2012). This key CSR concept refers to a metaphysical rather than a material licence, which the industry has to ‘obtain’ and ‘maintain’, although the criteria for doing so are undefined. Owen points out that although the concept describes a notion of approval, in practice, the industry’s use of the term tends to be centred on the notion of disapproval, namely in relation to the fear of disruption to operational access: ‘if disapproval becomes too intense there is a chance that members of the community will interrupt mining activities’ (2016:103). This suggests a recognition of the agency of external actors, such as local communities and social movements, over the company’s ability to operate. But how do corporate actors understand the social licence to operate? How do they regard the influence of external actors on their ability to operate?

An extension of corporate capitalism

The ability of CSR to legitimise corporate activities in the face of contestation is lauded by its proponents, but it is also a central point of academic criticism. A dominant critique is that CSR forms an extension of corporate power, and sustains the structures of contemporary corporate capitalism. Shamir, for instance, argues that CSR reframes moral concerns ‘from *within* the instrumental rationality of capitalist markets’ (2008:3), which reveals ‘capitalism’s ability to transform critique into a commercial and managerial asset’ (2010:533). Similarly, Rajak argues that CSR ‘serves to reinforce capitalism by transforming models of social development ... into

those amenable to the pursuit of corporate interests and authority' (2011:237). For her, the power of the CSR movement lies in 'its capacity to colonise rather than alienate the very structures capable of obstructing the drive of corporate capitalism' (ibid.:239). Furthermore, critics note, CSR has the ability to 'monopolize and deradicalize what were once seen as alternative economic models and political movements' (Dolan and Rajak 2016:5), such as 'fair trade' and 'business and human rights' (Wettstein 2015).

Central to this critique is the discursive power of CSR. As a 'legitimizing discursive domain' (Walker-Said 2015a:2), CSR provides corporations with 'virtuous discourses' such as sustainability, responsibility and accountability (Kirsch 2014:232). It provides corporations with a language to make claims to moral purpose, which, as Rajak notes, 'have an enormous power to naturalise economic and political authority' (2011:3). According to Kirsch, this language extends the power of corporations to achieve their goals by placing the role of corporations in society in a positive light at the expense of calls for greater regulation or other interventions (2015:107). Critics of CSR argue that, by making moral claims, corporations co-opt and appropriate the language of their critics (Benson and Kirsch 2010a; Rajak 2011). They often dismiss corporate moral language as oxymoronic, since the capitalist imperative of profit-maximisation, they claim, is inherently immoral. Benson and Kirsch (2010b) use the term 'corporate oxymorons' to denote what they consider to be the manipulation of language to conceal harm and neutralise potential critique, such as 'sustainable mining' and 'clean coal'. At the 2016 Responsible Extractives Summit in London, British anti-mining activists hung a satirical banner off the front of the venue, stating that the summit was proudly presented by 'The Oxymoron Appreciation Society', in order to challenge the extractive sector's 'abuse of terms like responsible, ethical, sustainable' (London Mining Network 2016). But what does this 'colonisation' (Rajak 2011), 'transformation' (Shamir 2010), or 'neutralisation' (Benson and Kirsch 2010a) of critique look like in practice? How effective is CSR as a discursive tool? Which audiences does it target, and which audiences does it convince? Does the use of virtuous language always enable the corporation to strengthen its

position vis-à-vis its opponents? In my ethnography, I explore these questions by looking at the use of CSR discourse in a mining corporation's response to the opposition to its activities.

Despite the growth and institutionalisation of the CSR movement, societal scepticism of corporations and corporate-community conflicts persist. AGAC, despite having adopted a wealth of CSR standards and propagating a narrative of responsible mining, faces a strong anti-mining movement in Colombia, and across the continent, resistance to mining projects is widespread (Bebbington and Bury 2013; Gamu and Dauvergne 2018). In this context, I am interested in the processes and logics, effective or not, by which people seek to fortify corporate power on the ground. Who are the defenders of the corporation? What logics and motivations underlie their position? What is the place of CSR discourse in these? In addressing these questions, I follow Welker's suggestion that in order to understand how corporate capitalism plays out on the ground, we need 'modes of analysis that carefully show how the moral commitments of capitalism's defenders emerge and cohere' at a time when companies' ability to operate is 'nourished by the CSR industry, development projects, and corporate adoption of environmental values and discourse' (2014:180).

Behind the façade of corporate power

Many critiques of CSR, including the ones discussed above, seem to assume that corporations act according to a consistent, and thus predictable, capitalist logic of profit maximisation. In line with this, they tend to conclude that CSR is a neoliberal tool, allowing corporations to shield themselves from profit-limiting protest and legitimise their activities in a way that increases profitability. However, as Rajak points out, the assumption that corporations are powerful actors with the capacity to colonise new territories and command the consent of their inhabitants, without interrogating how corporations achieve and sustain this power, forms 'a tacit declaration of the immutable might of corporate capitalism, unwittingly reproducing the very power it attempts to critique' (2011:17). Welker goes further, and critiques Rajak's focus on how CSR practices 'promote the accumulation and exercise of corporate power', transform 'social relations

and projects according to a particular set of corporate interests and values', and provide corporations with 'a moral mechanism through which their authority is extended over the social order' (Welker 2014:16; citing Rajak 2011:2,12,13). By approaching CSR in this way, 'the profit-maximizing corporation becomes the central protagonist, emerging stronger than ever from each bout of combat with social, political, or environmental opponents' (Welker 2014:16). According to Welker, 'the familiar critical account of neoliberalism predisposes us to attribute the rise of CSR to capitalism's capacity to alert itself to new threats, neutralize opposition, and develop new moral justifications for increasing profitability' (2014:17), while foreclosing other, less instrumentalist, examinations of CSR as part of contemporary capitalism (see also Ganti 2014). She considers that neoliberalism, as an analytical tool, 'too frequently pulverizes granularity' and is therefore 'too blunt a tool ... to dissect the uneven and contingent ways in which capitalism is promoted and contested in particular places and among particular people' (Welker 2014:17).

By conducting my research from inside the corporation, I aim to reveal what goes on behind the façade of corporate power. Much of the power of large corporations, as Cannon points out, 'is created simply by the façade that they are impenetrable and therefore omnipotent' (1999:28). However, corporations are 'by no means as omniscient or as fiendishly clever as they are usually depicted' (Ballard and Banks 2003:294, citing Jackson 1993:169). Embedding myself in the corporation allows me to examine the corporate response to criticism and opposition in terms of the concrete processes that take place on the ground, and the people involved in these. How do corporate strategies take shape? How coherent and intentional are these strategies? Are there any tensions between the design and the implementation of such strategies? I aim to shed light on internal power relations, frictions, ambiguities, and the potential vulnerability and fragility inside the corporation.

The dominant criticism of CSR as a neoliberal endeavour appears to derive, at least in part, from the academic satisfaction of critique. Analysing a corporation as a harmful vehicle of capital

reaffirms ‘a prior, half-latent politically progressive cosmology in which corporations figure as harmful profit-maximizing actors’ (Welker 2014:16). Most anthropologists studying corporations share an ideological ‘suspicion’ of large corporations, myself, to an extent, included. ‘Politically and ethically’, Welker and colleagues write, ‘we find a sense of security and satisfaction in exposing corporate harm; to many anthropologists, it feels right to be critical of corporations’ (2011:S7). This stance, however, has also been criticised, even within the discipline, as a ‘grotesque expression of a liberal moral conscience or witnessing (with a too-easy tendency to denounce or express outrage) as the purpose or primary rhetoric of disciplinary discourse’ (Golub and Rhee 2013:219, citing Marcus 2008:4).

I agree that the academic and moral satisfaction of grounding the study of a corporation on the premise of the profit-maximising monolith may compromise the unexpected insights that ethnographic research can generate. As Welker puts it, this perspective ‘comes at an ethnographic and epistemological cost, severing corporations from the ordinary materials, human practices, ethics, and sentiments (such as desire, fear, shame, pride, jealousy, and hope) that sustain them’ (2014:16). In my research, I have therefore sought to adopt an open-ended perspective, as is typical of ethnographic research, in order to provide a nuanced analysis of the workings of a corporation and its CSR practices, which focuses on these ‘ordinary materials, human practices, ethics, and sentiments’ that make up the corporation. I aim to capture the different dimensions of CSR in practice, which may range from window-dressing, to building strategic alliances with ‘stakeholders’, to genuine attempts at contributing to local development. As Welker and colleagues put it: ‘a full account of corporate capitalism’ should involve ‘the more ambivalent and positive ways in which corporations make and enable, as well as curtail and destroy, life’ (2011:S7). Conducting my research in this way was not always easy, as I discuss in the next section of this chapter.

Methodology

Ethnographic fieldwork based on participant observation traditionally involves the long-term engagement with a particular locale, the 'field site'. Multinational corporations are by their nature not limited to a single site, and thus require a multi-sited approach, which tracks the transnational flow of corporate capital and corporate activities across far-flung locales, from headquarters to local operations (Marcus 1995). My fieldwork with AGAC, conducted between October 2016 and July 2017, took place across three main field sites: AGAC's headquarters in Bogotá and its two largest projects in Colombia at the time, La Colosa in Cajamarca (Tolima department) and Gramalote in San Roque (Northeastern Antioquia) (see figure 1.1). I also made two visits of several days to Jericó (Southwestern Antioquia), where the Quebradona project is located. In Jericó, I visited the project and spoke to employees, town residents and leaders of the local anti-mining movement. At the time of my fieldwork, La Colosa was the company's 'crown jewel', Gramalote its most advanced project which had already obtained an environmental licence for exploitation, and Quebradona its third project, discovered in 2014, which was still at a more initial stage.

I did not study the headquarters of the multinational in Johannesburg because my main interest was in the way the company operates on the ground, as well as due to logistical constraints. The focus on the Colombian operation provided a deep insight into the corporation's internal complexity within a single country. 'South Africa' still played an important role in my fieldwork in the way people in the Colombian operation spoke about the global headquarters, as the abstract, enigmatic place from which budget, decisions and orders originated.



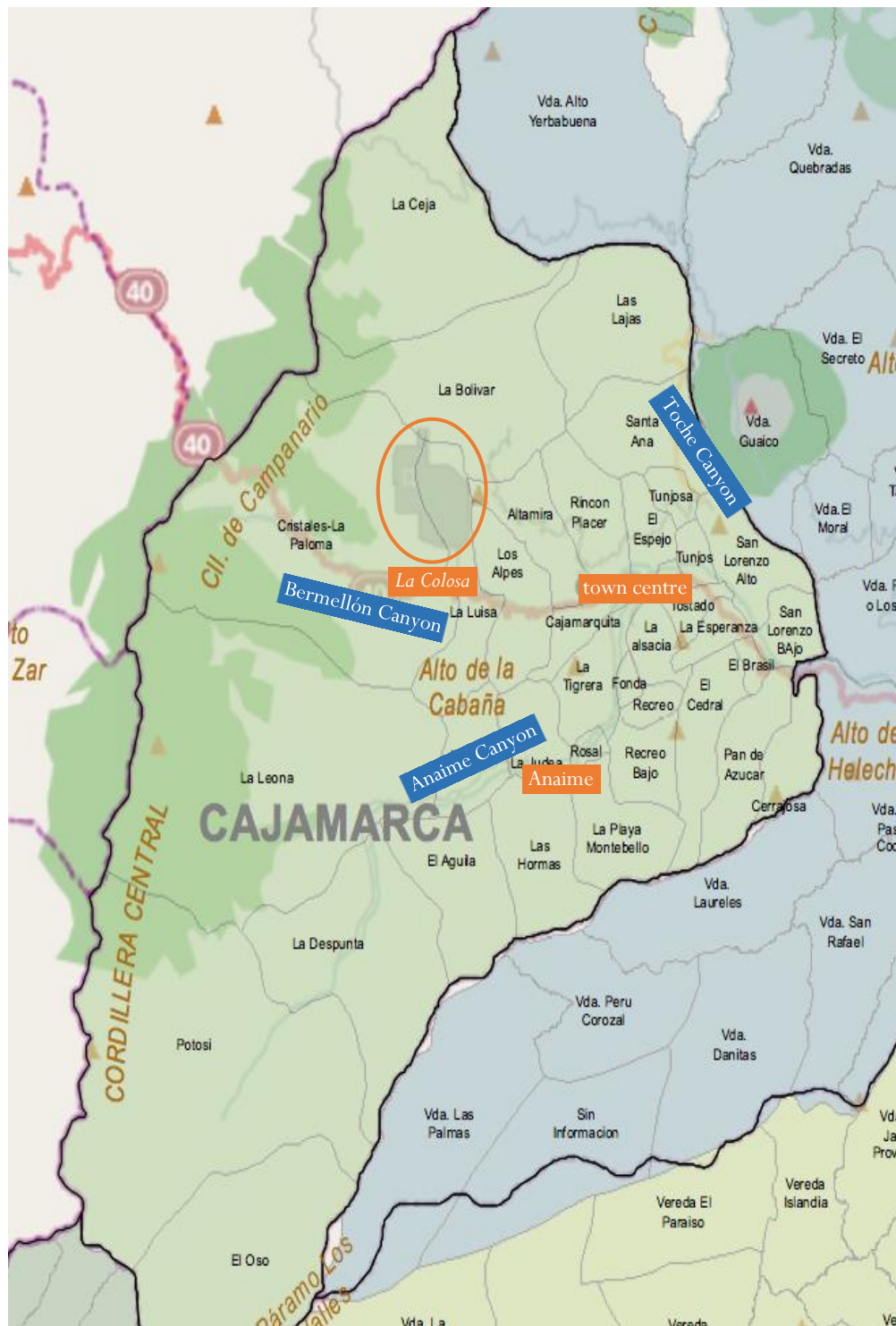
1.1 My field sites across Colombia. Map: Wikimedia Commons, author's adaptation.

Even within one geographical location, it is challenging to delineate what ‘the corporation’ is. At headquarters, the corporation is bounded by the walls of the office. At the local level, the boundaries between the corporation and its social environment tend to be blurred. In Cajamarca and San Roque, AGAC’s presence extended to many aspects of everyday life: AGAC’s logo appeared in many public places which had benefitted from AGAC sponsorship, from AGAC-sponsored recycling bins at local schools to a sign in the AGAC-renovated covered market where people traded their produce. Through its CSR projects, the company was present in the paving of rural roads, the gas on which people cooked, which reached their homes through AGAC-sponsored infrastructure, and the artificially inseminated cattle grazing on the steep mountain slopes. These often-ambiguous corporate boundaries are a central theme in anthropological accounts of corporations, but also pose a methodological challenge. In addition, the company is internally multi-sited: studying the corporation involves studying across the corporate hierarchy, from senior executives in shiny boardrooms to social workers on remote field visits. As such, this ethnography is not an ethnography of ‘the powerful’ only, but it involves studying ‘up, down, [and] sideways’ (Nader 1969:292; see also Gusterson 1997), across the corporate hierarchy, across the different departments, and from the internal lifeworld of the corporation to its relationships with actors external to the company. This is an ethnography of the high-level ‘powerful’ as well as the low-level ‘powerless’ actors who together make up what we regard as an institution of power.

At each field site, I adapted my research approach to the possibilities and sensitivities of each place. During the first months, I lived in Bogotá, and my daily routine was similar to that of an AGAC employee at headquarters. I had a desk in the open plan office, from where I observed the quotidian and usually very uneventful office life, became part of the daily rhythm of the headquarters employees, and gradually became a familiar face. In the first weeks, I conducted explorative semi-structured interviews with executives and managers in the Bogotá office. For access to meetings, I relied on AGAC officials to invite me. These invitations were often ad hoc and seemed to rely on the goodwill of the official at a particular moment. The fieldwork at

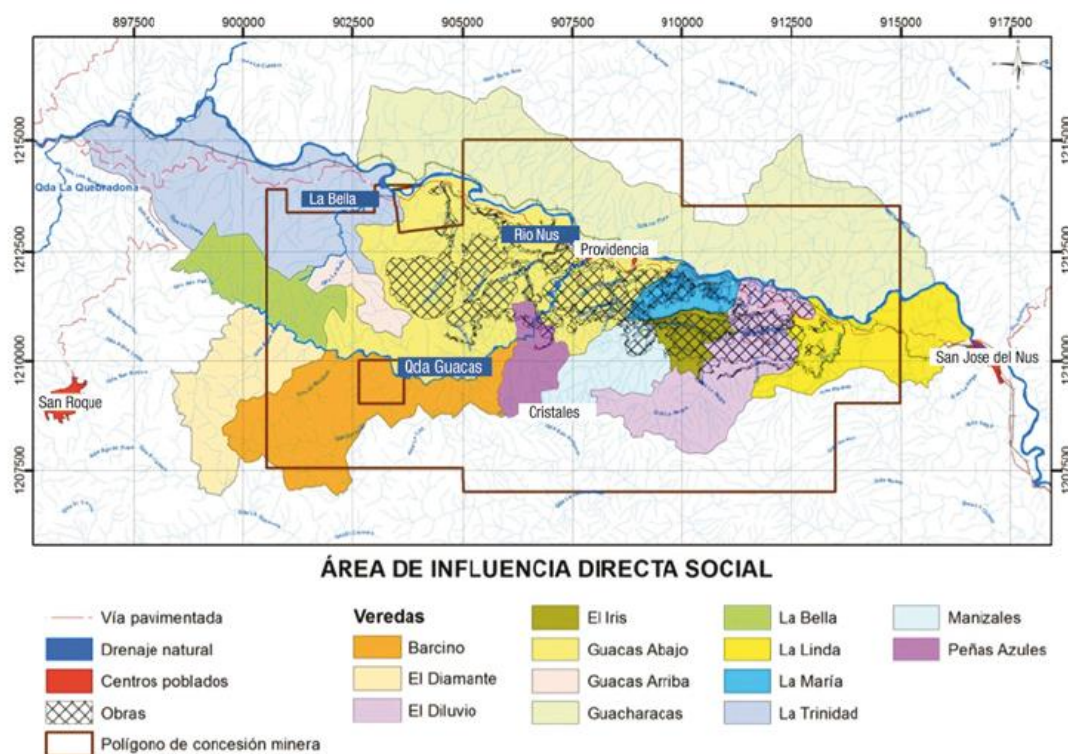
headquarters provided me with an insight into the corporate structure, the company's standards, processes and procedures, dynamics among different departments, and the general ethos at headquarters, such as the personalities, ways of speaking and worldviews of the people I interacted with.

In December 2016, I moved to Cajamarca, where I lived in an apartment in the town centre (see figure 1.2). I had to carefully navigate the polarised local setting between AGAC's supporters and opponents, a process I further discuss below. For the purpose of my research I wanted to spend as much time as possible with 'AGAC people' in 'AGAC spaces', but I also sought to avoid the perception that I was an AGAC employee myself, as this would have limited my ability to talk to opponents. My four months of fieldwork in Cajamarca covered two electoral processes, which took place only two weeks apart: mayoral elections and the *consulta popular* described at the start of this introduction. I divided my time between the town and 'deep hanging out' with the AGAC social team (Geertz 1998). In town, I developed relationships with villagers, including several who were active in local political movements across the political spectrum, through whom I came to understand the dynamics and key players in Cajamarca's local politics. With the AGAC Community Relations workers, I visited beneficiaries of the company's CSR projects, accompanied community outreach activities, and observed meetings with the company's political allies. I also had regular conversations with the managers about on-going developments in the company offices.



1.2 The rural settlements [veredas] and canyons, named after the rivers flowing through them, of Cajamarca. Map: Instituto Geográfico Agustín Codazzi, author's adaptation.

After Cajamarca's *consulta popular* in March 2017, I moved to San Roque, where AGAC's second-largest project, Gramalote, was located, which then turned into its first-priority project. As I discuss later in the thesis, Gramalote does not face the antagonistic type of opposition found at La Colosa. This made it possible to be more deeply embedded in the company, without compromising my access to non-company informants. Furthermore, the set-up of the Gramalote project required me to adopt a different research approach. The Gramalote offices were part of a gated compound, located opposite the roadside settlement of Providencia. The town centre of San Roque, where I could interact with, among others, local public officials dealing with the mining project, was located higher in the mountains, 20 kilometres away from the project offices (see figure 1.3).



Fuente: Integral S.A., 2013

1.3 The localities and rural settlements [veredas] (named in the legend) that make up the 'area of direct social influence' of the Gramalote project (AGAC 2015a:8).

The 'community' the AGAC social team primarily engaged with was the population living closest to the project site, not in the town centre, but in and around the localities of Providencia and San José del Nus, the so-called 'direct influence area' (figure 1.3). In San José del Nus the company

owned a country house [*finca*] where non-local employees lived during the week. During weekends, they went home to the regional capital of Medellín. I lived in this locality in a privately rented apartment, which provided more freedom outside working hours. This set-up meant that to be able to talk to employees and accompany their activities, I had to adopt the daily routine of an AGAC worker and enter the compound with them every morning at 6.30 am. My three months of fieldwork at Gramalote consisted of accompanying the social team on field visits to the rural areas around the project and spending time in the social team's section of the office. I had fewer opportunities to engage with people who were not related to the company than in Cajamarca but more chance to observe the interactions between AGAC workers and the local population, and could engage with workers in a closer and more day-to-day way. Some days I did not enter the compound, and travelled to the town centre by myself to speak to local public officials and town residents unaccompanied by AGAC workers.

My primary focus in this thesis is on the La Colosa project, although the general account of the evolution of the company's CSR practices also reflects the material I collected at headquarters and Gramalote, and Chapter 8 focuses mainly on Gramalote. I focus on La Colosa because of the importance of the project compared to Gramalote (and Quebradona). Whereas Gramalote is estimated to hold 3.07 million ounces (Moz) of gold, the estimate for La Colosa is more than nine times higher, 28.33 Moz (AGA 2020:14). Furthermore, my fieldwork at La Colosa was particularly interesting because it coincided with several important events: the suspension of the project, Cajamarca's mining consultation and the mayoral elections.

Much of my material consists of observational field notes. I also had numerous informal, open-ended conversations with AGAC workers, about their views on their work, the past, present and future of the company, village politics, their motivations and goals, among many other topics. These conversations took place in the AGAC offices, village cafés, the company truck on our way to a CSR activity, and on walks through the rural areas of Cajamarca and San Roque.

This thesis is based on a combination of fieldwork material and the analysis of publicly available secondary information, such as corporate reports and presentations, newspaper articles, interviews with AGAC executives in the media, NGO reports, and social media posts on AGAC channels. Spending an extended period of time among AGAC officials, speaking with them, observing their daily routines, and listening to their day-to-day conversations, I built up a strong familiarity with the company's internal discourses and logics, and an in-depth knowledge of the key issues at stake behind such reports, presentations and interview statements.

The names in this thesis are pseudonyms, with the exception of organisations, including the company itself, public figures such as politicians, and AGAC presidents who either agreed I could use their names, or who I only cite in the form of publicly available statements. Throughout my fieldwork, I did not use a recorder, as I felt this would be an obstacle in the process of informal interaction through which I built rapport and trust with my informants. During much of my participatory observation-based fieldwork, it would also have been practically impossible. I always carried a notebook around in which I noted down anything of interest, and I worked out these jottings into more detailed notes at the end of the day. In interviews, too, I sought to create an environment that was as open and inviting as possible, and considered a recorder an unnecessary impediment. As such, the quotations in this thesis should not be read as a literal reproduction of the individuals' words, but my best effort to accurately capture what they had said on the basis of detailed field and interview notes. All translations in this thesis, from Spanish to English, are my own.

This project has received ethical approval from the University of Oxford Social Sciences and Humanities Inter-Divisional Research Ethics Committee (Ref No R46112/RE001 and R46112/RE002).

Access

My research on AGAC started in 2015, when I conducted field research in Tolima on the phenomenon of Colombia's mining consultations, which was the focus of my master's thesis in Socio-Legal Research. I interviewed people involved in the anti-mining movement of Tolima, who had been involved in the organisation of the country's first mining consultation, held in 2013 in the town of Piedras. I also observed the movement's attempt to replicate this referendum in Cajamarca, which was unsuccessful. Some of the material in Chapter 5 is based on this fieldwork. During this period, I followed the advice of my informants, the majority of them anti-mining activists, not to engage with the company. I did not share their principled stance against engagement with corporations, but my research questions were focused on the resistance process, and I did not want to put my carefully established trust relations with them at risk.

As I was writing my master's thesis, a serendipitous encounter changed the course of my subsequent doctoral research. At Oxford, I met a fellow PhD student who had previously worked at AGAC and who took an interest in my project. This provided a unique opportunity to gain access to the company. He introduced me to his former colleagues and explained my previous work on the popular consultations in Tolima. AGAC was open to the idea of hosting a researcher, in particular because it sought to understand how it had come to be a central target of the anti-mining activism and of the mining consultation movement in particular. The observations of an independent outsider could provide useful insights, my Oxford gatekeeper and his contacts thought. Not many researchers encounter such opportunities, since, as Ballard and Banks note, 'one of the principal reasons for the enduring opacity of mining corporations is their notorious reluctance to expose themselves directly to ethnographic scrutiny, a condition exacerbated by a corresponding willingness to monitor and enforce corporate security' (2003:290). My privileged position as a white female from an elite institution was also undoubtedly an enabling factor. Several Colombian researchers told me that, because of the strong polarisation of the Colombian public and academic debate on mining, they did not think they would ever be able to get this level of access, but that foreigners might be viewed as more independent.

Other ethnographers who conducted research inside corporations point out that the process of negotiating access to a corporation requires flexibility, creativity and patience (Müftüoğlu et al. 2018). Convincing a corporate audience requires creativity in the framing of the research in a language that resonates with the people whose approval is needed, often high-level executives (Jackall 1988:14). Ethnographers whose work or presence are seen as relevant to the business are more likely to gain access (Coleman 1996:339; Urban and Koh 2013:140). Yet, as my case illustrates, access also depends to a large degree on serendipity, as is perhaps the case for most qualitative research (Halliday and Schmidt 2009:5–6). It depends on the fortune of crossing paths with the right people, relevant personal connections, and encountering people in gatekeeper positions who have an interest, often a personal, intellectual interest (see also Welker 2014:34), in letting an independent academic observe their day-to-day work.

The industry's uptake of the CSR and transparency agenda provides new avenues for entry. To corporations, academics are 'stakeholders' with whom they may wish to engage, and academic research agendas may, at least in part, overlap with corporate agendas. My project, for instance, benefitted from the broader corporate discourse of transparency and openness to dialogue—one of the discourses with which AGAC responds to the polarisation and mining protest. Granting a PhD student access to conduct independent research inside the company was a way for AGAC to demonstrate that it is a company with 'open doors', a phrase I often heard throughout my fieldwork, willing to show and discuss its operations with all its stakeholders.

For my research, the Centre for Socio-Legal Studies and AGAC signed a 'collaboration agreement' [*convenio de colaboración*]. This agreement, which is a common way for AGAC to formalise relationships with 'external stakeholders', served as an official statement for the company's human resources department to declare I was covered by the university's travel insurance and that my research was funded by a scholarship. The agreement also stated that the company would grant me access to observe its community engagement practices at its different projects 'as if she was a member of the team of the Company', and that 'the student will provide

her doctoral thesis to the Company for the purpose of review and rectification of possible factual errors'. After the legal department reviewed the agreement, this clause was elaborated with the sentence: 'in case of a disagreement between the Company and the student about factual errors, the student shall make note of this in the thesis'. The agreement was signed by a high-level executive, and proved a useful document to justify my presence in the company and reassure managers who had questions about my project. I also received a company badge, which gave me access to the different office buildings across the country (figure 1.4).



1.4 Access.⁴

An important question to consider here is how 'access' is understood in researching corporations. Müftüoğlu and colleagues, in a reflection on access in corporate ethnography, posit that 'access to the field of study and access to relevant knowledge about companies [are] different things, which [may be] conflated' (2018:253). The power relations between the researcher and the

⁴ The badge states 'contratista' [contractor], for lack of a better category in the badge system to suit my position in the company. Needless to say, AGAC did not remunerate me in any way, which is also made explicit in the *convenio*.

corporation are such that the company controls access at every stage. Although I consider my access to AGAC to have been very good, I was often, unsurprisingly, refused access to meetings or insight into decision-making processes. In some cases, officials and workers were willing to provide an insight into the strategy or motivations behind certain decisions, whereas in other cases, I could not seem to get through the wall of generic company discourse. Müftüoğlu and colleagues argue that such barriers may also be treated as knowledge in themselves:

If we reconsider the meaning of ‘good’ access and focus more on what the corporations strive to avoid telling and showing, we get insight into the implicit ‘flow’ of CSR. What is made visible and readable, and how access is navigated both from our side and from the companies’ and employees’ side, are relevant methodological considerations. ‘Access’ can be given and withdrawn, therefore the company’s ability to control the information and the different ways in which they make information accessible for us are observations which are appropriate to coin as ‘good access’ in this particular field of study (2018:254).

I also found that access differed from site to site, and from time to time. At the local level, I was able to accompany Community Relations workers in their day-to-day work and develop a relationship with them over several months. These workers tended to be very open, but their own level of ‘access to information’ inside the company was also limited. At the higher levels of the company, in the offices of Bogotá and Medellín, I felt my access was more restricted, and managers tended to speak to me in the same kind of language as they used with journalists. Nevertheless, the longer-term relations I was able to develop contributed to a deeper understanding of the logics and worldviews of these managers. On a brief stint of follow-up research in 2019, my ‘institutional’ access was very limited, but at the local level I could rely on my personal relationships with (then former) employees.

The politics of positioning

By conducting my research from inside the corporation, I assumed a research position that is not uncontroversial. As Ballard and Banks warn in their review of the anthropology of mining:

[M]ining is no ethnographic playground. Relationships between different actors within the broader mining community have often been characterized by conflict, ranging from ideological opposition and dispute to armed conflict and the extensive loss of lives, livelihoods, and environments. ... The positioning of anthropologists within these ‘resource wars’ is far from simple, and a parallel war of sorts is being waged within the discipline about the nature and scope of appropriate forms of engagement (2003:289).

Not only have corporations been reluctant to grant researchers access, but researchers themselves have also been tentative to seek such access. This hesitancy is based on valid concerns regarding ethnographic engagement with corporations, ranging from the ideological to the practical. Some scholars eschew research inside corporations as a matter of principle. As Welker puts it: ‘for scholars and cosmopolitan activists alike, embeddedness can take on a different valence as soon as “the community” is a corporation’ (2014:10). This position is based on the concern that ‘conducting ethnographic research within the corporation poses a risk of co-optation, because the tendency of ethnographers to empathize with the subject of their research may influence their findings or temper their critical perspectives’ (Kirsch 2014:28–29).⁵ Golub and Rhee characterise this group as the ‘contemporary inheritors of anthropology’s leftist-activist tradition’ (2013:219). These activist scholars operate in a ‘loosely Marxist framework that treats corporations as instruments in the service of capital accumulation and by definition the exploitation of both labour(ers) and natural resources’ (Foster 2017:115). They are concerned that, even though ‘embedded anthropologists may gain unique insider perspectives and information’, ‘their reporting may be biased by their operating environment’ (Coumans 2011:S33; see also Cohn 1987). Therefore, they argue, it is more desirable to find ‘alternative modes of studying up that do not involve ethnographic placement within the corporation’ (Benson and Kirsch 2010a:464), such as the analysis of public relations campaigns or the discrepancies between official policy statements and actual practices.

It is true that ethnographers tend to empathise with their informants, and aim to understand them ‘on their own terms’, in their own language and logic. Furthermore, as Foster notes, ‘[t]he ethnographic approach of in-corporation researchers ... is likely to foreground the particularity and complexity of conflicted, multi-faceted human beings, thus potentially disabling clear and unequivocal critique’ (2017:116). However, this does not mean they will not be able to conduct their research with ‘prudence, disinterestedness, and impartiality’ (Golub and Rhee 2013:232),

⁵ In their discussion of Kirsch’s work, Bainton and Owen reject this concern, and ask: ‘What is the underlying strength of Kirsch’s political conviction in this area if it cannot withstand the so-called risks of co-optation associated with participant observation?’ (2019:769).

and develop a critical perspective on complex corporate lifeworld they describe. Indeed, ‘the researcher’s proximity may potentially bring greater accuracy to her or his critique rather than disqualify it out of hand’ (Welker et al. 2011:S7). Ethnographies of corporations which have been published to date do not in any way suggest that the ethnographers’ embedded position made them lose their critical sensibility or become overly sympathetic to the corporate perspective. Rather, their embedded position enabled them to reveal and critically evaluate the corporate discourses and logics they found themselves surrounded by. I would even argue that there is less of a risk that empathy with informants will temper the critical analysis of ethnographers who engage with powerful corporate actors, as empathy with elite informants will likely come less naturally than empathy with subaltern groups. Ultimately, ‘[t]here are multiple ethical and political positions from which to study and write about mining. No single one is privileged, and none is fully comfortable’ (Welker 2016:586). Embedded research conducted from inside a corporation adds to the multiplicity of perspectives present in the literature, the combination and juxtaposition of which contributes to a better understanding of mining corporations and the workings of corporate power more generally (Kirsch 2016:441).

Ethnographic refusal

A principled stance against engagement with corporations may be considered a form of ‘ethnographic refusal’, a term Ortner coined to criticise studies of resistance for their lack of an adequate sense of the internal politics of subaltern resistance movements. This, she argued, results in ‘ethnographic thinness’, as opposed to a rich and ‘thick’ analysis (Ortner 1995, see also Geertz 1973), and can give these studies an air of romanticism (Abu-Lughod 1990). Similarly, a refusal to engage with corporations directly runs the risk of thinness in the anthropological study of corporations. Embedded research, such as the fieldwork on which this thesis is based, can provide ‘thick’ insight into the intricacies of corporate functioning, and the political complexities that underlie the positions of the defenders of the corporate power as well as those that contest it.

Reluctance to engage with corporations may be based on solidarity with research informants involved in resistance to the corporation. Most anti-mining activists in Colombia, especially at the local level, are strongly opposed to all forms of engagement with corporations, as they regard this as a form of legitimisation for the corporation, which they refuse to grant. The Comité Ambiental, a regional environmental movement in Tolima, for instance, was strictly opposed to engagement with AGAC. ‘We have nothing to talk about with them’, one of the leaders of the movement told me. ‘We do not consider them a legitimate interlocutor.’ This principled stance of local activists can make it difficult for researchers to engage with both these activists and the corporation. This is, for instance, illustrated by a statement of the Comité Ambiental in response to a report on the La Colosa project by Dutch NGO PAX, the NGO which also facilitated my first access to the protest movement in Tolima in 2015. It had given AGAC, as well as the Comité Ambiental, the chance to respond. The Comité Ambiental responded by distancing itself from the report in a public statement, telling the NGO that ‘we think that you should publish your report independently, without consulting the company about anything and without taking any actions that can make you lose the trust of the communities’, as the fact that PAX had also given the company the chance to respond could be ‘wrongly interpreted’ as legitimising the company (Comité Ambiental 2016). Some local organisations may also be concerned that corporations will seek to use engagement with NGOs or academic researchers as a means to gather intelligence on activists (Gamu and Dauvergne 2018:961).

La Colosa has received academic attention, primarily as a case study of social mobilisation against mining (e.g. Dietz 2019; McNeish 2017; Sánchez-García 2016; Van Ho 2020). While these studies make valuable contributions to the literature on social movements and mining conflicts in Latin America, they almost exclusively rely on interviews with anti-mining activists and their contacts. The longer-term ethnographic fieldwork on which this thesis is based provided more opportunity for engagement with a broader range of actors. I contribute a more complex account of the case of La Colosa by studying not only the actors challenging corporate power by opposing

the mining project, but also the understudied actors at the centre of corporate power and those supporting and defending the project.

Navigating polarisation

Given all this, my position as an independent researcher, seeking to engage with a corporation as well as its opponents, was a complicated one. As my master's thesis had focused on the anti-mining movement, I was in a position that gave me insight into both sides of the polarised spectrum. Considering the deep-rooted mutual distrust, maintaining relations on both sides was a very delicate exercise. My ethnographic focus was on the corporation, as I felt I had to make the most of my unique opportunity to study the corporate world. This required me to spend most of my time with AGAC people, who did not yet know me, and would only over time start to open up to me. I was always open to my corporate informants about the fact that I was also speaking to people involved in the opposition, so they would not be surprised if they saw me speaking to opponents of the company.

Before starting my fieldwork in Tolima, during which I lived in Cajamarca, I travelled to the region to meet with my main informants from 2015, leaders of different opposition groups. I explained my new project to them and warned them that they would often see me in the company of AGAC people. Without further context, they would have been likely to interpret this as meaning being 'on the side of the company'. As a result of the conflictive dynamics around mining in Tolima, many people tended to divide the world into those in favour of the company and those opposed to it: 'You're either with us, or against us.' The opposition leaders were not thrilled by my research agenda, but they were also not opposed to it, and continued to be willing to engage with me. A few took some distance, particularly in public, as they did not want to run the risk that people would think that they were talking to AGAC employees. Others were less concerned about this, and even defended me to others who believed rumours that I would be spying on the opposition on behalf of AGAC. Through them, I was able to maintain an insight into the world of the opposition while conducting most of my day-to-day research with the company.

Navigating this complex terrain was often challenging and uncomfortable. I had to accept that I could not explain my work to everyone and that some people who did not know me would think of me negatively, on the basis of understandable, but mistaken, assumptions. During the months I spent in Tolima, I was regularly questioned by informants from both ‘sides’. Particularly challenging were the days before the *consulta popular*, as the town filled up with anti-mining activists focused on the goal of winning the referendum and even more wary than usual of anything and anyone related to the mining company. I found it very challenging to deal with the preconceptions that people I had never met seemed to hold about me. Some people would cast me dark glances in the street, or even ‘subtly’ try to film me with their phone in public, possibly in an effort to gather evidence of what I was doing. Although I understood where this distrust and paranoia came from, I often found it emotionally draining.

To many people, being seen in a certain space defines your position in the mining debate, and as such, my behaviour – engaging with actors across the spectrum – was incongruous and hard to make sense of. Yet, even in this context of polarisation and suspicion, I found, it is possible to develop relationships of (fragile) trust. Key to this were patience, personal connection, and a continuous process of explaining, clarifying and reassuring. Despite the deep-rooted distrust that characterised the dynamic between the corporation and its opponents, I could develop relationships with informants on both ‘sides’ and was granted insight into the world of the corporation as well as the world of the opposition.

Outline

This thesis follows AGAC’s trajectory in Colombia, from its arrival in the country until the aftermath of the suspension of its La Colosa project. Chapter 2 sets the scene for the ethnography by describing AGAC’s first years in Colombia. It describes how parent company AGA turned to Colombia as a ‘new frontier’ for its long-term development, driven by the opportunity to be the first gold mining multinational to ‘conquer the last Andean frontier’. Its activities soon attracted significant attention – from the business community, because of several significant exploration

successes, but also from the Colombian public, as anti-mining sentiments in Colombian society grew and a strong local protest movement emerged in opposition to La Colosa.

Chapters 3 and 4 describe AGAC's way of operating over time, its internal dynamics, and the evolution of its CSR programmes. Chapter 3 focuses on AGAC's headquarters in Bogotá. It describes how, after several years of 'greenfields' exploration, the company started to engage with the language and practice of CSR in a more active manner and adopted a range of CSR standards and policies. Chapter 4 goes on to discuss the development of AGAC's CSR programmes on the ground, and examines how AGAC started to propagate a discourse of 'good mining' in response to the growing anti-mining activism it faced.

Chapters 5 to 7 further explore the company's response to the opposition to its activities, which became centred on the use of the constitutional mechanism of *consulta popular*. Chapter 5 describes its first use by the community of Piedras as well as the subsequent attempt by the regional anti-mining movement to replicate this initiative in other municipalities in the department, including Cajamarca. The majority of the material presented in this chapter is a rewritten and condensed version of material submitted and accepted for the degree of Master of Studies in Socio-Legal Research at the University of Oxford in Trinity 2016. Chapter 6 discusses the mayoral elections of 2017 in Cajamarca, which intersected with the mining consultation campaigns in the town. I examine these campaigns in Chapter 7, which focuses on Cajamarca's mining consultation. Finally, Chapter 8 focuses on the aftermath of the consultation and the subsequent suspension of the La Colosa project, and explores the company's narrative of fragility in the face of anti-mining activism as well as employees' belief in, and defence of, the company.

AngloGold Ashanti in Colombia

In the early 2000s, the executives of AngloGold Ashanti (AGA) examined its portfolio. The South African multinational, currently the third-largest gold producer in the world, had mines on nearly all continents, from South Africa, Ghana and Mali to Australia and Argentina. Many of these mines, however, were nearing the end of their production phase. To ensure its long-term survival, the company needed new mineral discoveries. As a former executive narrates in a company report:

Back in 2001, we took a long hard look at the world, and noted that our global production profile would drop substantially after 2006, as our existing operations come closer to maturity. This was not unique to AngloGold Ashanti, but common to the industry as a whole. On top of that, our exploration projects had become distinctly mature. We asked ourselves the question: how do we fill the gap? Where should we be exploring or looking to acquire new assets which are of a sufficiently high quality to meet AngloGold Ashanti's economic criteria? It became obvious that new ounces must come from new areas with potentially higher risk profiles, and hence, our 'New Frontiers Strategy' was born (AGA 2005a:EP9).

The 'new frontiers' AGA targeted were what ethnographer Anna Tsing refers to as 'zones of not yet' – 'an edge of space and time ... not yet mapped, not yet regulated' (2005:29). They were places not yet established as gold mining countries, or relatively unexplored because of armed conflict or economic instability (AGA 2004). Colombia was one of these. Whereas the Andes of Argentina, Chile, Bolivia, Peru and Ecuador had already seen extensive mineral exploration and exploitation, the Colombian Andes had not yet been explored with modern technology. In the words of a prominent industry journal, Colombia was 'the last Andean frontier', which 'in the international race by majors to replace their reserves ... represents a true elephant hunting opportunity' (Global Business Reports 2011:80, 82). 'Elephants', here, is industry jargon for 'major long-life orebodies with reserves of at least five million ounces', the type of reserves AGA's exploration strategy targeted (AGA 2005a:EP9).

The political economy of gold in Colombia

Although Colombia had not seen significant investment by multinational mining corporations, gold mining had been an important activity in the country throughout its history. To indigenous civilisations, the metal carried symbolic and spiritual meaning, as the ancient artefacts displayed in Bogotá's Gold Museum illustrate.⁶ One of the museum's centrepieces is the *balsa muisca* [Muisca raft], a golden miniature representation of the sixteenth-century legend of El Dorado ['the gilded one'], which alludes to the country's mineral wealth. El Dorado tells the story of the initiation ritual of the chiefs of the Muisca people. New chiefs, the legend goes, would paddle to the middle of the sacred Guatavita Lake, naked and covered in gold dust to make them shine like the sun, and submerge themselves in the lake. During the sixteenth-to-eighteenth-century colonial period, rumours about El Dorado ignited a gold fever among the Spanish colonisers. Looking to exploit Colombia's mineral wealth, they seized indigenous treasures, and used the labour of indigenous peoples, and later enslaved Africans, to extract gold from rivers and vein deposits (Acemoglu et al. 2012; Colmenares 1973). Since the abolition of slavery in 1851, artisanal mining has been an important means of subsistence for local communities in many parts of the country (Álvarez 2016).

Neoliberal reforms

During the 1990s, in the wake of the Washington Consensus, many Latin American countries reformed their mining legislation, as I described in the introduction. The current Colombian Mining Code (2001) is a late product of this neoliberal wave. It prioritised FDI through tax incentives and by opening up the process of obtaining mining titles to foreign corporations through the principle of 'first in time, first in right' (Echavarría 2014; Pardo 2015). In a newspaper interview on the legislative reform, the Minister of Mining argued that 'if good mining conditions are not put in place soon, [Colombia] will no longer be competitive, and natural rivals, especially within the region, will attract the capital that Colombia will definitively lose' (El

⁶ Taussig's *My Cocaine Museum* (2004) provides an important critique of the Gold Museum by highlighting the museum's omission of the role of enslaved Africans in the production of the gold and for failing to address the close interconnection of gold with coca and cocaine since prehistory.

Tiempo 2000). His statements echoed the findings of a World Bank report, which concluded that, in order to attract international investment, Colombia needed to follow its neighbours and reform its mining legislation (World Bank 1996:7).

Under the new mining law, the Colombian state remained the owner of the subsoil and its resources, but handed over the control over production to the (international) private sector, while taking on the role of regulator as well as facilitator and promotor of extractive activity (UPME 2006). State-owned mining corporations Carbocol and Minercol were liquidated, and state-owned oil corporation Ecopetrol became a publicly-owned company stripped of its administrative and regulatory functions (Fierro-Morales 2012; Sankey 2018). In this way, the neoliberal Colombian approach differed from other Latin American countries, such as Bolivia, Ecuador and Venezuela, whose left-wing ‘pink tide’ governments also promoted mining expansion, but where the state became a partner in joint-ventures with the private sector (Hogenboom 2012; Vélez-Torres 2014).

The legal and fiscal reforms during the 1990s generated a strong surge of foreign investment in mining in several Latin American countries, including Chile, Argentina and Colombia’s neighbour Peru (Bridge 2004; Szablowski 2007). Initially, however, this mining investment ‘boom’ did not reach Colombia. Investors considered the country too unstable for investment because of the internal armed conflict that had plagued the country since the 1950s.

Armed conflict

The Colombian conflict originated in a period of politically motivated violence between members of the Liberal and Conservative parties from 1948 to 1958, known as *La Violencia* [‘The Violence’]. This political violence evolved into an internal armed conflict involving the Colombian state, left-wing guerrilla movements, right-wing paramilitary groups, criminal gangs, and opportunistic alliances among this myriad of warring factions. While the armed conflict mainly functioned as a deterrent to international investment, it also contributed to the creation

of favourable investment conditions, as paramilitary groups, associated with the country's traditional elites, caused the displacement and dispossession of rural communities in areas strategic for agribusiness and the extractive industries (Hristov 2014; Sankey 2018; Wesche 2020).

The armed conflict formally ended in November 2016, when the Colombian Congress⁷ approved the peace accord with the country's largest left-wing guerrilla movement, the FARC. Other demobilisations preceded the accord: guerrilla movements M-19 and EPL demobilised in the 1990s, and the paramilitary movement AUC in the mid-2000s. Nevertheless, socio-political violence, which was at the heart of the internal armed conflict, persists. Whereas the homicide rates in the country initially went down significantly, in 2018, they increased again for the first time in six years (Forensis 2018). The main victims are now local activists, such as unionists, indigenous leaders and environmentalists, including those opposed to large-scale mining projects (Global Witness 2020; OHCHR 2020).

Gold mining played a significant role in the conflict economy. Alongside revenue from drug trafficking, illegal gold mining fuelled the armed conflict as the most important source of income for various illegal armed groups. Illegal organisations permeated, and continue to permeate, small- and medium-scale, semi-mechanised gold mining. These groups control mining through the ownership of mines and machinery, charging fees to miners, or controlling them through extortion and kidnapping. Gold also served as an important money-laundering vehicle for drug cartels (OECD 2016; Rettberg and Ortiz-Riomalo 2016).

The Uribe government: attracting investment through securitisation

When AGA started its Colombian exploration campaign, a new president had just been elected. Álvaro Uribe would be in power from 2002 to 2010. He sought to change Colombia's image as a

⁷ The Congress is the bicameral legislature of the Colombian government, and consists of the Senate [*Senado*] (upper house) and the House of Representatives [*Cámara de Representantes*] (lower house).

country plagued by narco-violence and guerrilla kidnappings to a stable and attractive investment destination, in particular for extractive corporations (UPME 2006). Uribe implemented a conservative security policy, aimed at weakening the FARC through a systematic, US-backed military counter-insurgency operation. His policy successfully weakened the FARC and, in the eyes of many Colombians, restored security and stability in many parts of the country. The increased stability, however, came at the expense of marginalised communities. Many vulnerable people, in particular from *campesino* [peasant], indigenous and Afro-Colombian communities, fell victim to extrajudicial killings and forced displacement by the Colombian army and paramilitary groups, allegedly supported by the Uribe government (Amnesty International 2008; Rojas 2009; Sánchez-Garzoli et al. 2019).

Uribe not only sought to increase investor confidence by improving the country's security situation, but also by offering fiscal benefits and military support to protect the personnel and operations of multinationals (Beltrán 2002; CINEP 2010; O'Connor and Bohórquez-Montoya 2010). 'Colombia will be attractive for investors. Colombia is ready to be a major mining country', he stated at a mining industry conference in 2005, quoted in an AGA report (AGA 2006:C19). According to a Canadian newspaper, Uribe 'wasn't on the official conference program, but showed up to deliver a remarkable three-hour discourse, challenging delegates to tell him what needs to be done to make Colombia more attractive for miners' (Harris 2006). This way, the Colombian government helped turn Colombia into a 'resource frontier' (Tsing 2005), turning its mountain ranges into a set of resources, made available to the global mining industry. To the AGA geologists looking for 'new frontiers', Colombia was an almost magical destination.

The Colombian gold sector

In contemporary Colombia, gold mining involves a variety of actors, and is performed on different scales, from artisanal miners looking for gold in the riverbeds to multinational corporations developing large-scale industrial open-pit mines using the latest technology. The Colombian state distinguishes four types of gold mining: subsistence, small-, medium- and large-

scale mining (Decree 1666 of 2016). They use different methods, and have different economic and environmental impacts.

Subsistence mining refers to alluvial mining using manual methods such as panning [*barequeo*], typically practised by indigenous, Afro-Colombian and *campesino* communities with limited economic options, and who often complement mining with small-scale agriculture and fishing (Álvarez 2016; Vélez-Torres 2014). Small-, medium- and large-scale are classified according to production volumes.⁸ Contemporary small-scale mining in Colombia is typically semi-mechanised, using small dredges and motorised water pumps [*motobombas*] alongside manual methods (Echavarría 2014, 2019). Medium-scale mining involves the use of heavy machinery, such as large dredges and backhoes. The largest gold mines in operation in Colombia at the time of writing this thesis are the medium-scale underground operations of the Canadian company Gran Colombia Gold in Segovia (Antioquia department) and Marmato (Caldas department), and the alluvial mining operation of the Colombian company Mineros S.A. (ANM 2017). These companies acquired these projects several years after AGAC started its exploration campaign in Colombia. Large-scale gold mining, which this thesis focuses on, is highly mechanised and industrialised. It is typically carried out by large multinational corporations with the capital and technical expertise required to carry out large-scale operations. Colombia does not yet have a large-scale gold mine in operation.

Mining exploration in Colombia requires a mining title or concession (Mining Code 2001, art. 45). Such a title grants the titleholder the right to explore the subsoil of a certain area as a representative of the state, and functions as a contract between the government and the miner or mining company. Mining titles are granted by the National Mining Agency (ANM), a government agency under the Ministry of Mining. In the traditional mining departments of Antioquia and Boyacá, mining titles are allocated by a regional-level mining authority, the Secretary of Mines.

⁸ Small-scale is an annual production of up to 15,000 tonnes (underground) or 250,000 m³ (open-pit), medium-scale is up to 300,000 tonnes (underground) or 1.3 million m³ (open-pit), and a larger production volume classifies as large-scale mining (Decree 1666 of 2016).

Activities that involve the use of natural resources, such as water use, water discharge, or logging, which are common during mining exploration, require additional permits. The state entity in charge of these permits is the regional environmental agency (CAR). Mineral exploitation requires an environmental licence (Mining Code 2001, arts. 84-85). In order to obtain this licence, a miner or mining company has to submit an Environmental Impact Study (EIA), which identifies and evaluates the impacts of the mining project on the environment in 'biotic' (living organisms), 'abiotic' (e.g. water, air, soil) and 'socio-economic' terms. The company must design an Environmental Management Plan (PMA) to prevent, mitigate or compensate these impacts. It also has to submit a Construction and Work Programme (PTO), which provides details on, amongst other things, the mineral reserve, the design of the mine, the facilities for processing, smelting and transport, the exploitation methods, and the plans for restoration and mine closure. The state authority in charge of environmental licensing is also the CAR, but very large projects,⁹ such as AGAC's, are evaluated by the National Environmental Licensing Authority (ANLA), a special entity under the Ministry of Environment created for this purpose. For such large projects, the CAR remains in charge of additional environmental permits. I further discuss the role of the CAR in mining regulation later in this chapter.

Of the gold currently produced in Colombia, however, between sixty and eighty percent is estimated to be produced without a mining title or environmental licence (Global Initiative 2016; UNODC 2018). This means that most of the sector operates without oversight or environmental monitoring, and does not contribute to the nation in the form of taxes and royalties. The Colombian government regards all mining that does not have the required permits as 'illegal'. The umbrella term of 'illegality', however, refers to a range of types of mining, which have distinct reasons for being outside the framework of the law. Many small- and medium-scale miners operate without a title because, compared to large-scale companies, they are less prepared for the process of requesting titles: many miners lack technical knowledge (or even basic

⁹ In the case of gold projects, this concerns projects expecting to excavate more than two million tonnes of rock per year (Decree 2041 of 2014).

education) and the capital and access to credits. As a result, the mining titles in many territories where artisanal miners have operated for decades, are in the hands of large-scale companies, who secured the titles before them. Furthermore, small- and medium-scale mining in Colombia has a longstanding culture of informality, which can make the prospect of formalisation seem unattractive to miners. They prefer to refer to themselves as ‘informal’ rather than ‘illegal’, as they find that by using the term ‘illegal mining’, the government, and the public, conflate informality with criminality (Echavarría 2014). They wish to distinguish themselves from other gold mining operations which are associated with delinquency and violence. In many parts of the country, illegal armed organisations control small- and medium-scale operations, which fund violence by providing revenue as well as a way to launder money from other illicit activities, in particular drug trade.

The term ‘illegal mining’ is also associated with environmental pollution. A common practice in some small-scale and most medium-scale mining operations is the use of mercury, which forms an amalgam with the gold, and is subsequently heated to vaporise the mercury and recover the gold. This practice is detrimental to the environment as well as the health of mining communities, as it exposes miners directly to highly toxic mercury fumes and releases mercury into the air and rivers. Colombia is estimated to have the highest per capita mercury pollution in the world (Cordy et al. 2011). Since 2018, the government has prohibited the use of mercury in gold mining, but as most mining takes place illegally, the capacity of the government to enforce this measure is questionable.

The mining cycle

A large-scale gold mining project consists of five stages, which the industry refers to as the ‘mining cycle’: prospecting, exploration, development, exploitation and mine closure (figure 2.1). At AGAC, the section in charge of prospecting and the first part of the exploration stage is called ‘greenfields’. This term refers to the exploration of previously uncharted territory in order to identify new mineral reserves.

	Greenfields		Permanent project					
Stage	Prospecting		Exploration			Development	Operation	Progressive closure
Activities	Reconnaissance Desk research, preliminary geological mapping	Preliminary field trip, panning, taking first rock and soil samples	Local prospecting and exploratory drilling	Pre- feasibility Systematic drilling for geological and geo- technical studies	Feasibility Systematic drilling for geological and geo- technical studies	Construction of the mine	Gold extraction	Dismantle infrastructure, environmental restoration
Duration ¹⁰	1-2 years		1-3 years	1-3 years	1-2 years	1-3 years	10-20 years	1-3 years
Permits and govt agency in charge	No permit required		Mining title (ANM) and environmental permits (e.g. water use, water discharge, logging) (CAR)			Mining title (ANM), environmental permits (CAR) and environmental licence (ANLA)		

2.1 The life cycle of AGAC's mining projects (author's elaboration on the basis of conversations with AGAC geologists)

¹⁰ These are average times which may vary from case to case. In the case of AGAC's projects, almost all stages took longer. At La Colosa, two reasons for this were the size of the project (requiring more time for technical and environmental studies) and the long time it took for the company to obtain environmental permits required to carry out drilling activities.

For an AGAC greenfields geologist, the search for gold starts with desk research to gather existing geological and geochemical data on the area, as well as security and socio-political information. This is followed by prospecting—an analysis to uncover so-called ‘anomalies’, deviations in the geological features of an area or elevated levels of precious metals in the rock or soil which indicate the potential presence of gold. Prospecting starts with a regional outlook, covering thousands of square kilometres, and narrows down to areas of interest of hundreds of square meters. With each step the probability of success increases, and the risk for investors decreases.

Greenfields geologists conduct field visits to often remote terrains, supported by field assistants (often locals), to gather rock and stream sediment samples for laboratory analysis. Prospecting does not require any permits under the Colombian Mining Code 2001 (art. 39). Only in approximately one percent of the situations is the prospecting successful, and continues into the exploration stage. At the start of this stage, a small group of geologists continues to gather rock and sediment samples, but in a smaller area and in a more systematic and detailed way. If these samples reveal anomalies, the most interesting areas are further explored by means of exploratory drilling, in order to find out whether the anomalies continue deeper into the ground. This is done from drilling platforms with large ring-shaped diamond drills, which cut cylinders of rock, and can reach a depth of 1,200 metres (figure 2.2). Drilling requires the use of water to cool, lubricate, and pump up the rock samples. This water is taken from local streams, and approximately sixty percent is reused throughout the process.



2.2 Rock samples from the drilling programme at La Colosa, displayed to visitors of the mining site at the repository where they are catalogued and stored.

If the drilling results confirm the presence of a deposit, the greenfields section of the company hands its discovery over to the section of the company in charge of permanent projects, and the project enters the ‘pre-feasibility phase’. As the name suggests, the main aim of this phase is to determine the feasibility of the project, in technical, financial and legal as well as environmental, social and political terms. Feasibility is not mere profitability, but also considers issues such as whether, by the company’s standards, potential adverse environmental impacts can be adequately mitigated, the extent to which social protest may hinder the operations or harm the company’s reputation, and whether the legal framework guarantees long-term stability. Feasibility calculations continue to change throughout the operational life of a mine, taking into account factors such as the gold price, the cost of labour and of refining the ore, but also factors such as the level of opposition or legal requirements. As Golub notes: ‘If the cost of diesel fuel increases by one cent per gallon, thousands of tons of rock can be transformed from ore to waste rock, all without altering the material’s physical properties one bit’ (2014:18).

The pre-feasibility phase involves extensive exploratory drilling to estimate the size of the mineral reserve, obtain further geological data, evaluate the most suitable mining methods and processing techniques, and design the mine infrastructure. It also involves a cost estimation, assessments of environmental impact and safety risks, as well as more extensive engagement with the communities living near the project. At the end of this stage, the ‘pre-feasibility study’ or ‘PFS’ is sent for review to the board in Johannesburg, which decides whether the project can continue into the feasibility phase.

The AGAC projects I focused on during my fieldwork, La Colosa and Gramalote, were both in the pre-feasibility phase. At La Colosa, the company was conducting studies to prepare the EIA and PTO, and it aimed to obtain the environmental licence for exploitation in 2021. Gramalote was granted the environmental licence in November 2015, and the PTO was approved in December 2015. Before the mine could be constructed, an estimated five hundred families living and working in the area would need to be resettled, which, according to the environmental licence, would take three years. My fieldwork took place during the initial preparations for this resettlement process, which would involve the so-called ‘physical resettlement’ of the people living in the vicinity of the project, and the ‘economic resettlement’ of the small-scale miners working in AGAC’s mining titles. The negotiation with small-scale miners is a process to which my access was too limited to be able to include it in this thesis.

Local histories of conflict

The places where AGAC’s projects are located were deeply scarred by the Colombian armed conflict. This historical background is relevant to contextualise the events I describe in this thesis. From the mid-1990s until the mid-2000s, Cajamarca, where the La Colosa project is located, was controlled by Front 21 of the FARC, notorious for its extortion of the local population. Located on the border of the Tolima and the Quindío departments, the municipality had a strategic position because it is crossed by the Pan-American Highway, the country’s most important highway, and several of its remote high-altitude settlements were strategic corridors for the

guerrilla. The FARC's control was most deeply felt in the locality of Anaime and the surrounding settlements in the Anaime Canyon, where the guerrilla attacked the police station, and intimidated the population through selective killings and extortion. During the Uribe administration, the area around Cajamarca saw violent confrontations between the army and the FARC, as well as severe human rights violations, such as the killing of several *campesino* families in rural Cajamarca (Potosí), who were supposedly mistaken for members of the guerrilla (Defensoría del Pueblo 2004; 2006).

Whereas Cajamarca was predominantly controlled by one armed actor, San Roque, where the Gramalote project is located, was affected by a range of illegal armed groups across the ideological spectrum. In the 1980s and 1990s, the guerrilla movements FARC, and later ELN, were the dominant force in the area. A period of violent confrontations started at the end of the 1990s, when the Bloque Metro of the paramilitary movement AUC sought to take control of the region. The paramilitaries killed not only the ELN combatants, but also many civilians, often in gruesome ways, for supposedly 'helping the guerrilla'. A second wave of violence took place in the mid-2000s, when the Bloque Metro resisted the demobilisation process of the wider AUC movement. This resulted in a violent intra-paramilitary conflict, which was fought out largely in the rural areas around the locality of Cristales, located in what is now the 'area of direct influence' of the Gramalote project (see figure 1.5). In the national context, the municipality is furthermore notorious because of the Hacienda Guacharacas, an estate that in part overlaps with what is now the mining title of the Gramalote project. This estate was allegedly a base of the paramilitary Bloque Metro, and was owned by the Uribe family. In 1983, the father of former President Uribe was killed in a shootout with alleged FARC combatants on the estate. It was subsequently divided and sold to different landowners. In the mid-2010s, AGAC acquired these plots, which are now, according to an AGAC official in charge of land acquisition, intended for resettlement.

The company regarded these local histories primarily through the lens of corporate security, in terms of the risk the presence of illegal armed actors may pose to the company's operations and

workers. AGA geologists first visited Colombia in 1999 and 2000, during the height of the conflict, but they were not able to continue their exploration activities because of security concerns, as I describe in more detail later in this chapter. Between 2002 and 2004, nevertheless, the company applied for a large number of mining titles across the country, which would later give the company a great advantage over other companies which were later to the game: the ‘first mover advantage’. The fact that AGA took an interest in Colombia while other companies still regarded the country as off-limits because of the armed conflict was generally regarded positively by other industry players (Morgan 2005:2). The CEO of B2Gold, one of AGAC’s joint-venture partners in Colombia, phrased his admiration for AGAC as follows:

AngloGold did a very bold thing by going into Colombia several years ago, when it was still a very dangerous place. They were able to tie up so much ground because many other companies feared to tread there. I tip my hat to them for that (Global Business Reports 2011:91).

In the words of a mining sector analyst:

AngloGold came in in the early 2000s and staked all the good bits [mining title claims], this even as the war was in full swing and bombs were going off in Bogotá. The people at the mine office thought the Anglo people were crazy, which might not have been too far from the truth. Over the next 15 years Anglo made progress in the north of the country where the conflict was less intense (Ford 2020).

In an AGAC report, the company also framed its decision to start operating in Colombia during the armed conflict positively, and referred to it as a way to contribute to greater stability in the region:

Given the internal conflict in Colombia, AngloGold Ashanti was well aware of the risks it faced when it entered Colombia. ... Our objective is to find viable projects in Colombia, projects that can be developed into mines which will form an economic hub in the areas where they are situated. It is our hope that this will lead to other commercial ventures being established, bringing greater stability and improved living standards to the communities concerned (AGA 2008a:2).

The security risk the armed conflict posed to the company strongly decreased in the subsequent years, in particular because the Uribe government offered military protection to mining, oil, energy and construction companies, the industries most frequently targeted by guerrilla groups, in order to attract more foreign investment. From 2007 onwards, AGAC’s operations were accompanied by a military squad [*pelotón*] of 35 to 40 soldiers, posted near the projects. The

relationship was regulated under a ‘collaboration agreement’ [*convenio de colaboración*], concluded between the company, and the Ministry of Defence and the Colombian army. The *convenios* stipulated that the army, in defined areas, will pay ‘special attention, at its discretion’ to the protection of the activities and infrastructure of the company.¹¹ Corporate contributions to the army under these agreements, monetary as well as in kind, typically go towards equipment, fuel, tyres and spare parts for army vehicles, equipment, and improvement of the well-being of soldiers, such as flights home or better food (MinDefensa 2016). The agreements make explicit that the contributions may not be spent on weapons, and contain a clause on the respect for human rights. According to journalistic sources, since 2007, AGAC has concluded 25 such agreements and paid the Ministry of Defence 3,714 million Colombian pesos (~£800k) (Camacho 2014).

Critics, however, view these local histories of armed violence differently. With respect to La Colosa, they have questioned the increased presence of armed forces in the region since the 2000s, which is the time during which AGAC made its first exploration visits in Cajamarca, and the company’s relationship with the army, as I described above. An NGO report suggests there may be a relation between the atrocities committed by the army in Cajamarca during the early 2000s and the arrival of the company (PAX 2016), although it does not provide concrete evidence to support this, and the company was not present in the municipality during these years because the area was deemed unsafe (AGAC 2008:11). In a public response to the report, the company denies this implied relation and argues that armed forces have been present in the region from before the company’s arrival because of the presence of illegal armed groups (AGAC 2016a). What happened before the company arrived, AGAC’s response suggests, has nothing to do with the company.

With regard to Gramalote, critics, including several of my interviewees, have argued that the history of paramilitary violence in the municipality enabled AGAC’s operations, as the violence caused the social fabric of the community to be torn, meaning there was less potential for

¹¹ See Convenios 08-00071; 2013-094; 17-023 (Rutas del Conflicto n.d.).

community mobilisation, and any defiant community leaders, who could have resisted the mining project, were unlikely to have survived during the years of paramilitary control. During my fieldwork, I observed how many locals indeed seemed to live with the self-protective mindset that it was better to keep a low profile, not to speak up, and not to ask questions.

From the perspective of the company, these historical events have no relation to its project, as they took place before the arrival of the company. 'AGAC regards the history of the land as a reputational issue', an AGAC official in charge of land acquisition told me, because, when buying land with history of paramilitary violence and forced dispossession, 'even if we have nothing to do with it, they [i.e. critical politicians and NGOs] can still link us to it'. Indeed, socialist senator Iván Cepeda, best known in Colombia as a defender of victims of paramilitarism and a staunch critic of politicians with proven or alleged paramilitary linkages or '*parapolítica*', has alleged that AGAC has made financial transactions to actors with paramilitary connections in the process of buying parts of the Hacienda Guacharacas estate and several other plots of land for the Gramalote project (Cepeda-Castro 2015). However, he has not supported his allegations with factual evidence. According to the land acquisition official, the company had decided to use this land for resettlement out of reputational concerns:

At the time of buying the plot, its reputational impact was evaluated. In Colombia, what happens is that we resort to extremes: if you buy the land, then, for some people, you are part of a certain 'side'. That is to say, then they affiliate you with criminals or paramilitaries. The risk was that we would expose ourselves to leftist criticisms, especially because of the connection to Uribe. Although nothing [regarding his paramilitary connections] has been proven, the family has a nation-wide reputation. It was decided that by giving the land a social function, we would mitigate this risk. The left may say: this beaten territory, where so many horrible things happened, is now being used by the capitalists to extract more wealth from it. We will be able to say: this is a plot of land with a dark history, but today, it has a social function. Today, *campesinos* are using it again to graze their cattle.

The company's perspective of time, however, appeared to clash with the local perspective of time. It seemed that to many people living near the project, who had previously lived under the control of the FARC, the ELN, and the AUC, and survived by doing as they were told, the mining company was a new powerful actor that dominated the town, which had the armed authorities on

its side in the form of the military protection offered by the Ministry of Defence. It is not surprising, then, that the company faced significantly less resistance to the Gramalote project than to its other two projects, located in areas which had not experienced such levels of terror by illegal armed actors.

Exploring the ‘last Andean frontier’

AGA’s first years in Colombia consisted of greenfields exploration. As the previous section described, the probability of success during this phase is very low. ‘Less than 0.1 percent of all exploration programmes worldwide turn into a mine’, a greenfields official told me. Exploration therefore entails significant financial risk. This risky nature of exploration also seems to shape the greenfields geologist’s character. Within AGAC’s corporate structure, greenfields geologists had a strong sense of identity. Amidst engineers, managers, lawyers and other bureaucrats, they thought of themselves as the bold pioneers who venture into remote mountain areas to look for gold. A senior greenfields manager described greenfields geologists to me as ‘the adventurous types ... who dare to get on a plane and go to a country they don’t know, even if there is a war’. I describe the position of the Greenfields Department in the wider corporate structure in more detail in Chapter 3.

The self-cultivated image of the audacious ‘explorationist’ corresponds to the uncertain nature of greenfields exploration. To attract sufficient investment, it seems exploration programmes need to emit an air of adventure, opportunity and promise. Gold, in particular, seems to have a mythic power which can inspire excitement and incite a ‘gold fever’ in investors. In narrating the history of the ‘boom and bust’ of a gold prospecting company in Indonesia in the 1990s, Tsing refers to this as the ‘mystery and spectacle’ and the ‘charismatic and dramatic attraction of international finance capital’ which mineral exploration companies seem to ‘require to grow’ (Tsing 2005:63).

The mystery and spectacle [the exploration company] cultivated is representative of many kinds of companies in which finance capital is the ruling edge of accumulation. Such companies draw investments through drama (ibid.:63–64).

The history of AGA in Colombia contains many elements of mystery, spectacle and drama. This, I argue throughout this chapter, did not only help the company attract the interest of investors, but also attracted significant public attention to the company, which contributed to the controversy and contestation that accompanied AGA's activities in Colombia throughout the years.

Unlimited opportunity

AGA's greenfields team soon became enchanted with Colombia. From 1999 to 2003, the team conducted geological desk research and regional prospecting throughout the northern Andean block of northern Peru, Ecuador, Colombia, Venezuela and Panama (AGA 2009b:12; Lodder et al. 2010). This involved the company's first joint venture in Colombia, with the Canadian company Conquistador Mines (The Mining Journal 1999). Joint ventures are common in mining exploration, as they distribute the financial risk among several players. Another common method for isolating financial risk is exploration by 'junior companies', which, on the basis of venture capital investments, aim to discover mineral deposits and sell these on to major companies for exploitation. AGA conducts most of its exploration activities in Colombia in joint-ventures with junior companies (AGA 2004), such as the Canadian B2Gold (formerly Bema Gold), as well as with the Anglo-Swiss multinational Glencore and Colombian mining company Mineros S.A. (AGA 2008a:1). Together with Conquistador Mines, AGA geologists made several visits to Colombia in 2000, but the armed conflict made many parts of the country too insecure for mining exploration at the time (AGAC 2008:10).

The greenfields team, nevertheless, considered Colombia to have great potential. From 2002 to 2003, on the basis of database information, the geologists defined twelve large exploration regions, and, within those regions, identified numerous target areas (Lodder et al. 2010:25). At the end of 2003, a journal article by the greenfields team states, 'the decision was made to focus the majority of the South American exploration budget on the "new frontier" of Colombia, given

the interpreted high prospectivity of the country' (ibid.:23). AGA also moved its exploration office for the Americas from Lima to Bogotá (Dinero 2008).

Between 2002 and 2004, the greenfields team conducted an extensive 'staking programme', which involved claiming mining titles for the prospective target areas which the geologists had identified (AGA 2006:C19). At the time of my fieldwork, more than fifteen years after AGA's first greenfields activities in Colombia, the Greenfields Department looked back on the company's first years in Colombia as the years of unlimited opportunity. A central and almost mythical figure in their stories was Chris Lodder, a US geologist who led the prospecting stage and became the first president of AGA Colombia. A senior geologist described him to me as a 'very inventive geologist', who 'convinced Anglo to go to Colombia'. 'When we first came to Colombia', he told me, 'they just had this new legislation for staking land. What we did was basically stake the whole country.' The same spectacular tone was used by Tim Coughlin, AGA's chief geologist for South America who had worked alongside Lodder in AGA's early-years greenfields team, in an interview for a mining news website:

It [the Colombian mining sector] is quite a different scene compared to when Coughlin and AngloGold colleague Chris Lodder first arrived in Colombia, Coughlin recalls.

'We walked into the old licensing department, and people thought we were crazy. "Where did you guys come from? People don't invest in our country," he said.

'We had the place to ourselves, it was ludicrous. There were immeasurable amounts of opportunity and resources all over the place.'

The explorationists discovered there are a lot of growing pains when you're blazing a trail in a country that has been written off by the mining industry.

'It really is like a chimpanzee's tea party—regulators are trying to understand the industry, the industry's trying to understand the regulations, it's a nightmare,' he said (Kwantes and Humphreys 2015).

This new legislation was the reformed Colombian Mining Code, enacted in 2001. It regulates the 'right to explore and exploit' (Mining Code 2001, cap. II) through the mining title or concession contract, which can be obtained on a first-come, first-serve basis, through an online application, and can be transferred to other parties (Echavarría 2014).

‘First mover’

The legislative reform, in combination with the improved security situation in the country, generated great interest from mining companies, small- and medium-scale miners as well as investors and speculators, resulting in a strong surge in mining title applications. The state agency in charge of granting and controlling the titles at the time was the Colombian Geology and Mining Institute, Ingeominas. Ingeominas was also tasked with the geological and geochemical mapping of the Colombian Andes, for which it welcomed the involvement, and collaboration with, large mining companies (Beltrán 2004). Before 2001, Ingeominas granted 80 to 100 mining permits per year. Under the Uribe administration, it granted 7,869 mining titles in a period of 8 years, thereby increasing the number of hectares of land under mining concession from 1.13 to 8.53 million hectares (Osorio 2010). In Colombian media, this fast-paced process of title applications, and the speculation that ensued, became referred to as the ‘mining titles fair’ [*feria de títulos mineros*]. Ingeominas, however, lacked the institutional capacity to deal with this surge in applications, which resulted in a backlog of 19,629 applications and provided a breeding ground for corruption. According to an industry journal, ‘Ingeominas officials are widely believed to have sold privileged information ... and offered speedy expedition of titles for a fee’ (Global Business Reports 2011:87). Furthermore, a significant number of the titles granted were in protected areas where mining is prohibited, such as national parks, protected forest reserves and the *páramo*, a vulnerable high-altitude wetland ecosystem that is unique to the northern Andes of South America, and plays an important role in the water supply of downstream communities (Pulido 2011).

In 2003, as the first multinational to apply for mining titles in Colombia, AGAC had a so-called ‘first-mover advantage’, on which it continued to pride itself in presentations to investors. ‘AGA will continue to push its first-mover advantage and dominant land position, particularly as major competitors realise the potential of Colombia’, its 2010 annual report states (AGA 2011:131; see also AGA 2008c:31). As ‘first mover’, AGAC obtained a large number of mining titles, although exact figures are unclear. According to a 2007 company report, AGAC applied for an area

covering 13 million hectares, which was reduced to 3.7 million hectares after initial exploration activities (AGA 2008a:2). In 2008, AGA's then-global CEO, Mark Cutifani, stated at an industry conference that AGAC had 594 titles comprising 1.35 million hectares, as well as an additional 966 titles comprising 2.3 million hectares in joint-ventures (AGA 2008c:16). Over time, the company gave up a large number of titles, which it did not find of geological interest or which were located in protected areas (AGAC 2011b). It also sold several titles to other companies (AGA 2008c:16; Colombia Goldfields 2006:14). In a newspaper interview, AGAC president Márquez stated that 'in 2012, we had 1000 titles, but today, we have no more than 150 titles and title applications' (López-Suárez 2017).

AGA obtained most of its titles through a newly created Colombian subsidiary, called Sociedad Kedahda, after a lake in British Columbia. Legally, since 2003, this company was incorporated in Colombia as Sociedad Kedahda S.A., a wholly-owned subsidiary of the South-African multinational. This subsidiary was part of a complex network of companies. Sociedad Kedahda, incorporated in Colombia, was jointly held by two holding companies¹² based in the British Virgin Islands, a Caribbean tax haven, which were in turn owned by AGA, incorporated in South Africa.¹³ The subsidiary operating 'on the ground' thus had Colombian nationality, but was owned by a virtual company created for tax benefits, and consisted of an international team of geologists which operated as part of a multinational corporation on a global mission. This description simplifies the even more fragmented web of tax haven-based holding companies and subsidiaries, as well as separate subsidiaries created for joint-ventures with other mining companies, which

¹² Compañía Kedahda Ltd and Compañía Kedahda Segunda Ltd

¹³ Parent company AngloGold Ashanti (AGA) in its current form was formed in 2004, by the merger of the South African company AngloGold (controlled by Anglo American Plc) and the Ghanaian company Ashanti Goldfields Corporation (partially owned and largely controlled by the Ghanaian government). Prior to this merger, the holding companies Compañía Kedahda and Compañía Kedahda Segunda were owned by Anglo American through its subsidiary AngloGold South America.

together provided the capital needed for the exploration activities in Colombia.¹⁴ The company operated under the name of Sociedad Kedahda until 2007, when it changed its name to AngloGold Ashanti Colombia (AGAC). According to critics, the company used a different name ‘to acquire a large number of mining concessions [titles] throughout the country, while keeping a low profile’, as the name of a well-known large multinational would attract more societal scrutiny (Colombia Solidarity Campaign 2006; 2013:32). AGAC denied this in an official reply to the allegations, and stated that the reason for the name change was commercial and aimed to consolidate the name and brand of AngloGold Ashanti in Colombia (AGAC 2013a).

At the time of my fieldwork, more than a decade after the company obtained most of its titles, many AGAC officials considered this mass-accumulation of mining titles a strategic mistake. Retrospectively, many officials considered that it had reinforced the image of the ‘voracious multinational’ among the public, and strengthened anti-mining sentiments. ‘Lots of mining titles are worth absolutely nothing when you don’t have access to the land’, a senior geologist put it to me.

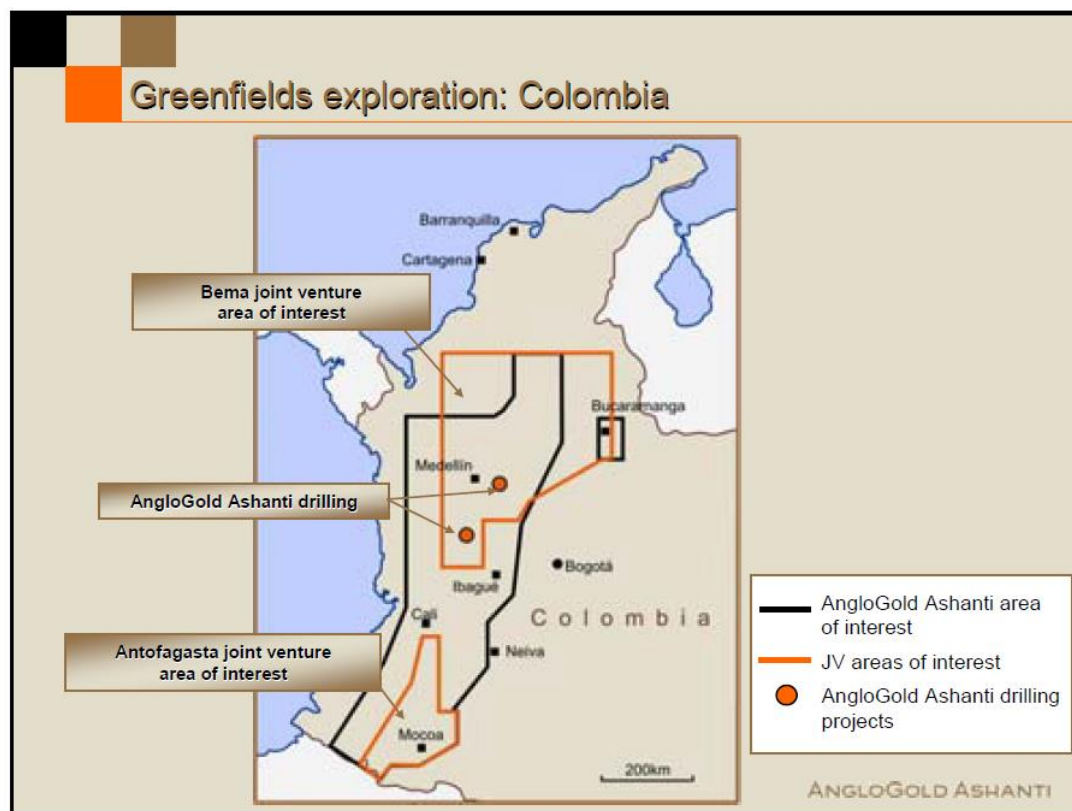
Modern mining mythology

Between 2004 and 2008, AGAC (then Sociedad Kedahda) conducted extensive fieldwork in its so-called ‘tenements’—the areas where it had been awarded mining titles. This exploration campaign covered 10.5 million hectares of the Colombian Andes, across the departments of Antioquia, Sur de Bolívar, Caldas, Risaralda, Quindío, Tolima, Huila, Cauca, Nariño, Putumayo and Chocó (Lodder et al. 2010) (figure 2.3). The fieldwork started with gathering stream

¹⁴ These included the Colombia-based greenfields subsidiaries Exploraciones Chaparral Colombia, Exploraciones Chocó Colombia, Exploraciones Northern Colombia, Exploraciones Pantanos Colombia, and Minera Kala Ana. The shares of each of these subsidiaries were owned by investment companies, which were in turn owned by a holding company, all based in the tax havens of the British Virgin Islands and the Isle of Man. The South African multinational indirectly owned the holding companies through two further holding companies, AGA Colombia Holdings Ltd (Isle of Man) and Compañía Kedahda Ltd (BVI). The joint-venture projects Gramalote and Quebradona are also run through subsidiaries, which are, similar to the greenfields subsidiaries, owned by BVI-based holding companies, which are in turn held by AGA and B2Gold (ownership stakes vary over time).

sediment samples and, in areas where the geologists found anomalies, the work continued with rock sampling, airborne geophysical exploration, and later exploratory drilling.

The first drilling targets that appeared in presentations to investors were Gramalote, in the department of Antioquia, and Quinchía, in the department of Risaralda, in 2005 (AGA 2005b:12). Gramalote became regarded as the company's first greenfields discovery.



2.3 Quarterly report showing the areas of interest for exploration across the Colombian Andes. The drilling projects, unnamed in this presentation, are Quinchía (Risaralda) (top orange dot) and Gramalote (Antioquia) (bottom dot) (AGA 2006).

In 2003, Canadian geologist Robert Shaw brought the Gramalote prospect to the attention of AGA's greenfields team. Shaw had been involved in the exploration and exploitation of the area by different Canadian junior companies in the late 1990s (Gorham 2007:23-25), and he went on to work for AGA alongside, among others, Lodder and Coughlin (AGAC 2008:10). The mining titles in the area were in the hands of a Colombian miner's family, which owned several artisanal mines in the area. Shaw formed a partnership with the title holder, and together with two other Canadian geologists, they formed a company called Grupo Nus, after the local river Nus. In June

2005, Sociedad Kedahda entered into a joint-venture with Grupo Nus, and in August 2007, the Canadian junior B2Gold took over the stake of Grupo Nus in the project (Gorham 2007:14).

Gramalote is located in an area with a long history of artisanal gold mining, which is another key reason why the community acceptance of the project is higher than at La Colosa and Quebradona. As is the case for many large-scale mining projects located in artisanal gold mining areas, the knowledge of local miners played an important role in the discovery of the deposit. The language of the international mining industry, with terms such as ‘greenfields discovery’, ‘virgin discovery’ (AGA 2011:19) or ‘maiden resource’ (AGA 2014a), paints an image of (foreign) prospectors venturing into a pristine and untouched area, where, ‘through a combination of luck and science, they stumble on precious metals’ (Tsing 2005:66). The Colombian Andes, however, was not the landscape ‘empty and wild so that anyone can come to use and claim [it]’ (ibid.:30), as the New Frontiers discourse framed it. It had been ‘discovered’ long before by the local population. From 2003, AGAC geologists conducted surface exploration activities, which, as a geological report on the project describes, drew on those of different Canadian prospecting companies in the 1990s, and made use of ‘selective grab, chip and channel sampling of materials from artisanal mining dumps and shallow underground workings’ (Gorham 2007:42). AGAC’s exploration thus built directly on the knowledge of local artisanal miners and previous prospectors. The exploration revealed a ‘significant un-drill-tested gold system’ (ibid. 2007:45), which was subsequently further explored with drilling.

These findings in Antioquia were overshadowed by AGAC’s second greenfields discovery: La Colosa. As the name suggests, this deposit was ‘colossal’, and seemed to fulfil the geologists’ high expectations of Colombia’s geological wealth. A company report describes the project as ‘[t]he gold industry’s most significant virgin discovery of recent times’ (AGA 2010a).

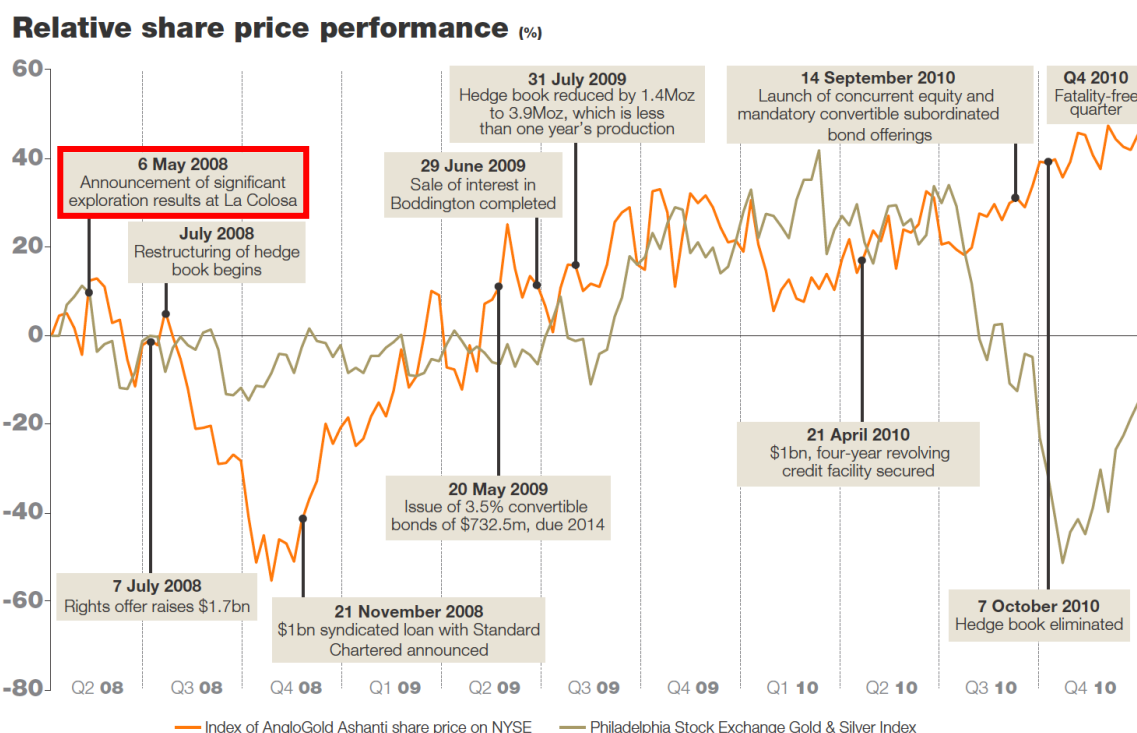
Mythical discovery histories

Discovering a mineral reserve that is viable for exploitation is what makes or breaks the career of a greenfields geologist. As I have described, geologists such as Chris Lodder, who made discoveries as significant as La Colosa and Gramalote, achieved an almost mythical status in the AGAC Greenfields Department. At the global level, the Colombian greenfields team has a special reputation within the company, as the Colombian discoveries, and in particular La Colosa, are regarded as crucial to AGA's future. AGA's webpage on exploration proudly cites a report by consultancy firm SNL that recognises the AGA greenfields exploration team as the world's most successful, with 'a proven track record that includes the discovery of world-class ore bodies in Colombia at La Colosa, Gramalote and Nuevo Chaquiro [greenfields name for Quebradona]' (AGA n.d.). An important part of the 'mythification' of large greenfields discoveries is storytelling. Geologists tell their so-called 'discovery histories' at industry conferences, in scientific and industry publications, as well as within Greenfields Departments throughout the years. Chris Lodder and colleagues, for instance, tell the discovery history of La Colosa at industry conferences (Garzón-Guzman 2011), in a geology journal (Naranjo et al. 2018), a publication by the Society of Economic Geologists (Lodder et al. 2010), and a company report (AGAC 2008). Inside the AGAC Greenfields Department, too, stories about greenfields discoveries were avidly told and re-told, as I experienced during my fieldwork. Just like the myths of traditional mining communities, a central theme in the classic anthropological literature on mining in South America, such as Nash's *We Eat the Mines and the Mines Eat Us* (1979b) and Taussig's *The Devil and Commodity Fetishism* (1980), the modern mining 'community' has its own modern mining mythology. However, whereas the mythology Nash and Taussig described may be read as critical of the idea that capitalism produces value, the modern mining mythology I encountered among the greenfields geologists reinforced a belief in the extractivist narrative that the discovery and exploitation of mineral deposits would generate great wealth.

The area around Cajamarca, the story of La Colosa's discovery goes, had been of particular interest to the greenfields team during the initial field visits it made to Colombia in 2000, with

its joint-venture partner Conquistador Mines (AGA 2008:10; Lodder et al. 2010). A first indicator of the presence of gold in the area was a former artisanal mine, San Antonio, where in 2000 two AGA geologists took a few rock samples. They followed the creek upstream, until the security guards of Conquistador Mines, who accompanied the geologists, told them to go back. At the time, the FARC controlled the area around Cajamarca. North-American white men gathering rocks in a remote rural area were likely to attract suspicion, and risked being kidnapped by the guerrillas, as had happened to a Canadian subcontractor of mining company Greystar two years earlier (The Economist 1999). The AGAC report on the La Colosa discovery paints a picture of North-American geologists walking along a creek full of promising rocks, reluctant to leave this mesmerising opportunity behind, while nervous security guards urge them to turn around. ‘Before heading downstream’, the report narrates, ‘Hall and Lodder took two float boulders’ (AGA 2008:10), which turned out to contain mineral values ‘indicating the presence of an additional gold source upstream from San Antonio’ (Lodder et al. 2010). The area was flagged for follow-up, but it was not until May 2006, when the security situation had become more stable, that AGA geologists returned to Cajamarca. Further rock and sediment sampling confirmed the anomalies the geologists had found in 2000, and in March 2007 the greenfields team started exploratory drilling to determine the size and mineral concentration of the deposit. The company first started making cautiously optimistic announcements about La Colosa in 2007, stating in a quarterly report to investors and shareholders that ‘interim results from first-pass drilling of the new La Colosa gold-copper porphyry are encouraging’ (AGA 2007).

In May 2008, AGA released a first estimate of the size of the deposit of 12.9 million ounces of gold (AGA 2008b). This more than doubled the estimated resources of the greenfields portfolio at the time. This triumphant announcement of the Colombian discovery had effects on a global scale: as figure 2.4 shows, AGA attributes the increase of its share price on the New York Stock Exchange to the announcement.



2.4 Extract from AGA's 2010 Annual Financial Statements, indicating the announcement of the La Colosa discovery as a significant event in the fluctuation of its share price on the New York and Philadelphia stock exchanges (AGA 2011:7).

Even the name of the project, La Colosa, after the creek from which the first rock samples were collected, carries the connotation of grandeur. This name is the subject of another mythical greenfields story. Mining projects are traditionally named by greenfields geologists after a geological landmark that relates to their discovery. This is, for instance, the case for AGAC's Gramalote project, which is named after the mountain where the deposit is located. Was it a coincidence that such a 'colossal' discovery was made in a creek with such a fitting name? According to the greenfields myth, the discovery was not named after the creek, but the creek was named after the discovery. The story greenfields workers told me revolves around the Colombian geologist Timoleón Garzón, who was part of the exploration team that returned to Cajamarca in 2006 to take further samples:

Timo has an exceptional instinct. He knows when there is something worth going after. In Cajamarca, he could tell from the first rocks they analysed that they were after something gigantic. They say that he was the one who named the creek where they were prospecting La Colosa. They were using an old map of the region, on which the creek was indicated as 'La Col.' Timo knew they were after something colossal, so he had taken

a pen, and changed the name of the creek on the map to 'La Col.-osa'. Since then, everyone has called the creek La Colosa.¹⁵

'One of the biggest mines in the world'

While AGA executives spoke at global industry conferences about the drilling programme they were starting in Cajamarca, only very few locals were aware of the activities taking place in the steep mountains surrounding their town. This changed in December 2007, when national newspaper *El Tiempo* announced: 'Gold reserve that would be among the ten biggest in the world, discovered in Cajamarca (Tolima).' It did not mention the name La Colosa, but it stated that the South African multinational AngloGold Ashanti had made the discovery and announced it to President Uribe and the Minister of Mining in a private meeting. The AGA executives had asked Uribe to keep the information confidential, according to the journalist, but 'he could not resist the urge to talk about the discovery, and said that the deposit would require investments of over two billion dollars'. According to the Minister of Mining, the president of the company (Chris Lodder) had told them that it was an 'enormous deposit' that would be 'one of the ten biggest in the world' (*El Tiempo* 2007).

These statements about the size of La Colosa were confirmed several years later, after the results of further drilling revealed that the size of the deposit was even bigger than initially estimated. When, in 2012, the company reported the resource at La Colosa held 24 million ounces of gold (Moz Au), an industry analyst exulted:

La Colosa, AngloGold Ashanti's flagship project in Tolima, has gone from big to huge. ... The size of the gold resource is astonishing: less than 2% of gold projects have a resource of over 10 Moz Au [million ounces of gold], and La Colosa has now grown to become one of the most important gold projects in the world, and the most important discovery in recent times, making it by far Colombia's largest and most important gold project (Colombia Gold Letter 2012:1).

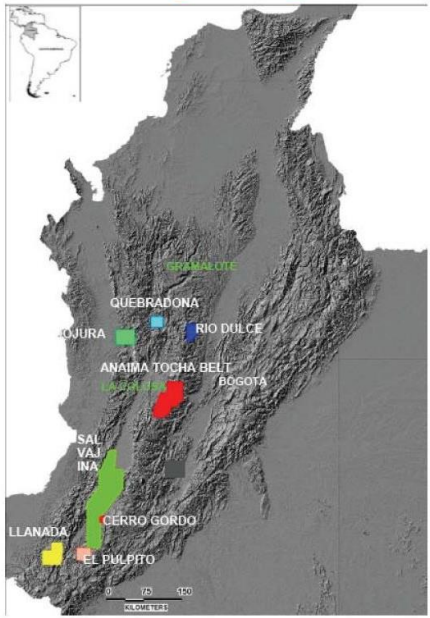
¹⁵ An article by the geologists involved in the La Colosa discovery states: 'In July 2006, one of the exploration teams took the initial ~200-mesh stream sediment sample in the La Cologan Creek, which was later renamed by AngloGold Ashanti La Colosa Creek' (Lodder et al. 2010). The name 'La Cologan' also appears in two old documents on mining geology in Colombia (Randolph 1889:viii; Pereira Gamba 1901:192), where it refers to an area or a mine near the Bermellón river with great potential for gold mining.

Over the years, the estimated size of the deposit would further increase to over 28 million ounces (AGA 2020). At a meeting with analysts in 2012, CEO Cutifani made even bolder estimates, stating that ‘we believe it has the potential to grow to an excess of 40 million ounces. So a central play for us, very important’ (Cutifani 2012).

Superlatives abounded in the communication about La Colosa to investors and shareholders, in the years after its discovery. ‘In Colombia, we have an enviable position in the world’s most exciting new gold district, at an entry cost of almost zero’, CEO Mark Cutifani exults in the 2010 Annual Report (AGA 2011:18). Presentations to investors describe Colombia as ‘the cornerstone of our Americas effort’ (AGA 2010b:21), a ‘game changer’ (figure 2.5), and celebrate La Colosa as ‘one of the most significant new gold discoveries of the current era’ (AGA 2009a:7), ‘a global tier-one deposit’ (AGA 2012a:31), and ‘a large world-class gold resource [which is] getting bigger, and is only the tip of the iceberg given a wealth of targets in Colombia’ (ibid.).

Colombia – game changer...momentum building

Colombia has a significant gold and copper porphyry endowment...



- Great exploration address...great land position.
- AGA Colombia exploration started in late 1990s. Today we have rationalized land position from 100,000km² to most prospective 15,000km².
- Defined +30mozs resources at net cost <US\$2/oz.
- Colombia is South America's second largest economy and one of its most dynamic growth stories. It has the Continent's longest and most successful democracy, with a culture of entrepreneurial development.
- The country is an investor-friendly destination, with strong government institutions, evolving minerals legislation and a growing number of international gold companies seeking to follow AngloGold Ashanti's first-mover advantage.
- Recent management changes, including the appointment of a dedicated EVP, driving the Colombian development strategy to deliver first production in 2016.

...targeting first production in 2016.

18

2.5 Presentation of Colombia at an ‘investor roadshow’ (AGA 2012b). Slides with similar language and imagery were used at global industry conferences and other presentations to investors and shareholders.

Magical realism

‘Colombia is a place of magical realism’, various AGA officials told me throughout my fieldwork. ‘You know what they say: García Márquez was a great author, but he did not make his stories up. They were real, he just had to write them down. Macondo [the fictional town described in several of García Márquez’s magical realist novels] is Colombia.’ The greenfields geologists’ narratives of AGA’s entry into Colombia may also be characterised as magical realist, depicting Colombia as a mythical land of opportunity for greenfields exploration, with previously unexplored mountain ridges, vast areas of land waiting to be staked, and one of the largest gold deposits in the world waiting to be discovered. It was this ‘magic’ that contributed to drawing the investment that lies at the basis of the expansion of the Colombian gold mining sector.

La Colosa contested

The superlatives with which La Colosa was announced not only attracted the attention of investors and shareholders, but also of the people living near the mineral deposit. In Cajamarca, AGAC’s presence gave rise to new interests and new identities. For some people, the mining project became a major theme in their lives, as they started to dedicate substantial effort and time to the opposition to, or support of, La Colosa.

A group of senior town residents told me that, after hearing about the La Colosa discovery in the news, they wanted to know what this would mean for the town, so they started reading about the effects of gold mining on the internet. They learned that La Colosa was forecast to be an open-pit mine, which would use cyanide to extract the gold from the ore, as well as large amounts of water. This concerned them, as open-pit gold mines have a track record of causing severe environmental degradation, including water pollution due to the discharge of toxins into rivers, soil pollution because of acid mine drainage (the release of heavy metals contained in the rock into the environment as a result of excavation), and environmental disasters resulting from the collapse of tailings dams, which store toxic mining waste. They also worried that the substantial amount of water large-scale gold mining requires would pose a grave risk to Cajamarca’s

agricultural economy. To spread awareness about this, they founded an organisation called Ecotierra. Several members of Ecotierra had a background in engineering, and started studying the methods of exploration and exploitation at mining projects such as La Colosa, the amounts of ore that would be mined near their town, and the amounts of water this would require. They spread information about the negative environmental impacts of mining in magazine-style leaflets they distributed in the town, and in presentations and seminars in Cajamarca and Ibagué.

In addition to Ecotierra, several other grassroots movements emerged in opposition to La Colosa. In the town centre, a group of young people formed 'socio-environmental' youth collective Cosajuca. In rural sections of the municipality, several groups of *campesinos* formed associations to oppose La Colosa, such as Conciencia Campesina ['Peasant's Conscience'], Osada, and organic farmers' association Apacra. Their main concern was the impact La Colosa would have on their water sources, on which their livelihood depended. Most of these emerged in the Anaime Canyon. In this part of the municipality, the population had historically been involved in peasant resistance processes. In the 1990s, for instance, various *campesinos* had been involved in the squatting of large landholdings in order to pressure the government to divide this land into smaller plots and allocate them to landless *campesinos* (El Tiempo 1996; Agencia Prensa Rural 2003).¹⁶ In the 1990s and 2000s, Anaime inhabitants regularly participated in the national *paro agrario* [agricultural strike], blocking the Pan-American Highway to put pressure on the national government to improve the conditions in the Colombian countryside. With the arrival of AGAC to Cajamarca, their resistance became focused on mining. A *campesino* who had been active in these movements told me:

Many people got tired and did not stay involved. Fighting without achieving anything is tiring. When AGAC came to the town, the *causa campesina* became the environmental cause.

This motivated more people, he argued, because it was more tangible: 'The company and the project are much more immediate, you are directly confronted with them in the town.' The

¹⁶ The Land Reform Act 1961 created the Colombian Institute for Agrarian Reform, INCORA, which was granted the authority to expropriate and redistribute large unproductive estates. In practice, peasant movements often squatted large properties in order to pressure INCORA to negotiate with the landowner about his property.

defence of *campesino* land and livelihood was no longer an abstract resistance to the government, but evolved into the defence of this land and livelihood from the perceived threat of large-scale mining, and produced a new identity of peasant-environmentalist. Furthermore, from the early 2010s, part of the *campesino* movement started to participate in local elections with an anti-mining agenda, in affiliation with the Colombian socialist party Polo Democrático. Over the years, the movement started gaining ground in local politics, and in 2015, it won the largest number of seats in the municipal council. In 2019, two and a half years after AGAC suspended its project, it managed to win the mayor's office.

Another hub of opposition to La Colosa formed at the University of Tolima in Ibagué, which had historically had a strong student movement. Environmental concerns had been part of the movement since the 1970s, as a result of the involvement of Gonzalo Palomino, a well-known Colombian environmentalist and professor at the University of Tolima. As La Colosa grew into an issue of regional debate, it also became an agenda point for the student movement. A group of students and professors created the Environmental Committee in Defence of Life [*Comité Ambiental en Defensa de la Vida*] (henceforth Comité Ambiental), which started liaising with local groups from Cajamarca to coordinate seminars and protest activities. Various urban middle-class environmentalists from Ibagué also joined the movement. From 2010, the Comité Ambiental has organised an annual protest march in Ibagué, on World Environment Day. In this so-called 'Carnival March' [*Marcha Carnaval*], thousands of people take to the streets to protest against mining, often dressed in colourful outfits, wearing face paint or masks related to environmental themes, carrying placards, and waving flags. Each year, the different anti-mining movements from Cajamarca lead the march with a procession of jeeps decorated with agricultural produce to demonstrate the agricultural wealth of the municipality, which the protesters fear will be lost if the La Colosa mine is built. In later years, the Comité Ambiental also set up a course in 'environmental citizenship training' [*diplomado en formación ambiental ciudadana*] at the University of Tolima, where activists teach groups of mainly young people from Cajamarca and Ibagué about

topics such as the negative impacts of gold mining and the use of cyanide, climate change, citizen participation and collective action (Comité Ambiental n.d.).

From their early years, the opposition movements in Tolima acquired a transnational dimension through the support of international and national environmental and human rights NGOs (see Keck and Sikkink 1998). These NGOs funded, for example, educational and campaigning materials, the transport needed to mobilise *campesinos* and bring them from their remote rural homes to the town centre for protest marches, and legal support. More significantly, they elevated the profile of the protest by drawing international attention to La Colosa. The Dutch NGO PAX and the UK-based Colombia Solidarity Campaign, for instance, published reports describing the controversies surrounding the project and setting out what they regarded as its social and environmental risks (Colombia Solidarity Campaign 2013; PAX 2009, 2016). The NGOs also connected activists from Tolima to other anti-mining movements in Colombia and Latin America to learn from each others' experiences.

Concerns about water also drew other regional actors into the debate, such as the rice growers [*arroceros*] in other municipalities in the Tolima department. These municipalities are all part of the Coello river basin. Cajamarca is an important catchment area for these municipalities, as the Coello river originates high in the mountains of Cajamarca, in the Páramo of Don Simón, from where it descends into a valley with several rice growing municipalities, including the departmental 'rice capital' of Espinal and the town of Piedras. The *arroceros* formed a landowning elite in the Tolima department with considerable economic power and high-level political connections. They saw AGAC as a threat to the already low water levels in their river basin, as the water AGAC would use for La Colosa would be taken from tributary creeks of the Bermellón river in Cajamarca, which is a tributary of the Coello river. Usocoello, a cooperative of 1800 *arroceros*, became an important regional opponent to La Colosa, which liaised with local and regional activists such as the Comité Ambiental, as well as with regional and national politicians. In 2009, for instance, Usocoello filed a class action [*acción popular*] against the Ministry of the

Environment, Ingeominas and AGAC, which sought to void AGAC's mining titles. Over the years, the opposition to the La Colosa project continued to grow, and became increasingly successful in voicing its concerns to a regional, national and international audience. The way in which AGAC dealt with this growing opposition to its activities is one of the central themes in this thesis.

The centrality of water to the mining resistance movement was not unique to Cajamarca. As Roa-García points out, water has been 'at the center of conflict in extractive frontiers' and has been a mobilising force in many cases of mining protest (2017:62). Li therefore regards water itself as a 'politically generative' entity (2015:4), which not only has the potential of mobilising communities but also enables alliances among actors with divergent agendas, such as Cajamarca's *campesinos*, Ibagué's environmentalists, the regional landowning elite, and international NGOs.

The exemption permit

The first significant challenge to AGAC's activities did not come from a civic organisation, but from the regional environmental authority Cortolima, the CAR of the Tolima department. In February 2008, Cortolima ordered the immediate suspension of the drilling programme which the Greenfields team had been carrying out since March 2007 in the mountains of Cajamarca, with the aim of obtaining more information about the La Colosa deposit (Cortolima 2008). The agency had found that the area where AGAC was conducting its exploration activities was located in the central forest reserve zone, which was a protected area created for the protection of soil, water and wildlife, as well as, somewhat contradictorily, to stimulate the timber industry (Forestry Act 1959, art. 1). Companies can legally conduct mining exploration activities in forest reserve zones if they obtain a so-called *sustracción de área* [literally 'area subtraction'], an exemption permit, from the Ministry of the Environment, which carves out an area from the forest reserve in order to permit activities which are considered to be 'of public utility and social interest'. The Colombian Mining Code defines mining to be such an activity (Mining Code 2001, art. 13). AGAC, however, had failed to request this permit. Cortolima's suspension of AGAC's

activities at the La Colosa project, and the protracted process of requesting the exemption permit that followed, may be seen as precursors of the controversy and opposition that the project would continue to face in the region. Whereas AGAC's first years of exploration had taken place largely out of the limelight, in the years following the La Colosa discovery it became one of the most contested and controversial mining companies in Colombia.

To AGAC, the suspension of its activities was a bolt from the blue, as it had been drilling for a year already, under the assumption that it had met all legal requirements. Cortolima had even granted the company several water permits in 2007, but when AGAC requested a new logging permit in early 2008, the agency objected that the exploration area was located in the forest reserve. It is possible that, after Uribe's announcement, which drew significant public attention to the mining project, Cortolima started to scrutinize AGAC's permits more than it had initially done. Its officials may have feared the agency would be reprimanded if any irregularities were to occur.

AGAC executives interpreted the suspension of its drilling programme as motivated by deeper-lying political interests. Public company reports emphasise that the requirement for an exemption permit for mining exploration in a forest reserve zone had never been enforced before, and that the suspension was something out of the ordinary, resulting from 'unexpected and additional environmental requirements ... as the initiative to create special zones for forest reserves gained momentum' (AGA 2009b:11, 21). The perception that the CARs are politically-charged bodies is one that is shared by many Colombians. Most CARs are controlled by a political group or party (La Silla Vacía 2010), and they are commonly regarded as inefficient, corrupt, and politicised bodies (Canal and Rodríguez 2008). Cortolima, although formally fulfilling an administrative function, was regarded as being 'owned' by the Liberal Party in Tolima, meaning that its decisions tended to be aligned with the interests of this party, its highest officials tended to be close to the party leadership at the regional level, and many board positions at the agency were given out as political favours. I will further elaborate on these practices in Chapter 6. AGAC officials with

whom I spoke throughout my fieldwork regarded Cortolima's intervention as an act of political opposition, following the line of the Liberal Party in Tolima's regional politics, which was opposed to La Colosa. In other parts of the country, on the other hand, the CARs are considered allies of foreign mining companies, and in some departments, they are even alleged to control environmentally harmful illegal mining operations (Urán 2018:280).

A few days after the suspension of its activities, AGAC submitted its application for an exemption permit to the Ministry of the Environment. In the process that followed, several public bodies, in addition to Cortolima, rose to the fore as critics of La Colosa. The first was the Inspector-General or Procuraduría, the public institution that oversees the public conduct of public officials and the correct functioning of government institutions. The regional Procurador for Environmental and Agricultural Affairs in Tolima requested the Minister of the Environment not to grant AGAC an exemption permit, arguing that Ingeominas had acted illegally when granting AGAC mining titles in the forest reserve zone, that AGAC had acted illegally by conducting exploration activities in the forest reserve zone before being granted an exemption permit, and that the protection of the environment should be prioritised over mining exploitation (Procuraduría 2009). The Contraloría, the public body that oversees the allocation and spending of public funds and functions as the highest form of fiscal control in Colombia, took a similar stance.

In February 2009, the Ministry of the Environment organised a public hearing [*audiencia pública*] as part of the procedure of granting the exemption permit. The hearing brought together state institutions, such as the Ministries of Mining and the Environment, Cortolima, the Procuraduría, the Contraloría, the local and regional government, politicians, NGOs, as well as residents of Cajamarca and other interested people from the region. Furthermore, the political debate on La Colosa was elevated to the national level by two senators from Tolima, who initiated a debate on the exemption permit for La Colosa in the Senate (Congreso Visible 2009). They also spoke at the public hearing. The hearing made clear that La Colosa was a deeply divisive issue in the town

and region. In Cajamarca, during the weeks leading up to the hearing, supporters and opponents of La Colosa ‘campaigned’ to propagate their views to the residents of Cajamarca, as an article in a regional newspaper describes:

The atmosphere is like that of a political campaign. In the last couple of days, the two camps have published pamphlets, collected signatures, and screened videos to try by all means to gain the support of the community (El Nuevo Día 2009).

As the public debate on La Colosa grew, and the project became more and more politically contentious, AGAC’s new management was able to lobby government officials through their personal networks. A former executive told me:

When I was recruited, [AGAC executive] told me about the challenges La Colosa was facing, and asked me: ‘At the moment, we don’t have a project. Do you want to work with me on this?’ I told the executive I only wanted to do it if the project was viable. So, I went to see [a high-level government official] whom I had known for a long time, and told him: ‘This gold mining company is trying to establish a massive gold mining project in the country. They have everything: the money, a huge discovery, but they can’t get it off the ground.’

A few months later, I had a meeting with my friend and [other government officials] at a music festival. I will never forget this: we were sat behind the scenes, right behind the backdrop of the stage, on which we could see the shadow of the accordion player performing. As we sat there, the government people asked me questions, and I was on the phone with people from AGA in Denver to answer them. At some point, a government official asked: how many hectares does AGAC need for its drilling platforms? The AGAC people did some calculations and came up with the magical number: for 700 drilling points, they needed 6.39 hectares.

The executive left the meeting feeling assured that there was a good chance the permitting process would go in AGAC’s favour. Indeed, in May 2009, the Ministry of Environment, under the leadership of a newly appointed minister (El Espectador 2009), granted AGAC an exemption permit for the exploration phase (MinAmbiente 2009). The company had requested a permit for the entire area of its mining titles in Cajamarca, which covered 515.75 hectares, but the Ministry instead exempted 6.39 hectares, which, as the story of the former AGAC executive illustrates, was the sum of all small plots of land the company suggested it would need for its drilling platforms, heliports and the camp.

In this way, the Ministry found a middle ground between the government’s economic and environmental interests. In addition to exempting a smaller area than requested, and for the

exploration phase of the mining cycle only, the resolution of the Ministry also included several environmental requirements. First, it did not allow exploration activities in virgin forests, cloud forests, or protected natural springs (art. 1.1), and only allowed the construction of drilling platforms in pastureland (art. 1.2). Secondly, it required the mitigation of unforeseen environmental impacts (art. 7), and compensation of the exempted area through the reforestation of 6.39 hectares in the Coello river basin (art. 11). Thirdly, it required permanent environmental monitoring of the area by a university or other scientific entity (hired by the company) (art. 5), to be reviewed by a technical oversight committee [*veeduría técnica*] of recognised scientific authorities ‘in order to guarantee the validity of the information the company provides’ (art. 8). This third requirement points to an issue that continued to be central to the public debate on the La Colosa project: the availability of data, from a reliable source, to make an informed judgment about the potential impact of the La Colosa project on the environment, and in particular on water.

Mining, the environment and Colombian politics

AGAC and the Colombian state

The Uribe administration, as described earlier in this chapter, greatly facilitated AGAC’s entry into Colombia. It provided favourable investment conditions through neoliberal legal reforms, provided military protection, enabled AGAC’s smooth and swift acquisition of a large number of mining titles, and granted the company an exemption permit to continue its exploration activities in the forest reserve. As such, parts of the Colombian state, the executive and the military, were supporters and enablers of AGAC’s activities. Other state entities, however, positioned themselves as opponents to AGAC’s La Colosa project—notably Cortolima, the Procuraduría, and the Contraloría. In the Colombian Senate, the tone of the debate on La Colosa was also critical. This shows the heterogeneity of the entity we refer to as ‘the state’, and the complexity of AGAC’s relation with it. Over time, furthermore, the composition of different public entities changed, and, along with that, their positions on mining. The Procuraduría, for instance, was initially very critical of AGAC and its projects. With the change of Procurador in 2009, the

institution's stance on mining became more favourable. At the local level, the Procurador for Environmental and Agricultural Affairs in Tolima, who had been one of the first outspoken critics of La Colosa, was moved to a different post outside Tolima, and replaced by a Procurador who became one of AGAC's closest allies in the department.

The stance of the government, too, changed over the years. In 2010, President Uribe was succeeded by his Defence Minister, Juan Manuel Santos. Santos campaigned as 'Uribe's candidate' for the presidency, and, to the Colombian public, the governments of Uribe and Santos were one and the same (Rodríguez 2014). With regard to the governance of the mining sector, Santos initially continued Uribe's approach, focused on creating favourable conditions for international investment. Santos's policies were centred on boosting five '*locomotoras*', five driving forces for the national economy, of which mining was one (DNP 2011:18). He restructured the state agencies overseeing the mining sector, created a Vice-Ministry of Mining under the Ministry of Mining and Energy, and created two federal mining agencies. The National Mining Agency (ANM) took over the role of Ingeominas in granting mining titles, and the National Authority for Environmental Licences (ANLA) was created to oversee the authorisation of environmental licences. To clear Ingeominas's backlog of mining title applications, Santos imposed a moratorium for new applications, which lasted from February 2011 to February 2012. As AGA had already conducted extensive prospecting and exploration at the time of the moratorium, and had obtained a large number of mining titles, the moratorium gave the company an advantage over the mining companies that entered the application process at a later stage (Global Business Reports 2011:90). The Colombian Mining Code was reformed in 2010, but the Constitutional Court found the reform was unconstitutional as indigenous people who would be affected by the legislation had not been consulted (Corte Constitucional 2011).

Another significant change enacted under the Santos administration was the recentralisation of the royalties system (Royalties Act 2012). Before this legal reform, almost all royalties the state received from the extractives sector had been distributed among the municipalities and

departments where the extractive activities took place. The reform sought a more equitable distribution of royalties across the country, and to make them less prone to capture by corrupt local authorities or criminal groups. However, the reform also meant a significant reduction of the budgetary autonomy of local authorities, which contradicted the constitutional principle of decentralisation, and many local authorities opposed the reform (Leiva-Ramírez 2015). The reform of the royalties system may be seen as a contributing factor to the emergence of local decision-making autonomy as a central theme in the Colombian mining debate, which I analyse throughout this thesis.

The most important mining policies of the Santos administration were the creation of Strategic Mining Areas [*Áreas Estratégicas Mineras*] and 'PINES' or Projects of National and Strategic Interest. The Strategic Mining Areas policy delineated blocks of the subsoil considered to have significant mineral potential, to be auctioned off to actors with the technical capacity to explore and exploit them, which enabled actors with greater technical and bureaucratic capacity, large-scale mining corporations, to amass more mining titles. The PINES policy, furthermore, granted special status to various megaprojects in mining, energy, and infrastructure, which warranted a special treatment because of their significance to the post-conflict economy. The policy accelerated the environmental licensing process by centralising it, leaving it in the hands of the federal government (the ANLA), to the exclusion of regional authorities such as the CARs. Santos also enacted a decree creating what the Colombian media referred to as the 'express environmental licence' [*licencia ambiental exprés*] (e.g. Semana 2014) by simplifying the process and reducing its duration from ninety to sixty days (Decree 2041 of 2014). All three of AGAC's projects acquired the status of PINES, which gave the company the prospect of a smooth and swift approval of their environmental licences for exploitation. In 2016, a coalition of senators and activists brought a constitutionality claim against several articles of the National Development Plan, including those that dealt with Strategic Mining Areas and PINES. The Constitutional Court ruled that the Strategic Mining Areas policy was constitutional on the condition that the central government reached an agreement [*concertación*] with local governments before designating an area as a

Strategic Mining Area. With respect to the PINES, it declared the part of the policy unconstitutional which provided that land needed for PINES could not be part of the post-conflict land restitution process, in order to protect victims' rights, and held that the CARs could not be excluded from the environmental licensing process (Corte Constitucional 2016a).

Although Santos may have initially appeared to be 'a second Uribe', tensions between him and his predecessor soon arose, for instance when he appointed prominent Uribe critics to ministerial posts (León 2011). The conflict between Uribe and Santos intensified when Santos entered into peace negotiations with the FARC guerrilla, a diplomatic move that stood in stark contrast to Uribe's Democratic Security Policy, the pillar of which had been a military offensive against the FARC (which Santos, as his Defence Minister, had executed). Uribe became the strongest critic of the Santos government, with his Twitter account as his main medium of communication with the Colombian public. Although mining was not a point of disagreement between Santos and Uribe, the sector seemed to become less and less of a priority on Santos's agenda. As a journalist observed:

During his first year in office, the mining *locomotora* was central to the president's discourse. Two and a half years later, not a trace of it is left. Mining has passed from being the focus of his economic prognoses and objectives to being a secondary and sporadic actor (Bermúdez-Liévano 2013b).

An important reason for this, the journalist argued, was that the political cost of supporting the mining sector had augmented because of a range of mining-related scandals, which had further swayed public opinion against mining. These included an incident involving coal mining multinational Drummond, which had dumped coal into the Caribbean Sea while trying to rescue a sinking barge, the strong social mobilisation against a gold mining project in the high-altitude wetland of the Páramo of Santurbán, the strikes at the coal mines of Cerrejón and Prodeco, and the government's extension of the nickel mining concession of Cerro Matoso, a company owned by mining multinational BHP, even though, the Contraloría alleged, the company had evaded tax and royalty payments. All these scandals involved multinational corporations, which fed societal suspicion of foreign companies, common across Latin America (Li 2015; Shever 2010). More

generally, the Colombian public seemed to become more concerned about environmental issues, in particular water scarcity and air quality. As a journalist commented:

Amidst a sharp drop in popularity and at the start of an electoral period, many people from the mining sector believe that Santos is seeking to fall in tune with public opinion, and that mining, which has been strongly criticised in the last few months, could be the great victim (Bermúdez-Liévano 2013b).

The president seemed to distance himself from the mining sector, quite literally, as he had been invited to inaugurate the Annual Large-Scale Mining Conference, but he turned the invitation down and instead inaugurated the Cartagena Film Festival, which took place only a few blocks away.

After his re-election in 2013, Santos was squarely focused on the peace process with the FARC. Mining was not among his priorities, as his first congressional speech made clear: it did not mention the word ‘mining’ even once (La Silla Vacía 2014). An issue that may be regarded to underlie Santos’s distance from the mining sector was that his government had not been able to pass a law to reform the mechanism of prior consultation, an internationally and constitutionally recognised right of indigenous and Afro-Colombian communities to be consulted before the approval of any large-scale project affecting their territory. The government sought to reform the mechanism because it considered it an obstacle for the realisation of large mining and infrastructure projects, but, in order to pass the law, it needed to consult the indigenous communities on the proposed reforms (El Espectador 2012). Against this backdrop, mining was a particularly contentious issue for Santos’s relationship with indigenous and Afro-Colombian communities, and an overt pro-mining stance could thus have compromised Santos’s ability to obtain the support of indigenous and Afro-Colombian communities for the peace agreement (León 2020). In Chapter 8, I further discuss Santos’s relationship with the mining sector.

In 2014, Colombia became a member of the Extractive Industries Transparency Initiative (EITI), a voluntary standard aiming to combat bribery and corruption through the disclosure of tax and royalty payments by governments and extractive corporations. This initiative, as well as Santos’s desire for the country to join the OECD, which was achieved in 2018, may be seen as an attempt

by Santos to distinguish his government from Uribe's as more transparent and accountable (Bebbington et al. 2017). The OECD and EITI membership, as well as Santos's distance from the mining sector more generally, may also be interpreted as part of his effort to conjure up an international image centred not only on his Nobel Peace Prize-winning efforts to reach a peace agreement with the FARC, but also his self-proclaimed environmentalism (see Santos n.d.).

Mining: a symbol of *uribismo*

As Santos appeared to distance himself from the mining sector, and the Santos-Uribe divide deepened, the public continued to associate mining strongly with the Uribe government. La Colosa, in particular, continued to be seen as Uribe's prestige project. Another factor that contributed to the equation of mining (and AGAC) with Uribe was that, when Uribe's presidency ended, several mining companies hired former state officials from the Uribe administration. AGAC, for instance, hired the former director of Ingeominas. The Colombian press framed it as a case of 'revolving doors' [*puerta giratoria*]'—the idea of a figurative revolving door between the government and the industry to describe the movement of former legislators and regulators to jobs in industries affected by this legislation and regulation—and raised concerns about the privileged information and connections this might provide the company with (Osorio 2011b; Rueda 2011; Semana 2011).

Meanwhile, the political left increasingly embraced the environmental agenda. The environment, for instance, became a central part of the political discourses of prominent left-wing politicians, who also supported the anti-mining movement in Cajamarca. Similar to other Latin American countries, in Colombia, alongside the expansion of the mining sector, 'the environment' emerged as 'an increasingly contested terrain of political action' (Li 2015:21). An important environmental point was the defence of the *páramo*. As I described earlier in this chapter, under the Uribe administration, Ingeominas granted a significant number of mining titles in *páramo* regions. Civic movements opposed to mining, in particular the movement protesting a gold mining project in

the Páramo of Santurbán, were strengthened by this support from left-wing politicians (Osorio 2011a).

Mining was, thus, relevant to two issues high on the left-wing political agenda: the protection of the environment and opposition to Uribe. Many Colombians came to associate mining with environmental destruction as well as with Uribe's politics. In these circumstances, the Colombian mining debate aligned with the political polarisation in the country between left and right, between the '*uribistas*'—Uribe's loyal followers—and those who passionately oppose his conservative politics. La Colosa came to be one of the most visible and most controversial projects in this debate.

Conclusion

This chapter has set the scene for this ethnography of AngloGold Ashanti in Colombia. It has set out how the South African multinational turned to the 'new frontier' of Colombia, facilitated by neoliberal legislative reforms and a conservative security policy which increased stability for international investment in a country plagued by decades of internal armed conflict. It has also described the historical importance of gold to Colombia and the role of gold in the Colombian armed conflict.

AGAC's first years of prospecting were surrounded by an aura of expectation. As the first gold mining multinational to apply for mining titles, AGAC was able to obtain the lion's share of titles across the country, and conduct an extensive exploration campaign which yielded significant discoveries, including 'the gold industry's most significant virgin discovery of recent times' (AGA 2010a). This earned the company a reputation of visionary greenfields explorer and bold 'first mover' among its industry peers. In the public domain, AGAC and La Colosa also came to be discussed in superlative terms. This drew significant societal attention, and scrutiny, to the company and its projects. Locally, in Cajamarca and Ibagué, the presence of the La Colosa project produced new identities as concerned citizens took on the role of grassroots anti-mining activists.

The fierce opposition La Colosa would come to face was foreshadowed by Cortolima's suspension of AGAC's drilling programme, and the drawn-out, contested process by which the company obtained an exemption permit to continue its activities highlights the complex political and social interests which surrounded the project from its inception.

These developments were accompanied by the growth of the Colombian environmental movement, spurred by increasing concerns about environmental issues such as water scarcity and air quality. Mining controversies in the 2010s, amplified by the media, further increased suspicion of multinationals and anti-mining sentiments in society. Furthermore, as President Santos appeared to place his mining *locomotora* on the back burner, mining became even more strongly associated with his predecessor Uribe, under whose administration AGAC had acquired its mining titles and made its greenfields discoveries. As mining became an *uribista* symbol in the public imagination, opposition to mining became a stronger part of the political left's agenda.

In the following chapters, I will explore how AGAC sought to make its mining projects socially 'feasible'. How did it deal with the ethical expectations the global CSR movement places on multinational mining corporations? How did it respond to the growing opposition to its activities? What was the role of the language and practice of CSR in this? In the next chapter, I turn to AGAC's headquarters in Bogotá, and describe how AGAC developed from an exploration office into an established mining corporation, which sought to develop its promising greenfields discoveries into the first open-pit gold mines in Colombia.

From mountain boots to business suits

The evolution of CSR at headquarters

During its first years in Colombia, AGA had a global outlook. The company was engaged in a global mission to find ‘new frontiers’, exploring mountain ranges from Colombia to Mongolia, and from China to the Democratic Republic of Congo (AGA 2004). During this period, the Colombian subsidiary AGAC functioned as a section of the Exploration Department of parent company AGA. From the mid-2000s, as Colombia became a definitive exploration destination for the company, AGAC evolved into an increasingly autonomous subsidiary, and started employing over one hundred field geologists to systematically explore the company’s tenements across 10.5 million hectares of the Colombian Andes (Lodder et al. 2010). As a ‘greenfields company’, AGAC was led by international geologists. Its activities primarily involved prospecting, for which geologists tend to spend no more than a few weeks or months in one place and have limited interaction with the local population.

During the late 2000s, as the exploration prospects of Gramalote and La Colosa turned into permanent projects, AGAC increased its territorial presence by establishing local offices in the towns near the discoveries and hiring more workers. This transition out of the greenfields phase had implications for the company’s institutional structure, its internal dynamics, and the internal culture and ethos. It also involved an evolution in the way CSR was understood and practiced. In this chapter, I explore how AGAC evolved from a small exploration office to a large corporate organisation, arranged into different departments, which operated according to corporate standards, policies, and procedures. Greenfields continued to be an important part of the company, but as the form and character of the company evolved, it started to function as one of the company’s departments, rather than forming the entirety of AGA’s operation in Colombia. This chapter discusses these developments from the perspective of the company’s headquarters,

located on the eighth floor of the Edificio Cusezar, a tall glass office building in a business district in the North of Bogotá (figure 3.1).



3.1 The Cusezar Building.

The transition of the company from an ‘informal’ greenfields company to a corporation with more ‘formal’ structures and arrangements brought out two frictions in the company’s internal functioning. The first is a tension between the ‘boots’ and the ‘suits’ – a divide between Greenfields, the section of the company in charge of exploration, and the section of the company in charge of the further development of mining projects after their discovery by the Greenfields team. The second is a divide between what are referred to as the ‘technical’ and the ‘social’ departments, which tended to operate in a relatively isolated way from one another. I analyse

how the operational logic of the technical departments, which had a hierarchically dominant position over the social departments, affected the way of operating of the social departments. I then discuss the increasing institutionalisation of CSR over the years through the introduction of CSR policies and standards. I discuss AGAC's various CSR instruments, from internally developed policies to standards developed by external bodies, and the role these played in the bureaucratic day-to-day work at headquarters. In the context of the emerging public protest to AGAC's activities in Colombia, I examine the role of CSR standards and practices in the way managers made sense of, and sought to address, this opposition.

A new corporate ethos

In 2009, AGAC president Chris Lodder moved to Denver to become the AGA Exploration Manager for the Americas. The Colombian economist Rafael Herz succeeded him in Bogotá. This change of leadership marked an important shift in the evolution of the company. Lodder, a geologist from the US, personified the idea of a 'foreign' corporation 'entering' Colombia from the outside, eager to explore its geological potential for international business. He spoke hardly any Spanish and the predominant focus in his work was on Colombia's geological, rather than its political and social, structures. By contrast, Herz was a Colombian national, and had a background in international business and public policy. He had worked at large firms in Colombia, the US, and Germany, as well as the World Bank, Colombian think tank Fedesarrollo, and the Colombian government.

Herz took over from Lodder at a time in which, as I discussed in the previous chapter, the company had come under increased public scrutiny, and an anti-mining movement started to emerge which particularly targeted AGAC as the most visible gold mining multinational in the country. The dominant image in the Colombian public debate, that of a greedy multinational seeking to exploit Colombia's mineral wealth, was reinforced when critics of the mining industry revealed the large number of mining titles the company had obtained during the early 2000s. Lodder refers to this in a public company report as follows:

We must acknowledge that, unfortunately, there are some misconceptions regarding our exploration programme: one is a perception that the group controls a large portion of the mineral rights in the country. ... The thoroughness with which we applied for tenements may have given the impression that AngloGold Ashanti was being unduly aggressive. The approach had a serious purpose, however, and that was to make sure that first rights would eventually lead to mineral rights. It meant that the company avoided costly dealings with speculators and competitors (AGA 2008a:1).

Furthermore, at the time, the company's largest project, La Colosa, was suspended for lacking an environmental permit, as I discussed in the previous chapter. During the suspension, which lasted over a year, the company temporarily halted its exploratory drilling programme in the protected area, but the CSR activities associated with the La Colosa project continued. In a public company report, Herz stated that this was 'a token of the company's irrevocable willingness to invest and believe in the country [*apostar por el país*]', as by investing in CSR projects, it sought to 'demonstrate that mining activities are compatible with sustainable development'. It aimed to counter what the company considered a false dilemma raised by its opponents: 'whether Colombia should be a mining or environmental country' (AGAC 2009:43).

When I interviewed Herz in 2017, four years after he had left the company, he told me that when he became president of the company in 2009, the emerging opposition to gold mining had tarnished the company's reputation, and his impression was that many people in Colombia saw the company as 'a bunch of money-grubbing South Africans [*unos mercenarios surafricanos*]'. One of his main missions, therefore, was to improve the way the company was seen in Colombia. Key to this reputational improvement, he told me, was the introduction of standards and procedures, which was part of the company's transition from the greenfields phase to a more corporate structure. In his own words:

One of our main challenges at the time was to 'create a company'. We had to establish processes, procedures, and everything that is part of being a multinational corporation. This included having to respond to the rules and values established at headquarters. That process involved, to a certain extent, a reduction of the independence and flexibility which had been more common during the greenfields phase. We needed to strike a balance between doing things *quickly*, which had characterised the greenfields phase, and doing things *right*, following corporate procedures and approval processes.

Other employees who had already worked for AGAC during this transition period also spoke of the ‘greenfields company’ as a company that was ‘tiny and informal’, compared to the ‘serious company’ it became in the subsequent years.

The end of the greenfields phase involved a transition to a way of working which differed significantly from the greenfields approach. Herz told me:

A greenfields geologist is, by nature, independent, and does not want to be restricted by too many limits. To be successful, he needs to be as flexible and quick as possible. However, the new phase required stricter processes, such as the introduction of an outreach programme to local communities, the timely provision of information, and a stringent procedure for obtaining environmental permits.

Another former executive told me he found that the Greenfields Department had been most difficult to manage, as greenfields geologists ‘are very keen on maintaining their independence’, and, thus, tend to resist managers who attempt to impose rules and protocols. He referred to a specific greenfields geologist as ‘brilliant’ but a ‘*bruto*’ [‘brute’], because ‘he went to very dangerous parts of the country without any form of protocol’. The way these former executives spoke of greenfields geologists suggests a tension between the new management and the geologists from whom they took over the leadership. The transition involved a change of corporate culture.

The greenfields ‘subculture’

The company’s internal process was such that, after Greenfields identified an ore deposit which merited further analysis, it became a ‘permanent project’, which was managed by a different section of the company. The greenfields geologists handed over their discovery to the mining geologists and engineers to conduct further studies and develop a plan for extracting the mineral in a commercially viable way (see figure 2.1). Such handovers often generated tensions, including around the approach to CSR. To greenfields geologists, ‘letting go’ of a discovery was often hard. A successful discovery is a highlight in the career of a greenfields geologist, since, as I described in the previous chapter, the probability of success is very low during the greenfields phase. Greenfields geologists I got to know during my fieldwork told me how they had felt apprehensive

about handing over their discoveries to the section of the company in charge of permanent projects. In the words of one of the geologists: ‘... at some point, you need to disconnect from a project. We had to put our baby in the hands of others.’ From the perspective of these geologists, the handover involved entrusting a discovery they deeply cared about to a section of the company which they did not particularly trust.

Greenfields formed what may be seen as a distinct cultural group within the wider corporate and industry culture. This ‘greenfields subculture’ nurtured the image of the greenfields geologist as an adventurous, audacious and agile explorer, venturing into remote mountain areas to look for gold, as I briefly described in Chapter 2. They often spoke of the deep sense of connection they felt to their surroundings when they were on fieldwork, their love for the outdoors, and appreciation for Colombia’s complex geology and vast biodiversity. One geologist, for instance, showed me some of the tropical birds he had sighted while on fieldwork. They did not seem to see any discrepancy in their self-proclaimed love for nature and their work in the mining industry. Their exploration activities as such did not have a negative impact on the environment, did not involve the use of toxic chemicals, and lacked the large-scale industrial dimensions a project gets in later stages of the mining cycle (see figure 2.2). It often seemed to me that they saw their exploration activities as being far removed from the larger mining process, of which they nevertheless were the first phase. This apparent discrepancy may be common among employees in the mining industry at large. Rolston’s ethnography of coal miners in Wyoming, for instance, features a similar incongruity, as she describes the environmental values of many mine workers, who tell her that what they enjoy about their job is spending all day outside, ‘watching wildlife and appreciating the scenery’ (2014:56). They, too, seemed to disconnect the activities they personally carried out from the wider industry.

In practice, Greenfields functioned as one of AGAC’s departments, but legally, it was a sister company, called Exploraciones Northern Colombia (ENC). Many Greenfields officials I spoke to during my fieldwork in the Bogotá office identified strongly with the Greenfields Department,

but less so with the company at large. One of them even emphasised to me: ‘I work for ENC’, proudly showing his business card with the name of ENC (as well as AGAC). Although AGAC and ENC functioned as the same company in practice, to this official the fact that they were distinct subsidiaries carried meaning beyond the legal reality, and highlighted the divide between Greenfields and the rest of the company.

In the Bogotá office, Greenfields officials also distinguished themselves from other employees in the way they dressed. Whereas most officials wore smart business suits, they walked around the office in sturdy mountain boots. It was easy to recognise the Greenfields section of the office, as the Greenfields desks were decorated with mineralised rocks and fragments of drilling samples (similar to those in figure 2.2). The division was perhaps most clearly visible at the end-of-year party, where Greenfields, mid-level management, and the lower-ranking office staff sat at separate tables (and where Greenfields lived up to its cowboy reputation by consuming at least twice as much alcohol as the other tables). The only place where the division was blurred was on the dance floor, where geologists and corporate lawyers turned out to be very compatible salsa couples.

‘Blaming the geologists is easy’

As the statements by the former executives reveal, the self-proclaimed ‘boldness’ of greenfields geologists tended to be viewed less favourably by their colleagues from other departments. They often characterised Greenfields as lacking social sensibility, and giving local communities a bad first impression of the company. According to a Johannesburg-based Greenfields executive, this tension was due to the fact that other departments misunderstood the greenfields ethos. He argued that the attitude they regarded as carelessness was, in fact, what makes a good greenfields geologist:

One of the things people in the organisation [parent company AGA] have criticised Greenfields for is being cavalier. But you have to understand that the skills ‘explorationists’ need to have are to be agile, flexible, adaptive.

This internal tension is common to the mining industry generally. Welker's ethnography of mining company Newmont also notes that 'much talk of exploration work among CSR officials revolved around the figure of the rogue geologist, a reckless and culturally insensitive cowboy' (2014:47). She explains the difference in attitude between geologists and CSR executives in terms of incentives, by quoting a CSR manager stating: 'The bonus structure of geologists depends on how many ounces of gold they find, not on how well they maintain the social license' (Welker 2014:48). To some extent, this also rang true for AGAC, as the jobs of geologists depended on their mineral discoveries, and not on their ability to build up good relations with local communities. Many of the AGAC officials during the time of my fieldwork, a decade after the greenfields phase, ascribed the social backlash against AGAC's projects at the time in a big part to this greenfields period. During this period, they claimed, courtesy and sensitivity to local communities had not been on the company's agenda in the same way as it was later. Greenfields officials confirmed this image to some extent, as they often mentioned being much more aware of the importance of the social side of mining than their former colleagues, who had made mistakes in the past they could learn from.

The transition from a greenfields target to a permanent project also marks a change in CSR practice. During the greenfields phase, it is unclear how long the company will be present in the area, and the engagement with local communities is short-term oriented. Initially, Greenfields Community Relations officials explained to me, the focus is on informing local authorities and asking landowners for permission, or negotiating easements, to access their land. In areas of specific interest, where the geologists move from sampling and mapping to exploratory drilling, community engagement also comes to involve financial contributions to education, health care, infrastructure, local entrepreneurship, and similar initiatives, usually in collaboration with the local government. It may also involve sponsorship of local initiatives, such as cultural or sporting events.

After a few weeks or months of exploration, however, the geologists may find that the area is not of interest to the company, and move on to a different area with different communities. When an exploration target becomes a permanent project, this changes, as the interest in an area consolidates, as well as the interest in the communities living in this area. The expectations of these communities, in turn, may also increase. During this transition, the approach to community engagement tends to change significantly, as I will discuss in detail in Chapter 4. Some AGAC officials referred to this as ‘professionalisation’, as it put an entire department of the company in charge of the work, rather than one or two Greenfields officials. Greenfields officials, however, expressed frustration about these transitions, as they felt that their efforts were dismissed by the Community Relations officials who took over. As one of them put it to me:

You hand over the project, and they don’t even allow you to look at it again. I hand over my work, but instead of continuing it, they change everything.

He linked this to the practice of CSR in general, as he continued:

A lot is being said about CSR, and everyone agrees companies have a social responsibility, but in practice, it is something that people do to their own liking and views. It is something personal, not institutional.

In his eyes, the ‘personal’ approach to CSR was a good thing. To many Community Relations officials involved in permanent projects, on the other hand, good CSR required a formal and institutionalised approach.

It was common for employees working on permanent projects to ascribe problems they faced to mistakes made by their predecessors during the greenfields phase. A frequently used criticism was that Greenfields officials had made promises their successors could not live up to. In the mid-2000s, when La Colosa and Gramalote were discovered, for instance, the gold price was high and ‘there was money for everything’, I was told by numerous employees. During this phase, Greenfields officials would have made promises that later on turned out to be impossible to realise. An example many Community Relations workers at Gramalote referred to was the negotiation with informal miners who were working in the area of AGAC’s mining titles. As I explained in Chapter 2, the Colombian government granted many mining titles to large-scale mining corporations in areas where artisanal and small-scale miners had operated for decades

without a title. In order to avoid conflict with these miners, which could cause costly reputational damage, large mining corporations commonly negotiate a compensation package in exchange for the miners leaving the title, or allow them to conduct mining within particular sections of their title under specific legal arrangements, the details of which go beyond the scope of this thesis. According to Community Relations workers working on these issues at Gramalote, their predecessors had made extravagant promises to miners, in particular during the greenfields phase, which had complicated the negotiations they were involved in at the time of my fieldwork. A Bogotá-based Greenfields official thought this was not fair, and told me:

Sometimes Greenfields gets blamed for social issues too easily. Now you hear a lot about the mistake of Greenfields having made promises at Gramalote that we couldn't live up to. Well, really, there was nobody to make promises to when we discovered the area. All there was were a few small-scale operations. The fact that a big corporation was conducting exploration attracted hundreds of artisanal miners. We [Greenfields] say: if we make mistakes, we should learn from them, so they don't happen again in a new project. But other parts of the company seem to need someone to blame, and blaming the geologists is easy.

Another common criticism of the Greenfields approach to community engagement was that it was overly paternalistic, and too strongly focused on donating things to the community. This clashed with the way the Greenfields officials themselves reflected on their interactions with local communities, in which they highlighted their close relationships with the locals they hired as guides and later as (unskilled) assistants [*auxiliares*]. These sentiments were generally echoed by former local Greenfields workers whom I met during my fieldwork in Cajamarca, San Roque, and Jericó. A *campesino* from a rural settlement near San Roque, for instance, told me that he had worked as a field guide during the early years of the Gramalote project. Although the work had been very hard, working with the Greenfields team had been a very good experience for him. Since then, however, he thought that the company had changed, and could no longer be trusted. Nevertheless, he proudly showed me an award he had received in an education project for employees, a Greenfields CSR project (see figure 3.2). The gilded plaque looked somewhat out of place on the wall of his simple shack amidst sugarcane fields, but clearly symbolised the sense of accomplishment his job with the Greenfields team had given him.



3.2 A remnant from the greenfields past.

Furthermore, according to the Greenfields officials, their way of engaging with locals had made them understand and appreciate the mining industry. A Greenfields geologist, frustrated about what he deemed the incompetence of CSR managers to counter ignorance about the mining industry, told me:

While working with us, our *auxiliares* really come to understand mining. We show and explain them what kind of rocks we are looking for, and they learn and get better at it. One of my *auxiliares* went from not knowing anything about geology to being able to classify types of rock by himself. I would now entrust him the administration of the *bodega* [depot of rock samples]. It makes the locals understand what we do, and not believe the myths other people are spreading about mining. They come to value the industry. ... But those [social] managers have no idea, they make brief field visits, but they don't know the people. The way they talk irritates people.

As such, the frictions that first arose in 2009 between the geologist-led management of the greenfields exploration and the new management that took charge of the permanent projects,

persisted over the years. The size and influence of the Greenfields Department decreased over the years. Between 2012 and 2013, the gold price on the global market dropped significantly, and AGA followed the global trend among mining corporations to reduce exploration efforts. In 2014, its third greenfields discovery was made in the municipality of Jericó, Antioquia (see figure 1.1). At the time of my fieldwork, between 2016 and 2017, a small Greenfields team was still working at another exploration target in Antioquia.

‘They think differently from us’

The transition out of the greenfields phase also involved the development of a more formal institutional structure. The structure AGAC developed was similar to that of most mining companies. As a senior mining official explained to me, corporate structures are largely the same across the sector, but depend to some extent on the size, the ‘corporate culture’, and the views of the top managers. ‘Standard’ departments of a mining company in the exploration phase, although their names may vary, include Geology, Engineering, Operations, Security, Health and Safety, Human Resources, Legal, Environment, and Communities. ‘The main difference between companies,’ the mining official told me, ‘is how these departments are arranged under different reporting lines. Some companies put Environment and Communities under the same vice-presidency, for instance, which is quite different from putting Environment and Health and Safety together.’ The internal structure of a company reveals how it regards the relationship between different domains.

Departmental divides

AGAC’s institutional structure was characterised by a hierarchical reporting structure and a division between what were referred to as the ‘technical’ and the ‘social’ departments. During the pre-feasibility stage of a mining project, which was the stage of AGAC’s projects at the time of my fieldwork, the main task of the technical departments was to study and plan the most commercially viable way of extracting the mineral, which included estimating the size of the mineral reserve, evaluating the most appropriate mining methods and processing techniques, a

cost estimation, and environmental impact studies. The main task of the social departments was to ensure the project would be socially viable, which involved, among other things, negotiating access to land, obtaining authorisations from national, regional and local authorities, and building relations with the communities living in the vicinity of the mineral deposit.

The technical departments reported, via a central project manager for each project, to the regional AGA Americas office in Denver, Colorado, where most of the company's senior technical experts were based. The exploration department also reported directly to Denver. The social departments, on the other hand, reported to the Colombian management in Bogotá. The highest executive positions at the Colombian level of the company were the president and the vice-presidents, who oversaw the work of directors [*directores*] and managers [*gerentes*]. The number of vice-presidents varied, depending primarily on the budget 'South Africa' assigned to 'Colombia'. At the time of my fieldwork, for instance, the vice-presidencies of Corporate Affairs and of Sustainability had been merged into the single role of VP Corporate Affairs and Sustainability, and this position was vacant.

The structure of the social section of the company, the '*área social*', provides an insight into the way the company organises its relationship to society. The *área social* consisted of three separate departments that worked closely together: Corporate Affairs, Community Relations, and Communications. Corporate Affairs and Communications were the departments primarily in charge of public relations, shaping the public discourse of the company broadcasted through a range of channels, from corporate presentations and reports to interviews with and columns by executives in the press. The emphasis of Corporate Affairs was on government relations, while Communications dealt with media relations. These departments also interacted closely with the legal department. In addition, Community Relations was in charge of relations with local 'stakeholders' – industry parlance for anyone who formed a potential risk, or opportunity, to the company. CSR appeared to be predominantly the domain of Community Relations, the head of which had the title of Director of Social Responsibility. The tasks of Community Relations were

further divided into ‘community engagement’, which involved the company’s more general efforts at establishing relationships with ‘stakeholders’ and informing people about the mining project, and ‘social investment’ or ‘social projects’, in charge of the company’s specific CSR projects. Other forms of corporate sponsorship fell under Corporate Affairs. Other departments that reported to the president included Environment and Health and Safety, which had been part of one vice-presidency in the past, Security, Human Resources, and Finance and Administrative Affairs. As my fieldwork focused primarily on the interactions between the company and the community, I conducted most of my fieldwork with the departments that were in direct contact with communities: Community Relations and the local branch of the Corporate Affairs department in charge of relations with local authorities.

Over the life cycle of a project, the exploration phase is characterised by an increased level of volatility. As the viability of the mining projects is still under study, the corporate planning is subject to change, and the budget tends to fluctuate significantly from year to year. External factors such as the market price of gold can make a decisive difference to the viability of a project. Depending on its so-called ‘grade’, the concentration of mineral in the ore, certain sections of the deposit may be economically viable for exploitation at a certain price, but no longer if the gold price drops. The projected size of AGAC’s projects, therefore, varied with the gold price. The gold price was relatively high at the time of discovery, which generated much excitement and anticipation, but over the years, as the gold price fluctuated and dropped, the expectations the company had of its Colombian operation had to be adjusted. The precarity these fluctuations created was apparent in the fluidity of the company’s internal structure and the high turnover of personnel, in particular in executive positions. Reorganisations of departments and the creation and elimination of positions were very common.

In addition to the formal hierarchies in the company’s institutional structure and reporting lines, there was an informal hierarchy among the departments. In general, technical departments had a

higher position than social departments. A Bogotá-based Community Relations official, for instance, talked about her department as follows:

We are here to support the technical area. Those of Geology and Environment are determining the best and cheapest way to extract the gold with their studies, and so they get to set the agenda. If they need access to a plot of land for their studies, and we say the community will not allow it, it is up to us to solve that. If the geologists say they need access, they are going to get it. They think differently from us.

The technical departments formed the core of the mining corporation. As they were directly concerned with the company's core business, mining gold, the activities of the technical departments seemed to have a natural legitimacy. Managers of social departments, on the other hand, had the impression that they needed to justify the way they spent their budget to a greater extent than their technical counterparts. This may be of particular relevance during the exploration phase, in which all AGAC's projects are, as none of the company's activities in Colombia generate any profit, while significant capital investments are made. In the words of a former executive:

Our struggle was that we did not have any revenue, but from the moment we arrived, we were very visible, which generated the expectation of great investments. Our budget was very limited. So there was a constant internal struggle: how much money do we give to the social departments? ... The social departments are an expense. Colombia is an expense [from the perspective of the Johannesburg headquarters].

We were hoping to 'gain entrance' through social investment. But the difficult thing is that you cannot verify whether this investment is, or will be, successful. It is very difficult to measure.

Significant investment in CSR during the exploration phase is not common for mining companies, and in its so-called 'sustainability reports', AGAC prides itself on being 'the first mining company in Colombia that invests in social programmes during the exploration phase' (AGAC 2017b:18, 25). As the statement of the former executive reveals, however, the budget for these investments was subject to 'constant internal struggle'. As the result of these investments was not easily quantifiable and measurable, as opposed to technical investments in, for instance, drilling equipment and infrastructure, the social departments were at a disadvantage in these internal budgetary discussions.

The role of the technical and the social departments during the exploration phase was also fundamentally different. The term ‘feasibility’, crucial during this phase, had a different meaning for both sections of the company. For the technical departments, the emphasis was on *determining feasibility*, on the basis of external and ostensibly objective factors, such as the concentration of gold in the ore, the depth of the deposit, the availability of water for processing, or the projected gold price on the market. The focus of the social departments, on the other hand, was on *making the project feasible*, on the basis of subjective factors which they sought to influence, such as the way the project was perceived by the government, local communities, and the general public.

In the meetings I attended I observed how people (usually men) speaking from a technical perspective or bringing in a point of technical expertise were often granted more authority than people bringing up social considerations. In the office jargon, furthermore, the technical departments were sometimes referred to as the ‘hard’ departments [*las áreas duras*], concerned with the ‘hard’ technical and engineering aspects of mining, as opposed to the ‘soft’ departments [*las áreas blanditas*], concerned with the ‘soft’ domain of human relations and political dynamics in support of the ‘hard’ core activities (see also Welker 2014:215–216).

The position of departments along this informal hierarchy could shift. Environment, for instance, had first been part of the social domain, but during my fieldwork, it was treated as a technical department. The primary emphasis of the department was on collecting environmental data and writing technical reports as part of the company’s application for an environmental licence, required for the construction and exploitation of a mine. Although conducting environmental studies had always been a part of its role, several years earlier, as a ‘social department’, its work had been more directed at the general public, whereas now, as an environmental manager at the La Colosa project put it: ‘Our responsibility is not towards the public or journalists, but to the state, which will grant us the permit, and has the responsibility to inform the public.’

Another characteristic of the technical departments which strengthened their profile in the organisation was their way of operating according to standardised procedures. The environmental department, for instance, had a so-called 'environmental management system', certified by the International Standardisation Organisation (ISO), the worldwide federation of national standardisation bodies, which has developed a wide range of voluntary, mainly technical, standards in areas ranging from paper size to food safety to anti-bribery. Among the 'non-technical' departments, employees also distinguished Health and Safety for having such extensive procedures, which gave the department an image of maturity, and thereby a higher level of legitimacy, in the organisation. Several of the managers of social departments I spoke to aspired to having similarly well-developed procedures and management systems for their departments, as they saw this as a mark of professionalism. When I asked officials of social departments what they considered shortcomings of their department, they often talked about the volatility of the department and its activities, and what they considered to be a lack of a systematic, structured, and ordered approach in their activities. Good business practice, many AGAC officials seemed to think, requires the technical rationalism of standardised procedures.

'That's not my field'

The friction between the technical and the social departments was also apparent in the approach to CSR. Similar to the way the new management in 2009 viewed the greenfields management, in the eyes of social professionals, their colleagues from technical departments lacked social sensibility, and failed to take social considerations into account in their plans. A commonly used example was that the technical departments got to decide the location of the infrastructure, and if this created any frictions with the local population, it was up to the social departments to solve those. Technical professionals, on the other hand, found themselves annoyed by the demands made by the Community Relations Department. An engineer, for instance, complained to me:

Our social people have the impression that they have to lift these people out of poverty, but actually, we are there to develop a mining project. Our value is that the people should be better off for us being there, and that is all good and nice, but the technical and the social areas of the company seem to have very different ideas about how we should act.

Furthermore, when I spoke about social issues with geologists or engineers, I would commonly receive replies such as: ‘That is not my field. You should ask Luis of Communities about that’ or ‘The lawyers have their strategies to deal with that’. In part, this was in line with the widespread deep respect for hierarchies and clearly demarcated domains: people were careful not to exceed the scope of their own domain and authority. A consequence of this was that technical professionals tended to see social issues, most notably the issue of protest, as something that belonged to the domain of the social departments, and as such unrelated to their work.

A conversation I had with a geologist and an engineer provides a good illustration of the way in which technical departments regarded the opposition to the company’s projects. When we discussed the reasons why the La Colosa project was not getting off the ground, the geologist said:

This project is just a regular industrial project. It’s a large-scale project, but nothing we’re planning to do is out of the ordinary. In other places in Colombia and in the world, these projects just get going, but in Tolima, people are scared of large-scale development. Most people have no idea what the project entails, and still, they are against it.

The engineer agreed:

The problem of La Colosa is not technical. We’ve got everything we need to carry this out in a responsible way. Sure, there will be a waste water reservoir, but the tailings dam will be so large and strong that it’s unimaginable something would ever go wrong. The concerns of the protesters are completely unfounded.

When I asked him how they dealt with this supposedly ‘unfounded criticism’ of the project, he answered:

Well, that’s not our job. That’s for the political department and the lawyers to deal with. The company needs studies to request an environmental licence for exploitation from the government, and conducting those is our part of the job. When a legal process gets in the way [such as the injunctions by regional environmental agency Cortolima as discussed in Chapter 2], all we can do is wait until the lawyers sort it out.

As such, many technical professionals took a passive stance towards social issues such as protest. They tended to see their own role as limited to a narrow mandate of conducting a particular study, and regarded what they considered the ignorance of the public about mining as something that the social departments had to solve.

Nevertheless, although the technical departments continued to appear more authoritative than the social departments, several senior managers of social departments assured me that, over the years, the influence of their departments had increased. They primarily attributed this to the growing opposition to the company's activities, which, they considered, had made the technical departments more aware of the importance of good relations with the government, local communities, and the public at large, and had increased the weight of the social departments in decision-making processes.

This gradual change in attitude was also apparent in the way Felipe Márquez, who was appointed as the new AGAC president in March 2017, reflected on the divide between the technical and the social departments. A former senior AGAC sustainability executive and a lawyer by training, he viewed his own appointment as president as a shift in AGAC's approach to the technical-social divide in the company, since it was the first time in the company's history that the technical departments had to report to a 'non-technical' president.¹⁷ When I interviewed him, he commented on the informal hierarchy among the technical and social departments as follows:

We have always had technical leaders. They have a fascination for policies and standardised procedures, but that prevents us from thinking for ourselves, and taking decisions based on human reality. A manual will never include all possibilities and uncertainties that human reality presents.

... We should all be thinking about the community and the political dimensions of our work. We need a new mind-set. We are so technically-oriented that we tend to overlook the people. The geologist should first think about the community and only then about his geological work.

... How will we achieve that? We will ask the engineers a lot of social questions. They will answer: 'That is not our responsibility, that falls under Community Relations.' But from now on, such answers are not good enough anymore. They have to be able to answer, or I will not approve their budget. If an engineer wants to build a processing plant somewhere, I will ask him: 'Have you discussed this with the mayor yet?' He will probably say: 'That's the responsibility of Corporate Affairs.' But I will tell him: 'No, that is also the technical manager's responsibility. Go and accompany the Corporate Affairs manager in a meeting with the mayor.'

... The technical departments are used to being king. They decide where they are going to build the processing plant, and then go to Community Relations and Corporate Affairs, and say: the plant is going to be there and there, go ahead and inform the people. But why

¹⁷ Under Herz, the technical departments did not report to the president of AGAC but to the technical experts of AGA Americas in Denver.

should it be this way? The technical department should need an ‘internal licence’ from the other departments before taking that type of decisions.

The new president’s vision demonstrates that, at the most senior level of the company, there was an awareness of the divide between the technical and social departments, and the dominance of the technical departments in the company’s informal hierarchy, as well as the intention to address this. But this would involve a significant shift in company, and industry, culture, in which the mind-set of technical rationalism appeared to be a fundamental characteristic. Nevertheless, there was agreement across departments that good relations with local communities were crucial to the company’s ability to operate in Colombia – a lesson the company had learned through years of setbacks because of opposition from communities and local authorities.

Two years later, this item was still on the agenda of the management, and a senior executive pointed to a few recent changes in the company’s way of approaching community relations that she considered to indicate a shift away from the technical-social divide. During community information sessions, she told me, it had become common for officials from technical departments, such as geologists, hydrologists and environmental scientists, to conduct part of the presentation which had previously only been done by the social departments. ‘This is a company’, she stated, ‘it would be a mistake to think that a single department can solve a problem. The solution is the sum of what the different departments – legal, technical, and social – contribute.’

Moral mantras and bureaucratic rationalism

As the previous section has demonstrated, the transition out of the greenfields phase was characterised by an increasing formalisation and institutionalisation of the company. Faced with the challenge of growing societal opposition to the company’s activities at the end of the greenfields phase, the new management sought to improve the company’s reputation to the Colombian public through a more active engagement with CSR policies and standards.

Concretely, these included internally as well as externally developed policies and standards. AGAC's internal, self-regulatory standards included a value statement, a range of policies stemming from these values, a set of management standards based on these policies, and various further procedures and guidelines. The values, policies, and management standards were developed at the Johannesburg global headquarters between 2009 and 2011, and were used at the company's different projects around the world. The values, policies, and standards used at AGAC were Spanish translations of these global documents. AGA's six values were: (1) safety, (2) dignified and respectful treatment, (3) diversity, (4) accountability, (5) community development, and (6) environmental stewardship. These may sound rather generic, as attention to safety and environmental and social responsibility are very common across the industry. The most 'AGA-specific' value is probably the focus on diversity, which did not receive particular attention in the Colombian context, but which is of great relevance to the company's South-African origins, considering the role of the mining sector in apartheid (see Rajak 2011). Despite their relatively generic content, in Colombia, as I discuss in detail in Chapter 4, the company's values had an important place in the everyday discourse inside the company, and were actively instilled in employees.

The company also had a range of policies, of which the most relevant one to the Community Relations Department was the Environment and Community Policy. This was a one-page statement of policy commitments such as 'implement and maintain communication, an open and continuous dialogue with our interlocutors and interested parties', 'adopt, implement, and maintain an adequate management system that allows us to identify, monitor and control', and 'respect the values, traditions and cultures of communities' (AGAC 2016b). Other policies include the company's security policy, human rights policy, anti-bribery and anti-corruption policy, as well as the company's code of conduct—the 'AGA Code of Business Principles and Ethics'—and a code of conduct for suppliers. Furthermore, the company had a set of fourteen so-called 'Community and Environment Management Standards' which were used at the company's different projects around the world. They covered: (1) water, (2) land use, (3) air

quality, (4) chemicals, (5) waste, (6) closure and rehabilitation, (7) incident classification and reporting, (8) land access and resettlement, (9) stakeholder engagement, (10) socio-economic contribution, (11) cultural heritage and sacred sites, (12) indigenous peoples, (13) artisanal and small-scale mining, and (14) community complaints and grievances (AGA 2013b). The first seven had a relatively technical focus, and the Environmental Department was in charge of their implementation. The social section of the company was in charge of the other seven.

These management standards all had a similar structure. They first set out the objective of the standard, often with reference to other corporate policies. The standard on ‘stakeholder engagement’, for instance, referred to the company’s policy to ‘communicate and consult on our activities throughout the lifecycle of our operations’ (AGA 2013b:57), and the standard on ‘socio-economic contribution’ referred to the ‘company’s Environment and Community Policy commitment to undertake initiatives that contribute to sustainable futures in partnership with the societies in which we operate’ (AGA 2013b:63). The third section of each standard referenced corporate standards and standards of external bodies relevant to the topic of the management standard, which I discuss below. The following sections covered definitions, which section of the company is responsible for its implementation, and the scope of the standard. The core section of each standard is a list of ‘requirements’ focused on conducting ‘baseline studies’ and putting policy frameworks and strategies in place.

The standards translate corporate practices into requirements against which these practices are evaluated, which are all related to the existence of particular frameworks, mechanisms, and procedures. By nature of this design, the solution to any ‘gaps’ in compliance with the standard, as corporate jargon would frame it, is the creation or improvement of a mechanism or procedure, and as such, the focus remains policy-oriented rather than focused on performance. As an illustration, the requirements of the ‘engagement’ standard stipulated that all the company’s projects needed to create a range of documents. They should conduct ‘stakeholder mapping’, which involves studying the stakeholders—‘persons or groups that are directly or indirectly

affected by a project as well as those that may have interests in a project and/or the ability to influence its outcome either positively or negatively’—and classifying them according to the risk or opportunity they formed for the project. They should also conduct baselines studies of these stakeholders, and prepare an engagement strategy, for which the standard lists a range of requirements, including compliance with existing laws and regulations, being culturally appropriate, and being subject to annual review (AGA 2013b:59-60). At project level, such engagement strategies existed on paper, but they were abstract documents, which appeared to have been produced mainly in order to comply with the management standard, rather than to actively shape the community engagement work, which depended strongly on the style and preferences of the manager in charge at the time, as I discuss in Chapter 4.

The focus of the company’s internal management standards was, thus, on bureaucratic processes, such as conducting baselines assessments and designing particular mechanisms and procedures according to the requirements listed in the standard. This process-oriented logic shaped the day-to-day CSR work at headquarters, in particular the work related to the evaluation and monitoring of the company’s CSR programmes. The emphasis was policy-oriented, rather than on performance, and the creation of good corporate procedures often seemed an end in itself, rather than a means to shape corporate practice. This is for instance illustrated in the ‘community standards gap assessment’ which the Community Relations Department conducted in 2012 for the La Colosa project. A team of Community Relations officials, together with a Johannesburg-based sustainability executive, reviewed how the local Community Relations team implemented the company’s CSR standards by ‘identifying gaps’ in the company’s CSR programmes and ‘understanding key social risks and opportunities’. One of the main ‘gaps’ identified in this case was that the way the local team dealt with complaints from community members was not fully in line with the company’s ‘complaints and grievances standard’. The way to solve this was to design a more systematic ‘community complaints and grievance mechanism’, in line with international guidelines such as those developed by the ICMM, and to train all local Community Relations

workers in the receiving and reporting of community complaints. ‘Good CSR practice’, according to this logic, was primarily about having solid bureaucratic procedures in place.

A uniform moral vocabulary

Even though the concrete application of the company’s values, policies, and standards in the day-to-day work at AGAC would be hard to detect, by nature of them being global and fairly general in scope, they nevertheless played an important role in the company’s internal functioning. The company’s values, first of all, provided a uniform moral vocabulary that was familiar to all employees. As such, they served to foster a sense of collective identity in the company. Welker’s ethnography on gold mining corporation Newmont also mentions the role of the company’s values in the company’s internal functioning. At Newmont, she explains, the creation of these values in the early 2000s was driven by a CEO who had been inspired by the management book *Good to Great* (Collins 2001), according to which ‘successful companies instil well-articulated and strongly held values in employees’ (Welker 2014:55). The book argued, on the basis of research at several large firms, that ‘it is not the content of a company’s values that correlates with performance, but the strength of conviction with which it holds those values, whatever they might be.’ The author comments: ‘This is one of those findings that I find difficult to swallow, but that are completely supported by the data’ (Collins 2001:215).

This finding resonated with my observations at AGAC, where it seemed that the primary function of the values, at least internally, was to foster the conviction that AGAC is a responsible company and employer. It seemed to me that, to many employees, the notion of ‘a company with values’ equated ‘an ethical company’. Furthermore, certain values, in particular safety and social and environmental responsibility, were deeply instilled in employees and as such provided a uniform moral vocabulary across the company. Throughout my fieldwork, it struck me how employees from different departments, different projects, and different positions in the corporate hierarchy used the same moral phrases, based on the company’s values. I discuss this in further detail in

Chapter 4, where I discuss the role of the company's moral vocabulary at project-level, and how the corporate values were instilled in project workers.

The company's standards and policies carried a similar symbolic power. Managers as well as employees often referred to the fact that the company's practices are guided by strict standards—often with the mantra-like phrase that 'all AGAC's activities are based on the company's values and in accordance with the law and the highest international standards'—as a way to demonstrate that the company operated in a responsible way. As such, the power of these policies and standards was not in their abstract and bureaucratic content, which was rather far-removed from the reality of CSR work on the ground, but in the fact that they symbolised responsibility. The corporate values depict AGAC as a moral actor and a caring corporation, to employees as well as to the general public, and its standards symbolise its professional, serious, and regulated approach to social and environmental issues.

The symbolic power of the company's values and policies was further reinforced through their prominent visual display around the office. In Bogotá, as well as in all AGAC's other offices around the country, the walls of the office were decorated with large signs with AGAC's values and with its policies on safety, security, communities, and the environment (figures 3.3 and 3.4). These signs served as 'moral props' (Welker 2006:143) to remind employees, as well as anyone else entering the company's offices, that AGAC is a responsible corporation. The company's policies were also used on a moral prop in the form of a pocket card with the company's security policy and environment and community policy, which I was given at an induction training for new employees and sub-contractors at the Gramalote project.

Other moral props can be found in the entrance and reception areas of the AGAC offices around the country, which were decorated with corporate awards, certificates, and other acknowledgements of AGAC's responsible way of operating. The wall of the lobby in Bogotá, for instance, displayed several shiny plaques which state they were given to the company by AGAC-

sponsored farmers' associations in Cajamarca 'in recognition of the company's contribution to the association'. Another, the 'silver biennial environmental award 2012', was awarded by the Johannesburg office to La Colosa for its use of 'low-impact drilling platforms'. A gold miner's helmet 'trophy' (figure 3.5) celebrated the Gramalote project receiving AGAC's first environmental licence from the Colombian government, a requirement for mining exploitation under Colombian law.¹⁸



3.3 'Our values': sign with the company's six values at the Quebradona project site in Jericó, Antioquia

¹⁸ Not only corporations use awards as 'moral props', so do critics of corporations. An example is the ignominious Public Eye Award which names and shames a company for 'environmental and social "irresponsibility"', which a Swiss campaign awarded for several years on the fringes of Davos. In 2011, AGA received the award, for alleged environmental harm and human rights violations at its Ghanaian operations at Obuasi and Iduapriem (see also Coyle 2015).



3.4 Sign with the AGAC security policy at the La Colosa project site in Cajamarca, Tolima. Similar signs covered the walls of the company's various offices across the country.



3.5 The environmental licence 'trophy'.

‘We comply with the highest international standards’

In addition to these internal policies and standards, AGAC adopted a range of ‘soft law’ standards created by industry bodies, international organisations, and civil society. Corporate presentations to ‘stakeholders’, such as government officials or members of the general public, of which I observed many throughout my fieldwork, typically started with a few slides on the company’s values and the international CSR initiatives it was involved in (figure 3.6). They demonstrate how international CSR standards formed another important moral symbol in the way the management presented AGAC as a ‘responsible’ corporation.



3.6 ‘AGA’s social and environmental standards’, slide from a public presentation (AGAC 2014c).

An important theme in these international standards is human rights, which is an issue AGAC engaged with increasingly actively over the years. AGAC’s engagement with human rights reflects a global shift towards a greater acceptance by corporations of the notion of the corporate responsibility to respect human rights, in particular after the launch of the UN Guiding Principles on Business and Human Rights (UNGPs) in 2011, which I discussed in the introduction.

Human rights on the corporate radar in Colombia

Prior to the UNGPs, another international initiative had already brought human rights to the attention of extractive corporations in Colombia. In 2000, a coalition of oil and mining multinationals, the US and UK governments, and several human rights NGOs launched the Voluntary Principles on Security and Human Rights (VPs). This so-called ‘multi-stakeholder initiative’ aimed to prevent corporate involvement in human rights abuse committed by public security forces with which they cooperated, or private security firms they hired, for which the extractive industries had become notorious. In Colombia, for instance, in the 1990s, oil companies BP and Occidental Petroleum were accused of being tied to paramilitary groups through their protection arrangements with the Colombian army and private security providers (Guáqueta 2013). Companies which sign up to the VPs have to adopt a human rights policy or statement, provide human rights training to the Security Department and sub-contractors, and conduct regular risk and impact assessments according to criteria stipulated by the VPs. These include an assessment of, among other things, the potential for violence to arise, potential causes of local conflict, the capacity of domestic institutions to hold those responsible for human rights abuses accountable, and a screening of the human rights records of the army, police, illegal armed groups, and the reputation of private security firms in the country where the company operated.

In Colombia, discussions on the implementation of the VPs started in 2001, when BP and Occidental Petroleum, to which the issue was most pressing because of the accusations they faced in the media, initiated the creation of an industry human rights working group to discuss the emerging standards on security and human rights (Guáqueta 2013:138). In 2003, this group developed into a multi-stakeholder initiative involving the US, UK and Dutch embassies, the Colombian government, the oil industry association ACP, and oil companies BP, Occidental and Chevron which would function as a national committee for the implementation of the VPs in Colombia, later renamed the Mining and Energy Committee or CME. In addition, in 2009, the Colombian government became one of the ten government members of the VPs at the global level. Over the following years, the CME started to function as a space for interaction between

the Colombian state, including the Ministry of Defence, the Presidential Advisory Office for Human Rights, the army and the police, and a growing number of mining and energy companies. It started producing recommendations about security and human rights challenges the extractive industries face. Other members include industry associations, embassies, and a few NGOs which are allowed to attend CME meetings as observers. For several large oil multinationals operating in Colombia, the implementation of the VPs prompted, as a former employee of Occidental Petroleum narrates in an article:

... numerous formal and informal meetings and workshops among managers and employees where, for the first time in many instances, open, reflective and collective conversations about violence, illegality and human rights in Colombia took place (Guáqueta 2013:137,138).

In Colombia, human rights had long been associated with the Marxist ideology of the guerrilla, so the use of human rights language in the context of the VPs provided a new perspective on the relevance of human rights to the extractives sector. Perhaps even more importantly, the VPs required the (typically right-wing) managers of extractive companies to condemn paramilitary groups, rather than to remain silent about the issue (Guáqueta 2013:138).

NGO adversaries, NGO partners, and the vocabulary of human rights

Parent company AGA became a signatory to the VPs in 2007. In the years that followed, the Johannesburg headquarters developed various instruments for the management of human rights. In 2007, it developed a 'human rights toolkit' and 'human rights training' for the Security Departments of its various operations around the world, including at exploration sites, which at the time included Colombia (AGA 2008a:12-13). AGA also adopted a 'human rights policy', a 'global security standard' on the implementation of the VPs, and a 'management standard' on human rights due diligence, which echoes the language of the UNGPs, and is structured in a similar way to the corporate standards discussed above (AGA 2013a; 2014b; 2016). At the global level, the VPs continue to be the dominant frame through which the company makes sense of its human rights responsibilities, and the issue is primarily treated as the domain of the Security Department.

At AGAC, the issue of human rights first appeared on the radar of the management in the wake of NGO accusations related to the company's operations in Colombia. These started during the greenfields period. In 2007, Amnesty International published a report that suggested that AGAC (Sociedad Kedahda) was complicit in the killing of a trade unionist by the Colombian army in the Sur de Bolívar region, where the company had requested mining titles. According to the report, '[t]he soldiers reportedly told local residents that their operations aim to guarantee the presence of international corporate mining interests in the area' (Amnesty International 2007:25). National newspaper *Semana* also publicised the case by publishing various reports from the Colombian army which explicitly referred to the vocal opposition of the killed trade unionist to the arrival of the multinational Sociedad Kedahda (*Semana* 2009). Colombian NGOs also alleged that in various regions where the company had requested mining titles this had caused increased militarisation (e.g. CAJAR 2005). Around the same time, in Cajamarca, the Dutch NGO PAX started raising concerns about the company's relations with the armed forces, as well as the potential negative social and environmental impacts of an open-pit mining project for the town. The NGO had been working in Cajamarca on a project to strengthen local democracy unrelated to mining, and, when concerns about AGAC's presence in the town arose, had started supporting these emerging local anti-mining groups. PAX was also a member of the VPs, and in 2007, PAX and AGAC 'entered into dialogue about [their] implementation' (PAX 2009:2). This led AGAC to become a member of the CME.

The transition to a new management in 2009 coincided with this increased attention the issue of human rights. A former senior executive told me:

In 2009, there was a lot of concern about some claims made by PAX about deaths in Cajamarca, supposedly *falsos positivos*,¹⁹ and the fact that AGAC had been assigned protection from the army. My idea was that the company needed to be more outspoken about human rights. We started looking for best practices in human rights in the extractive industries, in the implementation of the VPs. We became a member of the

¹⁹ '*Falsos positivos*' ['false positives'] is the term used to refer to a scandal during the Colombian civil war in which the army would kill civilians, usually vulnerable people, and subsequently dress and present them as members of the guerrilla killed in combat. They did so in order to inflate body counts, under pressure to report results in combat and incentivised by the rewards for killing *guerrilleros* (HRW 2015). I refer to the killings in Cajamarca in Chapter 2.

CME in order to learn. At AGAC, human rights were initially approached as a security issue. More and more, it became an issue of managing NGO relations.

Between 2011 and 2013, in the framework of the VPs, PAX conducted a security and human rights risk assessment for the La Colosa project. This collaboration between AGAC and PAX reflects a wider trend in the global CSR movement in which certain NGOs, which used to have adversarial relationships with corporations, increasingly partner with or start advising these corporations on CSR issues (Rajak 2016). By allowing an independent NGO to conduct the risk assessment, AGAC sought to give its process credibility, and communicate its transparency and openness towards civil society. The company also involved a second NGO member of the VPs, conflict resolution NGO Search for Common Ground, as well as the Colombian government in the form of the Presidential Advisory Office for Human Rights, as guarantors of the process. The collaboration, however, ended in a tense disagreement between PAX, AGAC and the Colombian government, and eventually PAX only published its recommendations in a local newspaper (PAX 2013).

The new management also played a leading role in the creation of an industry association for large-scale mining corporations in Colombia, the Large-Scale Mining Sector Association or SMGE [*Asociación del Sector de la Minería a Gran Escala*]. This provided large-scale mining corporations in Colombia a platform to discuss the challenges faced by the industry and to collaborate in the promotion of the notion of responsible mining in Colombia – a mission in the interest of all large-scale mining corporations in Colombia in light of the growing anti-mining sentiments in Colombian society.

Furthermore, in 2009, AGAC published its first CSR report in line with the sustainable reporting guidelines of private regulatory body the Global Reporting Initiative (GRI). These guidelines have become the ‘de facto international reporting standard’ which most large corporations use to self-report on their economic, environmental, and social performance (MacLean and Rebernak 2007:1). The GRI guidelines provide 79 indicators, almost all quantitative, for companies to report on, for example the value of the company’s revenues, employee wages, and community

investments (under ‘economic performance’), the total volume of water withdrawn from various water sources (under ‘environmental performance’), and the percentage of operations with implemented local community engagement, impact assessments, and development programmes (under ‘social performance’) (GRI 2013). ‘Social performance’ also includes a category on human rights, which quantifies the company’s human rights performance into indicators, such as the number and percentage of investment agreements and contracts with human rights clauses, and the number of hours devoted to training employees on human rights policies or procedures (ibid.:71). Companies can choose which indicators they report on, and a sustainability report is graded according to the number of indicators reported upon.

Scholars have criticised the GRI guidelines for promoting box ticking and superficial compliance, a lack of credibility because the data are company-provided and third-party verification is not mandatory, and for using quantitative indicators to capture public values in a way that distorts and dilutes them into mere business risks (Sarfaty 2015). Furthermore, the initiative initially intended to promote corporate accountability by encouraging companies to improve their performance, but, over the years, its focus appears to have shifted to encouraging companies to use the guidelines as an end in themselves, as the widespread use of the guidelines would elevate the status of the GRI as the leading standard for corporate sustainability reporting (ibid.:106). Finally, studies on the initiative have found that GRI reports ‘are not studied in any detail’ (Levy et al. 2010:103), and that, among the few readers of these company reports, ‘many do not find them useful’ (Sarfaty 2015:118). Nevertheless, the GRI guidelines remain the leading reporting standard for large mining corporations such as AGAC.

The decision of the AGAC management to start reporting according to the GRI guidelines appears to have been primarily driven by its intention to formalise and institutionalise the company’s practices in a wider effort to improve the company’s image. In the report, Herz proudly states:

Even though the head office [in Johannesburg] has been producing annual social reports according to the GRI guidelines since 2003, for Colombia, this is a milestone, as the previous reports to society were designed as a social evaluation. We therefore decided to

take the next step, in accordance with the head office and other world-leading companies, in processes of CSR (AGA 2009b:43).

To AGAC, thus, the GRI guidelines were attractive because ‘other world-leading companies’, with which AGAC sought to align itself, also used them. This resonates with the critique launched against the GRI that its status as the leading standard for corporate sustainability reporting is based on the widespread use of these guidelines by companies, rather than their effectiveness in improving corporate performance.

Over the following years, the style of AGAC’s sustainability reporting varied, in a way that coincided with its cycles of management. From 2009 to 2012, under the Herz management, the company produced a Colombia-specific sustainability report, in Spanish as well as English, but it stopped doing so when the American mining engineer Ken Kluksdahl took over from Herz. In 2017, when the Colombian lawyer Felipe Márquez took over from Kluksdahl, the Colombia-specific sustainability report in Spanish returned. Interestingly, though possibly coincidentally, Herz and Márquez are Colombians and have a background in the social sciences, whereas Lodder and Kluksdahl are Americans with a technical background. These different reporting styles suggest that the way in which companies recognise CSR obligations and involve themselves in international CSR initiatives, such as the GRI, depends on the preferences and priorities of the management at a particular moment in time.

Within the global corporate structure, AGAC appears to be one of the subsidiaries most actively engaging with international CSR initiatives. In 2011, for instance, AGAC became a signatory of the UN Global Compact. It did so in addition to parent company AGA, which had been a signatory since its creation in 2004, demonstrating the interest of the Colombian management in these international CSR standards.²⁰ Nevertheless, in order to fulfil the requirement of submitting an annual ‘communication on progress’ that describes how the company implements the principles

²⁰ Notably, AGA’s Ghanaian subsidiary, AGAG, was expelled from the Global Compact in 2010 due to a failure to submit the communication on progress, indicating the contrast among the approaches of different AGA subsidiaries to these international CSR initiatives.

of the Global Compact, with the exception of the 2017 communication, AGAC does not submit a Colombia-specific communication, but the global and more general annual sustainability report of the parent company.

Human rights due diligence

Over the years, the AGAC management started to view human rights less through the lens of the VPs and the company's relations to security providers, and more through the lens of the UNGPs and the idea of 'human rights due diligence' (HRDD). As I discussed in the introduction, HRDD is a central notion to the way in which the UNGPs conceptualise the 'corporate responsibility to respect human rights', which is the second of its three-pillar framework alongside the state duty to protect human rights and access to remedy for victims of corporate-related human rights violations. In 2015, the company hired the Colombian NGO Fundación Paz y Reconciliación as a consultant to advise it on the development of a 'HRDD system' on the basis of the UNGPs. The system introduced a human rights risk and impact assessment, which was broader than the previous VPs-based assessment focusing on security-related human rights issues.

It also involved the streamlining of the company's complaints and grievance mechanism, which communities could use to raise concerns or complaints about actions of the company. Local workers receiving the complaints had to evaluate whether the issue raised by a community member was a human rights issue, and, if so, it was escalated to the human rights manager. Most complaints and grievances, however, concerned issues which the company deemed not to be human rights issues and which were dealt with directly at the local level. Common were questions about employment, or complaints about property damage by farmers with whom the company had legal arrangements (similar to an easement) which allowed AGAC workers to conduct exploration activities or install equipment on their land.

The HRDD system furthermore included a 'human rights protocol' which was 'activated' whenever a human rights issue related to the company's activities arose, in order to call on the

relevant state institutions to investigate the issue. It was for instance activated when local activists reported that they had received threats from a paramilitary group, or actors pretending to be paramilitaries to be more intimidating, because of their anti-mining activism, and when local AGAC employees reported they had been threatened by the FARC, or actors pretending to be the FARC, because of their work for the company. Another element of the HRDD system was a 'human rights communication strategy', which involved training for all employees and a website with civil society as its target audience.

Central to the HRDD system was the creation of the headquarters-based position of the human rights manager. The first human rights manager was appointed in 2016, a Geneva-educated lawyer with a background in human rights work with the Colombian government and an extensive knowledge of the 'business and human rights' movement. By actively endorsing and referencing the UNGPs in the company's policies and procedures, this manager sought to make AGAC a 'showcase of good practice in human rights', reminiscent of the mission of the Herz management, approximately eight years previously, which had also sought to improve the company's reputation by making it exemplary in terms of its adherence to international CSR standards.

In addition to being the company's main advisor on human rights issues and overseeing the development and implementation of the HRDD system, an important task of the human rights manager was managing NGO relations, which was central to 'showcasing' AGAC as an exemplary company in its uptake of human rights-related initiatives. The manager aimed to meet with all NGOs which raised allegations about the company's behaviour in Colombia. As I described in the introduction, however, many Colombian NGOs, in particular local organisations, are strongly opposed to all forms of engagement with corporations, as they regard this as a form of legitimisation for the corporation, which they refuse to grant. To the human rights manager, this was a source of great frustration. The insistent chase after Colombian NGO Tierra Digna ('Dignified Earth'), which had protested at the company's global annual general meeting in South Africa, was illustrative of this. The NGO had sent the company an open letter with a list of questions, to

which the human rights manager had formulated responses, to discuss with the NGO in a face-to-face meeting. The NGO took an antagonistic stance and denied all invitations, in response to which the human rights manager even tried to get in touch with one of its Swedish funders in order to demand the NGO to set up a meeting.

The company's engagement with human rights and its engagement with NGOs were thus closely connected. Human rights provided the company with a vocabulary to engage with its critics, in particular international and national NGOs. Initially, an important motivation to start engaging with the VPs was the risk that NGOs might implicate the company in human rights violations committed by army through its military protection arrangements, as had happened to several oil companies in the country. International and national NGOs tended to frame their opposition in a language of human rights, for instance by claiming that AGAC's activities placed people's right to life, right to water, and right to a clean and healthy environment at risk. The company's engagement with human rights became centred on the notions of the 'corporate responsibility to respect human rights' by conducting 'human rights due diligence', reflecting a global trend in corporate human rights practice. As the tasks of the newly created human rights management reveal, engagement with NGOs continued to be central to AGAC's approach to human rights.

The importance granted to the issue of human rights, however, fluctuated over time. At the time of my fieldwork, it appeared to be prioritised through the newly-created position of the human rights manager, but by early 2020, this position had been eliminated, and human rights is now part of the domain of the Legal Department, suggesting that the company has come to view HRDD as primarily a legal issue.

Conclusion

A central contribution of the anthropology of corporations is that it challenges the monolithic depiction of corporations. This chapter contributes to this perspective on the corporation. By describing how AGAC evolved over time, it presents the company as dynamic and 'always in flux'

(Welker 2014:4), rather than a fixed, static entity. It illustrates how the company is shaped by internal as well as external forces. Frequently changing executives and managers played a crucial role in shaping what AGAC stood for at a particular moment in time, through the styles and emphases of their managements and the corporate culture they fostered. The change of management at the end of the greenfields period was particularly illustrative of this.

Furthermore, this chapter has revealed the tensions among different departments, their sometimes contradicting interests, and the often substantial differences in perspective among departments as well as between headquarters and project level. It depicts AGAC as a complex institution which forms one entity despite these internal multiplicities and contradictions. The internal frictions this chapter has described, between Greenfields and the section of the company in charge of permanent projects, and between the technical and the social departments, provide an insight into the inconsistency and incoherence of the corporation, which is often overlooked in literature that depicts corporations, implicitly or explicitly, as static, stable, coherent entities.

This chapter has also shown how social and political processes shape the evolution of the corporation. AGAC's transition out of the greenfields phase took place in a context of growing local resistance to the company's activities, increasing public and NGO scrutiny, and the suspension of the La Colosa project by regional environmental agency Cortolima. This formed an important motivation for the management to make CSR policies and standards more central to AGAC's way of working, and devote more budget to the issue. The persistence of social and political opposition to the company's activities over the years, and the impact this had on the ability of particularly the technical departments to conduct their work, increased the status of the social departments in the company's internal hierarchy. These shifting power dynamics form another example of how external social and political processes may shape the company internally.

What role did AGAC's values, policies, and standards play in the daily life of the corporation? This chapter argues that, even though their practical application was often hard to distinguish, in

part because of their rather abstract and bureaucratic content, the company's values, policies and standards played an important role in fostering the company's identity as a responsible mining company. They provided a uniform moral vocabulary, used at all levels of the company, which gave employees a sense that they were part of a meaningful and responsible operation. Yet, the CSR work at headquarters was shaped by a bureaucratic and process-oriented logic, especially the monitoring and evaluation of the company's CSR programmes. As a result, the creation of good corporate procedures often seemed primarily an end in itself, rather than a means to improve corporate practice.

Finally, AGAC's approach to human rights reflects global trends in the way corporations regard the impacts of their activities on the rights of others. At AGAC, human rights were initially mainly viewed through the lens of the VPs, and as such considered an issue pertaining to the Security Department. The VPs also provided the company with a platform to engage with human rights NGOs. As industry support for the idea that corporations have a responsibility to respect human rights grew, in particular after the development of the UNGPs, AGAC's emphasis shifted towards conducting 'human rights due diligence' to identify, prevent and mitigate the potential human rights 'impacts' of the company's operations. The centrality of NGO engagement to the work of AGAC's newly created human rights management reveals that the language of human rights has become an important vocabulary for corporations to communicate with and manage NGOs – those which criticise and oppose the company's activities, such as *Tierra Digna*, as well as those which take a collaborative approach, such as *Paz y Reconciliación*.

How were these CSR commitments implemented on the ground? What did the company's CSR standards and programmes mean for the company's way of operating locally? What did they mean to employees? In the next chapter, I address these questions by discussing the development of the company's CSR programmes at project level.

‘The face of the corporation’

CSR on the ground

The previous chapter has described AGAC’s evolution over the years, from the perspective of its headquarters. The transition out of the greenfields phase involved increased attention to CSR, the establishment of social departments, and the adoption of CSR standards and policies. In this chapter, I explore what these developments looked like on the ground, and how the policies and strategies developed at headquarters translated into practice. I discuss the evolution of AGAC’s social departments and CSR programmes over the years, based on material from my project-level field sites, the La Colosa project in Cajamarca (Tolima) and the Gramalote project in San Roque (Antioquia). The main focus is on La Colosa, which for many years was also the company’s primary focus, and therefore provides the best insight into the evolution of AGAC’s CSR programmes on the ground. These developments took place against a backdrop of growing opposition to the company’s activities, especially in Tolima.

A surge of CSR activity

At project level, the increased attention to CSR at the end of the greenfields phase translated into a surge of CSR activity and the expansion of the local-level social department. Until 2007, AGAC’s activities in Cajamarca had largely taken place out of the local public eye. The drilling took place in a remote rural area, an hour away from the town centre, and the Greenfields social workers mainly engaged with a small number of farmers living in areas where the geologists were gathering rock and soil samples. Many other village residents did not know of the company or the project. This changed after President Uribe’s grand announcement in December 2007, described in Chapter 2, as a result of which an (initially small) group of town residents started to voice concerns about the environmental impacts a large gold mine could have for the municipality. Other town residents saw the arrival of a large mining multinational to their town as a golden

opportunity they had to make the most of [*aprovechar*]. In this increasingly polarised local setting, AGAC started developing its CSR programmes.

At the end of the greenfields phase, the company had a single social department, which was called the Department of Social Development. It consisted of a Bogotá-based manager of ‘Social Development and Communications’ and a ‘field coordinator’ at each of the drilling projects. When La Colosa became a permanent project, the Greenfields social workers stayed on and formed the project-level social department. This local team initially consisted of a social field coordinator and an assistant, who had worked with the Greenfields team at drilling sites in different parts of the country. They worked closely with two other former Greenfields workers, who were in charge of issues related to land, such as the negotiation of easements and land acquisition. As the La Colosa project moved into the next phase, AGAC opened a local office in the town centre, and the visibility of the company in the town grew.

Tensions and alliances: the early stages of community engagement

As AGAC’s visibility in the town grew, the social team needed to start interacting with a wider group of people in the town. At the end of 2007, it sent out invitations to a large number of people from Cajamarca, including local authorities, such as the mayor, municipal councillors and local ombudsman, community leaders in the rural areas, local businessmen and shop owners, *campesino* associations, teachers, and the priest. It aimed to create a space for interaction between the company and the community, which it called ‘Corsae’, which stood for ‘Committee for Social, Environmental and Corporate Responsibility’. In AGAC’s sustainability reports, Corsae is described as ‘a permanent forum for dialogue and encounter that AGAC drives in the areas where it carries out its exploration processes, to have the direct participation of the community, from the earliest stages of the mining cycle’ (AGAC 2009:37). In addition, the Community Relations team held individual and small group meetings with town residents and hired a consultant to survey local perceptions of the company.

I learnt about Corsae from town residents and local employees who had been involved in it. 'The coordinator first approached me in September 2007,' Juan Pablo told me. A self-identified community leader and former member of Corsae, he was working for the Community Relations Department at the time of my fieldwork.

He [the AGAC coordinator] said: 'I am part of a company called Kedahda.²¹ We are walking along the streams of Cajamarca to see if we can find minerals here, which is the first part of the exploration phase of the mining process. And I will tell you in all honesty: we've got very good prospects here. As corporate citizens, we want to become part of the community, and so we are approaching community leaders like you.'

My response was: we are an agricultural municipality, and that's going very well for us. Mining will destroy everything.

The coordinator responded to me: 'That's exactly what we want to talk about. We want to know what the expectations, concerns, and fears of the community are. Let me invite you to a meeting.'

His words were sincere, and from that moment, my thoughts about mining began to change. I started to think about where it could take the town.

Juan Pablo's interest in Corsae as an opportunity to harness the mining investment for the development of the town was shared by many of the entrepreneurially-minded villagers who became involved in the initiative. However, Corsae soon took a different direction from AGAC's original community engagement strategy, and became shaped according to the expectations many villagers had of the committee. They considered the arrival of AGAC as an opportunity for the town, and for themselves, to 'get ahead', and wanted to use the committee to develop projects that the company would fund. An AGAC sustainability report notes that Corsae 'was initially envisaged as a space for interaction with the community', but that 'in the dynamics of citizen participation and with its multi-institutional character', it became 'a think tank and social observatory that seeks multi-sectorial management of the sustainable development of the municipality' (AGAC 2009:77).

But differences between the intentions of the company and the villagers soon led to frustration. Don Fernando, a local shop owner and formerly active member of Corsae, remembered the corporate-community dynamic in Corsae as follows:

²¹ AGA's Colombian subsidiary was called Sociedad Kedahda until it changed its name to AGAC in 2008.

We would come up with ideas, but they [AGAC] always told us: ‘No, that is not possible.’ Whenever we proposed a project, the first thing they always said was: ‘Alright, we will arrange a training for that.’ But we didn’t want training, we just wanted to do it!

From the perspective of local entrepreneurs such as Don Fernando, the company was trying to keep a tight grip on Corsae and the projects coming out of it, which frustrated them. The AGAC social team needed to balance meeting the expectations of the villagers, whom they needed on board in the initiative, and following the strategy their superiors in Bogotá had set out. The training Don Fernando mentions may be considered an attempt to strike this balance, as it suited the objective of strengthening locals’ entrepreneurial skills in a demonstrable (and reportable) way, and also responded, to some extent, to the proposals of the villagers. Indeed, AGAC’s sustainability reports from the early years indicate that, among its principal CSR outcomes, were a training for Corsae members in ‘methods for project development and management’, and an entrepreneurship training for a group of female heads of households and assistance in setting up a ‘communal recycling business’ (AGAC 2009:78). Corsae disintegrated soon after.

The tensions and alliances that arose during the Corsae process may be seen as a precursor to the corporate-community dynamics in Cajamarca that would develop over the years. Many former Corsae members continued to view the company’s presence in the municipality as an important stimulus to the local economy, although they were not unequivocally positive about the company. Don Fernando, for instance, often complained to me that AGAC procured most of its goods and services from Ibagué and Bogotá rather than Cajamarca, because local businesses were unable to comply with the company’s high health and safety standards. Nevertheless, many former Corsae members continued to be AGAC ‘allies’ with closer ties to the company than other villagers. Many went on to participate in subsequent CSR projects, which they considered a way of making the most of the company’s presence in the town.

The growth of the social department

In 2008, the regional environmental agency suspended the drilling activities at La Colosa because the company lacked an environmental permit, as discussed in Chapter 2. Whereas the technical

section of the company could not continue its activities during this period, the social section became more active. Over the years, what had initially been one social department was divided into three – Community Relations, Corporate Affairs, and Communications. These departments had separate reporting lines, but often cooperated, as many of their activities overlapped. As I discussed in the previous chapter, the departments continued to be referred to in conjunction as the '*área social*'.

Internal tensions not only existed between the technical and the social departments, but also within the *área social*, although these were less pronounced. At La Colosa, for instance, the Corporate Affairs team seemed to consider itself higher placed in the internal hierarchy than Community Relations. The fact that Corporate Affairs dealt with the people in (political) power also gave the department more power internally, which was further reinforced by the fact that the Corporate Affairs managers had more informal seniority because they had worked for the company for a longer time than the relatively novice Community Relations manager. Community Relations workers, in turn, tended to feel better than the Corporate Affairs workers in their own way: they saw themselves as the people who did the hard work of going out into the remote rural settlements around Cajamarca to interact with the local community, and considered themselves to have a better understanding of what was happening 'on the ground' than the Corporate Affairs workers who spent their days in offices and urban surroundings. This was for instance illustrated during a joint CSR activity of the two departments, the donation of school kits to the twelve rural schools of the municipality. Corporate Affairs had promised this donation to the mayor, and had asked the support of Community Relations to execute the project. To coordinate the school visits, four Community Relations workers and two Corporate Affairs workers met in Cajamarca. One of the Community Relations workers had told me in advance:

These 'collaborations' always work out the same way. Corporate Affairs think they can just leave this stuff to Community Relations.

During the meeting, the Community Relations coordinator voiced this frustration in the form of jokes. While drawing up the distribution schedule, for instance, he jokingly asked one of the

Corporate Affairs workers about the ‘doctor’s appointments’ and other excuses he was going to come up with. He told the other worker, pointing at the mountain boots he was wearing:

How long have you had those for?

‘Three years or so’, the Corporate Affairs worker responded.

How can they be so shiny?! Have you ever worn them before? I guess not, imagine getting mud on them...

Corporate Affairs workers, his jokes suggested, felt too superior to get their hands (or boots) dirty.

Embedding the company in the community

As AGAC’s CSR programmes expanded, the *área social* recruited more town residents as employees, in positions ranging from the lower-ranking ‘*auxiliar*’, ‘*analista*’, and ‘*técnico*’, to the more senior ‘*profesional*’. These positions reported to the project-level coordinators [*coordinadores*] and manager [*gerente*], who were typically not local residents. In Cajamarca, these employees included former Corsae members, a former community leader from the Anaime Canyon, where most of the opposition to AGAC emerged, social workers who had previously worked for the municipal administration [*alcaldía*], including a former local ombudsman [*personera*], and the son of a former mayor who continued to be an influential political figure in the village. As such, many of the individuals who came to represent AGAC to the community, as part of the Community Relations team, were local residents, already embedded in the community dynamics of the town. This was similar for the personnel of Gramalote, although there was a clearer hierarchical separation between employees recruited from the community and those from the wider region, as all lower-ranking positions were occupied by locals, while the *profesionales* and *coordinadores* were from the wider region, or were former La Colosa workers who had been offered a position at Gramalote during downsizings at La Colosa.

The local offices were also embedded in the village environment. The Cajamarca office was located on the corner of a busy street with small local shops and food stalls, on the two floors above clothes shop ‘*Bueno, Bonito, Barato*’ [‘Good, Nice, Cheap’] (figure 4.1). Similarly, the office

of the Quebradona project in Jericó blended in seamlessly with the colourful colonial architecture that characterises the town (figure 4.2). In Cajamarca, nothing on the outside of the office, not even a small sign or logo, indicated that this was an office of a multinational corporation. Entering the office through the heavy black door, restricted to people with a company badge, felt like passing through a gateway into a different reality (figure 4.3). One moment, you were standing in the dust, heat, and noise of a buzzing village street, and the next, you would be in a clean and air-conditioned open office space, with desks and computers, cubicles for the managers, and boardrooms with long conference tables. The walls were decorated with wall-size images of the project: the green mountains of Cajamarca, workers wearing miner's helmets, as well as large icons representing the company's values. One of the walls of the office was covered in a large map of AGA's projects around the world – a reminder that this office in a small Colombian town was part of a globe-spanning multinational operation (figure 4.4). At Gramalote, on the other hand, the local office did not blend into the village context, but was, because of greater security concerns in the region, fenced off from the public in a gated compound, and guarded by security guards (figures 4.5 and 4.6).

The contrast between the 'corporate world' and the local reality of the 'community' was also palpable on field visits. Community Relations workers were usually transported in a company truck for the first section, and then continued the last section, often a muddy path not accessible by truck, on foot. Being inside these air-conditioned and protected spaces often felt like being in a 'corporate bubble' amidst the local reality of heat, mud, and sugarcane (figure 4.7).



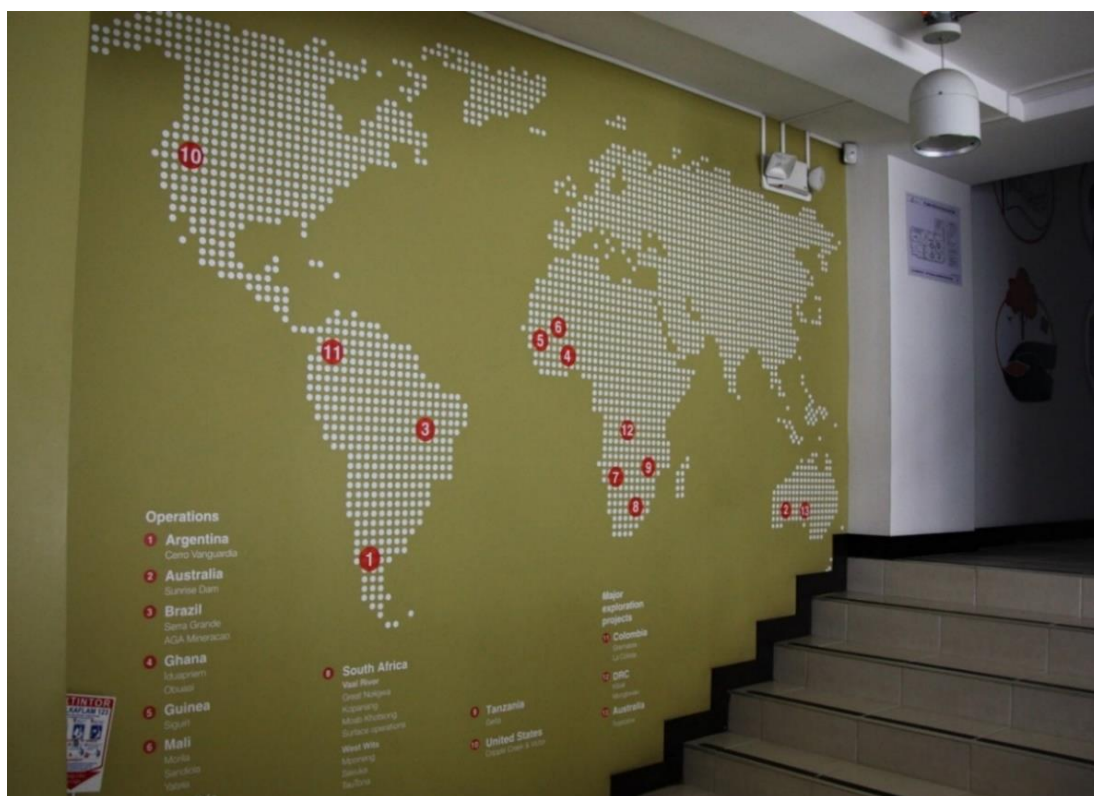
4.1 The Cajamarca office.



4.2 The Jericó office.



4.3 The door and badge scan of the Cajamarca office, separating the world of the 'company' from the 'community'.



4.4 Inside the Cajamarca office: a reminder of the global dimension of the mining project.



4.5 A fence of the Gramalote compound in Providencia, San Roque.



4.6 The Gramalote entrance. Screenshot from company's safety induction video (Gramalote 2017).



4.7 Corporate-community boundaries: watching muleteers transporting sugarcane, from inside the company vehicle, in a rural area of San Roque.

During the first years, most of AGAC's activities were coordinated from the headquarters in Bogotá. The company had local offices in the towns where it operated, but all senior personnel worked from Bogotá. In the early 2010s, the company decentralised its management and opened regional offices in the capital cities of the departments in which the projects were located – Ibagué for La Colosa and Medellín for Gramalote and Quebradona. These offices, located in large office buildings in business districts of the city, started to function as regional headquarters, from which most of the project-level management worked. According to a former executive, it was important for the company to have project-level managers based in the region and not in Bogotá, not only to demonstrate the company's commitment to the region, but also because of the importance of personal involvement in informal elite networks. A businesswoman from Tolima with close relations to AGAC executives told me she had advised the AGAC management during the early 2010s that the AGAC personnel needed more personal contacts among the regional elite, who could become important allies of the company. In order to get to know the regional elite, she

said, AGAC managers needed to live in the same neighbourhoods, have their kids in the same (private) colleges, and go to the same clubs and churches.

Somos comunidad

The notion of ‘community’, which I have used in the previous sections to indicate the group of people with which the company sought to engage, is a contested concept. This thesis primarily challenges the monolithic depiction of the corporation, but accounts of the ‘community’ are often equally monolithic. Anthropologists have long criticised the concept of community for being imprecise and ambivalent, and for nostalgising and homogenising social groups while disregarding their internal power dynamics (Agrawal and Gibson 2001; Calhoun 1980; Pirie and Scheele 2014). In the everyday discourse in the towns where I conducted my fieldwork, the term ‘community’ [*comunidad*] was widely used, and appeared a natural and intuitive social entity. The strength of the concept seems to derive from the ‘normative assumptions and affective power’ (Welker 2017:449) that underlie it. As Williams observes, ‘perhaps, unlike all other terms of social organization (state, nation, society, etc.) [the term community] seems never to be used unfavourably, and never to be given any positive opposing or distinguishing term’ (2015 [1976]:40).

AGAC as well as its opponents frequently used the notion of ‘community’ to support their respective agendas. Opponents of La Colosa portrayed the people of Cajamarca in a way that resonates with what Welker calls the ‘prototypical environmental and social-activist portrait’ (2017:449) of the community, made up of people with a strong connection to the territory, united to defend their environment and livelihood from the threat of mining. The anti-mining movement commonly depicted the ‘community’ of Cajamarca somewhat romantically as a group of *campesinos* with a passion for working the land and growing food for the rest of the country, united in a dignified defence of their way of life. AGAC also romanticised the community of Cajamarca, but as the company’s partner in its commitment to sustainable development. The term figured prominently in AGAC’s CSR discourse. AGAC publicity materials, for instance,

commonly stated that the company ‘works hand in hand with communities’ [*trabajamos de la mano con las comunidades*]. Another widely used phrase which emphasised AGAC’s ideal of embeddedness in the community, and which figured on AGAC banners at CSR events, was that ‘together, we are community’ [*juntos somos comunidad*]. A corporate publication that used the same language stated, idyllically:

We know [Cajamarca’s] families, their leaders, their schools, and their businesses. We partake in the day to day activities of the community, in their celebrations, and in their discussions. ... We work together to overcome problems and difficulties. We share hopes, dreams, and projects. We are part of the community and we grow together (AGAC 2010:15).

From paternalism to partnership

The CSR work at La Colosa initially mainly involved fairly ‘traditional’ CSR projects with a focus on education, health care, and local infrastructure. These projects focused on local needs, as Cajamarca was, and continues to be, a town with a relatively high degree of unsatisfied basic needs and high rates of unemployment. According to the Colombian Administrative Department of Statistics, in 2012, over a fifth of town centre inhabitants and over a third of the rural population lacked access to adequate housing, potable water and sewerage, education, and income (DANE 2012). Tolima has been among the departments with the highest unemployment rates in the country for many years (DANE 2016; 2020). AGAC invested in the painting of rural schools, improvements to roads and local infrastructure, and sponsored part of the purchase of an ambulance for the local hospital. It also set up environmental education projects at the local schools, such as a recycling project and a school plant nursery. Furthermore, the company sought to make itself visible in the town by sponsoring large renovation projects, such as the covered market in the town centre where farmers traded their produce, the abattoir, and the town’s stadium.

Agriculture and mining: rivals or allies?

Over the years, the main focus of the CSR projects at La Colosa shifted towards agriculture, in resonance with Cajamarca’s strong agricultural identity. The municipality produces food for the

regional and national market and is referred to as *la despensa agrícola* of Colombia – the place Colombia’s food comes from, literally its ‘agricultural larder’. Its soils are particularly fertile because of its proximity to the active Machín volcano, seven kilometres from the town centre. Similar to many towns in Colombia, Cajamarca consists of a town centre [*casco urbano*], surrounded by rural settlements referred to as *veredas*. The municipality also has a locality [*corregimiento*], a second, smaller centre, called Anaime (see figure 1.2). Its 42 *veredas* are scattered across the steep mountains which give the municipality a range of climates, corresponding to the different altitudes, which makes it possible to grow a wide range of products. Most farmers in Cajamarca practise smallholder agriculture and refer to themselves as *campesinos*. Those living in the lower and warmer areas of the municipality cultivate coffee, plantains, mangos, oranges, and many other fruits, while those in higher-altitude settlements grow staples such as beans, potatoes, yucca, and the native root vegetable arracacha. Cajamarca is Colombia’s third-largest producer of beans, and the largest arracacha producer worldwide (see MinTIC 2018). The highest areas are dedicated to cattle ranching. Most *campesinos* own the small plot of land they work on, which gives them a strong sense of connection to their land. This is different in many other parts of Colombia, where large plots of land are owned by a few wealthy individuals. Agriculture is central to the everyday life in the town, where typical conversations in cafés revolve around the price of beans that week, and Sundays are the highlight of the week, as the *campesinos* travel down from their *vereda* to the town centre to sell their produce on the local market, and, often, to spend the rest of the day drinking beer in the street corner bars.

Various agricultural associations from Cajamarca approached AGAC for support in agricultural ventures, which led to several agriculture-focused CSR projects. One of the first projects involved advice and training in more productive agricultural techniques for the town’s bean growers [*frijoleros*]. The company also started supporting various projects with cattle ranchers [*ganaderos*], such as a programme for the genetic improvement of dairy cattle through artificial insemination. These cattle ranching projects were of particular strategic value, as the *ganaderos* included the economically most powerful farmers from the municipality, who tended to be well-

connected in the region. One of the most powerful landowners in Cajamarca, for instance, was a former senator and diplomat who was the president of a cattle ranching association which proposed the genetic improvement project to the company. Agriculture continued to be central to AGAC's CSR programmes at La Colosa. The company promoted the cultivation of products that could open Cajamarca to the international market through projects with avocados and passion fruits. Another project certified farmers in 'good agricultural practices', which could increase the market value of their products. A project implemented across all three of its projects in Colombia, 'Youth Back to the Field', gave young people from *campesino* families a scholarship to study agricultural methods in the national agriculture park Panaca, to stimulate their interest in farming at a time in which many young people were opting to leave the countryside and look for work in cities.

The agricultural CSR projects not only formed a way to build relations with different farmer groups in the town, they also formed an important mechanism for responding to and pre-empting the concerns and critiques of the company's local opponents. One of their main concerns was that a gold mine would harm the town's agricultural economy, firstly by polluting and depleting the water sources on which the *campesinos*, their crops, and their cattle depended, and, in addition, by forming an incentive for *campesinos*, and particularly for poor day labourers [*jornaleros*], who were crucial during harvest times, to leave the often difficult life in the countryside behind and find a better-paying job in the mine. By focusing on agriculture, AGAC aimed to communicate the idea that a mining project did not form a threat to the agricultural identity of the town. As a Community Relations manager put it in a presentation to *campesinos* who participated in an agricultural CSR project:

People think that mining and agriculture cannot be good neighbours, that they cannot live together. AngloGold focuses its social investments on agriculture to show that they can coexist. AngloGold believes that we can live together and be good neighbours.

Over the years, as the opposition to AGAC's activities continued to grow, the notion that a mining project could boost rather than threaten Cajamarca's agricultural economy became one of the central messages the company sought to propagate.

‘Myths and realities’

Between 2009 and 2012, the opposition to La Colosa took on an increasingly regional character. As I set out in Chapter 2, the student movement at the University of Tolima in Ibagué embraced the environmental cause and formed the Comité Ambiental. Since 2010, the movement has organised an annual protest march in Ibagué in which thousands of people participate every year. The department’s rice growers [*arroceros*] were another influential opponent. This regional economic elite saw La Colosa as a threat to rice farming, as gold mining and rice farming both use large quantities of water. As the opposition became more regional, AGAC’s CSR approach also came to have a stronger regional dimension. For example, the company started sponsoring a range of regional causes, such as the regional football team and the regional folklore festival, in order to create favourable visibility at the regional level.

In this period, AGAC’s CSR programmes came to include a stronger public relations component (Rico 2010). The company referred to this as its ‘pedagogic agenda’. Central to this corporate pedagogy was the message that La Colosa is a ‘responsible mining’ project, as opposed to environmentally harmful – the idea that drove much of the opposition to the project. The discourse of responsible mining is common to the global mining industry, and has been criticised for being ‘oxymoronic’ and for concealing what critics regard as the inherent ‘irresponsibility’ of mining in environmental and social terms (Benson and Kirsch 2010b). *Campesinos* in Cajamarca opposed to mining tended to agree with this critique. A banner I came across in a rural area of Cajamarca, for instance, stated: ‘If mining is responsible, then cyanide is vitamin C.’

AGAC used the term ‘responsible mining’ alongside similar phrases, often in line with the discourse promoted by the Ministry of Mining, such as the Ministry’s slogans ‘*minería bien hecha*’ [‘mining done right’] or ‘*#BuenaMinería*’ [‘#GoodMining’], and the AGAC motto ‘*verdadera minería*’ [‘true, real mining’]. It differentiated AGAC’s modern mining from informal and illegal mining, which characterised the Colombian gold mining industry. According to AGAC, most Colombians erroneously associated the La Colosa project with the polluting practices of illegal

gold mining, a narrative that is also set out in the corporate presentation in figure 4.8. It shows various pictures representing what the company saw as the societal perception of mining – coffee-coloured rivers polluted with mercury, big yellow excavators, and a landscape of destruction and deforestation – and distinguished them from AGAC’s ‘good mining’. Modern mining techniques and technologies, as well as the mitigation of environmental impacts, for instance the reforestation of excavated areas, distinguished AGAC’s mining as ‘good’. ‘*Minería bien hecha*’ was not only distinct from illegal mining, but also from industrial mining practices of the past, for instance the past practice of directly discharging mining waste into rivers. In her ethnography of mining conflicts in Peru, Li notes that the distinction between ‘old’ and ‘new’ mining is common in the PR campaigns of multinational mining corporations, in an effort to dissociate the visible signs of environmental destruction left by older mines from their operations (2015:14). However, although corporations as well as the Peruvian government, like the Colombian, are eager to promote the benefits of modern mining in terms of their increased safety and efficiency, newer mines also require a small labour force and create fewer opportunities for direct employment, and the imprint of modern open-pit mines on the landscape is much greater than the underground mines from the past (2015:14,19).

AGAC argued that its own activities, ‘good mining’, had little to do with the type of mining environmental activists were opposed to. Kirsch points out how ‘confidence that new projects will not repeat the mistakes of their predecessors’ is common across the global mining industry (2014:134). AGAC’s optimism may be valid, but so is the scepticism of activists, as it stands in a stark contrast to the industry’s track record in causing environmental harm. The company’s narrative also resonates with the rhetoric the industry commonly uses to counter environmental arguments against mining: ‘the idea that modern mining represents a break from the polluting practices of the past and a new vision for the future that protestors fail to see because they are still caught in another era’ (Li 2015:14). The presentation makes clear how, for AGAC, the narrative of illegal versus responsible mining is intertwined with the emergence of the opposition movement to La Colosa, which, according to the presentation, is based on ‘prejudices and myths’

propagated by anti-mining activists. The presentation depicts AGAC's opponents in the form of a Pinocchio puppet wearing a red 'anti' T-shirt, whose fist is raised into the air by the hand that controls it.

ESTE ES EL REFERENTE QUE TENEMOS DE MINERÍA HOY

La extracción ilegal de minerales, como la hemos visto hasta hoy en Colombia, en todos los medios de comunicación, tiene graves impactos para el medio ambiente y las comunidades. Hay ríos en Colombia con los mayores niveles de Cianuro y mercurio reportados.



ESTE ES EL REFERENTE QUE TENEMOS DE MINERÍA HOY



La extracción ilegal no paga impuestos, no aporta regalías, explota menores, no brinda herramientas de seguridad industrial. Los niveles de mercurio en el aire de poblaciones mineras exceden en 10 veces los niveles de la OMS.

ESTE ES EL REFERENTE QUE TENEMOS DE MINERÍA HOY



La extracción ilegal de minerales no trabaja con las comunidades, no compensa los impactos negativos que genera, no apuesta por la sostenibilidad y no cierra sus proyectos.

**Por falta de referentes
y de conocimiento, se
han tejido muchos
mitos alrededor de la
minería... y el Proyecto
La Colosa ha sido
objeto de esos
prejuicios y miedos.**



LA PREGUNTA ES: ¿CUÁL MINERÍA QUEREMOS PARA EL PAÍS?



PODEMOS CAMBIAR DE REFERENTE: LA MINERÍA RESPONSABLE ES UNA OPORTUNIDAD DE BIENESTAR Y PROGRESO

AGA Brasil
Premio Minero de
Gestión
Ambiental, 2011



4.8 'This is the example we have of mining today', slides from AGAC public presentation (AGAC 2011d).

Translation of text: Illegal mineral extraction, as we have seen in Colombia until today, in the media, has grave impacts on the environment and the communities. Rivers in Colombia have the highest levels of cyanide and mercury [in the world]. / Illegal mining does not pay taxes, does not contribute royalties, exploits minors, does not provide safety equipment. The levels of mercury in the air of mining communities exceeds WHO levels 10 times. / Illegal mineral extraction does not work with communities, does not compensate its negative impacts, does not go for sustainability and does not close its projects [mine reclamation]. / The lack of examples and knowledge has led to the creation of many myths around mining... and the La Colosa project has been a target of these prejudices and fears. / The question is: which mining do we want for the country? / We can change our frame of reference: responsible mining is an opportunity for well-being and progress (AGA Brazil Mining Prize for Environmental Management, 2011).

Faced with growing opposition, it became AGAC's mission to convince the Colombian public, and in particular the opinion leaders in Tolima, that 'good mining' was possible, and that AGAC's projects did not form a threat to the environment or to other economic activities, such as agriculture. One of the first CSR projects that was part of the 'pedagogic agenda' took opinion leaders from Tolima to Brazil, on an 'educational trip' to AGA mines in Minas Gerais, between 2009 and 2012. On these trips, organised with the Brazilian Mining Institute, the company invited people it considered to have influence in the local public debate, such as regional journalists, mayors and municipal councillors, and other community representatives. The trips aimed to show these community representatives what a responsible mining operation looks like in practice, so they would 'see with their own eyes' that responsible mining is possible, and speak out in favour of the La Colosa project. Critics of the company called the trips a form of bribery, and argued they were not representative, as the Brazilian mine was much smaller, and, therefore, not comparable to La Colosa (Rico 2010). AGAC denied this, and claimed it was the best example it could show, because the Brazilian mine was located in a geographically and hydrologically similar area to Cajamarca. In an interview with a local newspaper, AGAC president Herz stated:

If we don't do those trips, they tell us: 'You say that there is mining that adheres to standards, if that is so true, show it,' and if we show it, they criticise us for buying consciences with those trips (El Nuevo Día 2011).

At the same time, the Dutch NGO PAX, discussed in Chapter 3, also organised trips to AGA's Brazilian mines and to Newmont's Yanacocha mine in Peru. These trips mirrored AGAC's trips: while the AGAC trips involved meetings with local corporate allies, the PAX trips allowed local opponents of La Colosa to meet Brazilian and Peruvian anti-mining activists, who showed them the mining projects to witness the environmental destruction open-pit mining brings. PAX also invited the North-American hydro-geologist Robert Moran to Tolima. He evaluated AGAC's water management claims for La Colosa on the basis of information provided by the company, and discussed his analysis with the local population in seminars organised by the NGO. Moran introduced technical concepts into the discourse of the local anti-mining activists, such as the risk of acid mine drainage, which may occur when, as a result of excavation, toxins contained in the rock are released into the environment. His conclusions were also included in a report of the

NGO, which emphasises the need for an independent technical base line study, as the Ministry of Environment did not have such base line data (PAX 2009). Moran had previously also been hired by Peruvian anti-mining activists to evaluate the environmental impact assessments of two gold mining projects in Peru (Li 2015).

AGAC also funded civic associations, which were created by local ‘allies’ of the company for the promotion of ‘responsible mining’. Examples were the pro-mining group BioTolima, and the local association Aprominca, which involved employees and former employees, and other Cajamarca residents who defended mining in the local mining debate. AGAC funded these associations in order to promote dialogue on mining in Tolima and Cajamarca, which functioned as a way to promote the company’s mining narrative and to counter the narratives of the company’s opponents.

Concerns about the impact of a large gold mine such as La Colosa on the quantity and quality of water became a central point of contention in the public debate, and united local *campesinos*, the region’s rice growers, as well as environmental activists in their opposition to mining. Water also became a focal point to AGAC’s pedagogy. The company’s water narrative countered the main claims of its critics about water use: AGAC emphasised its ‘responsible water management’ techniques to prevent pollution and minimise the use of river water, claimed that the amount of water needed for La Colosa was relatively trivial, and argued that there would be sufficient water for agriculture and mining to coexist. An example of AGAC’s narrative around water can be found in the corporate publication ‘In the water: A journey by AngloGold Ashanti’. This large hardcover book with colourful photos of the rivers and mountains of Tolima adorned the desks of many AGAC executives. It aimed to ‘pay tribute to a resource that means life, prosperity and transformation’ (AGAC 2011a:16–17) – language that resembles the anti-mining movement’s discourse on the vitality of water for Tolima. The text set out how AGAC regarded the Colombian public debate on mining, which, it argued, was framed in the ‘wrong’ terms, as the main causes for water-related environmental problems in Colombia were unrelated to mining:

The environmental debate does not address the problems we face today, which are not related to the issue of mining: poor infrastructure development, the destruction of the areas around river banks, and agricultural expansion, which has caused deforestation and deregulation of river basins, pollution of riverbeds due to direct dumping, inadequate water treatment plants, and poor sewage treatment.

The debate should not be focused on which problems responsible mining may cause in the future. ... The discussion on water in relation to the exploration process of the La Colosa project has been conducted in the wrong way, and a series of myths has been constructed (AGAC 2011a:14–15).

To counter these ‘myths’, AGAC emphasised its ‘responsible and innovative water management’ which involved the use of rain water, a closed-loop system that allowed for the reuse of water in the treatment of the ore with cyanide, and the chemical treatment of water that was discharged back into the environment to ensure it was free of toxins. It also argued that, in comparison to agricultural and domestic water use, La Colosa’s water use is insignificant:

According to the current figures [in AGAC’s studies], in a future production stage, La Colosa would consume as much water as a 235 ha farm consumes today. This consumption can and must be compensated. In addition, the part of the water that is not re-used will be treated in order to avoid any negative consequences, which will result in a better quality and quantity of water for domestic or agricultural use.

This same argument was commonly used in public presentations, as the slide in figure 4.9 illustrates. It states that the water needed annually for Tolima’s corn and rice production is, respectively, 28 and 235 times as much as the predicted water use of La Colosa. It also claimed that with the amount of water needed for all Colombians to take a five-minute shower twice a day, it would be possible to realise 394 La Colosa projects. These comparisons trivialised La Colosa’s water use in order to counter the water-centred claims of the anti-mining movement.

CONSUMO DE AGUA: La Colosa, fase 1, para procesar 1 ton mineral oro, necesita 0.5 m3/ton, y al año utilizaría 15.000.000 m3 de agua

En Colombia

Producto	Litros de Agua usados en producir	Producción Anual Colombia	Consumo en m3 por año	Cuántos proyectos La Colosa se podrían hacer
1 Kg de papas	500	2.272.772.000	1.136.386.000	152
1 Litro de cerveza	14	1.900.000.000	26.6000.000	4
1Kg de trigo	900	24.349.000	21.914.100	3
1 Kg de carne de cerdo	13700	196.157.000	2.687.350.900	358

En Tolima

Producto	Litros de Agua usados en producir	Producción Anual Colombia	Consumo en m3 por año	Cuántos proyectos La Colosa se podrían hacer
1 Kg de maíz	1000	211.986.000	211.986.000	28
1 Kg de arroz	1900	928.252.000	1.763.678.800	235

Actividades

Actividad / Producto	Litros de Agua usados en producir	Personas	Consumo en m3 por año	¿Cuántos proyectos La Colosa se pueden hacer?
1 ducha de 5 minutos 2 veces al día	180	45.000.000	2.956.500.000	394

Fuentes: Corporación Colombia Internacional, Federación Nacional de Avicultores, Federación Nacional de Ganaderos

4.9 La Colosa water consumption compared to agricultural and domestic water use (AGAC 2011d).

The notion of ‘myths’ about mining to dismiss some of the claims of anti-mining activists was central to AGAC’s ‘pedagogic’ discourse. In 2011, the social team developed a public relations strategy called ‘Myths and Realities’ (AGAC 2011c). The idea underlying this strategy was that the perception many people in Colombia had of mining was based on ‘myths’ about the industry, which were further propagated by the anti-mining movement, and which the company should contradict by showing the ‘truth’ about mining. AGAC employees frequently told me: mining needs *desmitificar* (demystify, destroy the opposition’s myths) and *desmentir* (disprove, contradict, literally ‘un-lie’). In 2011, as part of the Myths and Realities strategy, AGAC set up a huge inflatable miner’s helmet in a schoolyard in Cajamarca’s town centre, with, on the inside, an exhibition to teach schoolchildren and families about mining (figure 4.10). The exhibition displayed items needed in everyday life, such as cell phones and tools, to demonstrate that we cannot live without mining, and had an interactive game where children could choose whether a statement about the La Colosa project was false (myth) or true (reality). Many of these statements were claims commonly made by AGAC opponents, whom the game, again, depicted as a

Pinocchio puppet (figure 4.11). The company also attempted to set up a regional-level ‘educational centre’ on mining in Ibagué, for which it hired business guild Fenalco, an ally of the company in the region. When both the proposal and Fenalco were heavily criticised by the regional anti-mining movement, AGAC dropped the project.

CUENTA BIEN EL CUENTO



El casco minero de AngloGold Ashanti está abierto para grandes y chicos durante un mes, todos los días. Te invitamos a aprender de minería, a conocer mejor el Proyecto La Colosa y a contar bien el cuento.

4.10 Item in AGAC-produced newspaper: ‘Tell the story right: ‘the AGAC miner’s helmet is open for adults and kids every day for a month. We invite you to learn about mining, to get to know the La Colosa project better, and to tell the story right’ (AGAC 2011c).

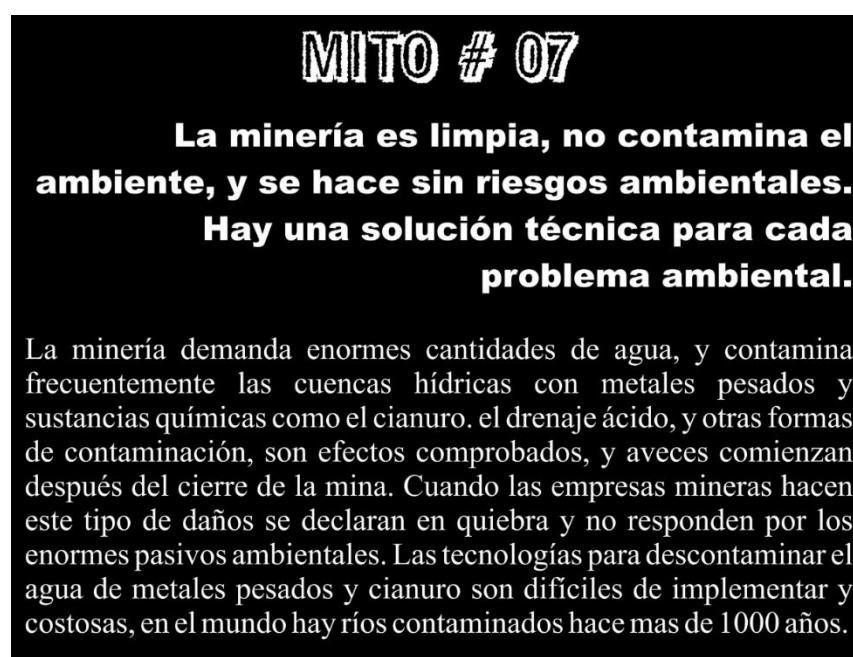
**¿Quiere saber la verdad
sobre la minería?**

Venga al Casco Minero!



4.11 A schoolgirl plays the ‘Myths and Realities’ game in the Miner’s Helmet. Title: ‘Do you want to know the truth about mining? Come to the Miner’s Helmet!’ (AGAC 2011c).

The discourse and imagery of truth, lies and myths AGAC used was also invoked by AGAC opponents. As a direct response to AGAC's public presentations about mining myths, local youth collective Cosajuca published a series of alternative 'mining myths' on its Facebook page (figure 4.12). Another example is the anti-AGAC pamphlet in figure 4.13, titled 'AngloGold's Pinocchio', which shows a puppet that represents the mayor of Cajamarca, a key strategic ally of the company, controlled by the arm of 'AngloGold', who makes a false claim that benefits the company. As such, the polarised mining debate between advocates and critics of mining became framed in a shared language in which the claims of the 'opponent' were dismissed as lies and misinformation. In the following chapters, I will further explore the dialectic relationship between AGAC and its opponents.



4.12 'Myth 7: Mining is clean, does not pollute the environment, and is done without environmental risks. There is a technical solution for each environmental problem.

Mining requires huge amounts of water and often pollutes water basins with heavy metals and chemical substances such as cyanide, acid drainage, and other forms of pollution. These are proven effects, and sometimes start after the mine's closure. When mining companies do such damage, they declare themselves bankrupt and do not take responsibility for these enormous environmental liabilities. Technologies to clean water from heavy metals and cyanide are difficult to implement and expensive. In the world, there are rivers polluted for more than 1000 years.' Taken from 'La Inconquistable Cajamarca', Cosajuca's Facebook page, 13 May 2015.



4.13 Pamphlet on a lamppost in the centre of Cajamarca: the mayor as AGAC-controlled Pinocchio puppet who states: 'To hold the popular consultation [explained in detail in the following chapters], I will cut the transport for schoolchildren.' His audience boo him, calling him a 'sell-out', 'miner', 'leech' [his nickname used by opponents], 'liar', 'miner-politician'.

Not replacing the state

At the time of my fieldwork, in 2017, Community Relations workers referred to the CSR approach their predecessors had employed during the company's first years in the country as 'paternalistic' and 'transactional'. This, they argued, had created misguided expectations in the community about the company's role in society. This tendency to ascribe current problems to previous programmes or strategies was one that I frequently encountered. An often-used metaphor for the initial CSR approach was that of the 'rich dad' [*papá rico*] who gives his children

everything they ask for. The community had come to see the company as a provider. In the words of a Community Relations worker:

After the discovery of La Colosa, when the social team started working in Cajamarca, our message was: Cajamarca, you have won the lottery, because a company is coming to your town which will solve all of your problems. We sold that image. People no longer went to the local administration with their problems, but to us, because we had money. Now, it is difficult to change that image. People got used to it. The community asks us for all kinds of things.

Another worker told me:

Before, it seemed that we were a shop, where people came to get whatever they needed. We are trying to change this mindset [*cambiar el chip*], and teach people that AGAC does not equal peso signs.

Furthermore, many workers regarded the large investments the company had made in infrastructure during the first years as a strategic mistake. They considered that people did not feel grateful towards the company for these investments because they did not sufficiently benefit from them on an individual level: 'people don't value it'. This reduced the 'impact' of the projects. In addition, they thought that these capital intensive projects had reinforced the image of the company as an organisation with very deep pockets, which increased local expectations. When, around 2013, the gold price dropped and AGAC's CSR budget significantly decreased, the social team no longer had the resources to continue this capital intensive CSR approach.

The subsequent approach to CSR, therefore, moved away from paternalism towards 'partnership' with the local population. An AGAC sustainability report states:

Social investment at AGA has specific characteristics related to our values, corporate style, and the impact we seek to achieve. We define our projects together with the population and we bring our work together with that of the local government and other local actors, always applying our intervention principles: avoiding paternalism, multipartite scheme, not replacing the state, self-management, sustainability, bottom-up processes (AGAC 2017b:74).

'Not replacing the state' was a central motto to this CSR approach, often vocalised by managers. Replacement of the state is also a central critique in scholarly debates on CSR. Many scholars have argued that, in particular in contexts of relative state absence, large corporations are able to extend their power over the territory by replacing the state through CSR programmes that provide the social services the state is unable or unwilling to provide (Frynas 2005; Gardner 2012;

Szablowski 2007; Rajak 2011). When AGAC officials talked about ‘not replacing the state’, they tended to emphasise that the company’s duties were different from those of the state. The corporate responsibility to local communities was a voluntary commitment to doing the right thing, which should not be confused with the responsibility of the state, which was a legally binding duty. A social manager put this to me as follows:

The company complies with its legal duties, and goes beyond that in its social projects. But the state? The state does nothing. It is abandoning the communities. ... We want the communities to know that with the company, they can improve their quality of life. We are building a relationship of trust and benefit with the communities. Not in the sense of paternalism or replacing the state, but supporting the communities.

One of the ways in which the CSR strategy sought to ‘partner’ with the state rather than ‘replace’ it was through the so-called ‘tripartite’ scheme for CSR projects, which involved the state, the community, and the company. A typical project was the construction of rural community centres [*salones comunales*], where the inhabitants of a *vereda*, typically twenty to fifty families, could hold meetings. In the past, the company would have overseen the entire construction process, but under the tripartite approach, the company donated the money required for the project, the local administration provided the machinery and construction workers, and the local community the rest of the labour. In practice, however, this approach often did not work out as intended. The public-private partnerships often resulted in delays, which local Community Relations workers tended to blame on the local administration. They complained that the municipality’s machinery was often behind on repairs, or that it would award construction contracts as a clientelist favour, as a result of which contractors were incompetent or did not show up at all. The AGAC workers were concerned that delays would result in complaints from the community, or worse, rumours that the company was not keeping its promises, and would mean that the budget set aside for a certain project could not be spent in the right year or quarter. They therefore preferred to take charge, hire machinery, and get the project done. This was discussed in an illustrative way in a meeting in which the social managers of the La Colosa project dealt with requests for sponsorships:

Community Relations manager:

The next request is for the community centre of the *vereda* of Planadas.

Corporate Affairs manager:

Ah, that's been a *chicharrón* [difficult issue] since last year. The administration has failed to provide its support. The mayor's commitment is one of words, not actions. The community leader of Planadas is now angry with the administration, but it also negatively affects our name.

CR: This is a request from a community council, so it fulfils our criteria for sponsorship, which are that the project must benefit a community, not individuals, and that it is a project that gives AGAC visibility in the community. If we spend more money on this, we could just file it as sponsorship under 'strengthening community leadership'.

CA: Fine, let's just make a new agreement with the community council and set aside some money to hire machinery and workers.

Even though the intention behind the CSR strategy was 'not to replace the state', from the perspective of the local social team, the municipal government was so corrupt and 'useless' that the only way to get projects done was to end up taking over the state's role. The local community, furthermore, seemed to expect the company to act like the state, and so, in practice, the local-level management of community expectations involved giving in to these expectations in order to avoid compromising the company's image in the community.

Different managers, different approaches

The variations in the project-level approach to CSR over time can, in part, be explained by the frequent changes in local management. There was more continuity among the lower-ranking Community Relations staff, with whom I was able to engage extensively during my fieldwork. They had worked under various project-level managers, each of whom brought their own approach, priorities, and preferences to the Community Relations work. One of the 'veteran' Community Relations workers described the high turnover as follows:

Everything here is very unpredictable, changeable. Especially the managers change a lot, the socials in particular. As soon as there is a problem with the community, they change the manager. You know, as if the manager would be to blame for all problems... And with each new manager comes a new approach. All problems get blamed on the previous manager, and so the new one will want to do everything differently.

When talking about their former bosses, workers tended to characterise them as either having an inward focus on the management of their team and internal administration, or an outward focus on understanding the social context, building ‘feeling’ with the community, and giving the company visibility in the community. In the eyes of these veteran workers, the two things did not usually go together. This was not to say that one was better than the other, but rather reflected different management styles which affected the approach to community engagement. Some former managers were characterised as *‘muy de campo’* [‘very much of the field’] – they mostly spent time outside their office, *‘tinteando’* (drinking coffee and chatting) in the village cafes, liaising strategically with community leaders in the village and rural areas, and being a visible face of the company in the community. Others tended to spend more time in their offices, and found it important to have well-developed strategy documents, which established the rationale and purpose behind the company’s social work. These managers usually had a stronger focus on creating a well-oiled internal organisation, and attached significant weight to accountability to their superiors in the corporate hierarchy, through reports on how they spent the budget, and concrete, tangible outcomes that could be shown on the AGAC social media and brochures. Employees critical of this approach referred to this as a focus on *‘impacto mediático’* (literally ‘media impact’, with the connotation of superficiality and focus on making short-term headlines).

Veteran workers tended to talk about the managers they had seen come and go with a sense of resignation. Many seemed to feel that they had to go along with the ideas and decisions of managers who did not understand the local situation as well as they did, but they did not have the power to influence this. One veteran worker told me:

The previous manager hardly let me leave the office. I would put in my weekly schedule: ‘field visit for this and that’, as I was used to, and he would tell me: ‘no, we have the *profesionales* and *auxiliares* (lower-ranking workers) for that, you have to stay in the office and write reports.’ When the new manager arrived, she found it strange that I did not know the community leaders... But there is nothing you can do about that, you just have to do as they say.

At the same time, there was a great sense of respect for hierarchy and authority, and so these were things they would only complain or joke about informally, to each other, to community

members they had a good relationship with, and even to me. I did not encounter any resistance from veteran workers to managers they did not agree with. Many workers feared losing their jobs, as several had, when they did not get along well with the manager, at least according to office rumours. Many long-serving workers thus revealed a mix of feeling that they ‘knew better’ than their superiors, but at the same time feared them, and were thus resigned to the fact that they had to keep their heads low and respect the hierarchy. This complex mix of emotions was particularly clear at the time of my fieldwork, a period of looming downsizing measures and uncertainty about the future of the project, which was the topic of constant rumours among workers. Although the dynamic in the local team was one of strict hierarchy, workers did have some personal discretion, in particular in the interpersonal relations with community members they had built over the years. It was quite common for local social workers to complain about their new manager to community members they had a good relationship with, or, when a community member complained about certain actions of the social team, to agree with the community member, but attribute it to the wishes of the manager.

‘The face of the corporation’

In Cajamarca, La Colosa became a deeply divisive issue. In the local public debate, its opponents branded those who supported the company as ‘*mineros*’ [miners] or ‘*pro-mineros*’, while these ‘company allies’ referred to the people opposed to mining as ‘*ambientalistas*’ [environmentalists]. These epithets carried strong connotations. The label of *minero* implied an unethical opportunism: *mineros* were those villagers who were considered to unscrupulously seek personal benefit from the arrival of a multinational mining project to the town. The term *ambientalista* was, in the town context, almost always associated with the political left and ultra-left, and for many conservative villagers, it was not a far stretch to link it to terms such as *guerrillero* and *terrorista*. In 2013, this did not appear to be a far stretch for some AGAC executives either, when, during a public hearing in the regional capital of Ibagué, the Communications manager texted president Herz that among the AGAC opponents in the audience, several ‘*guerrilleros* from Anaime’ had been identified (El Espectador 2013). A local reporter managed to photograph Herz’s phone screen, sparking a PR

scandal. To local activists, this formed evidence of the internal discourse among executives when they talked about local AGAC opponents.²²

In practice, as we may expect, most individuals held more ambivalent views on the mining project. Many villagers I spoke to oscillated between a desire to reap the (financial) benefits from the presence of such an economically powerful company in their town, and the fear that the mining project would destroy their town by excavating the mountain, polluting the river, and bringing a miner's culture of violence, alcoholism, and prostitution to the town. For many, the fear of the deleterious impacts a gold mine might have for their lives did not mean they were necessarily opposed to it. Despite these more complex considerations and emotions, in the day-to-day village dynamics, it was common for people to simplify their view into a 'pro' or 'anti' mining stance. It was also not uncommon for people's loyalties to shift over time. As Coumans observed: 'potentially affected communities are rarely homogenous in their response to the prospect of a mine, and the percentage of community members who support or oppose a mine typically does not remain fixed over time' (2011:S30).

Between company and community: the villager-employees

The Community Relations workers from the town had a complicated position in these local social dynamics. They were members of the community, but also represented a controversial company to this community. In the words of a Community Relations manager, they were 'the face of the corporation' in the community. In an event for families participating in the CSR project 'Youth Back to the Field', for instance, this manager addressed the families as follows:

We, who work at AngloGold Ashanti, we are people. We are human beings. We are workers, fathers, mothers, neighbours. A good neighbour helps the other. We are your neighbour and want to support you.

²² The label '*guerrillero*' is particularly sensitive because in the recent past, people who were perceived as members of the FARC guerrilla, even if this was unfounded, could be killed by the Colombian army. In the rural areas around Anaimé, such killings took place in the early 2000s. The company responded that the Communications manager had merely followed the company protocol and informed his boss after community members had told him that they had identified supposed '*guerrilleros*' (El Espectador 2013).

The villager-employees were central to presenting the global corporation as locally embedded, as he pointed out one of the social workers accompanying him:

You know Milena, right?

The farmers nodded, smiling. She was a familiar face to them, as she was from a well-known family in town and had worked with rural families for many years, first as a social worker of the local administration, and then with the mining company.

She is AngloGold Ashanti.

And what about Juan Pablo, do you know him?

‘Of course we do,’ one of the farmers laughed, ‘we grew up together!’

He, too, is the face of AngloGold Ashanti. Look at us, we are people, we are human beings.

By presenting the company as part of the community, as a neighbour with a familiar face, the manager sought to blur the boundaries between company and community, and legitimise the company as an actor in the territory.

The word ‘face’ [*cara*] had an additional layer of meaning in this context. A common critique of AGAC, heard in particular in the rural areas, was that the company ‘*nunca da la cara*’, it ‘never shows (gives) its face’, which also means not being accountable. Many locals used this expression to criticise the company for not providing them with sufficient information about its activities. As such, drawing attention to the ‘face’ of the corporation was also a way of presenting the company as accountable: look, we are showing our face, we are taking responsibility.

In polarised Cajamarca, many local workers struggled with the identity of ‘villager-employee’. Mining was an issue that commonly cut across families. Milena, a member of a large family from the town, for instance told me:

I can’t talk about my work with my family. Talking about mining is always polemic and creates tensions, as some of my family members are *ambientalistas*. I have now learned not to bring it up. We respect each other and each other’s position on the project, and choose not to fight over it.

Many employees felt that working for AGAC was frowned upon by people in the town, sometimes including their own families and friends, as if choosing to work for AGAC made them ethically inferior. As a result of what some employees described as a sense of stigmatisation, they seemed to feel the need to explicitly justify or defend their choice to work for AGAC. Their self-justifications tended to emphasise the ethical basis of their choice to work for AGAC, and highlighted how they were, first and foremost, people from Cajamarca, who wanted the best for their families and for their community. To Juan Pablo, for instance, his identity as a community member preceded his identity as AGAC employee:

If AGAC wasn't doing things the right way, I would never work for them. I am *cajamarcono* [from Cajamarca], my entire family is *cajamarcona*. I have a name to protect. If they were to do something bad in the future, I would quit immediately, without a doubt.

Milena also emphasised that she would only work for a mining company that acts responsibly and does not put her community and family at risk:

I work for AGAC because they are doing things right. I have values, I am an ethical person. If I would see something bad, I would report it. I would become the company's biggest opponent, I would be in the front row of the protest march. The opponents say that La Colosa is polluting our water, but I know that is not true. Do they really think I would allow my company to poison the water that my children are drinking? ... They call us *vendidos* [sell-outs], but we say: 'We have a calm conscience.'

'A company with values'

AGAC actively fostered employees' conviction that it was a 'good company' that 'did things right'. The corporate values, described in Chapter 3, had a central place in the company's internal discourse. In the day-to-day work of the social departments, in particular the first value, safety, and the fifth, community development, were prominent. On the Gramalote compound, for example, there was a large sign by the entrance of the canteen which showed the number of days the company had, worldwide, operated without accidents – a visual reminder of AGA's global-level mission of 'zero injuries'. 'Safety is our first value' was a motto that, in the words of a local worker of the Gramalote project, 'has been injected into our veins'. It was not only an issue for the workers using heavy machinery or toxic chemicals, but received significant attention in the everyday work across all departments. When Community Relations workers of the Gramalote

project would go on a field visit, they needed to fill out a safety checklist with questions such as whether they were using their ‘PPE’ (personal protective equipment) and whether they knew the procedure for safely crossing a stream. Even though they were never near any industrial infrastructure, they were required to wear the company’s safety boots, and on walks in rural areas they were also required to use hiking poles and protect themselves against the sun with a cap, long sleeves and sunscreen. At La Colosa, in the AGAC-owned rural area around the exploration site, everyone was required to wear a helmet, even several kilometres away from the drilling platforms. Many workers found these safety rules excessive, but had learnt to obey them, as Health and Safety or ‘Siso’ [*Seguridad Industrial y Salud Ocupacional*] actively monitored compliance, and almost everyone in the Community Relations team had been reprimanded by ‘*los de Siso*’ at some point. At Gramalote, furthermore, all teams started each morning with a short meeting in the local office, institutionalised by Siso, which was referred to as the ‘*charla de seguridad*’ [‘safety chat’]. For each meeting, one of the members of the team had to prepare a short presentation on a safety issue they could encounter in their daily work, in order to make all AGAC employees aware of safety risks and how to deal with them. The safety chat was followed by a stretching routine (figure 4.14). These ritualised practices contributed to creating a corporate culture of compliance with Health and Safety protocols, which reinforced the sense among employees that they worked for, as they would express it, ‘a company with values’.



4.14 Morning stretches. Picture taken from a publicly available corporate presentation (AGAC 2012).

AGAC's fifth value, 'we want the communities to be better off, thanks to our presence', formed a moral mantra in the Community Relations Department. Managers and workers repeated the phrase over and over again: it was used in internal team meetings, came up in conversations with community members, and even in conversations with me. At a CSR event in Cajamarca, for instance, the Community Relations manager stated:

Perhaps you have wondered: why is AGAC spending so much money on social investments? What are they seeking, what lies behind that? We have a number of corporate values, which guide the company in all of the countries where we work. Our fifth value is that the communities where AGA operates live in better conditions. That is the challenge for AGAC.

As I pointed out in the previous chapter, the language of corporate values was an important part of AGAC's internal discourse, as it provided a uniform moral vocabulary across the company. During my fieldwork at project level, I often heard the same phrases I had encountered at headquarters. Beyond these moral mantras, the very notion that the company had values was significant to many employees, in particular in the context of polarisation and protest. Their moral self-justifications emphasised that AGAC was 'a company with values', which they, as 'people with values', had chosen to work for.

The conviction of employees was not only fostered through office rituals and moral mantras, but also through training. An example was a responsible mining course by the Ministry of Mining, titled '*El minero soy yo*' ['I am the miner'], which focused on teaching employees of mining companies what 'good mining' entails, and aimed to create a sense of pride in the industry. One of the instructors, a geologist and self-proclaimed expert in the communication of mining to the public, described the workshop on his blog as follows:

The anti-mining discourse does not only reach the community, it also affects our personnel: there are people who work in mining and do so with shame, without knowledge of the activity, without pride in their job, almost feeling guilty. We cannot try to make mining socially sustainable if our personnel is not convinced, does not know, doubts, and does not feel proud of the social value of their work. We have to work with our personnel on the perception they have of mining: communicate, instruct and clarify, as a motivational tool, providing arguments to defend their work with conviction (Carotti 2013).

Courses such as this one contributed to the creation of a uniform moral vocabulary across the company, with which employees could address common critiques or ‘misconceptions’ about mining. It stimulated their conviction that they worked for a good company that did things the right way.

EmbAGAdores

Many AGAC employees felt that, being ‘inside’ of the company, they had a better insight into what a mining operation ‘really’ entails than opponents of the project. Being an insider allowed them to witness how the company worked, and ‘keep an eye on things’. Miguel, for instance, told me that working for AGAC was a way of making sure that the company would not pose a risk to his children. He told me:

I live here, my daughter was born here. I want to make sure that this company does things the right way. Working for this company has reassured me. I trust this organisation.

This idea, too, was fostered internally. In a Community Relations team meeting, for instance, the manager told the local employees:

You are the *veedores* [(citizen) observers] of this project. You know how this company works, you see that we are doing things right. If we are really so bad, then surely nobody in the village would want to work here.

On various occasions, he suggested to his team that, by working for AGAC, they were doing their community a favour, as they could make sure that the company’s actions would indeed benefit the community. This logic of ‘citizen oversight’ resonated with the local workers’ moral self-justification that they were making sure the company would do things the right way. At the same time, as *veedores* and ‘witnesses’, local workers could play a crucial role in strengthening the legitimacy of the mining project locally. As a Community Relations manager put it to his team:

You are the ambassadors of this company. You believe in this company. If anyone knows about the good work this company does, it is you. And if the community trusts anyone, it is you.

The ‘validation’ by villager-employees, according to this manager’s logic, would increase the credibility and legitimacy of the project in the community.

Being a representative and ambassador of the company also extended to the employees' online presence. At Gramalote, for instance, the Communications team actively stimulated employees to like and share the company's social media posts. One year, employees even received a special course in the responsible use of social media, which aimed to turn employees into the company's online '*embAGAdores*', a pun on the Spanish word '*embajador*' [ambassador]. As a local Communications manager reports on the company's YouTube channel, the goal of the training was to teach employees how to interact with the company's social media channels, 'so that, through them, we can inform the community' (AGAC 2015b). In practice, this meant that the company was able to increase the reach of its online publicity through the personal accounts of employees. Many employees shared and retweeted much of the content the Communications team placed on social media. Employees I asked about this told me that they felt it was an unspoken expectation, although they did not think there would be consequences for not doing so. One employee mentioned that the Human Resources manager had directly asked him whether he followed the company on social media. Many felt that they were supposed to prove how proud they were to work for the company, which they often genuinely were, by sharing its social media posts. As such, villager-employees formed an important channel through which corporate messages were propagated.

Conclusion

Over the years, AGAC became increasingly 'locally embedded', as well as entangled in the community dynamics. It opened local and regional offices, and the management of its projects became more and more based in the region, rather than in Bogotá. Through the employment of community members as Community Relations workers, the company was presented to the community with a familiar face. This way, AGAC sought to legitimise itself as an actor in the territory. It gradually built a base of local allies, which included local employees, members of AGAC-funded associations, and beneficiaries of its CSR projects.

This chapter has revealed various forces shaping AGAC's CSR programmes. In part, the evolution of its CSR projects reflects global shifts in the expectations the CSR movement places on corporations, in particular the shift from philanthropy and paternalism to what Dolan and Rajak refer to as 'a contemporary rejection of that paternalism' and a move 'toward an emphasis on promoting local enterprise, entrepreneurialism, self-empowerment' (2016:6). Nevertheless, as this chapter has illustrated, although the intent behind AGAC's CSR programmes evolved, elements of the previous paternalism remained (see also Billo 2015). This may be ascribed to the fact that many community members continued to expect the company to act as a patron, and often did not seem particularly keen on being 'empowered', to the frustration of AGAC employees driven by ideals of community empowerment and entrepreneurialism. This chapter has also shown that the way in which CSR was carried out depended on the style, priorities and preferences of the (frequently changing) manager. Some managers emphasised the importance of establishing and following solid corporate procedures, whereas for others, the primary focus was on being 'out in the field'.

The growing opposition to La Colosa also had a significant influence on AGAC's CSR programmes. The main points of contention in the local mining debate – the threat La Colosa posed to water and to agriculture – became central to the CSR projects in Cajamarca. The focus on agriculture in AGAC's projects served to communicate that mining and agriculture were not mutually exclusive, but could coexist, and that the mining company's presence could strengthen, rather than threaten, the town's agricultural tradition. Employees would also refer to the projects to push back against the anti-mining movement. As a villager-employee argued in a meeting with the beneficiaries of one of the agricultural CSR projects:

The activists say that they defend the *campesino*, but they don't do anything for him. AGAC, on the other hand, invests in improving agriculture in Cajamarca.

Furthermore, AGAC pursued a 'pedagogic agenda' with the aim of changing what the company saw as the dominant perception of mining in Colombian society and on which it considered the anti-mining discourse to be based. Central to this effort was a narrative of responsible mining, also phrased as 'mining done right' or 'true mining'. AGAC promoted this narrative in public

presentations to community members and educational projects such as the ‘Miner’s Helmet’, which challenged what the company referred to as the ‘myths’ about mining which had come to dominate the public debate. This way, the company shaped its own moral image in opposition to illegal mining, environmentally harmful agricultural and agro-industrial practices, and ‘malicious’ activism.

The discourse and imagery of truth, lies and myths were central to the way in which the polarised mining debate between advocates and opponents of mining became framed. Much of AGAC’s ‘pedagogic agenda’ was shaped by issues the anti-mining movement had brought to the table. The company for instance trivialised La Colosa’s water use by comparing it to the water use of the agricultural sector, from which much of the opposition to the mining project emanated, and argued that the type of modern, responsible mining the company aimed to do in Cajamarca had the techniques to prevent pollution and minimised the impact on local water sources. AGAC’s approach and arguments were similar to those used by other mining corporations in similar debates. With respect to Newmont’s Yanacocha mine in the Peruvian region coincidentally also named Cajamarca, Li for instance notes that the company tried to downplay concerns about water and ‘accused protestors of using water issues as a political strategy to gain public support while concealing other motives for the protests’, while at the same time making water into a focal point of its CSR programmes (2015:75). She notes:

While arguments about Cerro Quilish’s [the affected mountain] role as a source of water contributed to an anti-mining discourse, Minera Yanacocha [Newmont subsidiary] also began to give water more attention in its public relations campaigns. ... Much of Minera Yanacocha’s public relations work focused on water issues that activists themselves had helped introduce into the debate: for example, the company disputed the claim that mining processes compromise water availability for local communities (ibid.:138).

As such, the terms of the local mining debate were defined primarily by the anti-mining movement, whose concerns and critiques formed the core of the debate and of the company’s counter-narratives, even though, as I illustrated in this chapter, the company found these to be the ‘wrong’ terms of the debate. AGAC for instance argued that debates about water should not focus on mining, but on sectors with a more significant impact on water, such as agriculture, and

insisted that the debate should not be about whether mining should take place or not, but on how mining can be done in the most socially and environmentally responsible way. The power to frame the debate, however, appeared to be in the hands of the anti-mining movement, leaving the company in a reactive and defensive role.

Protest at the polls

The emergence of the mining consultation movement

The opposition to AGAC's activities in Tolima reached a new height in 2013. When AGAC engineers started to conduct studies at a plot of land in the municipality of Piedras, 75 kilometres away from Cajamarca, a new group of local opponents arose. On 28 July 2013, the community of Piedras held a local referendum or *consulta popular* [popular consultation], in which 99 per cent of voters said 'no' to mining activities in their municipality. They were the first in Colombia to express their opposition to AGAC's activities in the form of a community vote. In the following years, the anti-mining movement in Tolima attempted to replicate this mining consultation [*consulta popular minera*] in other municipalities, including Cajamarca. What started as a local act of protest against AGAC grew into a nation-wide movement against the extractive industries, centred on the use of the *consulta popular* mechanism. In this chapter, I discuss the origins of what I refer to as the 'mining consultation movement', by describing the events in Piedras and the attempts by environmental activists from Tolima to replicate the mining consultation of Piedras in other towns near the La Colosa project. I alternate between describing the actions and rationales of the anti-mining movement and the ways in which AGAC responded.

Piedras in the picture

At the end of 2012, the La Colosa team had made sufficient progress to send the prefeasibility study (PFS) for review to the board in Johannesburg. A PFS is an internal report based on which the board decides whether the project is ready to continue into the next phase of the mining process. It typically includes several alternatives for the design of the mine. The gold mining process starts with the removal of the soil and rock that cover the deposit, called 'overburden'. After that, the ore is excavated from the pit. Its quality is evaluated, and if the gold grade is sufficiently high for processing, it passes through a process of crushing, milling, and transport to

the processing plant. The overburden and the ore of an insufficient gold grade are discarded at a waste rock dump. At the processing plant, the pulverised ore undergoes a treatment to extract the gold from the ore – a process also known as ‘ore beneficiation’. AGA commonly uses the cyanide leaching method, which involves dissolving the ore in a sodium cyanide solution, after which it is mixed with activated carbon to separate the gold from the slurry. This process uses large quantities of water, of which AGAC reuses sixty per cent, and discharges the remaining forty per cent back into the environment, after detoxification. The residue material from the process, a slurry of pulverised ore and cyanide referred to as ‘tailings’, is stored in a reservoir called the tailings dam.

An important issue in the design of the La Colosa mine was the location of the processing facilities and tailings dam. AGAC engineers considered that Cajamarca was not a suitable location because of its steep topography, which left a limited amount of space for large industrial facilities. They therefore planned to move the ore out of the mountains towards the flat part of Tolima, by constructing a tunnel and a large conveyor belt to transport the material from the pit to the processing location. They considered various locations for the processing plant and tailings dam in a 100-kilometre radius around the pit. One of the locations in which they started conducting studies to determine its suitability was Doima, in the municipality of Piedras.

Doima is a rice farming community in a hot, flat part of the region. It has several large rice farms, owned by the landed elite [*hacendados*], who employ most of the local men from the area. The owners of the rice farms, commonly referred to as the rice growers [*arroceros*], usually belong to higher socio-economic classes and tend not to live in Doima, but in nearby cities such as Ibagué, Armenia, or Bogotá. The community has a feudal character, with a close relationship between the *arroceros* and the local population, despite significant class differences. Compared to Cajamarca, which is well-connected to other parts of the country because one of the country’s largest highways crossed the town, Piedras is more geographically remote and inwardly-oriented. The arrival of a new company, therefore, soon generated suspicion. In the eyes of the people,

AGAC's intentions in the municipality were never made clear (Bermúdez-Liévano 2013a). News travels fast in the towns of Tolima, and soon activists from local anti-mining organisations Ecotierra in Cajamarca and the Comité Ambiental in Ibagué, who had personal connections with *arroceros* and other residents, found out about AGAC's interest in Piedras. As I discussed in Chapter 2, from 2009 onwards, Ecotierra had spread information about the negative environmental impacts of open-pit mining to people in Cajamarca and Ibagué. In 2012, they also started giving public presentations in Piedras. Similar to Cajamarca, the main concern of people in Piedras was that AGAC's activities would pollute and deplete the local water sources. Piedras was located in a drier part of the region than Cajamarca, but had a large aquifer, which was of crucial importance to its rice farming economy. The fact that AGAC's activities involved drilling works caused great concern, as people feared this would affect the aquifer and the groundwater levels.

In order to determine whether Doima was a suitable location for a processing plant, the AGAC engineers needed to conduct geotechnical and hydrogeological studies. Before starting these, in line with the Community Relations protocols, the social team needed to inform the local authorities and the community and ask the landowners (the *arroceros*) for permission. In June 2012, the Community Relations team started approaching *arroceros*, by visiting their farms as well as by holding meetings in Bogotá with those living in the city. Some gave their permission, but others were more hesitant. In a newspaper article, an *arrocero* commented:

Someone came to me to ask me for permission to conduct a study of the flora and fauna on our land for an environmental management plan. I initially gave him permission, but I noticed that he was very evasive in his responses. When he finally told me that this mining company, whose name I did not know at the time, sought to have a mine in Cajamarca and a support site near the stream in Doima, I immediately retracted my permission (Bermúdez-Liévano 2013a).

The Community Relations team also contacted local community leaders in order to set up information meetings. According to a local newspaper, it cancelled various of these meetings at the last minute (El Nuevo Día 2012). In November 2012, for instance, the company pulled out of a meeting 'due to logistical problems' when it learned that regional politicians and activists

would be attending. According to local residents who attended this meeting, AGAC's sudden absence changed the character of the meeting: the regional politicians and activists ended up leading the meeting, rather than the AGAC employees, and spoke to the community of Piedras about the adverse environmental impacts of mining projects such as La Colosa. A few weeks later, AGAC convened another information meeting, but by this point the community had come to regard the company with great suspicion, which led to a very tense atmosphere (see Duque-Alzate 2012 for video material of the meeting).

Inside the company, tensions between the technical and social departments ran high, according to employees who had been involved at the time. The engineers were under pressure to meet their targets and stick to their timeline, so that the project could progress from the pre-feasibility phase to the feasibility phase. Community Relations workers felt that they needed to work at a slower pace, in accordance with the dynamics of village life, but that they had no choice but to adapt to the plans and time frames set by the technical departments, which reflects the informal hierarchy between the departments I discussed in Chapter 3. A former Community Relations manager, for instance, was frustrated with the actions of a former Operations manager, who, he claimed, had triggered the anger and suspicion of people in Piedras by 'sneaking machinery into the village overnight'.

From roadblock to *consulta popular*

From the end of December 2012, the people from Piedras started to actively mobilise against AGAC's plans. The day before Christmas, they held a protest march, which they referred to as a 'Carnival March'. Members of the Comité Ambiental from Ibagué, which had organised the annual 'Carnival March' against mining in Ibagué since 2010, came to Piedras to support the march. In early 2013, the community started a roadblock at the bridge that provided the only entrance into Doima, which prevented AGAC's trucks and equipment from entering the village. This roadblock, which lasted almost eight months, was actively supported by the *arroceros*, who paid for the coffee and lunch of people manning the blockade. The Mayor of Piedras and the

Governor of Tolima also declared their support. The governor, who holds the highest political position in the department, had a personal connection to the town, as he had a *finca* [country house] in Doima.

AGAC and Cortolima: another confrontation

Regional environmental agency Cortolima also became involved. AGAC had informed the agency of its activities, but during inspection visits to AGAC's exploration site in Doima, Cortolima officials found that the company's activities, which included drilling works, required additional environmental permits. In March 2013, Cortolima therefore suspended all AGAC's activities in the municipality, as it had done in Cajamarca five years earlier (Cortolima 2013). AGAC disagreed with Cortolima's findings, and issued a public statement in which it argued that the type of studies it was conducting did not require any permits, as the company did not study the soil and water for industrial use, but only to determine the suitability of the terrain for the location of a processing plant (AGAC 2013b). In 2019, a local court, drawing on expert witnesses in civil engineering, ruled that Cortolima's suspension had been legitimate (Fiscalía 2019).

AGAC's public statement had a combative tone and reveals the legal focus of AGAC's initial response to its critics. It stated, for instance:

The company has not violated the law. Colombia is a state of the rule of law in which not only the citizens but also the authorities are required to act accordingly (AGAC 2013b).

It was not the company that had acted unlawfully, the statement suggested, but Cortolima. In line with this logic, AGAC brought criminal and disciplinary charges against the director and head of Legal Affairs of Cortolima for allegedly basing the suspension on false assumptions and a misuse of the precautionary principle (AGAC 2013c). According to one of AGAC's in-house lawyers, Cortolima's suspension should be seen as a continuation of the agency's politicised battle against the company, in which it used legal injunctions as an instrument of institutional opposition. The lawyer therefore felt it was justified to respond with legal action – if Cortolima could invoke the power of the law, so could AGAC. In February 2013, the company had also filed a *tutela* [petition for the protection of fundamental or constitutional rights] against the Mayor of Piedras, arguing

that his support for the roadblock amounted to a failure to guarantee the company's freedom of movement and the right to work of its employees. Furthermore, an AGAC engineer reportedly sued one of the leaders of the roadblock for slander on the basis of his Facebook posts against the company (La Silla Vacía 2013). These lawsuits appear to serve as a means to deter other public officials from undertaking similar actions against the company. Ultimately, however, a local court found that AGAC's claims had no legal merit and quashed them (Fiscalía 2019).

A community vote against mining

Meanwhile, the *arroceros* came together in private gatherings to discuss how to proceed. They invited other elite actors from their personal networks to these meetings to act as advisors, including lawyers who specialised in mining law and environmental law, regional politicians, and environmental activists. In one of these meetings, the idea arose to hold a community vote, inspired by the notion of 'prior consultation'. Prior consultation or 'free, prior and informed consent' (FPIC) refers to the binding obligation under international law for states to consult indigenous peoples before granting mining concessions and authorising mining projects, which is enshrined in the Indigenous and Tribal Peoples Convention (No. 169) of the International Labour Organisation (ILO) as well as the non-binding UN Declaration on the Rights of Indigenous Peoples. Colombia has ratified the ILO Convention No. 169 and recognises the right to prior consultation in its Constitution, and the Colombian Constitutional Court has developed an extensive body of jurisprudence on FPIC (Courtis 2009; Rodríguez-Garavito and Arenas 2005).

The community of Piedras, however, was a non-indigenous *campesino* community, and could therefore not invoke the right to FPIC. Although the socio-economic position of indigenous and non-indigenous rural communities tends to be relatively comparable, and mining has a similar impact on both communities, *campesino* communities are not entitled to the same level of legal protection as indigenous communities, whose special rights are based on the principle of self-determination and connected to their historical marginalisation. It should be noted, nevertheless, that the effectiveness of FPIC in achieving participation in decision-making on the authorisation

of extractive projects is deeply contested: the meaning of the standards of ‘consultation’ and ‘consent’ are disputed, and it remains unclear what the consequence of a community’s refusal to consent should be (see McGee 2009:591-603; Szablowski 2011). Still, rice growers and their advisors were inspired to use a similar mechanism in their resistance to the La Colosa project.

In Piedras, a small group of *arroceros* and legal experts explored alternative avenues for holding a community vote on mining. Wealthy and well-connected, these farmers had convenient access to people with relevant legal knowledge, who guided them towards the mechanism of *consulta popular*. This is a constitutional mechanism for public participation in decision-making on topics of significance to a community and can be invoked by all Colombian citizens, not only indigenous peoples (Colombian Constitution 1991, art. 103). Since the promulgation of the Colombian Constitution in 1991, the mechanism had only been used seventeen times, and never in relation to the extractive industries (Registraduría n.d.). The plan to use a *consulta popular* to vote on mining was thus novel in the Colombian context. In several countries across Latin America, as I mentioned in the introduction, communities had organised referenda to vote against mining, most of which were held by indigenous communities demanding their right to FPIC (Walter and Urkidi 2017). It seems that the *arroceros* and their advisors were not aware of similar initiatives in other countries at the time, although afterwards some activists from Cajamarca and Ibagué started referring to community votes against mining in Tambogrande (Peru), Esquel (Argentina), and Sipacapa (Guatemala) as inspirations for Piedras.

A municipal-level *consulta popular*, such as the one the *arroceros* proposed, had to be convened by the mayor upon approval from the municipal council (Public Participation Act 1994, art. 53). This made the support of the mayor and municipal councillors crucial to the realisation of the initiative. The outcome would be binding with the participation of at least one-third of the electorate (art. 55). Another crucial element in the preparation of the *consulta popular* was drafting the question to be posed to the community, which, as the Public Participation Act dictated, had to be one that could be answered with ‘yes’ or ‘no’ (art. 52), and needed to pass a constitutional

review by the regional administrative court (art. 53). Between March and April 2013, a few *arroceros* and experts from their personal networks developed the question for Piedras's mining consultation, which became the following lengthy construction:

Do you agree, as an inhabitant of the municipality of Piedras, Tolima, with the large-scale gold mining exploitation activities of exploration, exploitation, treatment, processing, transport, washing of materials; storage and use of materials harmful to health and the environment, in particular cyanide and/or any other substance or hazardous material associated with these activities; and with the use of the surface and groundwater of our municipality for these or similar developments, which may affect and/or limit the supply of potable water for human consumption, and the agricultural tradition of our municipality?

When I interviewed a few of the people who had been involved in the drafting process, they told me that they had sought to formulate a question that would not outright prohibit mining, but that would demonstrate 'the community's complete rejection of mining' to the government and the country at large. The legal advisors of the *arroceros* were aware that a municipal-level referendum could not prohibit mining, as the Mining Code established that regional or local authorities are not allowed to ban mining (Mining Code 2001, art. 37).

Normative tensions

In May 2013, the Mayor of Piedras presented the proposal for a mining consultation to the municipal council. Until that moment, the initiative had remained largely under the radar. While the roadblock attracted public attention to the case, the *consulta* proposal had been developed in private, as the *arroceros* had feared interference by the company or the government. One week before the mayor presented the proposal, nevertheless, a new presidential decree was enacted, signed by the President and the Minister of Mining and Energy, which elaborated on the Mining Code's prohibition of municipal mining bans by making explicit that mechanisms for municipal land-use planning cannot be used to regulate mining (Decree 934 of 2013, art. 2). The organisers of the mining consultation saw the decree as an attempt by the Ministry of Mining to jeopardise their process.

The decree highlighted an important normative tension at the heart of the Colombian mining regulation debate. On the one hand, the Colombian Constitution states that the subsoil, the land below the surface, and the natural resources it holds are state-owned (art. 332). The Mining Code's prohibition of municipal mining bans was based on this. The Mining Code furthermore stated that mining is an activity in the public interest (art. 13). On the other hand, the principles of territorial autonomy and participatory democracy were central to the Constitution, and the Municipal Code suggested that mining not only involves the subsoil [*subsuelo*], but also the land [*suelo*]. It stated that when a mining project threatens to create a significant change in land use, in a way that alters the traditional activities of the municipality, a *consulta popular* must be held (Municipal Code 1994, art. 33). As I discuss later in this thesis, many of these provisions were later changed, but they were in force at the time of Piedras's *consulta* in 2013.

The tensions underlying the mining regulation debate reflect nature of the 1991 Constitution, which has been characterised as a constitution 'with a leftist heart and rightist pockets' (Lemaitre 2009:138). The Constitution was drafted after a period of significant political violence at the end of the 1980s, by a strongly heterogeneous Constitutional Assembly, including the conservative and liberal political movements, delegates of then-demobilised guerrilla movement M-19, indigenous representatives, unionists, human rights activists and a student. This wide range of political visions required consensus-building and compromise, which eventually resulted in an ideologically inclusive project and an almost unanimously approved text. It was progressive in its inclusion of a wide range of economic, social and cultural rights, while also safeguarding market liberalisation and privatisation (Gargarella 2013:189). García-Villegas, furthermore, views the Colombian constitutional project as an attempt to 'confront violence and political corruption' by coming to 'an agreement to broaden democracy' (2002:367). The emphasis on democratic participation and local autonomy rendered six public participation mechanisms, of which the *consulta popular* was one.

Blinded by a legal logic?

During the months leading up to Piedras's *consulta*, several important changes took place inside the company. At the end of 2012, the company saw a change of leadership, as the American mining engineer Kluksdahl took over as AGAC president. A few months later, the company faced a significant downsizing. The board in Johannesburg reduced the budget for its Colombian projects, which was particularly felt in Bogotá: in May 2013, 25 per cent of the Bogotá-based personnel was dismissed (León 2013). An important reason for the downsizing was a significant drop in the gold price on the global market between 2012 and 2013, as a result of which many mining companies worldwide reduced their exploration efforts. The growing opposition to AGAC's activities appears to have been another contributing factor (ibid.). From the perspective of the AGA board in Johannesburg, the Colombian exploration had not lived up to the great expectations the exceptional La Colosa discovery had created. After the first years of smooth sailing, the company now faced resistance from regional authorities as well as an increasingly vocal anti-mining movement in Tolima.

According to AGAC employees who had been involved at the time, AGAC did not become aware of the development of a mining consultation 'until the proposal was on the mayor's desk'. They told me that, inside the company, the initiative was initially analysed from a legal point of view. The AGAC officials dealing with the issue were from various departments, not only Legal, but most of them had a legal background. Although the initiative was a bolt from the blue, they did not see it as a cause for concern, they told me, as it was 'so obviously illegal'. On 26 June 2013, against their expectations, the regional administrative court ruled that the question of Piedras's *consulta* was constitutional, and that the initiative could proceed (Tribunal del Tolima 2013). In hindsight, many AGAC officials considered that the legally-focused approach to Piedras had fallen short. A former executive told me:

The Legal Department told us: this will never fly. But it did. Our logic should have been more political, less legal. At the time, the company did not understand well that this was not about the legal. It was about making a political point.

Another employee reflected:

The emphasis was always on the legal. We never asked: how do we win over the *arroceros*? With the dominance of a legal logic inside the company, it is not surprising that AGAC's response to the developments in Piedras was centred on litigation. Politically, the company was relatively silent, although it did also make use of its political clout. Most significantly, AGAC asked the Procuraduría, the independent public institution that oversees the behaviour of public officials, for a so-called 'preventive accompaniment' to the mayor and municipal council. On the basis of the legal argumentation the company had provided, the Procuraduría sent a letter to the mayor and municipal council to warn them that by adopting a municipal mining ban, they would exceed their mandate, as mining was an issue over which they had no decision-making authority [*competencia*] (Procuraduría 2013). In this way, the Procuraduría was able to put pressure on the public officials, as it had the authority to conduct disciplinary investigations that could disqualify them from office. In March 2014, the Procuraduría indeed opened such investigations against the mayor and municipal councillors of Piedras (El Tiempo 2014), but to date these have not had any consequences for the officials involved. The involvement of the Procuraduría reveals the close linkages between the company and the state at the national level.

Piedras stimulates national debate

Once the mining consultation initiative was out in the open, local leaders from Piedras and activists from Ibagué and Cajamarca formed a movement to promote the initiative, and make sure that all inhabitants of Piedras and Doima were aware of the referendum. Ecotierra organised information sessions in the town and a group of students from the Comité Ambiental in Ibagué went from farm to farm in rural Doima, informing people about the upcoming vote to make sure the quorum of one-third of the electorate would be met. Most people in Doima were aware of the mining controversy, as the roadblock in the village had continued for several months. On Sunday 28 July, more than three thousand of Piedras's five thousand inhabitants went out to vote, nearly all of whom voted 'no'. A month later, the municipal council formally adopted the decision in a municipal accord (Concejo de Piedras 2013).

Piedras made headlines in the national news. The morning after the *consulta*, the Ministers of Mining, Environment and the Interior all appeared in radio interviews, emphasising that the referendum had merely political, no legal, validity (Caracol Radio 2013), and that the question was phrased suggestively (Blu Radio 2013). AGAC issued a public response along the same lines, which emphasised that the question had prompted a negative answer and argued that the consultation was the result of misinformation and ignorance. It stated:

For the company, the result of the consultation is no surprise, since any citizen would answer a question formulated in such a way with ‘no’. The company respects the public participation mechanism, but reiterates its disagreement with the biased question, which not only refers to a type of mining AGAC does not carry out, but also contains information that prompted the community’s answer. ... We are convinced that this response reflects ignorance about the project, which represents progress for the region. The community has to understand the La Colosa project, its impacts and benefits, in order to take informed decisions (AGAC 2013d).

The idea that the opposition to La Colosa was the result of ignorance about what a mining project entails continued to be central to the discourse AGAC used in response to critique. In an interview in December 2013, President Santos also expressed himself on the matter, in a way that was very similar to AGAC’s response:

Our position is clear: those *consultas* are illegal and do not have any legal effect. The subsoil belongs to all Colombians. There is no room for discussion here. ... If you see how they are manipulating the people and the type of questions they ask, I would also vote ‘no’. Of course, if you are going to ask people whether they want an investment in their village that will deplete their water, they are going to respond that they don’t want it (García-Segura et al. 2013).

In addition, AGAC continued its litigious response to its critics. After the mining consultation, it brought an action for annulment [*nulidad*] against the municipal accord. When the regional administrative court declared the company’s claims inadmissible, the company appealed the decision by bringing a *tutela* against the regional administrative court before the Council of State, Colombia’s highest administrative court. It argued that, by approving the question for the mining consultation and by dismissing the action for annulment, the regional court had violated the company’s right to due process and the principle of good faith, because municipal governments do not have the authority to decide on mining. This argument drew on the Mining Code’s prohibition of municipal mining bans and the new decree. In the case before the Council of State,

several high-level state actors intervened as *amici curiae* [*coadyuvantes*]. The National Mining Agency and the Ministry of Mining and Energy supported AGA's claims, while the Ministry of the Environment, the Procuraduría, and Cortolima sided with the regional court. The Council of State declared the *tutela* was inadmissible. It found that AGAC's fundamental rights were not infringed, as the citizens of Piedras had freely exercised their fundamental right to participate in decision-making on issues that may affect them (Consejo de Estado 2014b). As I will discuss later in this thesis, the case law relevant to mining consultations continued to develop between 2014 and 2018, and along with these developments, AGAC continued its litigation. None of its lawsuits against Piedras have been successful to date.²³

Following Piedras's precedent

Communities in other parts of Colombia soon started to follow Piedras's precedent. In the department of Casanare, eight municipalities affected by oil drilling activities also started to organise popular consultations. On 15 December 2013, the municipality of Tauramena held a *consulta* targeting the activities of the majority state-owned oil company Ecopetrol. Similar to Piedras, a majority of 96 per cent voted against the oil exploration activities in their municipality. Tauramena's consultation took place despite significant pressure from the Procuraduría, which threatened to start a disciplinary investigation against the mayor for going beyond his mandate. The second popular consultation in Casanare was due to take place in the municipality of Monterrey. However, in response to the initiative, Ecopetrol brought a *tutela* against the regional administrative court. In the process of deciding the constitutionality of the question of the *consulta*, the court had convened a public hearing to which it had not invited the company. Ecopetrol argued that this had been a violation of its right to due process and right to work. A few days before the consultation was due to be held, the Council of State ordered its provisional suspension until the *tutela* was decided (Consejo de Estado 2014a). The *consulta* was never held. The initiatives in the six other municipalities in Casanare also stalled because, under the

²³ For the most recent developments in AGAC's attempts to void Piedras's municipal accord, see Juzgado Once de Ibagué (2016; 2017; 2018).

Procuraduría's pressure, the mayors or municipal councils of these towns did not support the initiatives (Procuraduría 2014).

A new protest strategy in Tolima

In Tolima, the environmental activists celebrated Piedras's *consulta* as an important victory for the growing anti-mining movement in the department. They considered that Piedras had generated great momentum for anti-mining activism, one of the leaders of the Comité Ambiental told me, and sought to build on this by promoting mining consultations in other municipalities of Tolima. The main aim was to organise a mining consultation in Cajamarca, but, at the time, the activists considered that AGAC's influence in the town was too strong for the opposition to 'win'. They therefore aimed to first hold mining consultations in other municipalities, in order to build momentum towards an eventual *consulta* in Cajamarca.

In the autumn of 2013, the leaders of the Comité Ambiental started to build a regional network, the 'Network of Environmental Committees of Tolima' [*Red de Comités Ambientales del Tolima*], which consisted of local activists from different municipalities in Tolima. They started to meet on a monthly basis at the University of Tolima in Ibagué, in order to craft a mining consultation strategy for the region. Eventually, the network decided to focus on the three municipalities in the department where the movement had gained most traction: Cajamarca, the regional capital of Ibagué, and the regional 'rice capital' of Espinal. In Espinal, the Comité Ambiental had, from the early years, had an important ally in farmers' cooperative Usocoello. In 2009, as I discussed in Chapter 2, Usocoello had filed a class action against AGAC and state entities in charge of mining regulation.

Another important element of the mining consultation strategy was the collaboration with legal experts, who could defend the mechanism in the increasingly heated debate on its legal validity and binding force. Central to the legal discussion was the normative tension between, on the one hand, the state-ownership of the subsoil and the Mining Code's prohibition of municipal mining

bans and, on the other, the constitutional emphasis on the notion of territorial autonomy and the Municipal Code's requirement to hold a *consulta popular* when a mining project threatens to create a significant change in land use. Soon after Piedras, the Comité Ambiental liaised with cause lawyers from the Bogotá-based human rights NGO Dejusticia, who started to act as their legal advisors. Most of the criticism launched against Piedras's *consulta* focused on the question, which critics not only considered biased, but also in breach of the constitutional principle of the state-ownership of the subsoil. Municipal governments, they argued, did not have the authority to decide subsoil-related matters such as mining. The cause lawyers, therefore, sought to shield the new mining consultations by focusing the question on 'activities that pollute the land', rather than referring to mining directly, as land use falls within the regulatory competence of local authorities. The local activists, however, found this approach overly legalistic, and emphasised the political value of referring to mining. The eventual question became the following compromise:

Do you agree, yes or no, with the execution of activities that involve the pollution of land, air, loss or pollution of water sources, that affect the health of the population, or affect the agricultural and touristic tradition [*vocación*] of the municipality, because of [*con motivo de*] mining projects, in the municipality of [...]?

The question explicitly referred to mining, but framed mining as an activity that affects land use. This served to show that mining not only concerns the subsoil, but also the land, and to support the argument of the mining consultation advocates that, therefore, the central government did not have the exclusive authority [*competencia*] to decide on the authorisation of mining projects.

The Constitutional Court weighs in on the debate

In the meantime, the legal problem underlying the debate on the validity of mining consultations had reached the Constitutional Court. In May 2013, a few weeks after the enactment of the new presidential Decree 934 of 2013, a lawyer brought a constitutionality claim [*demanda de inconstitucionalidad*] against this new decree and against article 37 of the Mining Code, which prohibited municipal mining bans. In March 2014, the Constitutional Court concluded that article 37 was constitutional, in the understanding that, in decision-making on the authorisation of mining activities, national authorities must come to an agreement [*acordar*] with local authorities

on the necessary measures to ensure the protection of a healthy environment (Corte Constitucional 2014). In its decision, the court sought to find a balance between the two seemingly contradictory principles in article 1 of the Constitution, namely that Colombia is a ‘unitary republic, decentralised, with autonomy of its territorial entities’. The power to authorise mining activities, the Constitutional Court ruled, is the central government’s, as Colombia is a ‘unitary republic’ in which decisions in the national interest are taken centrally, but the central government must recognise the principles of decentralisation and territorial autonomy by providing local authorities the opportunity to participate in an ‘active and effective’ manner in the decision-making process (Corte Constitucional 2014).

The 2014 Constitutional Court ruling was extensively used in the legal debate on the validity of mining consultations. *Consulta* critics, such as extractive industry associations, companies, and some state actors, emphasised the fact that the ruling affirmed the constitutionality of the prohibition on municipal mining bans. Cause lawyers promoting popular consultations, on the other hand, emphasised the weight the ruling attached to territorial autonomy and the active and effective participation of local authorities in decision-making over mining projects, and argued that a mining consultation could be a way to achieve this.

Political deadlock

On 5 June 2014, the annual Carnival March against mining was held in Ibagué. On the same day, activists in several other municipalities in Tolima, who were involved in the regional network of Comités Ambientales, also organised local Carnival Marches, which demonstrated the growth of the regional anti-mining movement in Tolima. In Espinal, around five thousand people took to the streets (El Nuevo Día 2014b). A few weeks earlier, under strong pressure from members of the local anti-mining movement, the mayor had passed the proposal for a mining consultation to the municipal council. The councillors postponed their vote on the issue for several months, as they felt it was a contentious issue, which they did not know enough about, to the great frustration of the local activists. In November 2014, the Dejusticia lawyers came to a municipal council

session to explain the proposal and convince the councillors of its legal validity. The councillors had also invited the regional Procurador, who had been a vocal opponent of Piedras's *consulta* and had initiated disciplinary investigations against the mayor and councillors of Piedras, which could have disqualified them from office. After this session, a majority of councillors decided to indefinitely suspend the council's vote on the issue. Without the council's support, the initiative could not proceed. According to local rumours, the councillors were not only under pressure from the Procuraduría, but several had been instructed by the leadership of their political party not to approve the initiative. The process in Ibagué ended in a similar political deadlock. Here, the mining consultation initiative did not even pass the first stage of the process, as the mayor decided not to support the initiative because of the legal ambiguity around the issue. In a radio interview, he made an indirect reference to pressure from the Procuraduría, by stating that he preferred to wait for legal clarity because 'the consequences of a wrong move would be for my account' (Ecos del Combeima 2014).

Cajamarca: high stakes, high pressure

At the same time, the anti-mining movements in Cajamarca had also started the organisation of a mining consultation for Cajamarca. The initiative brought together the different opposition groups in the town, which united in the 'Environmental and Peasant Committee of Cajamarca and Anaime'. These included the politically-oriented *campesino* movement Unión Campesina, youth activist movement Cosajuca, farmers' associations Conciencia Campesina and Apacra, and the environmentalists of Ecotierra, among others. In August 2014, they publicly handed the proposal for a mining consultation to the mayor, who had not taken a clear stance in favour or against the mining project. As the legal validity of the proposal remained ambiguous, the mayor was reluctant to pass the proposal to the municipal council.

The visibility of the La Colosa project in the national mining debate, which I discussed in Chapter 2, gave Cajamarca's mining consultation initiative national-level resonance. This became clear when, in October 2014, Iván Cepeda, a socialist senator from Bogotá, convened a public hearing

[*audiencia pública*] in Cajamarca on the topic of La Colosa and mining consultations. Cepeda had been involved in the national-level mining debate as a member of the House of Representative, the lower house of Congress, and had, in 2013, requested the annulment of AGAC's mining titles in various parts of the country, including Tolima (Congreso Visible 2013). He also had a direct connection to the Unión Campesina in Cajamarca, which was affiliated with the same political party, Polo Democrático, and had campaigned for him during the Senate elections earlier that year. During the public hearing, the senator pressured the mayor into publicly promising he would pass the proposal to the municipal council (Padilla 2014). The importance of Cajamarca was also clear from the fact that the Procuraduría, which had issued warnings to the public officials of Espinal and Ibagué in written notices, summoned Cajamarca's mayor and municipal councillors to Bogotá for a special meeting. AGAC, too, took a more active role and started to informally lobby the mayor and municipal councillors, making use of the alliances it had built over years of engagement with local politicians and community leaders. In December 2014, a group of employees even staged a protest on the town square in front of the city hall, to 'defend their right to work'.

The municipal council started debating the issue at the end of 2014. The sessions were attended by members and sympathisers of the anti-mining movement, as well as by villager-employees, whom the company, according to the minutes of the municipal council session, required to attend the session (Concejo de Cajamarca 2014b:2). The minutes of these sessions make clear that the councillors were not sure how to approach the issue, and felt under pressure from AGAC and the government:

[The councillor] says that the council is under pressure from the central government and various ministries, because we do not have authority over the subsoil, according to the law.

... There is also pressure from the mining company that is present in the municipality, and the environmentalists will also definitely put pressure on the topic.

... [Another councillor] states that he does not agree with the demonstration that the mining company AngloGold Ashanti held in the park, because he does not know what the objective was. We are not saying 'no' to labour, we are not talking about 'no' to the

company ... and I think that what they have done is provoking the people, provoking their opponents.

... [Another councillor] states that the only thing they can do is give a modest view, that some good lawyers are advising them on a concise and well-argued decision, negative or positive, and says he has his doubts because the law is ambiguous and has many gaps (Concejo de Cajamarca 2014a:3).

The accounts of AGAC employees about this period stress how, internally, the La Colosa team juggled the pressure of the upcoming popular consultation alongside another significant budget reduction. The reason given was, again, a sharp drop in the gold price, which made La Colosa a less secure investment. Furthermore, according to mining sector analysts, since the end of 2014, parent company AGA had been pursuing a strategy of corporate restructuring and debt reduction (e.g. Andrews 2016), which also affected the Colombian budget. An industry journal reported:

Venkat [Srinivasan Venkatakrishnan, Johannesburg CEO] said the current investment climate was not conducive to moving AngloGold's Colombian projects – La Colosa, Gramalote and Nuevo Chaquiro [greenfields name for Quebradona] – forward with large scale investment this year. 'We have halved our Colombian exploration expenditure for 2016 ... as we decrease the spend this year,' Venkat said (Andrews 2016).

The internal insecurity was further augmented by the mining consultations and by an on-going national-level debate on the delimitation of the *páramo*, the protected high-altitude wetland ecosystem I discussed in Chapter 2. The La Colosa project is located at high altitude, which meant that, if the environmental authorities decided to delineate the *páramo* on the basis of altitude, part of the project would be affected, as mining activities are prohibited in the *páramo*. As a consequence of the budget cut, many La Colosa employees were dismissed. Many villagers were under the impression that this was a repercussion of the development of the mining consultation, or at least a way for the company to put pressure on the municipal government.

While the municipal councillors were debating the mining consultation, AGAC sent them a letter, signed by the Bogotá-based Corporate Affairs executive, in which it set out these same considerations. The letter was addressed to the councillors, but, according to a newspaper article, copies were also distributed around the town (Arenas 2015). The letter first listed several of AGAC's contributions to Cajamarca in the form of employment and CSR projects, after which it stated:

Regrettably, today, we are not developing a public policy together to improve employment. ... Instead, we are debating whether a company that has wished to support the growth of Cajamarca in the best way should continue in the municipality or not.

... We are a for-profit company, with the willingness to be useful to the communities where we operate, but with the duty to correctly manage the assets our shareholders have entrusted us. We have found ourselves heading towards decisions that are painful but based on the uncertainty of the development of a *consulta popular* in the municipality of Cajamarca, which, from a political perspective, not a legal one, could cut short the possibility of the company's development.

We have, therefore, decided that, while certain circumstances persist, such as (i) the process of analysis of a *consulta popular*, (ii) the absence of legal clarity about the limits of the *páramo* areas in the impact zone of the project, (iii) the restrictions imposed on mining exploration that make it overly costly,²⁴ (iv) the difficulty on the global gold market, and (v) the deterioration in the security situation that has led to threats to the project and its employees,²⁵ we suspend the creation of the [CSR] Foundation; we reduce the workforce to the minimum required for the planned activities; we substantially reduce the purchase of goods and services used by the project, and we end the support the municipal government for the development of its government plan. All of this is because of the significant reduction of more than 50% of the budget we had initially considered for 2015 as the company's management, and we are extremely worried about what is happening (AGAC 2014e).

The letter revealed several ways in which the company sought to put pressure on the municipal council. First, it harnessed its role as employer, by suggesting a direct relation between the mining consultation and the round of dismissals. Second, it highlighted the company's role in the local economy through the procurement of goods and services from local businesses. The real impact of the company in this regard is debateable, as on the one hand, local businesspeople often complained that the company sourced most of its goods and services from Ibagué and Bogotá, but on the other, various local businesses indeed benefitted from the company's presence in the town, such as the local transport cooperative, hotels, restaurants, and the sewing workshop contracted to make the company's uniforms. The third way for the company to assert itself as a vital economic player and put pressure on the municipal council was through its CSR programmes and sponsorships. The letter, whose tone may be read as retaliatory, announced that the company was

²⁴ I.e. Cortolima's suspensions of the company's drilling activities.

²⁵ In November 2014, a pamphlet with threats directed at several town residents, including a prominent villager-employee, circulated in Cajamarca, signed by the FARC or a FARC imitator. Soon after, the villager-employee's car was set on fire, and more pamphlets were left by the wreck. In a press release, AGAC suggested the pamphlets were intended to pressure people into supporting the *consulta* (AGAC 2014d). On the other hand, some *consulta* supporters speculated that opponents of the *consulta* had spread the pamphlets to discredit it as a FARC initiative. In an interview, the regional human rights ombudsman told me the source of the threats was never identified.

ending its CSR partnerships with the municipal government, and that it suspended the creation of a CSR foundation the company had announced earlier that year, to which the company would donate two million dollars a year for the development of social projects for the municipality (El Nuevo Día 2014a). As such, CSR came to function as a mechanism for the company to exercise pressure on local politicians.

Several employees I spoke to questioned the extent to which the mining consultation had really impacted these decisions, and thought that the company would have needed to downsize La Colosa and reduce the CSR spending irrespective of the mining consultation. To them, the company's letter merely made convenient use of the company's situation to make people in Cajamarca believe that the organisers of the mining consultation were to blame for the dismissals and the suspension of the CSR projects. Some of the councillors saw the letter as a form of blackmail (Arenas 2015). This was not the first time the company's tone was retaliatory in its communication on CSR projects. In July 2014, for instance, it had issued a press release on the company's donation of half of the cost of the X-ray equipment for the hospital of Cajamarca, which ended with the statement:

In contrast, as an irony of fate, on the same day that Piedras declared an emergency situation because of the precarious state of its health centre, the inhabitants of Cajamarca attended the inauguration of modern X-ray equipment for its hospital. Piedras and Cajamarca see the future in a different way. For the former, development is uncertain, while the latter continues to lead by example in the regional context (AGAC 2014b).

As Cajamarca's municipal council concluded its 2014 sessions, the Ministry of Mining issued another decree on the role of municipal authorities in decision-making on mining. It intended to clarify the notion of 'reaching agreements' [*acordar*] between central and local authorities, which the 2014 Constitutional Court ruling had introduced. The decree established that in the process of approving mining concessions, municipal governments can, on the basis of technical studies, request environmental protection measures from the relevant ministries (Decree 2691 of 2014). Civil society and municipal authorities strongly criticised the decree for practically excluding local authorities from the decision-making process, because the decree does not allow for any form of

decision-making at the municipal level, and because the usually small municipalities where mining tends to take place do not have the technical capacity and financial resources to conduct the required technical studies (Dejusticia 2015; Silva-Numa 2015). Furthermore, critics highlighted the fact that the decree was ‘cunningly’ enacted on the day before Christmas, a time of lowered public scrutiny, and became referred to in the media as the ‘Christmas present’ of the Santos administration to mining companies (Lozano-Acosta 2015; Viana and Negrete 2015). Similar to the decree enacted during the Piedras process in 2013, this decree was provisionally suspended by the Council of State in June 2015 for violating the constitutional principle of territorial autonomy (Consejo de Estado 2015), but it was in force, and influential, at the time of Cajamarca’s deliberations.

In February 2015, the municipal council resumed its sessions, with the mining consultation at the top of the agenda. They convened an expert hearing with the participation of the cause lawyers of Dejusticia, who explained the legal argumentation in favour of the mining consultation and explained the question they had helped draft, as well as the president of the Colombian Mining Association (ACM), who presented the argument that mining consultations are illegal. The council also convened a public audience in which all town residents could voice their view on the initiative. In addition to speaking in this public audience, around three hundred residents who were in favour of the initiative marched through the village with banners demanding a mining consultation. Eventually, only one out of eleven councillors voted in favour of the proposal, while the other ten argued they did not have, or were uncertain about, the authority to approve a mining consultation. The anti-mining movement’s strategy appeared to have ended in a political deadlock.

New momentum for mining consultations

Nevertheless, the mining consultation movement continued to develop. In early March 2015, a few weeks after Cajamarca’s municipal council had voted down the initiative, the municipal council of Pijao, a neighbouring municipality of Cajamarca located on the other side of the

Cordillera in the department of Quindío, approved a mining consultation proposal. This consultation was not directly part of the Comité Ambiental's strategy, but had been initiated separately by local environmental activists, who had been inspired by Piedras. Pijao's proposal contained the same question as the Tolima initiatives, as the activists in Pijao had also approached Dejusticia for legal advice. This made Pijao an important legal test case for the Tolima movement, as it was the first time the question that the cause lawyers had drafted had passed to the stage of the constitutionality review by the regional administrative court. On 20 March 2015, the court ruled that the question was unconstitutional, arguing that it concerned a municipal mining ban, for which municipalities do not have the regulatory authority (Tribunal del Quindío 2015). In response, Dejusticia filed a *tutela* against the regional court, in the name of a community leader from Pijao, arguing that its decision had violated her fundamental rights to public participation, due process, and access to justice.

During the following months, the legal and political landscape for mining consultations continued to evolve. In July 2015, Congress passed a new Public Participation Act, which introduced a new 'grassroots' type of popular consultation [*consulta popular de origen ciudadano*], which did not have to be convened by the mayor, but allowed citizens to initiate a consultation on the basis of a petition signed by at least one-tenth of the electorate. In October 2015, the four-yearly regional elections changed the political landscape in Tolima. In Cajamarca, mining was an important theme in the local elections, as the two main candidates had a firm pro- and anti-mining agenda. Loyal AGAC ally William Poveda was elected mayor. In the municipal council, on the other hand, Polo Democrático, the party under which the local anti-mining movement fielded its candidates, received most votes of all parties, and won three out of eleven seats. Previously, it would have almost been unthinkable that a socialist party would win the largest number of municipal council seats, as the political left was traditionally very unpopular in much of conservative Cajamarca. The outcome was relatively favourable for the promoters of the mining consultation as, under the new Public Participation Act, they still required the support of a majority of municipal councillors, but no longer needed the mayor's support to pass the initiative. Furthermore, Ibagué

elected Guillermo Alfonso Jaramillo as mayor. A former senator for Tolima, he was a prominent part of the political bloc in Tolima opposed to La Colosa and had a close connection to the Comité Ambiental in Ibagué, as well as to local opposition movements in Cajamarca. Furthermore, before being elected mayor, he was the Health Secretary of then-Bogotá mayor Gustavo Petro, one of the drivers of the water-focused environmental agenda in Colombian politics. One of Jaramillo's campaign promises had been to hold a mining consultation.

These changes to the regional political landscape generated new momentum for mining consultations in Cajamarca and Ibagué. In January 2016, during his first week in office, Jaramillo passed the Comité Ambiental's proposal for a mining consultation to the municipal council. It proposed the following question:

Do you agree, yes or no, with the execution of mining projects and activities that involve soil pollution, water depletion or pollution, or affect the municipality's agricultural and touristic tradition, in the municipality of Ibagué?

The municipal council of Ibagué passed the proposal by a narrow majority of ten to nine, despite continued warnings from the Procuraduría. Around the same time, Cajamarca's anti-mining movement, the Environmental and Peasant Committee of Cajamarca and Anaima, started the process of convening a citizen-initiated *consulta popular* by registering a Promotion Team [*Comité Promotor*] and collecting signatures.

Jurisprudential developments were also crucial to the generation of new momentum for mining consultations. In February 2016, the Constitutional Court addressed the constitutional tension between the state-ownership of the subsoil and the authority of local authorities to regulate land use in a case on mining in the *páramo*. The ruling emphasised that in decision-making on the authorisation of mining, the central government must come to an agreement with local authorities (Corte Constitucional 2016a). In May 2016, the Constitutional Court struck down article 37 of the Mining Code, which contained the prohibition of municipal mining bans, on technical grounds

(Corte Constitucional 2016b).²⁶ Furthermore, in August 2016, the Constitutional Court decided the *tutela* on the mining consultation of Pijao. The question of Pijao's *consulta*, as I discussed before, was the same as the one proposed in Cajamarca. The Court ruled that Pijao's question was unconstitutional because it contained evaluative elements such as 'polluting', which limited the freedom of the voter, but not because local authorities do not have the authority to regulate land use. Nevertheless, the ruling also made explicit that municipalities 'have the authority to regulate land use and guarantee environmental protection, even if, by exercising this authority, they end up prohibiting mining activities' (Corte Constitucional 2016c).

The 2014 ruling on 'active and efficient' participation had emphasised that national authorities must come to an agreement with local authorities on the necessary measures to ensure the protection of a healthy environment in their decision-making on mining, and the 2016 ruling argued that if it was not possible to reach such an agreement, under the constitutional principle of subsidiarity, local authorities had decision-making authority, including the authority to ban mining (Corte Constitucional 2017). These rulings strengthened the mining consultation movement and made the Constitutional Court a central protagonist in the legal debate on mining consultations. The rulings are in line with the Court's general progressive and activist attitude towards the realisation of socio-economic rights (Cepeda-Espinosa 2004; Uprimny and García-Villegas 2004). The composition of the Court at the time was considered particularly open to progressive rulings on environmental issues, and a group of five out of the nine magistrates was nicknamed the '*bancada verde*' ['green bench'] (Fundación Heinrich Böll 2018; Vélez 2016). One of these magistrates, Vargas-Silva, was born in Cajamarca.

In July 2016, the regional administrative court of Tolima approved the question of Ibagué's *consulta* (Tribunal del Tolima 2016a). During the next months, the Comité Ambiental held an

²⁶ Art. 37 of the Mining Code deals with the distribution of powers between the central government and local authorities, while the Constitution establishes that this is a matter of *ley orgánica* ['organic law']. The Mining Code, however, does not have the status of *ley orgánica*, but of *ley ordinaria* ['ordinary law'], a lower status in the Colombian legal hierarchy.

extensive promotion campaign at community centres and schools to raise awareness and mobilise the people of Ibagué to vote, backed by the municipal administration. In the meantime, in August 2016, Cajamarca's municipal council also approved the new mining consultation proposal, with eight out of eleven votes in favour. As such, in the autumn of 2016, two mining consultations were due to take place in Tolima.

A legal battle

How did AGAC respond to these developments? The first popular consultation the company faced was that of Ibagué. The company's official position was that it had no interest in Ibagué, and it had reiterated this during the municipal council debate on the initiative in February. Politically, nevertheless, the consultation was directed at AGAC, and would be discussed as such in the media and affect the company's image. From October onwards, nearly every week presented a new turn of events for Tolima's mining consultations. The consultation of Ibagué was originally scheduled to take place on 2 October 2016. Coincidentally, the national Plebiscite for Peace, in which Colombia would vote on the peace accords between the government and the FARC, was later scheduled for the same date. The popular consultation was therefore rescheduled to the end of the month.

Two weeks before the consultation was due to take place, on 12 October, the Council of State provisionally suspended it because of a pending *tutela* related to the initiative (Consejo de Estado 2016a). It had been brought by the regional Mining and Oil Association of Tolima, which claimed it advocated for the rights of small-scale miners in Tolima, whom the *consulta* would affect. The association had not previously participated in Tolima's mining debate and appeared to have been created in relation to Ibagué's mining consultation. It seems that AGAC was not involved in this *tutela* but, soon afterwards, the company started to work closely with the president of the association in its campaign against Cajamarca's consultation. The *tutelas* he later brought in relation to Cajamarca's consultation were revised by AGAC's Legal Department.

On 4 November 2016, despite the pending *tutelas* and the suspension of Ibagué's *consulta*, the regional administrative court approved Cajamarca's question (Tribunal del Tolima 2016b). When it became clear that there was a real possibility there would be a mining consultation in Cajamarca, AGAC's social departments started to develop a response strategy. Corporate Affairs led this process, with further involvement of Legal, Community Relations and Communications. At the time, I was based at headquarters in Bogotá, which gave me insight into the way headquarters approached the issue – on the one hand far removed from the daily reality in Tolima, but, on the other, the place where many actions taken at project level were decided or approved.

The company's initial approach was litigation-oriented. First, it filed a *tutela* against the regional administrative court, with the aim of 'gaining time', in the words of a Corporate Affairs official who discussed these developments with me. Gaining time would slow the momentum behind the *consultas*, and provide a timeframe within which, the company hoped, the Council of State could issue a ruling against Ibagué's question, which was similar to Cajamarca's. This time, different from its strategy four years earlier in Piedras, AGAC also started to develop a political strategy for tackling the popular consultation in case it was allowed to proceed. In Piedras, as I described above, the anti-mining movement had actively campaigned for the 'no' vote. If Cajamarca's *consulta* proceeded, the social management decided at the end of 2016, AGAC would also campaign. After some internal deliberation, the management decided its campaign would focus on abstention, rather than 'yes' to mining. From the end of November onwards, the Ibagué-based Corporate Affairs team started to form a committee of town residents from Cajamarca for the promotion of abstention, the Abstention Committee. A senior manager reflected on this strategy as follows:

Our strategy was for a term of approximately one year. We asked: how do you deal with a *consulta*? Is it appropriate for a company to participate in the debate? We said: it is legitimate for us to participate in an active manner in a decision-making process that affects the company. The options the law gave us were in favour, against, or abstention. We considered that we would lose a campaign for 'yes' to mining, because it is very easy to win a debate that is not technical but passionate, and the discourse of the opposition was very easy to sell: water or gold. ... It is very difficult to design a strategy against that. We considered abstention our best option, also historically, as Uribe's constitutional referendum was lost because his opponents had actively promoted abstention.

Mayor Poveda was opposed to the mining consultation, which was promoted by one of his main political rivals. However, as the consultation was citizen-initiated, his ability to obstruct the process was limited. His only power was a decision on the date, as he was legally required to issue a decree to convene the consultation once the initiative had passed all stages of the procedure. He waited until the last possible moment to do so and then suddenly convened the consultation for one week later, causing outrage among local activists (Alcaldía de Cajamarca 2016). AGAC's Corporate Affairs and Legal Departments had maintained close contact with Poveda and provided him with the legal arguments to justify his decision. One of the AGAC lawyers told me:

To William [Poveda], it was clear that in a poor municipality such as Cajamarca, you have to benefit as much as you can from the presence of large-scale projects such as La Colosa. He just wanted this '*pendejada*' [stupidity] to be over with. So we analysed the time periods provided by the Public Participation Act 2015, which state that the popular consultation must take place within three months after the decision of the respective public corporation [i.e. the municipal council].²⁷ The Sunday three months after 31 August would be 27 November, and that happened to be one week later.

The controversy was short-lived, as the Registraduría, the state entity in charge of elections, considered the time period too short to be able to organise a referendum, and suggested other dates in January. Furthermore, all this time, it was likely that the Council of State would suspend the consultation because of AGAC's pending *tutela* against it.

A few weeks later, Cajamarca saw a turn of events no one would have been able to predict. On 5 December 2016, Mayor Poveda suddenly passed away from a heart attack after his morning workout. This meant that new mayoral elections needed to be held, which are the topic of the next chapter. While the town residents mourned their mayor, many also started thinking about what this would mean for the future of the mining consultation.

In early December, as the Corporate Affairs officials in Bogotá had hoped, the Council of State ruled that Ibagué's question was unconstitutional. It held that the second part of the question – '... [activities] that involve soil pollution, water depletion or pollution, or affect the agricultural

²⁷ Art. 33c.

and touristic tradition of the municipality?’ – did not meet the requirements of clarity, impartiality and objectivity (Consejo de Estado 2016b). However, the court also held that the first part of the question – ‘Do you agree, yes or no, with the execution of mining projects and activities in the municipality of Ibagué?’ – was constitutional and could be used. The Mayor of Ibagué appealed, but the Council of State upheld the decision of first instance (Consejo de Estado 2017). The mayor, rather than going ahead with this judiciary-suggested question, withdrew the question, in order to draft a new, citizen-created, question.

One week later, on 15 December, the Council of State also declared Cajamarca’s question to be unconstitutional, for failing to comply with the requirements of clarity, impartiality and objectivity. Different from the ruling on Ibagué, however, the Council of State ordered the regional administrative court of Tolima to issue a replacement ruling (Consejo de Estado 2016c). The regional court did so on 19 January 2017, but, surprisingly, instead of declaring Cajamarca’s question unconstitutional, it changed the question. Echoing the Council of State ruling on Ibagué, it held that the second part of the question was unconstitutional, but that the first part was constitutional, and that Cajamarca’s mining consultation could therefore proceed with the question: ‘Do you agree, yes or no, with the execution of mining projects and activities in the municipality of Cajamarca?’ (Tribunal del Tolima 2017). The local activists from Cajamarca decided to accept this question, which meant that, against the expectations of many, Cajamarca’s mining consultation would be able to proceed.

Conclusion

The opposition to AGAC’s activities acquired a new dimension when the protest movement started using the constitutional legal mechanism of *consulta popular*. In the case of Piedras, where the initiative was driven by a strong coalition of local community members, the local rice-farming elite, and regional anti-mining activists, AGAC’s response was litigation-focused. As the anti-mining movement embraced the *consulta popular* mechanism and attempted to replicate it in other municipalities, the company’s response became more politically oriented, as it harnessed its

political power to put pressure on the public officials who needed to approve the protest movement's initiative. In Cajamarca, in the face of the looming *consulta*, AGAC also instrumentalised its CSR projects as a means of defending and shielding the company, as evidenced by the letter AGAC sent to the municipal councillors of Cajamarca. This letter highlighted AGAC's contribution to the town in the form of CSR projects, and announced the termination of its CSR partnerships with the municipal government, in order to put pressure on councillors not to approve the *consulta*.

AGAC's response to the mining consultation movement further shows how the opposition to its activities drove the company into a defensive and reactive position. It was the opposition that controlled the terms of the debate, while the company reacted, sometimes even by mimicking the discourse and methods of the opposition, illustrated by the orchestrated employee protests 'in defence of the right to work'. Over the years, the company continued to imitate the protest strategies of the anti-mining movement. One of the most conspicuous examples was a protest march organised in the town of Jericó in July 2017, in 'carnival' style, appropriating an important symbol of the Comité Ambiental in Ibagué (figures 5.1 and 5.2).



5.1 Poster for the Comité Ambiental's Carnival March 'in Defence of Life, Water and Territory' (2017)



5.2 Poster for AGAC's Carnival March 'for Dignified Work and Mining Done Right': 'Accompany us in this celebration of the presence of companies in the municipality. They are generating opportunities and well-being for the people of Jericó!' (2017)

The mining consultation movement presents a fascinating case of legal mobilisation from below. Even though legal mobilisation is widely understood to extend beyond formal court settings (Levitsky 2015:386), the literature on legal mobilisation for social change has mainly focused on social movements' use of law inside the courtroom, such as in strategic litigation (McCann 1994, 2006; Rodríguez-Garavito and Arenas 2005; Vanhala 2012). The mining consultation movement illustrates how the law may shape social mobilisation outside the courtroom. As I discussed in this chapter, the people of Piedras were the first to use the mechanism of *consulta popular* for decision-making on mining. They may be considered to have 'activated' the potential already contained in the 1991 Constitution for greater local autonomy (Rodríguez-Franco 2016). Gargarella refers to this not-yet-activated potential as 'dormant clauses' grafted onto the Constitution, ambitious provisions 'in pursuit of a change in current socio-political conditions' (2013:146). Initially, such dormant clauses are not implemented or enforced in practice, but they allow for legal

mobilisation by providing constitutional backing for the demands of social movements, which may in turn lead these clauses to be ‘awoken from their slumber’ (ibid.:144,202). The anti-mining movement in Tolima ‘awoke’ the ‘dormant’ institution of *consulta popular* to strengthen their mobilisation against mining by invoking the power of the law.

The law thus became central to the ‘battle’ between AGAC and its opponents. To an extent, the centrality of the law to an essentially political debate over whether or not mining activities should be permitted in certain territories may be considered characteristic for the Colombian context. Cepeda-Espinosa, legal scholar and former magistrate of the Colombian Constitutional Court, notes:

As a consequence of its Hispanic colonial heritage and republican tradition, Colombia has a highly ‘legalistic’ culture, which has led political confrontations to be transformed into constitutional amendments that play the part of peace treaties between belligerent factions. It has also meant that political and social issues have often been converted into legal, and moreover, constitutional controversies. Given that Colombia has traditionally been a country of laws, and that laws are constantly being issued with the illusion that new norms will solve the country’s pressing national problems, almost every social, political, or economic problem has a corresponding law that governs it. It is therefore quite easy to formulate such problems as matters of regulation, and to question the rules before the court (2005:92).

As the anti-mining movement started to employ the legal mechanism of *consulta popular* as an instrument of protest, the Colombian mining debate turned into a constitutional controversy. It uncovered the underlying constitutional tension between the state-ownership of subsoil minerals and the autonomy of local governments to influence decisions regarding the activities taking place on their territory. This drew the discussion into the legislative sphere, as the government enacted new decrees, and into the judicial sphere, as industry actors as well as activists started bringing legal claims in relation to the issue. A factor underlying these developments was the legalistic tendency in Colombian society, which may have made the activists, as well as AGAC officials, more inclined to resort to legal tactics. Lemaitre has characterised this sense of legalism as a ‘fascination with the law’ (2009:20), which she considers to characterise Colombians, and in particular social activists. She also refers to this as ‘legal fetishism’, which she describes as an emotional regard for the law that is not necessarily related to the effectiveness of legal

mobilisation, but to the political and cultural significance of law (2009:386). Legal fetishism, she argues, is an ‘obsession’ with the aspirations and idealism of the law (2009:389). The way in which the anti-mining movement in Tolima embraced the legal mechanism of *consulta popular* and turned it into its central mechanism of protest may be considered a prime example of this ‘fascination’ and ‘fetishisation’ of the constitutional promise of local autonomy and public participation. Nevertheless, the activists’ stance towards the law was a pragmatic one, as they took a mechanism the law provided to hand as a tool of protest, in order to demand the realisation of these constitutional promises. In Chapter 7, I further explore these themes. The next chapter describes the events that became interlinked with Cajamarca’s mining consultation campaigns: the unexpected mayoral elections.

Polarisation and politiquería

Global business, local politics

On a sunny afternoon in January 2017, a big crowd gathered in a street near Cajamarca's town square. People stood in front of a big stage, passing around shots of aguardiente and clearly enjoying the buzz that election time brought to the town. Many of them were wearing white sombreros, a *campesino* symbol which had become a trademark of Julio Roberto Vargas, one of the leaders of the political *campesino* movement from Anaime, who had come forward as one of the candidates running for mayor in the elections that followed Poveda's sudden passing. On the stage, regional politicians announced their support for Julio's candidacy, including Ibagué mayor Guillermo Jaramillo of socialist party Polo Democrático, as well as two prominent senators – Jorge Robledo, also of Polo Democrático, and Claudia López of the Green Party.²⁸ The reason these national-level politicians took an interest in the mayoral elections of this small town was clear: the high stakes of the La Colosa project. Many of the speeches on the stage that afternoon were focused on the mining project and the upcoming mining consultation. In the words of senator Claudia López: 'at stake is life, water, agriculture. With Julio, your mining consultation can go ahead and you can get rid of the multinational'.

A few days later, a similar event took place, this time attracting a different section of the town's inhabitants. It was hosted by the late mayor's political movement, which had put forward Pedro Marín as its candidate. Pedro was new to politics and relatively unknown in Cajamarca, but many people in the town knew his mother, who worked at the hospital. He was supported by conservative politicians from the region who had also supported Poveda, and a former mayor of Cajamarca who remained active in the movement. These politicians had gained a reputation of

²⁸ In 2019, she was elected Mayor of Bogotá, the second most important political post in Colombia after the Presidency.

being ‘pro-mining’, in particular the former mayor, who led an AGAC-funded association and whose son worked for the company’s Corporate Affairs Department. Pedro also had eminent national-level support: former President Uribe had recorded a video message in support of his campaign, which was displayed on a large screen in the town centre.

The mayoral elections manifested the strong polarisation that mining had caused in Cajamarca. The La Colosa project was a central issue in the electoral debate, in particular because of the upcoming mining consultation, and the two candidates stood for two opposite agendas with respect to mining in the municipality. This chapter discusses the interplay between political movements in the town of Cajamarca and the department of Tolima and the societal and political debate on La Colosa. This dynamic is central to the La Colosa mining conflict, and to mining conflicts more generally, but has not received much academic attention (Li 2016:437). Through an analysis of Cajamarca’s mayoral elections, I provide a window onto the role of AGAC in local politics, and the interaction between the local political dynamics in the town and the company’s CSR activities. I start with an analysis of the political landscape in Tolima and Cajamarca, the role of local politics in the growing opposition to La Colosa, and the way AGAC responded to this over the years. After that, I discuss the election campaigns for Cajamarca’s mayoral elections and the way these campaigns were discussed and managed inside the company.

La Colosa in local politics

Over the years, La Colosa had become an important issue of political debate in Tolima, particularly during election time. From the early 2010s onwards, the involvement of politicians strengthened the anti-mining movement in the region. These politicians, in turn, strengthened their own political profiles by being outspoken opponents of the mining project. Several other politicians, on the other hand, benefitted from siding with the company.

Tolima's political landscape

Tolima has traditionally been considered a liberal department, although the conservative movement has gained ground in recent years. During the late 1990s and early 2000s, a liberal movement dominated the department's political landscape and managed to win the mayor's office of Ibagué several times. The movement was referred to as the *jaramillismo*, named after the Jaramillo family, a prominent political family in the department of which the brothers Mauricio and Guillermo, as well as their parents, had careers in national politics. As I discussed in the previous chapter, Guillermo returned to Ibagué, and, upon being elected Mayor of Ibagué in 2015, became one of the main promoters of Ibagué's mining consultation. The main opponent of the *jaramillismo* was *barretismo*, named after the conservative politician Óscar Barreto, who was the Governor of Tolima at the time of my fieldwork.²⁹ Broadly speaking, *jaramillismo* and *barretismo* may be seen as representative of the traditional schism in Colombian politics between the Liberal and Conservative Parties, although the movements included a more diverse range of political parties. Guillermo Jaramillo was, for instance, affiliated with socialist party Polo Democrático and centre-left party MAIS, with which he ran for Ibagué's mayor's office in 2015, and Barreto, a member of the Conservative Party, was also close to the party of former President Uribe, the right-wing Centro Democrático. He even referred to himself as 'the most *uribista* governor in the country' (Medina-Uribe 2011).

Jaramillismo became a driving force behind the political opposition to La Colosa in the department. In 2009, Mauricio Jaramillo, then a senator for the Liberal Party, together with senator Jorge Robledo of socialist party Polo Democrático, initiated a debate on La Colosa in the Senate. Both senators were originally from Tolima and had much of their electorate in the department. This debate, which was related to the exemption permit controversy described in Chapter 2, first elevated La Colosa to the level of national political debate. In 2010, the Jaramillo brothers initiated another senate debate on La Colosa. Another influential *jaramillista* was Carmen Sofía

²⁹ This analysis reflects the political situation during the period I describe in this thesis. In recent years, power balances have shifted.

Bonilla, an active member of the Liberal Party, who was the director of Cortolima at the time of the suspension of the La Colosa project in 2008. Her successor at Cortolima was also a *jaramillista*, leaving the environmental agency under the control of the Liberal Party. As I discussed in Chapter 2, Cortolima's suspensions of AGAC's activities were seen by many AGAC employees and allies as a politically motivated act of the *jaramillismo*. The Governor of Tolima who had supported the opposition to AGAC in Piedras was also part of this political movement.

Cajamarca is a largely conservative town, in which former President Uribe is still very popular among a significant part of the population. Many residents credit his government with the return of stability and security to the town in the late 2000s, after years of FARC control. The recent dominance of the FARC in the municipality made many people very wary of left-wing political ideology, whereas populist anti-communist rhetoric found fertile ground. Nevertheless, a significant part of the population of Anaime and its surrounding *veredas* in the Anaime Canyon, the part of Cajamarca where the FARC had most control, tends to be more left-leaning. Some villagers explained the municipality's political divide to me by relating it to the mixed roots of the population. In the late nineteenth century, colonisers from Antioquia settled in what is now Anaime. They were peasants who had left Antioquia because of a lack of fertile land, and turned the area into an agricultural zone by cutting the forests on the steep mountain slopes and starting to develop and cultivate the land (Parsons 1949:90). A second wave of colonisation in the early twentieth century brought peasant settlers from other departments of Colombia, including Boyacá, Cundinamarca, and Santander (Municipio de Cajamarca 2011). These peasants were a culturally and politically distinct group from the first colonisers. As I described in Chapter 2, the opposition to the La Colosa project emerged in the Anaime Canyon, where the already active *campesino* movement embraced the environmental cause. As such, the local opposition to mining aligned, to some extent, with the pre-existing political cleavages in the town – a tendency that is also visible at the departmental and national level. Most of the outspoken local opponents to La Colosa were left-leaning, while the local allies of the company tended to be conservative. Nevertheless, the large majority of the town's inhabitants fell somewhere in between. Many of

them could be considered conservative with regard to their views on public security, but progressive with regard to many social issues, in particular agricultural reform.

Mining first became a prominent electoral issue in Cajamarca when, in 2011, Julio Roberto launched a mayoral campaign focused against La Colosa. His main support base was the *campesino* movement in Anaime. Several other candidates that year were in favour of the mining project, including the brother of a former AGAC employee who led the AGAC-funded civic association for the promotion of responsible mining Aprominca (see Chapter 4). Many people in Cajamarca regarded this candidate as financed by AGAC, though in a newspaper article on the elections, the AGAC Communications manager commented that the company did not sponsor any mayoral candidates (Vote Bien 2011). That year, mining did not turn out to be a decisive issue in the outcome of the elections, as they were won by a candidate without an overt stance on La Colosa. Until 2015, the various mayors of Cajamarca neither actively supported nor opposed the project. They merely accepted AGAC's donations and collaborated with the company in its tripartite CSR projects. Poveda had been the first mayor to openly and explicitly support the company. In the municipal council, AGAC tended to have a close relationship with a few of the councillors, who saw La Colosa as an opportunity to obtain resources for community initiatives they would not be able to resource from public funds. To AGAC, mayors and municipal councillors were strategic 'stakeholders', with whom the Corporate Affairs Department tried to build a relationship. One way of doing so was by sponsoring community projects they proposed. Another was inviting them on an 'educational trip' to Brazil, as I described in Chapter 4.

In the 2014 congressional elections, La Colosa was a major campaigning issue in Tolima. Various national-level politicians focused their campaign in the department on mining, including Iván Cepeda, the left-wing politician I have mentioned in Chapters 2 and 5. A staunch critic of politicians with proven or alleged paramilitary connections, '*parapolítica*', he was a direct opponent to the *uribismo*, the conservative political movement around former President Uribe. As I explained in Chapter 2, in the national-level debate, the issue of mining had become strongly

associated with Uribe, and La Colosa was one of the most visible symbols of Uribe's mining politics. It therefore made political sense for Uribe's opponents to align themselves with the anti-mining movement. In 2014, Cepeda ran for senator with Polo Democrático, and actively targeted Tolima and Cajamarca with the message 'no a La Colosa' (see figure 6.1). He had spoken out against AGAC in Congress before: in 2013, as a member of the House of Representatives (lower house), he requested the annulment of AGAC's mining titles in various parts of the country, including Tolima (Congreso Visible 2013). As I discussed in Chapter 5, after his election as senator, Cepeda also became involved in Cajamarca's first attempt to organise a mining consultation. Several regional-level politicians also made mining a central campaign issue, such as Bonilla, the *jaramillista* I described above, who ran for the House of Representatives with a campaign focused on the environment and on opposition to La Colosa, but who was not elected (see figure 6.2). Some of the electoral attention to mining may be ascribed to Piedras's mining consultation. Piedras, a village which would normally never be visited by national-level politicians, suddenly received significant attention from political candidates, for whom it became a symbolic place to highlight their commitment to the environment (Bermúdez-Liévano 2014). Similarly, Cajamarca was an important campaigning destination. A political journalist described mining as the 'punching bag' in the electoral debate in Tolima, and noted:

If the mining debate in the country is polarised, Tolima is probably the epicentre where this polarisation is strongest and where it is most evident that it is becoming a key issue in the election campaigns [*caballito de batalla electoral*, 'little warhorse of the elections']. Although AngloGold's project is only in the prefeasibility phase, mining is an everyday topic in the campaigns, although the debate is not particularly informed.

All kinds of politicians are involved in this recent political frenzy. There are those who have opposed La Colosa for years, and there are others who have worked in the environmental field. Others are speaking out about the issue for the first time and are viewed by many people from Tolima as opportunists [*paracaidistas*]. In all debates and interviews in the media there is at least one question about, or against, mining (Bermúdez-Liévano 2014).

The image originally presented here cannot be made freely available via ORA because of copyright. The image was sourced at Colombian new website ‘La Silla Vacía’, <https://lasillavacia.com/historia/la-mineria-el-saco-de-boxeo-de-los-candidatos-en-tolima-46623>, full reference available in bibliography.

The photo shows a banner of the election campaign of Senator Iván Cepeda with the text ‘No a La Colosa’, stretched across a street in Cajamarca’s town centre.

6.1 Political advertising in Cajamarca during the 2014 campaigning season: ‘No to La Colosa’ (Bermúdez-Liévano 2014).

The image originally presented here cannot be made freely available via ORA because of copyright. The image was sourced at Colombian new website ‘La Silla Vacía’, <https://lasillavacia.com/historia/la-mineria-el-saco-de-boxeo-de-los-candidatos-en-tolima-46623>, full reference available in bibliography.

The photo shows a large election poster of Carmen Sofía Bonilla on the front of a building with the text ‘El medio ambiente toma partido’.

6.2 Political advertising in Cajamarca during the 2014 campaigning season: ‘The environment takes sides’ [literally ‘takes party’] (Bermúdez-Liévano 2014).

As such, the political engagement on the issue had two sides. On the one hand, the involvement of politicians strengthened the regional civil society movement opposed to mining by drawing more attention to the issue at the regional and national level, for instance through the initiation of debates on La Colosa in Congress, but also by contributing financially to the logistical

organisation of protests. The anti-mining stance of the *jaramillismo* was essential to the movement's influence in the region. On the other hand, some politicians seemed to engage with the issue primarily in order to strengthen their own political profile and win votes [*puro protagonismo político*]. These politicians tended not to have a thorough knowledge of the issue. This way, they risked delegitimising the anti-mining movement, by reinforcing two ideas AGAC sought to propagate in response to its critics: firstly, that the anti-mining movement did not understand the issue, was misinformed, or even deliberately spread misinformation, and secondly, that the movement was doing so for personal gain in the form of electoral victory.

AGAC and local politics

How was the political debate on La Colosa viewed and approached from within AGAC? During its first years of operating in Tolima, AGAC hardly engaged with local political actors, even though politicians played a central role in the growing opposition movement in the department. When I interviewed the AGAC president in 2017, he reflected on this as follows, highlighting the significance of regional politics for AGAC's functioning in the region:

We were unaware of how politics [*la vida política*] works in Tolima. Over there, politics is a way of life: it is politics for breakfast, lunch, and dinner. Politics is everything. We did not understand this. We tried to impose a way of working without knowing the regional [political] culture.

The company's apparent absence in regional politics may be explained by its strategic focus on building relations with politicians and civil servants the national level during these early years, rather than those at the local level.

The company's approach to local politics changed as La Colosa became more and more of an item on the regional and national political agenda. In 2013, the company hired several people who had been deeply involved in regional politics for senior roles at La Colosa in the departments of Corporate Affairs and Communications. They included a former regional Secretary of Infrastructure, a former high-level official of the municipal government of Ibagué, and a former press officer of the regional government, all staunch conservatives with extensive campaigning experience and close relations with influential politicians such as Governor Barreto. Through the

personal political networks of these and other AGAC officials, the company gained insider access to the political life of the department, and became more politically active in the region.

The company also started making donations to political parties. A Corporate Affairs manager who spoke to me about this emphasised that these donations were legal (as they were, under the Political Parties Act 1994, art. 14), and framed them as an expression of AGAC's commitment to transparent democracy, conveniently disregarding the political power of the gift and the implied expectation of reciprocity. The manager told me:

We make donations to almost all political parties, and are very open about this. It is not something that happens 'under the table', as the opposition claims, but it is something we are proud of: we support democracy. People sometimes misinterpret this because of our culture of bribery and corruption here in Colombia. ... You should know that when we make these kinds of contributions, each peso needs to be approved in South Africa. They conduct intense audits. We have to justify everything we do here very well, and keep records of everything.

In reality, the company almost exclusively donated to conservative parties, with the exception of a smaller donation to the Liberal Party (see figure 6.3). According to the National Electoral Council (CNE), which provided me with this information on the basis of a freedom of information request, AGAC only made direct donations to political parties in 2014 and 2015, which coincides with the hiring of more politically-oriented managers for La Colosa. The donations were, allegedly, made on the condition that a significant part of the money should be directed towards the campaigns of particular individuals in Tolima. A leader of the Green Party claimed that AGAC had approached the party with a large donation which it wanted to be directed to the campaign of its candidate in Tolima's gubernatorial elections, which the party rejected (El Nuevo Día 2015). The company's largest donation went to Barreto's Conservative Party, while it also made significant contributions to Cambio Radical, the party which anti-mining activists assumed had been instrumental in preventing the mining consultation initiative in Espinal (see Chapter 5), the Partido de la U, the party of one of AGAC's closest allies in the House of Representatives on behalf of Tolima, and Uribe's Centro Democrático, which outspokenly opposed mining consultations in the departmental assembly of Tolima.

Party	Year	Donation (COP)
Liberal Party	2014	15,002,143 (~£4,500)
Conservative Party	2015	447,000,000 (~£107,300)
Cambio Radical	2015	311,000,000 (~£74,700)
Partido de la U	2015	259,000,000 (~£62,200)
Centro Democrático	2015	168,000,000 (~£40,300)

6.3 Political donations (data taken from FOI request, CNE 2020).

AGAC's tactic of donating to political parties rather than to specific campaigns was in line with a wider trend among corporate actors in the country (Celedón 2019). Although political donations are legal, as long as they remain within the legally-established maximum, as Colombian political journalists León and colleagues put it, 'the financing of campaigns and corruption have become synonyms in the collective imaginary' (2018:34). This idea was strengthened by the Odebrecht bribery scandal. In 2016, it was revealed that, between 2001 and 2016, Brazilian construction multinational Odebrecht paid large bribes to influential politicians across Latin America in exchange for public works contracts (New York Times 2016). In Colombia, the company allegedly contributed to financing the 2014 re-election campaign of then-President Santos. His former campaign manager was sentenced to five years in prison for accepting Odebrecht bribes in the 2010 election campaign, but Santos claimed he had no knowledge of this (El Espectador 2020). In recent years, according to political analysts, companies have become warier of making donations to election campaigns, in part because of additional restrictions and in part because of the reputational risk associated with the widespread perception that companies donate in order to benefit through public procurement, as was the case with Odebrecht (Celedón 2019). In the words of the president of Colombia's National Business Association (ANDI):

There is a change of model. For many years, there was almost a need to ask the private sector to help finance election campaigns, but today, it is viewed as something bad. He who donates ends up being questioned (Celedón 2019).

By donating to a political party, the company's name would not be connected to a specific candidate, although donations could still, informally, be directed towards particular campaigns.

‘A suitable candidate’

In mid-December, a few days after Poveda’s death, the Ibagué-based Corporate Affairs and Community Relations teams came together for a ‘focus group’ meeting to discuss the budget for the last quarter of 2016 and the first quarter of 2017, which they allowed me to observe. ‘Q1’, the first quarter of 2017, would be one of the most challenging periods the teams had faced so far because of the two upcoming electoral processes, the *consulta popular* and the mayoral elections. The meeting provided a good insight into the strategic approach of the project-level social team, which included several locally-recruited employees, with regard to local politics. Much of the discussion involved brainstorming about potential candidates, as these had not yet been defined at the time.

Villager-
employee 1: We don’t have much clarity yet. William [Poveda]’s movement still has to define its strategy and its candidate.

Manager: The problem is that we do not have a person by whom all sectors of the movement feel represented. Is there a suitable community leader? Maybe Don Edilberto? Well, maybe not, I remember discussing this with William and we concluded that the problem is that nobody in Cajamarca knows him. But he is a kind and well-read man.

Villager-
employee 1: The problem is that with William’s passing, it is difficult to keep his movement united. How do we get people to believe in the cause?

Manager: Well, in the end, there are two options. Either we propose someone, or they put someone we have to work with. Our main aim is always to achieve the socio-political viability of the project. We need a candidate who suits the company to execute our social projects, to provide sponsorship. But we should also be careful not to make enemies by interfering too much in the electoral process. Perhaps it is best to not get too deeply involved.

The Corporate Affairs manager’s claim about the importance of a ‘suitable’ candidate was underscored by a Community Relations manager, who walked in while her team was having a parallel brainstorm session in the next room:

We don’t know what to discuss anymore. We concluded that all of our social projects were focused on William’s government plans, so how can we plan our activities for next year? What if an enemy of the project becomes mayor?

The Corporate Affairs team concluded that it would be safest to support the candidate of William's movement, in honour of its alliance with him, and to support the continuation of his administration, but not to be too overtly involved:

- Villager-employee 2: It would be strategic to make our current work, in honour of William, more visible, and emphasise that we want to continue this work.
- Manager: Yes, we should strengthen our work in the communities, and not get too involved in the snake pit of candidacies. We don't want to generate polarisation by creating the idea of a 'candidate of Colosa'. He should simply be the 'candidate of William'.

The eventual written version of the plans states that the Corporate Affairs team will engage in 'prudent accompaniment of pro-Colosa candidates', continue to fulfil promises made to the former municipal administration, and continue the engagement with key actors in the municipality in Cajamarca.

The discussion about potential candidates revealed not only how well the project-level Corporate Affairs team knew the local and regional political landscape, but also how much they cared about these elections on a personal level. Many had been personal friends of the late mayor, while others cared strongly about supporting the opposition to a left-wing anti-mining candidate. Several villager-employees were also involved in the late mayor's political movement in a personal capacity – an example of the company's complex embeddedness in the town's political dynamics: the employees did not represent AGAC in their personal political activities, but their insiders' insights into the movement informed the company's local political strategising.

Their discussion also showed that one of the main challenges the project-level social team perceived was a disconnection between the headquarters and project level, in particular with regard to the management of political issues. A Corporate Affairs employee stated at the start of the discussion:

For anything we discuss here, we should remember that we are always speaking two different languages between Bogotá and Cajamarca, between headquarters and the project.

What the team might consider the best strategy would still need approval from Bogotá, which looked at the issues with very different eyes. She continued:

I think I would prefer it if they gave me the order to do nothing and only get involved when there is a new mayor.

Other employees agreed, and suggested that as long as they were executing orders from their superiors, at least they could not be blamed for the outcome of this complicated situation.

This attitude reflected a key aspect of the disjuncture between the headquarters and the project-level management. Most project-level managers, many of whom had political experience and continued to have a strong affinity with Tolima's regional politics, considered some level of involvement in politics essential for the good management of the legitimacy of La Colosa. Their understanding of how regional politics worked was different from that of the managers at headquarters, who emphasised the risk that getting involved in politics posed to the company's reputation, and promoted a more reserved approach. This, for instance, became explicit when a Bogotá-based Corporate Affairs manager, who had travelled to Ibagué, joined the meeting, and an Ibagué-based manager asked him about the budget.

Ibagué manager: Would there be a possibility to receive extra money from South Africa to handle this situation?

Bogotá manager: Perhaps, but that is not advisable now. At this point in time, I'm not sure if more budget would contribute to the democratic discussion. I think it would create more polarisation.

A few weeks later, when I had a conversation with the Ibagué-based manager in her office, she complained to me about their lack of resources to manage the electoral period. When I asked her whether they had received extra budget in similar situations before, she replied:

Yes, plenty of it. In the past, we received a contingency budget to spend on expenses for the popular consultation, but now ExCom [the Bogotá executives] seems to want to wash their hands of it. They are tired of the issue and don't realise how important this is.

At project level, managers were personally invested in the elections, and saw the outcome as crucial to their way of working in Cajamarca. The executives at headquarters were balancing other interests, such as the distribution of the budget among the company's three projects and an

upcoming reorganisation of La Colosa of which the project-level management was only aware to a limited extent at the time. They also appeared more concerned about the reputational risk associated with the perception of political corruption.

Cajamarca's electoral battle

In early 2017, the campaigns for Cajamarca's mayoral elections started. Two candidates came forward, as I described at the start of this chapter: Julio Roberto Vargas, the anti-mining movement leader who had run for mayor twice before, and Pedro Marín, who would represent the late mayor's movement. Julio and Pedro stood for two opposite agendas with respect to the La Colosa project, as Julio was firmly opposed to mining, while Pedro was supported by several politicians from the region with a 'pro-mining' reputation, although he did not have a previous relationship with the company himself.

'Oiling the machinery': village politics in Colombia

In the following months, the elections came to dominate village life. They became the main topic of my conversations in village cafés, where town residents discussed the latest developments in the election campaigns and tried to explain to me what they considered the fundamentals of Colombian village politics. Many of their accounts started with a phrase such as 'the way things unfortunately work in Colombia...' followed by an explanation of the clientelist practices that characterise local politics in Colombia. My account of local politics in this chapter is based on the local café stories of Cajamarca's residents, accounts of local politicians from Tolima, and journalistic accounts in local and national media.

Election campaigns, many villagers told me, are about flaunting your money and your connections. 'Having money makes you look good,' as only a candidate with money and connections that give access to resources will be able to help the village forward, to fix the rural roads, for instance, or to improve the healthcare facilities. Money was also central to obtaining votes in a more direct way. *'La política se define a punta de billete'* [Politics is determined by money],

many of my informants agreed. Another phrase I often heard was that ‘there is no such thing as a defeated campaign, only a campaign that has run out of money’. In Cajamarca’s village cafés, people discussing the mayoral elections would define numbers of votes in financial terms. ‘They give one hundred thousand for a vote ($\sim$ £27.50)’, some claimed. ‘The winning campaign is going to need 300 million pesos ($\sim$ £83,000).’ Winning a mayoral election in Cajamarca seemed to have a monetary price.

A central term in people’s accounts of local politics was ‘*la maquinaria*’, the metaphorical ‘machinery’ which produces and reproduces political power. ‘*Hacer política*’ [practising politics] involved keeping this ‘machinery’ going. As a book on Colombian politics written by political journalists phrases it:

The *maquinaria* is to a politician what the arteries are to the heart. If it falters, the rest starts to break down. It is visible during election time and almost invisible during the years in which the campaign is not active. But that does not mean that it stops working. It is always moving. ‘A professional politician or someone who aspires to be one looks after it, feeds it, waters it like a plant,’ a politician with forty years of experience explained (León et al. 2018:25).

The cogs in the *maquinaria* are the so-called ‘leaders’ [*líderes*], people with significant influence in a certain community of people in the town, typically a neighbourhood or *vereda*, who can mobilise ‘their’ community to vote for a certain candidate. Successful local politicians have their own network of community leaders, each of whom, to the politician, represents an estimated number of votes. Often, these leaders are on the board of the community action council or JAC, of which most of the community is a member, and of which the president, secretary and treasurer are elected by the community. These community leaders negotiate with the mayor or with regional leaders, such as the departmental governor, on behalf of their community, to secure resources from the municipal or departmental budget for the school of the *vereda*, the maintenance of rural roads, access to health care, and other local needs. The community leaders sometimes work with a particular politician because they are friends or share the same political ideology, and sometimes because they receive a salary or the promise of a contract in the local administration in return, after the election. The higher the number of votes the leader represents to the politician, the

higher the salary or value of the contract. In this political game, it would not be uncommon for community leader to shift alliances, or work for more than one politician. In village politics in Colombia, this way of working is very common (León et al. 2018), although, of course, not all JAC presidents necessarily have a political agenda, and not all local politicians operate in this way.

In Cajamarca, community leaders not only went to political leaders such as the mayor and the governor to ask for resources to fulfil the needs of their community, but also to AGAC. To the AGAC social team, in turn, these JAC presidents were important local ‘stakeholders’, as they had influence in their community and could mobilise people in favour or against the mining project. CSR projects, especially AGAC’s sponsorship of community initiatives, was a central mechanism for the social team to forge relationships with JAC presidents and other people they regarded as community leaders. JAC presidents who were able to frame projects in terms of the communal benefit, so that they would be in line with AGAC’s policies, were often successful in obtaining corporate sponsorship. Examples of such projects were the paving of rural roads or repairs to communal buildings, such as the community centre or the local school – the type of projects they would otherwise approach the local administration for. Such CSR projects could benefit local leaders politically if their community saw the project as being realised thanks to their engagement with the company. Many of the company’s ‘allies’ in the town were politically active community leaders.

Politicians oil the *maquinaria* by doing favours. One of the most common is through public procurement, similar to the Odebrecht case I described before, but also on a more local scale. At the departmental level, politicians typically award contracts to people who have supported them in their campaign, for instance for a position in the regional government [*gobernación*], local government [*alcaldía*], or other public entity, such as a board position in a public university, hospital, or agency such as Cortolima. People who obtain these positions as a reward for the campaigning efforts are referred to as *cuotas*. A politician can also repay the favour he owes with public money through a contract for a job which involves very little active work or responsibility,

also referred to as a '*prebenda*'. Some politicians require their *cuotas* to pay a percentage of their salary back into the campaign, which can be used for the next campaign. In order to be able to do these favours, the politician thus needs to either be in a position of political power already, or have connections to someone in power, for instance in Congress, a so-called '*padrino político*' ['political godfather']. Politicians in power, in turn, choose to be a *padrino* to newer politicians in order to maintain their own power, as the *padrino* relationship generates a strong loyalty: 'in politics, no one is more reliable than someone who owes favours' (León et al. 2018:14). If, for instance, a certain member of Congress has supported the mayoral campaign of a certain mayor, this mayor will be referred to as 'his' mayor, and is expected to campaign for his re-election to Congress in return. As such, once politicians reach a position of influence, they can do favours which allow them to stay in power. Another term, widely used in Latin America, to describe this pattern of clientelism is *caciquismo* – the system by which a local or regional political leader, the *cacique*, controls the votes of a community through their control over a brokerage network with other regional politicians, which enables them to hand out favours to maintain this electoral control.

A candidate who wishes to run for office first has to obtain the support of a political party (or parties), the *aval* [guarantee]. Local politicians looking to obtain an *aval* usually need connections to members of the party in regional politics, for instance a *padrino*. The *aval* provides them with a certain level of financial support for the campaign. Election campaigns in Colombia are financed by public as well as private funds. Political parties can obtain direct public financing through advance payments for expenses before the election, approved by the National Electoral Council, and a reimbursement per vote after the elections, called the *reposición de votos* (MOE 2016). As the reimbursement is higher if they do not request an advance payment, many politicians who decide to run for office get a loan from a bank, based on the number of votes they expect to obtain. In addition, political parties can receive donations from individuals or corporations, and use this money towards election campaigns. Campaigns can also directly receive donations. In village politics, these tend to come from local businesspeople and from other politicians, typically

of a higher status, who contribute to the campaign as a favour, which they expect to be repaid in the form of campaign support for their own campaign. The National Electoral Council defines the maximum amount [*tope*] that may be donated.

The campaign money is not only used to fund campaign expenses such as posters, banners, or the podium for a promotion event, but also for a range of common clientelist practices. During a mayoral election campaign, which usually lasts two to three months, the candidates and their campaigning team of community leaders and other politically active town residents go from neighbourhood to neighbourhood and from *vereda* to *vereda* to show their face and ask people for their support. They often hand out small gifts or basic groceries. People, especially people in the lower economic classes, typically ask politicians on the campaign trail for favours in return for their vote, such as some cash to pay their electricity bill, a few tiles to repair their broken roof, or a bag of cement. ‘People will sell their vote for a bag of cement or a free lunch’, villagers told me. Traditionally, I was told, the candidate who is able to hand out and promise most will usually receive most votes.

This system of political corruption is enabled by the deep inequality in Colombian society and the relative absence of the state in many rural parts of the country (García-Villegas and Revelo-Rebolledo 2010). According to the Colombian Administrative Department of Statistics, 27 per cent of the population lives in poverty, and 7.2% in extreme poverty (DANE 2018). Poverty often does not give people another choice but to ‘receive’ from politicians, and ‘sell’ their votes for money, food, or home repairs, even if by doing so, they maintain a political system that reinforces the societal inequality. Furthermore, clientelist practices are part of a political culture that many people consider normal, and, as Escobar’s study on clientelism in Colombian local politics found, are often reluctant to abandon. In the countryside of Sucre, the department where she conducted her research, she reports, ‘people believe that selling their vote is a right they have’ (2002:39). In the eyes of most residents of Cajamarca I spoke to, too, politics and corruption are

inextricably linked. Various villagers told me that ‘all politicians steal, but the good ones steal less.’ As one of them put it:

When there is a budget of fifty million pesos for a development project in the village, most mayors will steal forty-five and leave five for the project. He who only steals five million and leaves forty-five for the municipality is a good mayor.

Although people undeniably regarded this as corruption, and were critical of it (‘our country is in such a poor condition because we elect bad leaders’), I found most people had an attitude of resignation and even acquiescence, and had given up imagining change. They tended to use *‘la política’* (politics) and *‘politiquería’* (‘dirty’ or ‘petty’ politics motivated by personal interests) interchangeably, and accepted the idea that this is ‘how politics works’. Despite this generally dark view of politics, many villagers were very excited about the electoral battle. ‘We really live politics here,’ I was often told, ‘Cajamarca really ‘heats up’ in election time.’ One man even told me: ‘You want to know about politics? Have you ever fought with a machete?’

Campaigning season in Cajamarca

In the months leading up to the elections, posters of Pedro and Julio appeared everywhere in the village, from shops in the centre to remote *fincas* [small farms] in the rural areas. The candidates also placed big banners across the streets, often directly next to each other – a visual representation of the polarised election. Both campaigns opened an office [*sede electoral*] in the town centre, staffed by campaign volunteers, where villagers could walk in for a cup of coffee and a chat about the candidate’s plans for the municipality. In the evenings, the candidates often held open meetings to discuss how their campaign was going. They also held ‘office hours’, a prime moment for villagers to ask their candidate for favours in exchange for their support. Mostly, the *sedes* were social spaces, where people came to drink coffee and gossip about the other candidate. ‘Pedro is AngloGold’s puppet,’ people in Julio’s *sede* told me. ‘If he wins the elections, it is only because of the mine’s dirty money.’ Someone in Pedro’s *sede* told me:

Julio is a leftist. If we vote for someone like him, Cajamarca is going to end up like Chávez’s Venezuela. His campaigners pretend to be environmentalists, but I’ll tell you what environmentalism is: a way to make money. International NGOs give them money to organise marches, but all that money ends up in their own pockets.

In these elections, Pedro had the advantage of the public *maquinaria*: his movement controlled the incumbent municipal administration, where many employees were Poveda's *cuotas*. Furthermore, Pedro had 'inherited' Poveda's *padrino*, a former mayor and deputy in the departmental assembly of Tolima, to guide him through the elections, as he did not have political experience. Julio's movement sought to distance itself from the clientelist practices of traditional politics, and had built a reputation of 'not buying votes'. The movement had fewer resources and presented itself as the so-called '*voto de opinión*' [opinion vote], a vote based on ideological conviction rather than in exchange for money or favours. Although the core of Julio's campaign worked on conviction, he had also sought the support of other politicians on the basis of promises and favours, following the traditional *lógica política* ['political logic']. He had forged a coalition that included the politician who had come third during the previous elections, a few former mayors, liberal (*jaramillista*) politicians from Ibagué, and even a religious movement and an ultraconservative politician – mostly actors who did not necessarily agree with his political views, but saw him either as a more likely or more desirable winner than Pedro, and therefore supported his campaign.

As I described in the introductory anecdote to this chapter, the campaigns also drew prominent regional and national-level politicians to the town. Showcasing the candidates' political connections served to reassure the electorate that they had the right connections to obtain resources from the national and regional government to help Cajamarca forward. Among those supporting Julio were Ibagué mayor Guillermo Jaramillo and prominent left-wing senators Jorge Robledo of Polo Democrático and Claudia López of the Green Party, outspoken opponents of the La Colosa project. Pedro was accompanied by various conservative politicians from the region. The fact that he was politically aligned with Governor Barreto was in his favour, as proximity to the regional government was an important way to show that he would be able to make sure that Cajamarca would be included in development initiatives of the regional administration. Significantly, his movement had also obtained the support of former President Uribe, who, as I mentioned before, was a very popular political figure in the town. On a big screen, Pedro's

campaign played a video of Uribe asking the people of Cajamarca to vote for Pedro, ‘an honest, hard-working family man’. Uribe, the president who had excitedly announced the discovery of ‘one of the biggest gold reserves in the world’ in Cajamarca a decade earlier, now referred to the La Colosa project as follows:

I know that the mining project is something that concerns many of you, but I tell you that at the time of my presidency, we allowed them to start exploring, and if we see that they are not doing things the right way, we will also be the ones to withdraw that permission.

Having expected an unequivocal statement of support for La Colosa from him, I raised my eyebrows to a villager-employee of the Community Relations Department who stood next to me in the crowd, watching the political event. The message, however, resonated strongly among AGAC supporters. ‘Exactly,’ the villager-employee responded to the questioning look on my face. ‘I completely share what the president says. If we see that the company isn’t doing things right, we don’t want it in our village. But thus far, it has always shown it is doing things the right way.’³⁰

CSR in election time

In the AGAC offices, the elections were also a hot topic of conversation. In the corridors, village rumours were extensively discussed, for instance about campaigners handing out gifts to ‘buy votes’ or about fights between supporters of Pedro and Julio on the street at night. Some villager-

³⁰ In 2019, Uribe even expressed his support for the opposition to AGAC’s Quebradona project in Jericó, on Twitter, his main medium of communication with the Colombian public.



6.4 Uribe’s ‘anti-mining’ tweet: ‘Jericó and the Southwest [of Antioquia], preserve the green, boost green projects, no to mining – YES TO THE MOUNTAIN (the title of the activist video)’

As he tweeted this during campaigning season, this may be seen as mere political opportunism, as much of his electorate in the Southwest of Antioquia, where the mining project is located, was opposed to the project, including the conservative mayor of Jericó and a member of the House of Representatives of Uribe’s own party, who had just then convened a public hearing on mining in the town (Celedón and Ruiz 2019).

employees echoed the negative ideas about politics I had often encountered in the village. ‘I don’t like politics, I try to stay as far away as possible from it. Here in Cajamarca, politics is dirty, there is a lot of corruption, and the people always elect bad leaders’, one of the Community Relations workers told me. Others had a strong connection to village politics and were personally involved in Pedro’s campaign. Lower-ranking employees were allowed to campaign in their personal capacity, but anyone with very evident connections to AGAC’s political work was asked not to actively participate. An example was the son of the former mayor who was Poveda’s *padrino*, who, as I mentioned before, was part of the Corporate Affairs team and was in charge of AGAC’s relations with the municipal administration. His role in AGAC was perceived by many town residents as a way for the company to have a direct connection to, and insight into, Cajamarca’s conservative political elite, in which the former mayor continued to be a central figure.

As part of its election strategy, AGAC provided Pedro’s campaign with PR advice and organised for him to speak to workers, suppliers, collaborators, families resettled by the company, and beneficiaries of CSR projects. The AGAC team aimed to align its discourse with Pedro’s campaign: continuity with the previous administration. Continuity would also allow the company to continue working in the town and carry out its CSR programmes for the benefit of the local community. Unlike in previous campaigns, the company would not make a financial contribution to the political party Pedro was affiliated with. A Corporate Affairs manager attributed this decision to the reputational risk that had become associated with corporate funding of election campaigns, which is in line with a wider trend I described earlier in this chapter, as well as to the internal audit culture that complicated the authorisation of such contributions by officials higher in the corporate hierarchy. This had also become clear from the conversation between the Ibagué manager and the Bogotá manager in the December meeting.

In addition to this official strategy, the social team also sought to influence the elections in more indirect ways, for example by using the financial incentive of employment as a means for political pressure. At one of the CSR projects I observed, I got to know a villager who had been hired to

help with the execution of the project. When I later met him in town, he told me that two of the villager-employees had come to his house to tell him that his contract would not be renewed because he was not ‘on their political side’, but supported the anti-mining candidate.

They came to my house to tell me that. That if I don’t change my political activity, they are not going to give me another contract. I am very grateful to them, really, but I am not going to change my political views. I owe a lot to Ángela [one of the Community Relations workers], she is an amazing person. It’s not her fault, they just give her orders. She seemed very uncomfortable. Afterwards, she sent me a very nice message on WhatsApp.

This example also illustrated how the company’s involvement in politics was deeply personal: the company’s message was brought to this villager through the interpersonal relationships he had with the villager-employees, in a face-to-face meeting in his home. The villager also suggested how Ángela had juggled her identity as AGAC employee, who had to execute this task as part of her job, and her identity as resident of Cajamarca, embedded in the village network of family and friend relations.

Furthermore, the local Corporate Affairs team had an insight into Pedro’s campaign through the relationships with community leaders it had built up over the years. A few of these were members of the Abstention Committee, which, as I described in the previous chapter, had been set up to direct the company’s mining consultation campaign once the mayoral elections were over. This committee was headed by the Corporate Affairs management, and included what one of the Corporate Affairs managers referred to as ‘friends of the project’: villager-employees, JAC presidents in favour of La Colosa, and members of the AGAC-funded local associations which villagers had created for the promotion of ‘responsible mining’, Aprominca and Dialoga. Several of the members of the committee were also campaigners for Pedro. Dialoga entirely consisted of members of the political movement behind Pedro, and was directed by the former mayor who led Pedro’s campaign and whose son worked for the Corporate Affairs team. In the weeks before the elections, members of the Corporate Affairs team met with the Abstention Committee to discuss the strategy for the mining consultation campaign, which also allowed them to discuss the mayoral election campaign. The meeting was held in Cajamarca, in the house of a JAC president.

AGAC manager: We are here as the Abstention Committee for the popular consultation, but before we start our meeting about that, let's first chat about the elections. Just as a meeting among friends, sharing thoughts. The company has taken a very cautious stance, as the political situation in the village is very insecure. In our last meeting, we did not yet know who the candidates would be, but now we know, so we need to discuss the current state of affairs.

JAC president 1: I have always been clear about this: I will support the candidate of William and of the company.

AGAC manager: What do you think of Pedro's discourse?

JAC president 1: Pedro is not a politician. He is not a man with a discourse, but that is something the people love. They are tired of politicians.

Villager: Julio's discourse is populist. He also says he is going to continue William's plans, just because that is what people want to hear. If he really thought William's plans were any good, why did his councillors vote them down? Pedro is a sincere man, not a political opportunist.

Villager-employee 1: I agree. Julio has a populist discourse. People in Cajamarca don't like the left. Julio's followers are just some '*mamertos*' ['Commies']. Wherever they have been campaigning, it smells like pot.

Villager-employee 2: Most of the company's beneficiaries are with Pedro. We are working on a group from Anaime [a stronghold of Julio's movement], some of the resettled families are still on Julio's side. By the way, have you seen the former mayor is now campaigning for Julio? Bad news for us, he knows how to obtain votes. It just goes to show that he is a man of double standards. First he accepts our money, and now he campaigns for the opposition.

...

AGAC manager: In your campaign meetings, do you discuss La Colosa?

JAC president 1: Yes, of course. Julio will also have to work with the company. It is a mandate of the state, whether he likes it or not.

JAC president 2: Yes, Julio says that when he is mayor, AGAC will leave the village. But that is a lie. I once told him to his face: you know, the day you become mayor, you become an employee of the government, and you will have to work with the mining locomotive [the government's mining policy].

Village resident: We have to challenge their lies. They say that AGAC is illegal. Basically that AGAC is worse than La Túnel [a large tunnel construction project near Cajamarca, infamous for bad labour conditions]. You can't talk about things you don't know anything about.

JAC president 1: I just wanted to say again that I have no problem at all in openly saying that I support the candidate who supports the mining company. In my case, people can't say that I only say that because my children work there, because they don't, they have good jobs elsewhere. I do it because I am part of a group of leaders educated by AGAC. I am a

witness to what AGAC has created. It would be so sad if the company left. Illegal miners would come to the municipality, and illegal armed groups, and they would kill us off first.

Meetings such as this one reveal how the company, even though its official strategy was to keep its distance from the electoral process and take ‘a very cautious stance’, to use the manager’s words, monitored Pedro’s campaign from the inside.

Finally, and most significantly, the social team brought up the elections in its CSR activities. One of the villager-employees I accompanied on rural field visits to beneficiaries of an agricultural project, for instance, used these visits as an opportunity to discuss politics and ask people whom they were thinking of voting for. Furthermore, a few CSR activities may be interpreted, as they were by many town residents, as masked campaigning efforts, considering their strategic timing in the run up to the elections. In the week before the elections, Community Relations workers visited the municipality’s rural schools to hand out school kits, ‘a promise of AGAC to Mayor Poveda that was still pending’. Most teachers received the social workers with open arms in their classrooms, but some initially refused, saying that they did not want to be involved in politics. Furthermore, the social team hosted a large Zumba class on the town square for the inauguration of a municipal gym, a project AGAC had developed with sports-loving Poveda. A member of the AGAC Communications team opened the event:

This gym was an initiative of Mayor William Poveda, which AGAC decided to support. We hope that it will be possible to continue to work with the next mayor in the same way.

A few days later, the social team hosted an event for the young people who had obtained an AGAC scholarship and their families, as part of the agricultural CSR project I described in Chapter 4.

One of the employees opened the meeting as follows:

I would like to know your view on something. As we all know, on Sunday, there will be an election. It is a great sorrow for all of us that William has passed away. Last year, he accompanied us in this meeting. Have you seen the new gym? We worked on that with him. We respect your view, but we just want to say to you, to ask from you, that we want to continue this work. That you vote for someone who makes it possible to continue with these projects. Good, I won’t say more.

This way, the company's CSR work functioned as an indirect campaigning mechanism. AGAC's discourse was aligned with the discourse of continuity of Pedro's campaign, and the social team spread this message, directly or indirectly, in its CSR activities during the weeks before the elections.

The image originally presented here cannot be made freely available via ORA because of copyright. The image was sourced at Colombian regional newspaper 'El Nuevo Día', <http://www.elnuevodia.com.co/nuevodia/opinion/caricatura/312508-vendiendo-el-alma-al-diablo>, full reference available in bibliography.

The cartoon shows a large lion with a ballot box in its open mouth. Attached to the lion's tail is a sign stating 'La Colosa'. The ballot box states: 'Mayor's Office Cajamarca'. Next to the lion is a tiny person trying to put a ballot in the ballot box while shielding his head. In front of him are a few bitten-off hands.

6.5 'Selling your soul to the devil', a cartoon on Cajamarca's mayoral elections in regional newspaper *El Nuevo Día*. The lion is based on AGAC's logo, and the ballot box in its mouth states 'Mayor's Office Cajamarca' (Romero-Santos 2017).

The sombreros vs the ponchos

Sunday 12 March was election day. From before sunrise, the streets were filled with Julio and Pedro supporters, who could be easily identified by Julio's white sombreros and Pedro's orange ponchos (in Julio's words: 'the colour of AngloGold'), both symbols of Cajamarca's *campesino* culture. Electoral publicity is prohibited on election day, so these symbols helped people identify the different campaigns. Big crowds of campaign volunteers in sombreros and ponchos formed long queues in front of the voting station, cheering on the people entering the voting station, scoffing the campaigners of the other candidate, and chanting campaign slogans. The slogans for

Julio made clear that, to many of his voters, opposition to La Colosa was a crucial agenda point: *‘Por el agua, por la vida, votemos Julio a la alcaldía!’* [For water, for life, let’s vote Julio for mayor!]. A significant part of Cajamarca’s population lived in the rural areas, relatively far away from the polling stations. Both campaigns therefore provided transport from the different *veredas* to the polling stations, as well as lunch or a *refrigerio* [refreshment] for the voters. All day long, jeeps filled with people arrived in the town centre. As soon as a jeep arrived, a group of people from the campaign to which the jeep belonged helped the people out of the jeep and directed them to the polling station, forcefully reminding them which candidate they needed to vote for. Both campaigns also had a group of volunteers that acted as ‘election witnesses’ inside and outside the polling station, to keep an eye on the other campaign and make sure there was no electoral fraud. Although neither of the two campaigns could demonstrate the illegal practices of the other campaign, they both claimed that the other was buying votes for cash. Julio’s campaigners, for instance, pointed me to a hardware store and a bicycle shop, which they claimed were collaborating with Pedro’s campaign and kept campaign cash behind the counter. The voter would have to pretend to buy something, and instead of being given back their change, they would receive cash for their vote. I was not able to corroborate these types of claims, but according to many town residents, these were common practices on election day in Cajamarca.

At the end of the day, the sombreros gathered in one street, while the next street turned orange with Pedro supporters – both in a state of great suspense. As the results of the different polling stations came in, the orange mass started celebrating: Pedro won the elections with just over 50 per cent of votes.³¹ He told the celebrating mass: *‘El alcalde puso alcalde!’*, ‘the mayor placed his mayor’. The late mayor Poveda’s movement stayed in power. In the next street, Julio told his disappointed voters:

Today, we were not able to win from AngloGold’s money. But we will keep going. In two weeks, there is a new opportunity to vote, for Cajamarca, for the future of our village, the future of our children, in the *consulta popular*.

³¹ 4,451 (48.3%) vs. 4,756 votes (51.7%)

Pedro's tight victory was a clear demonstration of the strong political polarisation in the town, and showed that public opinion did not lean firmly in either direction.

Among those celebrating Pedro's victory were the villager-employees who had been personally involved in Pedro's campaign. The next day, the Cajamarca office was filled with euphoria and relief that the mining opponent had lost. The managers, however, were strikingly diplomatic, which seemed to reflect how their superiors had instructed them to respond to the result, careful to prevent the idea of partisanship in the company. In Ibagué, I witnessed a discussion between a Corporate Affairs manager and an employee from Cajamarca about the wording of a contract for the former mayor, who had been a visible part of Pedro's campaign and was also one of the people the company hired for its Abstention Committee. The employee had started the contract with the sentence 'Having obtained a favourable result for the La Colosa project in the mayoral elections of Cajamarca ...', but the manager insisted that this needed to be taken out. In Cajamarca, a Community Relations manager told his team: 'I am grateful for last Sunday. Not because of the result, because we are respectful of any result, but because you have kept the name and reputation of the company clean.' The distant and diplomatic take on local politics by the senior employees stood in stark contrast to the involved and personal perspective of the lower-ranking workers on the ground. This contrast would continue during the management of mining consultation campaign, which started as soon as the mayoral elections were over.

Conclusion

In Tolima, mining became an increasingly important issue on the regional political agenda as well as in regional election campaigns. The issue was polarised in a way which, to an extent, aligned with pre-existing political cleavages. The polarisation at the departmental level aligned with the divide between the liberal *jaramillismo*, opposed to La Colosa, and the conservative *barretismo*, generally supportive of the mining project. In Cajamarca, the opposition emerged in the more left-wing oriented part of the predominantly conservative municipality, and came to include a political branch, supported by the *jaramillismo* and national-level left-wing politicians. AGAC's

local political allies were the political rivals of the local anti-mining movement, who were ideologically aligned with *uribismo* and *barretismo*.

As AGAC interpreted the mining resistance in Tolima to be driven by political interests, its response to opposition became increasingly interlinked with regional and local politics. The company's political focus had initially been primarily on Congress and the ministries and government agencies in Bogotá, but this changed when it hired several people with regional political trajectories and networks for senior roles at La Colosa, who brought a more thorough understanding of regional politics to the way AGAC managed the opposition to La Colosa. Nevertheless, many AGAC officials considered that the company's 'political awakening' at the regional level had come 'too late', which had given the regional anti-mining movement an advantage.

In Cajamarca, AGAC's CSR work on the ground was also interlinked with local politics. To an extent, this interlinkage may be considered an unintended consequence of the partnership-based approach AGAC adopted in many of its local CSR projects, rather than a political tactic. As this chapter has illustrated, in practice, AGAC's 'tripartite approach' of collaboration with the municipal administration and the JACs made its projects more susceptible to capture by local political interests, especially as many of its smaller CSR projects resembled the types of projects spearheaded by local politicians and the municipal administration. Some of the projects AGAC executed in collaboration with the local government allowed the local politicians in power to 'show off' [*sacar pecho*] a project as an achievement of their government. This way, the CSR projects could help them secure the loyalty of the project beneficiaries for the next elections. In a similar way, by developing projects with JAC presidents, implementing the CSR ideal of a 'bottom-up approach', AGAC ran the risk that these projects would inadvertently become part of the clientelist machinery of which many JAC presidents were part. This shows that strategies developed at headquarters, based the noble CSR objectives of 'corporate-community partnership' to achieve 'sustainable development' with a 'bottom-up approach', may play out very differently

in the micro-politics of corporate-community engagement on the ground, where the clientelist logic underlying the local political culture shaped the way people perceived and received CSR projects. This chapter focused on Cajamarca, but similar patterns were present in San Roque, where, at the time of my fieldwork, many town residents considered the mayor to rely heavily on AGAC sponsorship. Furthermore, several Community Relations workers were regarded, by residents of San Roque as well as by other employees of the Gramalote project, to be '*politiqueros*' for allegedly misusing their position in AGAC to profile themselves politically.

At the same time, CSR projects did play a role in the company's political tactics. In this chapter, I have shown that during the mayoral election campaign, the language the Community Relations workers used in their interactions with the local community was strategically aligned with the discourse of Pedro's campaign, focused on continuity. Furthermore, the execution of several CSR projects was strategically timed, such as the handing out of school kits 'on behalf of the late mayor' and the opening of a municipal gym, a project AGAC had developed with the late mayor, close to election day.

‘Sí, se pudo’

Cajamarca’s mining consultation

Normally, after the elections, people would return to their everyday lives and the polarisation that had characterised the town during the heat of election time would fade away. This time, however, as soon as the mayoral elections of March 2017 were over, Cajamarca turned into the arena for another polarised battle. The popular consultation took place two weeks after the elections, which meant that the two campaigns, one promoting the ‘no to mining’ vote and the other promoting abstention, had a limited time to campaign. In this chapter, I describe how the two campaigns played out in the town, and how AGAC approached the *consulta* in the context of increasing insecurity and an upcoming reorganisation. I move back and forth between the two campaigns, as I did during my fieldwork. Although I was not fully trusted by either side, as can be expected in the polarised environment which made many people very cautious and at times paranoid, I had close relationships on both sides, which allows me to provide an insight into the inner workings of both sides in the run up to Cajamarca’s momentous *consulta*. Furthermore, I discuss the place of Cajamarca’s consultation in the wider mining consultation movement.

A ‘friends strategy’

In January, as I described in Chapter 5, the regional court had ruled that Cajamarca could hold a popular consultation using the first half of the original question: ‘Do you agree, yes or no, with the execution of mining projects and activities in the municipality of Cajamarca?’ (Tribunal del Tolima 2017). As soon as this ruling came out, AGAC’s Corporate Affairs Department started analysing what would be the most tactical date for the popular consultation. The interim mayor was required to set the date for the consultation and formally convene it, so Corporate Affairs maintained a close relationship with her, in order to lobby for the date the company considered most strategic.

This took place in the middle of the campaigning season for the mayoral elections. The AGAC team managing the *consulta* approached the mayoral elections and the popular consultation as closely intertwined processes. As Julio had been one of the drivers of the mining consultation, it considered that his electorate would probably also vote ‘no’ in the *consulta*, whereas it counted Pedro’s voters on its side. To lead its abstention campaign, AGAC chose several of its local political allies. These included members of the AGAC-funded associations Aprominca and Dialoga, a few villager-employees, JAC presidents in favour of La Colosa, and the president of the Mining and Oil Association of Tolima, who had helped avert Ibagué’s consultation. Dialoga, as I discussed in the previous chapter, was led by the former mayor who had also led Pedro’s campaign, and who was the father of one of the Corporate Affairs employees. AGAC gave him a contract to campaign for abstention with Dialoga, which meant that a core part of the movement behind Pedro’s election would also form the team behind abstention campaign. In the weeks leading up to the *consulta*, I frequently saw this former mayor as well as the president of the regional mining association visit the Ibagué office and accompany AGAC officials in Cajamarca.

During the campaigning season for the mayoral elections, the Abstention Committee held several meetings, one of which I described in the previous chapter. Meetings such as these helped the AGAC team shape its strategy with the input of local political insight, as another part of the conversation during this meeting illustrated:

AGAC manager: I want to discuss three points. Firstly, the most suitable date. Secondly, what message should we send? We will keep our focus on abstention, because this whole thing continues to be no more than *un show*. But our message should not be confusing, so that people do go out to vote for Pedro, but not in the popular consultation. Thirdly, a very concrete question: how do you think the people are going to act? Will there be voting fatigue, or will they be excited to vote twice?

JAC president 1: The people are going to be tired, they won’t return for a second vote. And what is more, the popular consultation does not affect La Colosa, so what is the point of voting? It would be good to have a date as close to the mayoral elections as possible.

AGAC manager: Regardless of the outcome?

Village resident: No, it depends on the result. Our political opposition is the same as the promoters of the popular consultation. If Pedro wins, that helps us, because it wears down Julio’s movement a lot. If the consultation is held

soon after the elections, he is not going to be able to get his people out to vote immediately again. But then again, if they lose the mayor's office, they will put all of their energy in the popular consultation. So maybe it is better to not hold it too soon after the elections, so we have more time for planning.

Villager-
employee 1: The results of the elections influence the popular consultation. It would be best to do it close to the elections, because Julio's movement will have great economic and social losses.

Villager-
employee 2: But maybe he'll win, and make the popular consultation his first action as new mayor. Look at what happened in Ibagué: the mayor there forced the people he appointed in his administration to campaign for the popular consultation.

AGAC manager: This discussion is exactly like the discussion we had internally in the company. We ended up with the same division: some people thought it would be good to have it immediately after the elections, while others wanted to postpone it. The interim mayor has asked us what we consider a good date, so I will discuss the pros and cons with her. I will probably suggest to have it soon after the elections, maybe two weeks.

Eventually, the interim mayor indeed convened the mining consultation for two weeks after the elections, on 26 March.

In response to the regional court ruling, AGAC continued its litigation-focused approach by filing a *tutela* against the regional court, arguing it had exceeded the scope of its authority by changing the question that the citizens of Cajamarca had proposed, and for which they had collected signatures. Interestingly, even though AGAC's Ibagué-based team acted in line with what they had agreed upon with their superiors in Bogotá, their perspective on what a mining consultation would mean for La Colosa was rather different. An Ibagué-based manager told me:

To be honest, departing a bit from the legal discussion and giving this some socio-political analysis: I think that this consultation is the best thing that could happen to us. The date is too soon [for the opposition to organise a campaign], people will be sick of voting, the question is ridiculous... It is highly unlikely that they will reach the quorum.

This assumption that the anti-mining movement would probably not be able to mobilise one-third of Cajamarca's eligible voters, which was required for the popular consultation to be legally binding, was the basis of the abstention strategy. Each vote would contribute to the quorum, but if all potential 'yes' voters abstained, the 'no' voters would need to make up the entirety of the

quorum, which came down to 5,438 people. The outcome of the mayoral elections had strengthened this belief, as the number of votes Julio had received, 4,451, was well under this number.

If the manager considered the mining consultation ‘the best thing that could happen to us’, I wondered, why was AGAC continuing with its legal challenge to the consultation? The manager replied:

Well, you and I here in Ibagué understand the situation on the ground, but senior management high up in Bogotá and South Africa look at this quite differently. They are of the opinion that we should never let it come that far, that there should not be a consultation. And so they will want us to exhaust all possibilities for legal action. What is more, that is also a way to show our investors that we are in control of the situation. To them, the fact that there is a consultation will come across as if we don’t have the socio-political context of our project under control.

Internal disagreements about the use of a litigation-focused approach not only indicated a tension between Bogotá and Ibagué, but also between Legal and other departments. Many Bogotá-based employees I interacted with throughout my fieldwork were also sceptical of the effectiveness of legal action, as they saw the Colombian legal system as highly unreliable. This attitude was shared by many Colombians. Throughout my fieldwork, I was told by Colombians from wide-ranging backgrounds and political orientations that, in Colombia, being right according to the law will not get you very far. This sentiment was particularly present in the mining sector. Another Corporate Affairs official characterised Colombian mining regulation as follows:

Here in Colombia, the regulation of the mining sector is not very mature. Every day, another agency announces a different rule. It is like playing a game in which the referee keeps imposing new rules. ... You see, this is Cajamarca, not Dinamarca [Denmark].

Despite this widely shared scepticism, legal action continued to be a key component of AGAC’s response to opposition.

Inside the company, in the meantime, the atmosphere had grown tense. In February, the AGAC president had visited the project, something he rarely did. This had generated rumours among employees that South Africa had concerns about the progress of the project and was, again, considering significant budget cuts. This insecurity about the future strongly affected the morale

of many employees in Cajamarca and Ibagué. Many villager-employees in Cajamarca told me of previous restructurings they had ‘survived’, fearing that, this time, it would be their turn to leave the company. The rumours grew when the approval of the budget for the first quarter was significantly delayed. This also influenced the strategy of the abstention campaign, which an AGAC manager explained to me as follows:

We are not going to take any actions that will attract a lot of attention. That would just be doing the opposition a favour. Our strategy is a ‘friends strategy’ [*estrategia de los amigos*]. The idea is that there are already many people in Cajamarca who have benefitted from AGAC’s investments, so through these people, by word of mouth, we can spread our message. And, to be honest, that is also our only option, as we have no money.

The AGAC social team discussed the mining consultation with beneficiaries of CSR projects during its CSR activities, and the Abstention Committee circulated pamphlets and posted actively on social media, but in comparison to the mayoral election campaign this same group of people had been involved in the weeks before, and in comparison to the efforts of the anti-mining movement, the abstention campaign was relatively low key. During this period, many villager-employees complained to me that they felt held back by the directions from headquarters to campaign for abstention, as they were eager to campaign for ‘yes’ to mining. The logic of abstention went against the *lógica política* of winning votes they were familiar with, and many seasoned campaigners behind the abstention campaign seemed to find it difficult to adapt to this different logic. A Corporate Affairs manager told me:

I have been a politician. I have been a municipal councillor and have worked as a public official for many years. I know how to ‘do politics’ [*hacer política*]. Winning votes, I can tell you, is much easier than convincing people to stay home.

The ‘no’ campaign

The promoters for the ‘no’ vote, on the other hand, set up an extensive campaign. The drivers of this campaign were a team of activists from different civil society groups opposed to La Colosa, including members of Julio’s movement, the youth movement Cosajuca, *campesino* movement Conciencia Campesina, and members of the Comité Ambiental from Ibagué and Piedras. Also involved were a number of international and national NGOs as well as grassroots activists from

other parts of the country, including Bogotá and the neighbouring departments of Quindío and Risaralda.

In order to run a united campaign, the movement needed to overcome various internal divisions. One of the issues that divided the movement was politics. As the previous chapter made clear, political movements played an important role in shaping the anti-mining movement in Cajamarca and other parts of Tolima. Some groups within the movement, such as Julio's movement in Cajamarca, saw participation in electoral politics as the most viable way to influence decisions related to La Colosa and advance the goals of the environmental and anti-mining movement. As the previous chapter has shown, the involvement of politicians in the movement was an essential way for the movement to become more influential in the region. Other members of the movement, especially those with more anarchistic tendencies, were wary of electoral politics and of political institutions, in particular because of the widespread clientelism I have described in the previous chapter. Some activists regarded the ambition of winning political office as a morally wrong desire to gain personal prominence, rather than working for the common good. They tended to have a more purist approach to the way the movement should act: by staying away from politics and the associated corrupt practices altogether. Participation in electoral politics also exposed the movement to the risk of being discredited for using the environmental cause to win votes. For this same reason, before Piedras, these parts of the movement had been reluctant to use the *consulta popular* as a mechanism of protest, as this, after all, was also an electoral mechanism. A leader of the Comité Ambiental told me:

Electoral democracy in this country operates through harmful practices, such as clientelism and the buying of votes. We saw the *consulta* as a way of challenging a monster like AGAC, with a lot of economic and political power, and said: AGAC could just 'buy' the community leaders and we will lose the *consulta*.

Nevertheless, according to the leader, when the activists learned that the regional court had approved Piedras's initiative, they realised that they had no choice but to support the initiative in order to make the mining consultation succeed. Since then, as Chapter 5 described, the democratic mechanism had become central to the anti-mining movement's approach to protest.

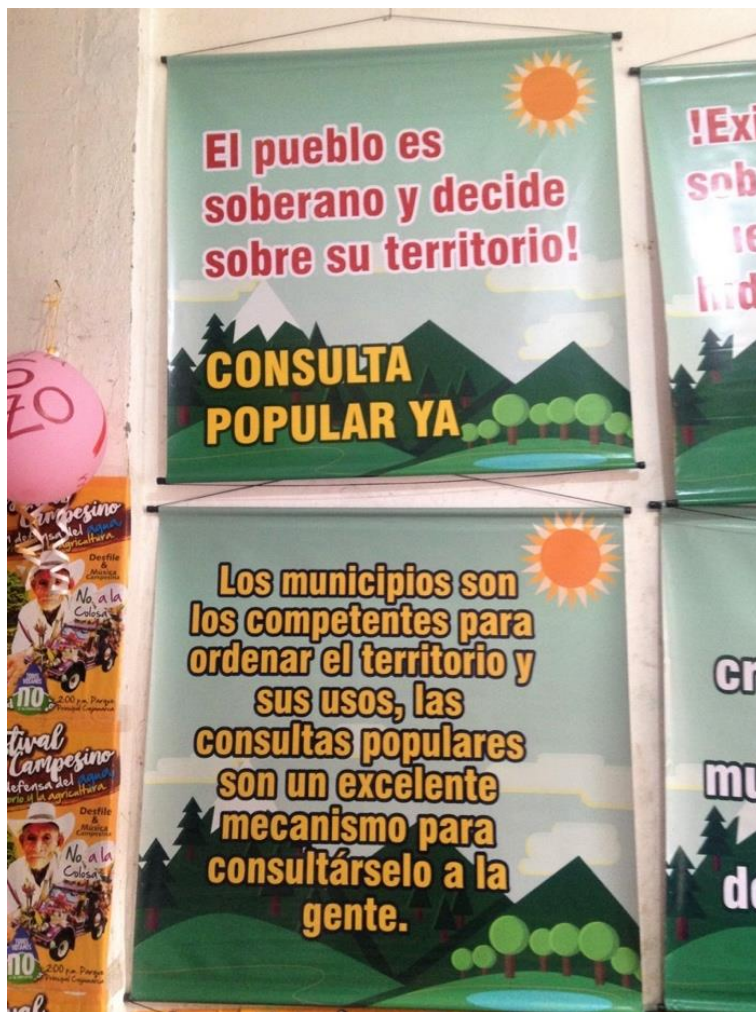
At the same time, the different groups needed each other for a successful campaign. As Tsing (2005) points out in her account of the environmental movement in Indonesia, the alliance of differently positioned actors who may not necessarily have the same agenda or agree with the strategies of their counterparts, can strengthen a movement through different, complementary ways of campaigning and access to different forms of political leverage. This can also be said for the anti-mining movement in Tolima, which pursued the same agenda, but was divided on the best way of advancing its objectives. Julio's movement, through many years of campaigning in the rural areas, was well-organised, and had contacts in nearly all *veredas*. This manpower was essential to ensure the rural population would go out to vote, as resistance to La Colosa was strongest in the countryside. Youth movement Cosajuca, along with the Comité Ambiental from Ibagué, had many contacts with national and international NGOs, which provided the movement with other much-needed resources, such as funding, legal counselling, and media exposure.

The 'no' campaign opened a *sede* in the town centre, similar to the *sedes* of Pedro and Julio's campaigns in the previous weeks, where town residents could ask questions about the campaign, and from where the movement coordinated a campaign across the municipality's *veredas* (figures 7.1 and 7.2). Groups of local and regional activists went from door to door and from farm to farm to convince people to vote 'no' in the mining consultation. Armed with maps of the mining titles in the municipality, they showed *campesinos* that their farms were located within an AGAC-held mining title, which the government had granted the company without having asked them about it (figure 7.3). The popular consultation, the activists told the *campesinos*, was a mechanism the Constitution provided them to tell the government and the company that they did not want a mine in their backyard. Other arguments were the impact of large-scale mining on the municipality's water sources, which were crucial to its agricultural wealth, and the social impacts of having a large-scale industrial project in the village that would attract lots of men looking for employment, and along with them prostitution, drugs and alcohol (see also figure 7.4). 'Do you want your children to live in a village like that?' The campaigners also made active use of social media, where they circulated memes and pictures of open-pit mines such as those in figures 7.5

and 7.6, to warn people what the environmental destruction of open-pit mining looked like in other parts of the world.



7.1 The sede and promotion bus of the 'no' campaign.

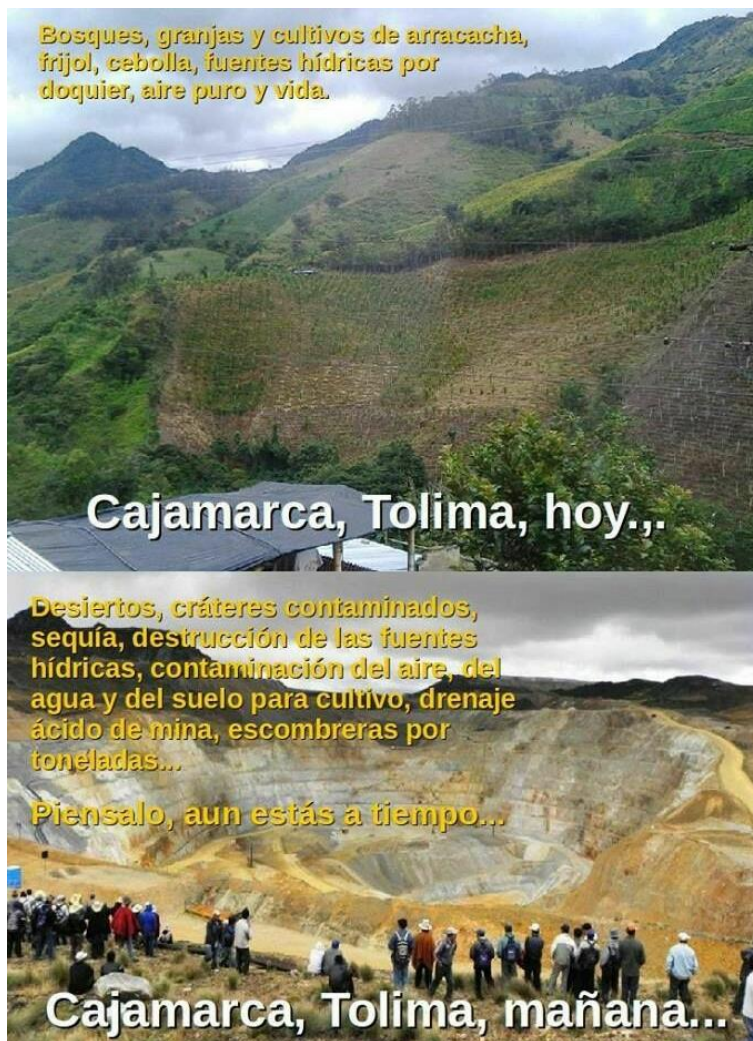


7.2 Inside the 'no' campaign's sede: 'The people are sovereign and decide about their territory! Consulta popular now' / 'Municipalities have the authority to plan the use of the territory, popular consultations are an excellent mechanism to consult the people about this'.

250



7.4 Information leaflet of the 'no' campaign with an FAQ about the popular consultation and eight arguments to vote no: 1) large-scale mining reduces the water available for human consumption and agricultural activity, 2) 86% of the municipality is under mining concession, 3) the mining project is located in a highly sensitive ecosystem, 4) mining has a permanent impact on aquifers and river levels, 5) mining does not improve quality of life but brings along corruption, prostitution and murders, 6) mining leads to loss of agricultural land and abandonment of the countryside, 7) social investments mining companies are not sustainable on the long term, and 8) employment at mining projects does not last forever, but their harm to social life, water and the environment do.



7.5 'Cajamarca, Tolima, today: forests, farms and crops of arracacha, beans, onions, water sources everywhere, pure air and life. Cajamarca, Tolima, tomorrow: deserts, polluted craters, drought, destruction of water sources, air, water and land pollution, acid mine drainage, tons of waste dumped... Think about it, while you still can...' Posted on Facebook by a local activist.



7.6 'You can't grow arracacha here. Vote no in the consulta.' Posted on Facebook by a local activist.

Cajamarca between participation and abstention

In the months leading up to the mining consultation, the AGAC team managing the mining consultation developed a discourse centred on four messages to convince people to abstain from voting in the *consulta*. Internally, this discourse had been promoted to local employees in meetings, where they were also encouraged to spread these messages to their family members. In the two weeks of campaigning, the Abstention Committee sought to spread these messages in the form of pamphlets, Facebook posts, and WhatsApp chain messages.

La consulta politiquera

Its first, and most widely promoted, message was that the mining consultation was an initiative corrupted by political opportunism: a '*consulta politiquera*' (figure 7.7). The mayoral elections had made this message resonate particularly with the political movement behind Pedro, which was concerned that the popular consultation would make their freshly defeated political opponent gain back political relevance, which they sought to prevent. The abstention campaign framed the mining consultation as a manipulative attempt by the political left to gain political ground, as its pamphlets in figures 7.8 to 7.10 illustrate. In a public statement, the Abstention Committee stated:

We are convinced that those who promote the 'no' to mining are backed by leftist politicians of our municipality. They are supported by national politicians who have only come to our territory to win our votes.

... We want that the people from Cajamarca decide on our future without interference from outsiders, and even less so from politicians.

... Deciding on mining exploitation in a territory requires a lot of study and information in order to take a correct decision that is not influenced by politicians who seek to 'come back to life' after the defeat in the past mayoral elections (Comité de Abstención 2017).



Yo  Cajamarca

**No me dejo manipular por politiqueros,
no boto mi voto.**

No voto el domingo.



7.7 'I won't be manipulated by petty politicians. I don't vote on Sunday.'



Yo  Cajamarca

**Los promotores del NO son los
mismos políticos a los que le ganó
Pedro Marín.**

**Yo NO SALGO a
votar en la consulta**



7.8 'The promoters of the NO are the same politicians Pedro Marín defeated. I do not go out to vote in the consultation.'

Salir a votar es votar por Julio Roberto y Gustavo Petro.

!Cajamarca no es comunista!

**NO SALGAMOS
A VOTAR**



7.9 'Voting in the consultation is voting for Julio Roberto and Gustavo Petro (socialist former mayor of Bogotá and former member of guerrilla movement M-19). Cajamarca isn't communist! Let's not go out to vote.'

**La consulta minera es una
excusa para que
“oportunistas políticos”
lleguen al municipio en busca de
votos sin traer nada para
Cajamarca.**

NO SALGAMOS A VOTAR



7.10 'The mining consultation is an excuse for “political opportunists” to come to the municipality seeking votes, without bringing anything to Cajamarca. Let's not go out to vote.' In the pictures, from left to right: Iván Cepeda, Piedad Córdoba (former liberal senator, controversial due to accusations of FARC collaboration), Gustavo Petro (socialist ex-mayor of Bogotá and former M-19 guerrilla member), Jorge Robledo, Guillermo Jaramillo, Guillermo Santos (jaramillista senator).

On social media, the abstention campaign circulated a conspiracy-style video depicting the *consulta* as a leftist scheme, plotted by Julio's election campaign (figure 7.11). It showed pictures of Julio, regional politicians who had backed Julio's campaign such as Guillermo Jaramillo, and national politicians such as Claudia López, Jorge Robledo and Iván Cepeda, and asked: 'Do you know them?' It then showed a clip of someone running away in the dark, which was supposed to depict illegal campaigning activities by Julio's movement, followed by the text:

They are on the prowl... / Motive: '*consulta politiquera*' / They have never brought us any good, and now even less so! / Don't be fooled. / No more lies! We are not going to vote. The *consulta politiquera*.

The video's message was backed by a catchy rap song:

People are talking, people are lying, we ended up in a nasty gossip. *Mentiras*, lies, all just lies. They make the news, they create the news, they lie their lies and sell us out!³²

'It's kind of awful', an AGAC employee who had helped make the video told me, 'but this populist stuff really works here.'



³² The song '*Mienten las mentiras*' by Beatriz Fernández ft Yoki Barrios (2017).



No se deje engañar.

**!No más mentiras;
No salgamos a VOTAR
LA CONSULTA POLITIQUERA**

7.11 Screenshots of the Abstention Committee's 'conspiracy video', spread on Facebook and WhatsApp in March 2017.

1. *'Do you know them?'*
2. *Claudia López with a white sombrero supporting Julio's election campaign*
3. *National and regional politicians supporting Julio's election campaign*
4. *Claudia López reading her book on the FARC*
5. *'Don't be fooled'*
6. *'No more lies! Let's not go out to vote. The politically opportunist consultation'*

The interlinkage of the mayoral elections and the popular consultation was also hotly debated on social media. In fact, many of the debates between the supporters and the critics of the popular consultation took place online rather than in person. Both campaigns used WhatsApp groups to keep in touch and coordinate their social media posts, likes, and comments to amplify their campaign's messages. In many social media discussions, the anti-mining movement promoted the idea that the mining consultation was a community vote without political colour, which concerned issues that affected everyone in the town. From the comments in these threads it becomes clear that Pedro's electorate was divided on the issue, with some reproducing the idea that the consultation intended to keep the 'political fire of the left burning', while others saw it as an issue that transcended political preference. 'Yesterday's elections were not the popular consultation', a Pedro voter commented, 'I don't see why people keep confusing that, as if we would have elected the mine instead of the mayor? No, that important decision is still pending.' Another stated: 'I'm sorry, but I'm not a leftist. Don't think that you can think for the entire village, the fact that I voted for the right yesterday doesn't mean that I am not going to vote against the mine. Because the mayor is the mayor and that is something very different from AngloGold.'

Legal effect?

The second message of the abstention discourse focused on the legal dimension of the mining consultation. It argued that the consultation would not have any legal effect on La Colosa, drawing on the Council of State ruling of first instance on Ibagué's mining consultation, which, as I discussed in Chapter 5, had been upheld after appeal. The ruling of first instance specified that the decision taken in a popular consultation is definitive and binding, but only has an effect on the future (Consejo de Estado 2016b:45). The abstention campaign spread a pamphlet with this section of the ruling (figure 7.12). AGAC used this to argue that mining consultations only apply

to future mining projects, and claimed that their concession contract was an ‘acquired right’ [*derecho adquirido*] that would not be affected.

**CONSULTA MINERA
NO AFECTARÁ LA COLOSA**

Un fallo de tutela del Consejo de Estado del pasado 7 de diciembre, señala que las consultas solo tendrán efectos sobre nuevos proyectos mineros y no sobre los que ya están en desarrollo. Eso significa que con la consulta planteada la empresa AngloGold continuará en Cajamarca.

El pronunciamiento fue hecho en un documento de 47 páginas por la sección cuarta del Consejo de Estado y busca proteger la seguridad jurídica del país. Para el Consejo de Estado quienes ya tienen una licencia o una simple expectativa de exploración, ya adquirieron un derecho que debe ser respetado.

“La decisión que adopte el pueblo no puede detener, frenar o limitar los proyectos mineros que actualmente se están desarrollando... y cuya autorización se obtuvo antes de la consulta”, dice de manera textual el Consejo de Estado.

En otras palabras: la decisión del pueblo de Ibagué será definitiva y obligatoria, pero solo a partir de que se incorpore al ordenamiento jurídico y se publique. Y si el acto no hace futuro, y así es si se trata de normas, significa que deben respetarse las situaciones jurídicas particulares consolidadas de los sujetos que, en virtud de la normativa anterior, obtuvieron licencias, concesiones, permisos y autorizaciones para desarrollar proyectos y actividades mineras en el municipio de Ibagué. También deben respetarse las expectativas legítimas de los sujetos que están tramitando la autorización para desarrollar proyectos y actividades mineras en Ibagué.

La decisión que adopte el pueblo no puede detener, frenar, ni limitar los proyectos mineros que actualmente se están desarrollando en el municipio de Ibagué, cuya autorización se obtuvo antes de que se publique el acto normativo que incorpore al ordenamiento jurídico el resultado de la consulta popular que se otorga al desarrollo de actividades y proyectos mineros en Ibagué. Así se genera seguridad jurídica y se garantizan los principios de buena fe y confianza legítima (artículo 83 C.P.). Si se adoptara que ese acto normativo tiene efectos retroactivos, se desconocerían las situaciones jurídicas y las que están en trámite consolidadas (expectativas legítimas), lo que no se aviene a la tradición jurídica del país.

En la publicación de la decisión de consulta popular del pueblo de Ibagué (diciembre 18-21 de 2017) en el expediente de consulta popular que tramitó el Tribunal Administrativo del Tolima.

**Aportes del fallo del Consejo de Estado.
Tomado de Q'hubo Ibagué, lunes 23 de enero 2017**

7.12 Pamphlet spread by AGAC and the abstention campaign: ‘Mining consultation will not affect La Colosa’. The picture of the text marked in yellow is a part of the Council of State ruling on Ibagué’s consulta.

Opposing cause lawyers of Dejusticia rejected this argument. With respect to the first point, they argued that the idea that popular consultations are only applicable future projects was a non-binding remark in the ruling made for persuasive purposes (*obiter dicta*), which did not belong to the binding part of the ruling. Furthermore, the notion of exclusive applicability to the future was only mentioned in the ruling of first instance, not in the appellate judgment. As such, they argued, it could not be regarded as binding. They also argued that concession contracts and environmental licences are not acquired rights, but that their legal status may be modified in the future when this is needed in the collective interest (Dejusticia 2017). The high courts have not given a conclusive judgment on these issues.

This legal argument was also propagated by AGAC’s social team, for instance at CSR events, which provided an opportunity for the team to promote its messages to the participants in its

projects. At an event for the young people who had obtained an AGAC scholarship and their families, the social team gave an extensive presentation about the mining consultation. The event, which I also mentioned in the previous chapter, was held during the campaigning season of the mayoral elections. An AGAC employee discussed the question of the mining consultation with the audience of *campesino* families by asking them: ‘Do you know what they are going to ask you on 26 March?’ On the screen, she displayed the question: ‘Do you agree, yes or no, that in the municipality of Cajamarca mining projects and activities are undertaken?’

This question is pretty interesting, because the question they were originally going to ask was something like: do you agree that in the municipality of Cajamarca mining activities are undertaken that pollute the water, kill your children, hate your mother-in-law...

The *campesinos* laughed.

The Tolima court changed the question, and it became this one. So many of us now think: ‘Ah, cool! They are letting us decide!’ That’s interesting, isn’t it?

The problem is that some people are selling us the idea that if you vote ‘no’, they are going to kick AngloGold out of the village. I have an unfortunate message for those people: that’s one big lie. The Council of State has told Ibagué, which had the same question as Cajamarca originally: look, you know what, hold your *consulta*, choose whether you want mining or not, but the decision you make is not going to affect projects that already have a licence or that plan to get one. La Colosa does not have a licence yet, but it plans to get one, so the *consulta* will not affect the project.

On the day of the *consulta*, just two weeks after the elections, you are going to be tired already. Now, we want to know who is going to be the new mayor, but in two weeks we are already going back to the polls, and you have to choose if you to participate again. Our invitation is that, before you decide, you find out who are behind this. This is not about protecting the environment. Someone who wants to protect the environment plants trees, teaches people how to do that, protects the rivers – those are the people who love the environment. Deep down, this is a political process. And the worst that could happen is that we enable people to politicise it.

Our invitation is that if you like our projects, that you allow us to continue our work. How do you allow us that? By not voting in a consultation without rhyme or reason. It’s only supporting one particular political group. This is our invitation. And my main invitation is that you enjoy your scholarship. That is what the gold of AngloGold is for, to make these projects possible.

The presentation illustrated the discourse AGAC employees promoted, and shows the role of CSR activities in the company’s so-called ‘friends strategy’. By directly addressing the parents of the young people who had just received a scholarship from the company, the CSR workers made sure that beneficiaries of the company’s projects got to know the company’s abstention discourse,

and used the CSR project as a means to ensure these parents would not support the mining consultation.

CSR projects, no consultations

CSR projects also figured directly in the messages of the abstention campaign. The third message was that Cajamarca needs '*obras, no consultas*' [projects/works, not consultations]. This economically focused argument was promoted on pamphlets such as figure 7.13. The message resonated with the go-getter mentality many of the right-leaning villagers liked to claim, as opposed to the left, which, they argued, were only ever able to criticise, but never proposed anything themselves. It tapped into the frustration of local critics of the protest movement, who often complained to me that while the opponents of La Colosa were, in their eyes, spending their time and resources carrying around their banners saying 'no to mining!', AGAC was undertaking concrete action to address the needs of the municipality. This discourse was also actively promoted to town residents by AGAC employees. At a CSR event, for instance, a Community Relations worker stated in a presentation on an agricultural CSR project:

It is very easy to say: 'I am an environmentalist, I love the environment.' The thing is, those words are hardly ever come with actions. The company values action rather than words. In the past eight years, we have reforested almost more than Cortolima, we have built tree nurseries... The question is not *if* we need mining in Colombia: our economy depends on it. The question is: *how* is that mining done?



Cajamarca necesita obras no consultas.

Cajamarca no puede seguir perdiendo tiempo. Está demostrado, hay obras en Cajamarca que definitivamente les cambiaron la vida a los habitantes de este municipio:



2.5 Kilómetros de Placa Huellas.



Puesta en marcha de la cadena productiva de la arracacha: "Arracacheros de Pura Cepa"



El programa de mejoramiento genético



Cultivo de aguacate Hass



Capacitación a jóvenes para que mejoren sus cultivos y se queden en el campo.

NO CONSULTAS! NO SALGAMOS A VOTAR

Debemos seguir construyendo el futuro de Cajamarca de la mano del sector agropecuario y de los habitantes de este municipio.

7.13 'Cajamarca needs projects, not consultations. Cajamarca cannot keep losing time. It is proven that there are projects in Cajamarca that have definitively changed the lives of the inhabitants of this municipality'. The photos represent different CSR projects. 'No consultations! Let's not go out to vote. We have to continue building the future of Cajamarca hand in hand with the agricultural sector and the inhabitants of this municipality'

'The debate should be technical'

Finally, the abstention discourse focused on the message that AGAC had propagated for many years: that the debate on La Colosa should be technical and the on-going discussion was uninformed and emotionally driven. AGAC argued that the *consulta* came too soon, as the debate on La Colosa should take place on the basis of technical information, but the company was not given the chance to finish its geological and environmental studies to provide this information.

These studies had not yet been completed because, according to officials of the Environmental Department who were in charge of them, such thorough studies require data collection over many years and they had been halted several times because of injunctions by environmental authority Cortolima. This line of reasoning implied a monopoly on the truth with respect to La Colosa, as it suggested that the only valid, true information on the project was AGAC's own information. The information spread by the protest movement, on the other hand, was depicted as deliberate misinformation to distort the debate, not based on scientific investigation, but focused on instigating fear.

Critics of the anti-mining movement in Cajamarca often reinforced the distinction between rational decision-making on the basis of scientific information, and emotional decision-making on the basis of irrational fears. Employees and local AGAC allies often tried to explain to me that protesters appeal to people's emotions, scaring them with pictures of scarred landscapes (e.g. figures 7.5 and 7.6), or showing them pictures of starving children and telling them that this will happen to their own children if La Colosa goes ahead. They tended to regard themselves as superior to these people, as they were able to think critically and analyse the situation rationally.

In the words of a local employee:

It's such a nice, warm-and-fuzzy thing, right? To defend our water, to go out and vote for the future of our children and grandchildren. It ignites a passion in many people. But they have no idea what they are talking about. They don't know the La Colosa project.

A Bogotá-based senior manager viewed the situation along the same lines:

Our opponents in the popular consultation are actors who misinform, who have a very easy message to sell, we can't control that. The debate is not technical, but passionate, with a discourse of 'we're going for the future, for happiness and for water.' And the community does not have the cultural and academic background to adequately evaluate that information.

'Sí, se pudo'

On Sunday 26 March, Cajamarca's streets again filled with people queuing up to vote. In front of AGAC's office, where the entrance to one of the polling stations was located, excited town residents and environmental activists from the region spent much of the day motivating other

town residents to vote. They chanted slogans such as '*Sí a la vida, no a la mina!*' ['Yes to life, no to the mine!'], '*Cajamarca no se vende, se ama y se defiende!*' ['Cajamarca cannot be sold, we love it and defend it!'], and '*Fuera, fuera, fuera AngloGold!*' ['Out, out, out with AngloGold!']. Protesters raised arracacha roots in the air to the rhythm of the protest chanting, as a symbol of Cajamarca's agricultural wealth that must be defended from mining. Dozens of journalists walked around the village to cover the event for national and regional media.

Throughout the day, activists counted the number of people going into the polling stations. At the end of the afternoon, rumours started to grow that, against the expectations of many, the number of voters had passed the quorum. In tense anticipation, a crowd of activists and town residents gathered in front of the 'no' campaign's *sede* to hear the outcome of the vote. 6,296 people had participated in the mining consultation, of whom 6,165 had voted 'no'. The result was greeted with loud cheers and the crowd started chanting: '*Sí, se pudo! Sí, se pudo!*' ['Yes, it was possible! Yes, we did it!']. That evening, the town square filled with supporters of the referendum, celebrating their victory by dancing and singing: '*Se va, se va, AngloGold se va!*' ('Away, away, AngloGold is going away!').

Frustration and speculation: an uncertain time for AGAC

La Colosa employees responded to the outcome of the mining consultation with frustration and insecurity. Many villager-employees felt personally attacked by the high number of votes against 'their' company from their fellow villagers. They felt particularly angry towards former employees and beneficiaries of AGAC's social projects with whom they had worked, and whom they had seen going into the polling station. One villager-employee told me:

I saw people voting who have benefitted from the project. They benefitted from the project for so many years, and now they don't even show a little gratitude. It makes me furious, those double standards. As employees we didn't vote, but some of our family members did.

'Now, we know who is who in the village', another summarised her sentiments. A social manager said:

This makes me so sad. I am convinced we are doing good work. After the Umata [the municipal body for technical support to the agricultural sector], we are the entity that provides most support to the countryside. I often feel like I work for the Ministry of Agriculture, not for a mining company. We have given so much, but the people don't value it.

Others, to whom the outcome had not come as a surprise, were frustrated with their managers.

A villager-employee who had been involved in the abstention campaign told me:

Didn't I tell you last week that this was bound to happen? I told you: they are on their way to win six thousand votes. The situation is much more complicated than left against right. And so they won.

People in town see us as arrogant. In this company, decisions are taken in a very elitist way. Our opinion, of us in this corner of the office, the lowest-ranking employees, does not count. Decisions are taken at a much higher level, but without an understanding of the reality in the village. That creates a clash between the culture of the company and the culture of the village.

In Ibagué, employees were concerned about what the outcome of this *consulta* would mean for their own future in the project. As most employees in the Ibagué offices were not from Cajamarca themselves, they did not feel as personally attacked by the outcome as the villager-employees, and looked at the situation with a bit more distance. Some even gave the opposition some credit for their successful campaign, and even laughed at caricatures the opposition published on social media.

The morning after the mining consultation, the Minister of Mining made various statements in the national media in support of AGAC, which were received and discussed enthusiastically in the office. He emphasised the legal argumentation that AGAC's mining titles cannot be retroactively affected by popular consultations, and added:

We respect the decision of the citizens, but there is a legal procedure for this which must follow its regular course. The environmental authority [ANLA] will decide whether the activity is viable or not. ... There are companies here that have legitimately started a complex process, which consists of different parts, including the possibility of conducting exploration activities and determining the potential of the natural resources (El Espectador 2017a).

To AGAC officials, these expressions indicated the kind of government support they had often complained was lacking. Some even framed the mining consultation as an opportunity for the

company on the long term, as it had ‘finally’ alerted the government to its situation. An Ibagué-based manager told me:

You know, I am quite happy with this result. Now, the state really has to take a clear stance, and support us. This is something that affects the entire extractives sector. It was also a good survey. Now we know that about 37 per cent of the population does not support the project, and the other 63 per cent either doesn’t care or wants us. Sure, this is a blow to our reputation, because the media all say that 99 per cent of the village does not want the project. That might affect investors. But if abstention had won, the reputational damage might have been even bigger [e.g. if people would have claimed the company would have sabotaged the *consulta*]. And then we would not have had the statements of the Minister of Mining.

Several other AGAC officials even claimed that abstention won. At first glance, it is true that the abstention rate (61.6%) was much higher than the participation rate (38.4%). However, it is difficult to draw meaningful conclusions from this abstention rate. As the manager I quoted above pointed out, some voters had abstained out of support for AGAC, whereas others did so for other reasons, such as disinterest or inability to vote. During the five local elections that were held in Cajamarca between 2007 and 2019, the average abstention rate was 38.8%. If one would take the difference between this average abstention rate and the abstention in the *consulta popular* to represent abstention out of support for AGAC, this would amount to 22.8% of voters (figure 7.14). This calculation is very crude, and does not account for other factors that may have stimulated abstention, such as voter fatigue or the relative absence of traditional transactional motivations for people to participate in the local elections (see Chapter 6). Still, it is indicative that even such a crude translation of the outcome of the *consulta popular* into numbers of support and opposition to La Colosa suggests a substantially higher degree of opposition.

Opposed to La Colosa	In favour of La Colosa		No opinion expressed
No	Yes	Abstention	
37.9%	23.3%		38.8%
	0.5%	22.8%	
		61.6%	

7.14 Interpretation of the results of Cajamarca’s popular consultation. The percentages are corrected for unmarked and invalid votes. Data source: Registraduría.

La Colosa on hold

In the office, the weeks after the popular consultation were marked by suspense and speculation. How would the senior management decide about the future of La Colosa? What would this mean for employees' own futures? A few days after the consultation, a mid-level manager convened a meeting for the La Colosa team in Ibagué, seemingly hoping to relieve the tense mood in the office. 'When I was hired a few years ago, I was told: you have to be versatile. We are hiring you for a project, and projects change all the time. We all know this, it is what we are now experiencing', he started the meeting. People nodded in agreement: they were used to frequent changes. The manager continued:

Changes are on their way, but we don't know how far-reaching they will be. The restructuring this time could be bigger than the ones before. ... I am only allowed to participate up to a certain level. They are taking strategic decisions at a very high level, about the position of the company in Colombia and at the global level. About what we are asking our shareholders to invest in.

If you've seen the latest public statement by Venkat [Johannesburg CEO], you may have noticed he doesn't even mention Colombia. That is because they are still deciding what they want with Colombia. We used to have three projects in the country, now we only have one project [Gramalote] and two explorations [La Colosa and Quebradona], and we don't know how the company wants to continue with those. They could say: we lack legal guarantees, so we can't expect our investors to continue investing in this.

This is going to be a difficult time for all of us. It is not easy to have to leave, and it is not easy to see your colleagues leaving.

This meeting was characteristic of the internal communication at the time. While employees speculated and their project-level managers had limited knowledge of the decision-making process their superiors were involved in, all pointed to the abstract 'highest level' of the company where the decisions for the future would be taken – the headquarters in Johannesburg, for instance, or the investment firms that owned the shares of the company. As such, in this time of insecurity, managers started to employ the language of shareholder profit and investor confidence, rather than their otherwise more common emphasis on the social value of the mining project and the benefit it would bring to Tolima and Colombia.

A few weeks after Cajamarca's vote, the La Colosa personnel heard of the first change. In a conference call, the Bogotá management announced that the AGAC presidency had changed from

the American mining engineer Kluksdahl to the Colombian lawyer Márquez. Márquez also told the Ibagué team that they were looking for the best way to continue with La Colosa, while respecting the decision taken by the people from Cajamarca. This change of leadership may be seen as a prioritisation of socio-political issues by the company, as I discussed in Chapter 3. When I interviewed Márquez, he told me:

We have always been managed by engineers. The problem of the engineer is that he thinks that a mining project is all about the technical. But in today's world, that is no longer the case. The most important are the communities, as they determine whether or not a project can go ahead.

In the month that followed, the suspense built. Several times, the project-level managers told their teams of a date when the final decision would be taken, but this date was then further postponed, indicating a lengthy crisis deliberation at headquarters in Bogotá and Johannesburg, and increasing stress levels at project level. In Cajamarca, office rumours never stayed inside the walls of the office for very long. Rumours about a substantial reduction of La Colosa had buzzed around the town since February, and were reinforced when people noticed AGAC's storage building in the town centre was being emptied and repainted, ready to be returned to the landlord. Would the company really be leaving Cajamarca?

A month after the popular consultation, the rumours that had dominated office life for a few months already were finally made official. La Colosa would be fully suspended for an indefinite period of time. This meant that the Ibagué and Cajamarca offices were closed and nearly all of the approximately 150 people working in Cajamarca and Ibagué were dismissed, with the exception of 22. Three of them worked in Corporate Affairs and Community Relations, and were said to be needed to conclude the outstanding CSR commitments of the company.

In control

AGAC's official discourse on the suspension of La Colosa suggested various reasons for the decision. Its press release framed the decision as follows:

After 14 years of AGAC's presence in Tolima, mining project La Colosa has not made concrete progress for several years. Diverse reasons, ranging from the institutional to the political and, particularly, the social, involving the recent *consulta*, force us to take the unfortunate decision to halt all activities of the project, and, with that, the employment and investment, until mining in the country and in Tolima can be guaranteed certainty (AGAC 2017a).

The 'institutional' reasons particularly refer to AGAC's struggle to obtain permits from Cortolima to continue its activities. The 'political' reasons are centred on the idea, promoted in the abstention campaign, that the mining consultation was a politicised issue, and that politicians used opposition to La Colosa as a way to create a political platform for themselves. The 'social' reasons involved the company's official stance of 'respect' and 'acceptance' of the position expressed by the people of Cajamarca in the popular consultation, and the fact that the company considered it could not guarantee the physical security of its workers if it continued to operate in polarised Cajamarca. The press release also emphasised the company's social role in the community through the employment it provided as well as its CSR investments:

We regret that we have to halt the creation of employment in the region, and boosting projects that strengthen agriculture, cattle ranching and commerce in Cajamarca, the cooperation with the communities and municipal authorities to promote projects in health, education, public services and infrastructure, among others, which are needed for any municipality in Colombia (AGAC 2017a).

Furthermore, when I interviewed the new president, he framed the suspension as a bold managerial move to improve the company's leverage vis-à-vis the central government:

The previous president wanted to get things done quickly. He would have never opted for a 'hard stop' [a full suspension of the project], but would have continued with more investment in social work. But that is the difference I am making: I think we need to take our time and wait for politically opportune moments. In 2018, we are going to take it slowly, with a low budget, waiting for politics. Colombia will change presidents, which might give us a business-oriented and results-driven president, who will set clear standards for the industry and end the situation of legal insecurity, or someone from the left, who prioritises other issues and has no interest in the extractives sector. To go ahead with our projects, we first need investment security.

As such, although the environmental movement framed the suspension of La Colosa as an unlikely victory of a relatively powerless civic movement over a powerful multinational, inside the company, the decision to suspend La Colosa was framed not as an act of surrender, but as an action taken from a position of control over the situation.

The ‘boom and bust’ of the mining consultations

Cajamarca’s *consulta* inspired other environmental activists across the country to follow suit, generating what the Colombian press referred to as a popular consultation ‘boom’ (El Espectador 2017b). In June 2017, the Minister of Mining told the press that the Ministry knew of 44 municipalities which were planning a popular consultation on mining, oil or both (El Tiempo 2017a). In 2018, industry association ACM even spoke of 158 local initiatives to ban mining through popular consultations or municipal agreements (ACM 2018). In total, between July 2013, when Piedras held the first *consulta*, to October 2018, ten mining and oil consultations have taken place in Colombia (figure 7.15). Many of these were supported by members of the Tolima environmental movement, who shared the experience and legal expertise they had gained over the years of attempting to organise mining consultations with other local activists across the country.

One of these ten *consultas* was held in Pijao. As I described in Chapter 5, Pijao’s initiative had been the first of several *consulta* initiatives with the same question, developed by Dejusticia cause lawyers and the Comité Ambiental, which had reached the stage of constitutional review by the regional court. In 2015, this court had ruled that the initiative was unconstitutional. The *tutela* the cause lawyers brought in response to this eventually led to the Constitutional Court ruling that boosted the mining consultation movement by making explicit that municipalities had decision-making authority with respect to mining, including the authority to ban mining (Corte Constitucional 2016c).



7.15 Locations of mining and oil consultations in Colombia. Map: Wikimedia Commons, author's adaptation.

	<i>Municipality (department)</i>	<i>Date</i>	<i>Issue</i>	<i>Outcome*</i>	
				<i>Yes</i>	<i>No</i>
1	Piedras (Tolima)	28 July 2013	Mining	24 (1%)	2971 (99%)
2	Tauramena (Casanare)	15 Dec 2013	Oil	151 (3%)	4426 (97%)
3	Cabrera (Cundinamarca)	26 Feb 2017	Mining and hydro-electrics	23 (2%)	1465 (98%)
4	Cajamarca (Tolima)	26 Mar 2017	Mining	76 (1%)	6165 (99%)**

5	Cumara! (Meta)	4 June 2017	Oil	183 (2%)	7475 (98%)
6	Arbeláez (Cundinamarca)	9 July 2017	Mining and oil	38 (1%)	4312 (99%)
7	Pijao (Quindío)	9 July 2017	Mining	26 (1%)	2613 (99%)
8	Jesús María (Santander)	17 Sept 2017	Mining and oil	22 (1%)	1677 (99%)
9	Sucre (Santander)	1 Oct 2017	Mining and oil	33 (1%)	3016 (99%)
10	Fusagasugá (Cundinamarca)	21 Oct 2018	Mining, oil, fracking	202 (0.5%)	39175 (99.5%)

* Invalid and unmarked votes not included

** See figure 7.14

Colombia's ten mining and oil consultations can be divided into three waves (see figure 7.15). Piedras pioneered the use of the mechanism, and set a precedent that inspired activists in various other municipalities, as Chapter 5 discussed. Ultimately, only one of these initiatives, Tauramena, succeeded. The second wave, the mining consultation 'boom', benefitted from the momentum generated by the Constitutional Court jurisprudence. Of these *consultas*, in particular the one in Cajamarca had significant symbolic value. To the Colombian environmental movement, La Colosa was one of the most emblematic mining projects in the country, so the fact that a mining consultation succeeded in the town of La Colosa inspired activists across the country. Various subsequent mining protests focused on the defence of the popular consultation as a legitimate mechanism for decision-making on mining, and the phrase '*Cajamarca se respeta*' [Cajamarca must be respected] became a central slogan in these protests to demand that Colombian government and the industry would take the popular consultations seriously, partly in response to the statements of the Minister of Mining in response to Cajamarca's *consulta*. Just over a month after the suspension of La Colosa, the Comité Ambiental organised its colourful annual anti-mining march in Ibagué, the Carnival March, which in 2017 focused on the defence of the popular consultation. Activists in thirty municipalities across the country joined the initiative and also held a Carnival March, indicating the nation-wide resonance of the mining consultation movement. The movement even garnered international support, as on the same day, environmental activists also held a demonstration before the Colombian embassy in London, wearing colourful masks and holding up signs saying '*Cajamarca se respeta*'.

In October 2017, the Ministry of Finance announced that the central government would no longer fund the referenda, but municipal governments, which typically have very limited budgets, would have to fund their *consultas* themselves (El Tiempo 2017b). This led to the suspension of at least six planned *consultas* – in the departments of Meta (Granada and La Macarena), Quindío (Córdoba and Salento), and Santander (El Peñol and El Carmen de Chucurí) – and ended the second wave of mining consultations. Nevertheless, as figure 7.15 shows, a year later, one more municipality managed to hold a popular consultation. The legal basis of this *consulta* differed from previous initiatives, as it was the result of a *tutela*, brought by local activists and cause lawyers, which argued that the Ministry of Finance had to fund the *consulta* to guarantee the constitutional right to participation. The regional court ordered the Ministry to provide the resources, and ordered the municipal administration to convene it (Humanidad Vigente 2018).

The legal landscape with respect to mining consultations continued to evolve after Cajamarca's *consulta*, but the details of these legal developments go beyond the scope of this thesis. I provide a brief overview in the epilogue.

Conclusion

Cajamarca's mining consultation was a crucial moment for the future of the La Colosa project. To the anti-mining movement of Tolima, it represented a legal and political victory over the company, after multiple attempts were blocked by AGAC, its political allies, and the courts. Although AGAC considered that the *consulta* did not affect La Colosa in legal terms, politically, it underlined how the company was not in control of the terms of the mining debate.

The 'boom and bust' of Colombia's mining consultations shows how the power of law may, alternately, undergird or undermine mining power and mining resistance. Initially, opponents of La Colosa recognised and revealed the emancipatory power of the law in their 'activation' of the constitutional promise of local autonomy (García-Villegas 2014 [1993]; Lemaitre 2009). The Constitutional Court jurisprudence issued between 2014 and 2017 facilitated the growth of the

mining consultation movement, enabling it to mobilise the *consulta popular* as a ‘weapon of the weak’ in a new form of ‘peasant resistance’ (cf. Scott 1985), and employ it as an ‘Archimedes’ lever’ to challenge the powerful (see Payne et al. 2020). However, as legal anthropologists have shown, law can also serve as an instrument of ‘lawfare’ for the powerful, allowing them to ‘resort to legal instruments, to the violence inherent in the law, to commit acts of political coercion’ (Comaroff and Comaroff 2006:30). AGAC and its allies also actively employed the law, for instance in their attacks on *consulta* initiatives with *tutelas*. More recent Constitutional Court jurisprudence has, as I describe in the epilogue, placed the ‘legal advantage’ back with the powerful. This illustrates how the law has the capacity to serve as a tool of oppression in the hands of the powerful as well as a tool of resistance in the hands of the weak (see Comaroff and Comaroff 1997:404; Moore 2001:104–105; Pirie 2013:11–12). As the Comaroffs conclude, the law is a ‘more or less effective weapon of the weak, the strong and everyone in between’ (2006:33).

The extent to which AGAC was ‘in control’ of the situation was ambiguous. It used various strategies to address Cajamarca’s upcoming mining consultation, which sometimes appeared to contradict one another. On the one hand, the Legal Department continued its litigation-focused strategy and took legal action against the regional court in order to invalidate the ruling that had approved the *consulta*. On the other, Corporate Affairs regarded the *consulta* as something that ‘needed to happen’ to ‘get it over with’, and regarded the conditions to be favourable, as the abstention campaign could benefit from general voter fatigue and a potential lack of campaigning resources because these had already been spent on the mayoral campaign. Furthermore, the executives in Bogotá analysed the situation ‘on the ground’ from a different perspective than the Tolima-based team. While local employees were focused on the *consulta* campaign and often expressed their desire to campaign for a ‘yes’ vote, their superiors at headquarters continued to push for the previously-developed abstention campaign. Their perspective on the situation included the wider insecurity the company was facing in Colombia, such as upcoming budget cuts and the company’s continued difficulty to obtain environmental permits for La Colosa because of institutional opposition. After the *consulta*, several managers and executives appeared to make an

effort to frame the company's decisions as carefully considered and taken from a position of control, despite the lack of agreement and coordination among different departments and levels of the company during the campaign.

Cajamarca's *consulta* reveals that, despite its great economic and political power, AGAC was not able to control the terms of the local debate. This relative weakness of the corporation is mainly based in the discursive dimension of corporate power, which I will further explore in the following chapter.

'I believe in good mining'

Corporate fragility and the defence of mining

The popular consultation 'boom' generated a sense of disempowerment in the company and among Colombian mining industry actors more widely. While the mining consultations empowered the anti-mining movement, the mining industry regarded them as indicative of the 'stigmatisation' and 'demonisation' of mining by activists who lacked an understanding of the sector and marginalised the industry's position in the public debate. At the Gramalote project in San Roque, where I conducted fieldwork from April until June 2017, many conversations among the Community Relations team revolved around the idea that the mining industry was 'under siege' from the anti-mining movement. Even in San Roque, where AGAC's activities did not face organised community opposition, rumours spread that a group of local politicians was contemplating a popular consultation. The way AGAC employees spoke of the company revealed a sense of vulnerability which seemed at odds with the idea of mining multinationals as powerful, omniscient actors with great control over their environment. This perceived vulnerability was most candidly phrased by a senior manager, who told me:

As a company, nobody supports us. We are vulnerable in an electoral battle. We are supposedly a multinational with a lot of money and political connections, but in reality, we are the most vulnerable. It is an unequal battle.

... In their popular consultation campaign [in Cajamarca], the activists clearly exceeded the maximum sum [*tope*] a campaign is allowed to receive. The actions of social movements are excused by their social mission [*reivindicación social*], and can exceed the campaign maximum without any consequence. At the same time, our actions do have consequences, because we act on behalf of private interests.

... Popular consultations violate our rights. Why is the private sector in Latin America and in Colombia so fearful to point out that its rights have been infringed? The law is the law, for everyone. Why don't we take legal actions? Because the sector is stigmatised and cannot act against 'vulnerable people'. But when they do bad things, you should also call attention to that. Being a vulnerable population cannot be an excuse to break the law, it cannot be an excuse for impunity. They also need to be open about their interests. ... Moral principles apply differently to companies and social movements.

Although not usually expressed in such a direct manner, the ideas this manager communicated were widely shared among AGAC actors during the aftermath of Cajamarca's *consulta* and the suspension of La Colosa. Many employees felt a sense of injustice about the state of the Colombian mining debate, which motivated their vehement defence of the company at the local level. In this chapter, I examine the defence of the company in the face of anti-mining activism, an underexplored side to the dynamic between corporations and their critics in the literature on mining conflicts. I unpack the sense of 'corporate fragility', and how it inspired the local defence of the corporation by employees.

Corporate fragility

Three points may be considered to underlie the perceived vulnerability of the company, and the mining sector more broadly, which I observed in the aftermath of the suspension of La Colosa. These issues were frequently discussed internally, as well as voiced in national media. The first was related to the way the Colombian mining debate had taken shape. According to the company, much of this debate was poorly informed and dominated by myths, a discourse I discussed in Chapter 4, which placed the opposition at a discursive advantage compared to the company, leaving it on the defensive. The company also regarded the debate as politicised. Second, AGAC felt abandoned by the state for not backing up its general commitment to the mining sector with institutional guarantees and support on the ground in informing communities about mining. Third, the company argued that it faced a situation of legal insecurity, because the Constitutional Court had, according to the mining sector, 'changed the rules of the game' by allowing municipalities to veto mining, and that its legitimate expectations had been harmed.

Instability and fragility are, to an extent, inherent to the exploration phase, which all AGAC's projects were in. This phase of the mining cycle is more volatile than subsequent phases, as the technical and social feasibility is still being determined. This volatility is for instance visible in the relatively frequent budget fluctuations and downsizings I have described throughout this thesis, which brought a permanent sense of insecurity that all employees appeared to be aware of and

had accepted as part of their job. Suspending La Colosa was a more drastic type of executive decision in this dynamic, which heightened this sense of instability and fragility and made it more evident.

A discursive disadvantage

The terms of the Colombian mining debate, as I argued in Chapter 4, were defined primarily by the anti-mining movement, whose concerns and critiques formed the core of the debate as well as of the company's counter-narratives, even though the company considered that this debate was poorly framed. According to the Community Relations workers I accompanied during my fieldwork at La Colosa and Gramalote, who were in charge of disseminating these counter-narratives, the corporate discourse was harder to propagate, because the anti-mining discourse had more media resonance [*impacto mediático*] and appealed to people's emotions. One of them framed this disadvantage as follows:

It is very hard to fight against a discourse of 'water or gold', 'life or mine'. People can easily be manipulated with fears about an industry they don't know.

This idea was also central in AGAC's response to Cajamarca's mining consultation. The community vote, the company argued, was a result of misinformation and a debate framed in the wrong terms. Illustrative was a radio interview with new AGAC president Márquez, who stated:

[The opposition] used a false dilemma of life vs gold. They confused the people with lots of fears. We have various projects in other parts of the world where there is a gold mine and there is also potable water, a good quantity and quality of water for the communities living next to the mine. It is false that where there is a mine, there cannot be agriculture. Colombia is the only country in the world where they are having these debates and false dilemmas (Blu Radio 2017).

He also argued that the anti-mining movement's claim that Cajamarca's water would be depleted by the mining project was not true, as AGAC had 'conducted the best and most water analyses' of the Coello river basin, and had 'identified exactly what the impact on the quantity of water is going to be, and how we can mitigate it'.

What happened in this case is that they only allowed us to study until fifth grade, and then made us sit our final exams. They asked us questions about chemistry and physics, which we had not yet had the chance to study for. So what we are asking now is to allow us to finish our studies, to allow us to present our environmental impact studies to the

authorities, and at that point we will organise public hearings and popular consultations, but with complete information (ibid.).

Furthermore, he argued that the Colombian mining debate was emotionally and politically driven, rather than based on facts:

In Colombia, the discussion is politicised. In other countries, the debate is ... about the impacts that the project might have on the environment or the communities ... and how to mitigate or contain them, and finally the decision is made whether or not to have a mine. Here in Colombia, unfortunately, it is highly politicised. They are filling people with fear. When people are afraid, they prefer not to understand the possibilities for the future. This is happening everywhere. ... Activists are promoting the same dilemma: life or mine.

Once we understand the impacts, we can move on to the political discussion. Here, we did things the other way around. We are first discussing things we don't know. And then we are wondering why there is no mining investment...

I want to invite a more sensible discussion for all, and I want to be invited to participate. Environmental activists do not invite us, they do not let us participate. What we want is to construct the truth, for all, the real truth, not the partial truth (ibid.).

However, the type of information the company argued was crucial for an informed debate – its own technical and environmental studies – was unlikely to be deemed reliable by other protagonists of the debate, who expected AGAC's interest in advancing its projects would distort the way it would present the findings of its studies. Their scepticism was based on the track record of the global mining industry in this regard. Kirsch calls this the 'strategic manipulation and deployment of science', which he considers 'a central feature of the relationship between corporations and their critics' (2014:128). His ethnography discusses several cases in which mining corporations strategically managed and presented scientific information, making it difficult for independent observers to accurately assess the environmental impact of mining projects, which, he argues, served to minimise corporate liability for harm (2014:133–158). Even technical, scientific data is not necessarily 'neutral' in the debate on whether or not a mining project should proceed. The role of technical and environmental studies in ensuring corporate environmental responsibility may also be questioned, considering that the technical expertise of companies is often far greater than the technical and institutional capacity of the state agencies in charge of regulating them. In Colombia, environmental authority ANLA is in charge of evaluating the environmental impact studies (EIAs) on the basis of which the state grants mining companies environmental licences for exploitation. These EIAs are conducted by companies themselves, and

even though they need to fulfil the terms of reference set by the ANLA, companies maintain a high degree of control over the process through their superior technical capacity (Fierro-Morales 2012; Mena-Rodríguez 2013; OECD 2014).

From a low profile to speaking up

One of the reasons AGAC officials commonly cited to explain why the company had lost ground to its opponents in the mining debate was the idea that the company had remained silent for too long and not spoken up to defend itself (Vélez 2017). This silence, they argued, had enabled the emergence of the mining myths, which had come to dominate the public debate. In a newspaper interview, Márquez, then Vice-President of Corporate Affairs, argued:

We had a phase of silence, which sent the message that the project was secret. We did not speak because the information was still very preliminary, not because it was confidential. La Colosa was announced the wrong way around: we did not first tell the community, so when it was announced [in a national newspaper], people did not know what they were talking about (Celedón 2014).

In the early and mid-2000s, keeping a low profile was a common strategy for the mining and energy sector in Colombia, based on the security-based mindset that, in the context of the armed conflict, ‘if they don’t know who we are, we are more protected’ (CME 2016:14). Furthermore, the idea was that, by keeping a low profile, companies would not unnecessarily attract the attention of critical NGOs (Guaquetá 2006:23). However, according to AGAC’s reflections on how the opposition movement had been able to grow, the company’s silence had left a vacuum of which anti-mining activists made use. This idea was, for instance, made explicit in a corporate presentation used to address the ‘myths’ AGAC considered to have formed around mining. One of these myths was the idea that ‘mining is bad, which is why it generates so much opposition’ (figure 8.1). Instead, the presentation argued, the opposition was the result of a ‘lack of knowledge about mining in the country’, which is why the ‘opportunistic discourse of environmentalists and supposed environmentalists’ was able to gain ground. The slide also states that ‘the company recognises that, for a long time, it remained silent and the myths and messages of opposition groups became established as true’ (figure 8.1). In a newspaper interview, Márquez

phrased the same idea as the ‘arrival of third parties which filled information vacuums with false truths’ (López-Suárez 2017).

Mito #5

La minería es mala, por eso genera tanta oposición.



Minería ilegal vs. Minería legal

Desconocimiento del país frente al tema minero.

Discurso oportunista de campaña política y de supuestos ambientalistas.

La empresa reconoce que durante mucho tiempo se quedó callada y los mitos y mensajes de grupos opositores se posicionaron como ciertos.



ANGLOGOLD ASHANTI
COLOMBIA

Verdadera Minería

8.1 Slides of corporate presentation on mining myths (AGAC 2013e). Translations provided in text.

Over the years, therefore, AGAC's communication strategy became more proactive. The company broke its 'silence' by starting educational programmes and a public relations campaign to combat 'mining myths', as discussed in Chapter 4. These strategies sought to counter 'misinformation' and promoted the idea of 'good mining' as distinct from the informal and illegal mining practices that had caused widespread environmental harm in the country. Furthermore, AGAC executives started engaging more openly with critics, in particular journalists. The pattern by which a company moves from a low profile to a more engagement-focused communication strategy in the face of growing opposition is not unique to AGAC. In a newspaper article that addresses AGAC's approach to the media, an environmental news editor noted:

In general, multinationals, not only AngloGold, always put their money on [a strategy of] silence to the media initially, and when they consider society to be empowered, then yes, they will speak to journalists and the people (Vélez 2017).

At the time of my fieldwork, 'informing' and 'dialogue' were the central mantras of AGAC's communication strategy. In order to overcome the polarisation in the Colombian mining debate, AGAC officials often repeated, the company needed to inform local communities better about its activities, and create spaces for dialogue in which it could directly clarify and address any concerns the community raised. This communication strategy still aimed to counter what the company saw as 'misinformation' and educate people about 'good mining', but seemed to be a departure from the more adversarial style of informing I described in Chapter 4. According to a senior manager, 'the system in the world is changing from confrontation to dialogue', and the company sought to follow that shift. Another manager told me:

We should communicate, so that people will not believe the myths, not fall for misinformation. This is part of our internal reflections. We think that people's fears are the result of misinformation. Our strategy is not to say 'the opposition is a bunch of fools', but 'what can we do so they will understand mining better'. We should inform, inform, inform.

Dialogue is also central to the more recently developed communication strategy at the Quebradona project in Jericó, based on community meetings and home visits. Even in name, '*Hablando se entiende la gente*' ['By talking we come to understand each other'], the strategy has a

strikingly different tone than the earlier, more combative ‘Myths and Realities’ strategy I set out in Chapter 4.

The notion of dialogue as a means to address polarisation around mining was not new. At a meeting for mining industry leaders in 2000, former Rio Tinto chairman Sir Robert Wilson observed:

The industry’s traditional response to external criticism has been defensive, arguing that much of it is ill-founded and that most of those who oppose mining are dependent upon its products for their standard of living. Companies and the industry associations they fund have poured resources into educational programmes and public relations campaigns. All to little or no avail. The industry’s reputation has continued to deteriorate, regulatory standards have continued to tighten in response to community pressures and access to development opportunities has been shrinking.

... To change the climate of antagonism means being much more willing to engage constructively with critics and to listen more carefully to what they have to say (Wilson 2000).

Fifteen years later, the same could still be said of the Colombian mining debate. AGAC’s strategy followed a logic similar to the one articulated by Wilson, in calling for dialogue in order to move beyond the polarised debate which had left the company on the defensive. Nevertheless, such a dialogue would not be able to reach the most critical actors in this debate, since, as I described in the introduction, the activist movement refused all forms of direct engagement with the company. From the perspective of the activists, the type of dialogue AGAC proposed would strengthen the company’s position vis-à-vis its critics and allow it gain more control over the debate.

‘The president only talks about peace’

The second element I consider to underlie the perceived corporate and industry fragility was the sense that the government had ‘abandoned’ and ‘ignored’ the mining sector. President Santos, as Chapter 2 set out, had initially prioritised the mining sector as an important driver [*locomotora*] for economic development, but towards the end of his first administration (2010-2014), he seemed to distance himself from the sector. At the end of his first term, this was likely motivated by the negative effect supporting the unpopular sector could have for his chances of re-election

(Bermúdez-Liévano 2013b). During his second term (2014-2018), Santos was squarely focused on the peace process with the FARC guerrilla and appeared to place his mining *locomotora* on the back burner, possibly in part in order not to compromise his relationship with indigenous and Afro-Colombian communities, whose support he needed for the peace agreement (León 2020).

Nevertheless, the president could sometimes be seen to make attempts to restore his relationship with the mining sector. In his inaugural speech at the 2014 Large-Scale Mining Conference, the same conference he had declined to attend a year before, as I described in Chapter 2, Santos echoed the mining sector discourse on the need to promote mining, as well as the idea that the anti-mining movement had conflated modern mining with the illegal mining practices widely prevalent in the country. He stated:

We have allowed those who do not believe in mining to gain ground; those who do not distinguish between responsible mining and merely extractive mining, those who do not distinguish between small-scale or artisanal mining and the disastrous, very harmful, criminal mining.

... It is our mission to recover the ground we have lost, and there is a very simple way to do it ... working with absolute social responsibility, environmental responsibility, and showing the country that that is the reality of the immense majority of the mining sector (Presidencia 2014).

One of the main reasons the second Santos administration sought to restore its relationship with the mining sector was that it regarded the sector as a crucial source of funding for the post-conflict period, as the price of oil, the most important natural resource for the Colombian economy, had dropped. At the 2015 Large-Scale Mining Conference, the president stated:

The country needs you [the mining sector]: you generate the resources with which we are constructing the new Colombia, at peace, fairer and better educated. ... Colombia needs ... a strong, organized, competitive mining sector, especially now that we are decidedly moving forward on the route towards peace and reconciliation. ... And I know that the best support, the best stimulus mining can get in our country is a word of only three letters: PAZ [peace] (Presidencia 2015).

‘Flirting with the miners’, a journalist characterised the speech (Bermúdez-Liévano 2015). The miners did not seem inclined to flirt back. During my fieldwork, I encountered a mining sector that felt ‘abandoned’ and ‘ignored’ by the government, and would speak of the Santos administration very negatively. When I asked the AGAC president how he saw the company’s relationship with the government, he commented:

At the moment [2017], we do not have a government. The country is going down the drain: international investment has decreased, and the economy is in a bad condition. The President only talks about peace. And not only him, but his ministers too. We have a Minister of Labour, but what does he talk about? Peace. The Minister of the Environment? Peace. The Minister of Mining? Peace. But when they have to talk about the domain they are responsible for, they get confused. What use is a Minister of Mining when all he talks about is peace, and not mining?

The sense that the government's focus on the peace process came at the expense of the development of the mining sector was shared by many mining executives I spoke to throughout my fieldwork. They felt that, while the mining sector had been one of the priorities of the Uribe government and Santos's first administration, Santos had conveniently abandoned the sector during his second administration. Tellingly, I did not meet a single senior-level mining executive in favour of the peace process.

Although Santos's speech at the industry conference had echoed the idea that the mining sector should 'recover the ground we have lost' to 'those who do not believe in mining', the government left the promotion of mining largely in the hands of the industry itself. The Ministry of Mining took on a supporting role on the sideline, for instance through its project *Plan Voceros* ['Plan Spokespeople'], a series of workshops to improve the perception 'strategic actors' living near large mining projects had of mining (MinMinas 2017; UPTC 2016). The name of the project resonated with AGAC's discourse of ambassadorship, discussed in Chapter 4. The government's workshops were aimed at the mining projects which it had assigned the status of Pines (Projects of National and Strategic Interest, see Chapter 2), which included AGAC's three projects, and among the six municipalities the ministry initially prioritised were Cajamarca, Ibagué, and San Roque. The workshops used the 'myths and realities' discourse AGAC's communication strategy had also employed, and involved the discussion of various 'mining myths' and how to debunk these, as well as a communication skills training to make local stakeholders better prepared to assertively defend mining in local dialogues and debates about mining (UPTC 2016). To what extent workshops such as these achieved their aim of was not clear.

Legal insecurity

Thirdly, AGAC, as well as the Colombian mining industry at large, argued that it faced a situation of ‘legal insecurity’. For industry association ACM, legal insecurity was the sector’s ‘greatest challenge’ (ACM 2017). The sector regarded the Constitutional Court jurisprudence, which had enabled the mining consultation ‘boom’, as judicial activism, which had changed the legal landscape in which investors made their investment decisions. Several AGAC officials told me that the company had considered starting legal proceedings against the Colombian state in order to defend its ‘legitimate rights’ [*derecho legítimo*] (see also Ahumada-Rojas 2017). It would not have been the first mining multinational to do so: gold mining companies Eco Oro and Gran Colombia Gold have filed notices of arbitration under the Canada-Colombia Free Trade Agreement, arguing that the state failed to provide investment stability and frustrated the companies’ legitimate expectations by restricting their activities for reasons related to the protection of the *páramo* and of artisanal miners, respectively (ICSID 2016; 2018). Furthermore, in 2019, Swiss coal mining corporation Glencore won an investment arbitration case against the Colombian state in a dispute over a fiscal liability fine (ICSID 2019). So far, however, AGAC has not started proceedings against Colombia.

The logic of legal instability also undergirded some of AGAC’s previous responses to law-based challenges to its operations. In Chapter 2, for instance, I described how, in response to Cortolima’s suspension of the drilling programme at La Colosa in 2008, AGAC argued that it was being treated unfairly, as it was the first time the new legislation on forest reserve zones was being applied. It felt it could not have anticipated this and that it significantly harmed the company, as suspending its activities was costly. In a newspaper interview, the AGAC president framed it as a ‘double injustice’:

AngloGold starts its exploration programme in 2003, at a time in which no other companies were willing to take their chances [*apostarle a*] in Colombia because of security issues. The company senses a double injustice. It is a pioneer in exploration in the country and it makes important investments of about 140 million dollars (Catorce6 2009:16).

In response to the mining consultations of Piedras and Cajamarca, the company argued that these constituted a ‘change to the rules of the game’. Reflecting on Piedras’s *consulta*, a former AGAC lawyer told me:

As in-house lawyers, we play with the law. We often argue along the lines of ‘the law allows me to ...’. But we stay within the rules. The *consulta popular* changed the rules of the game. In this country, the rules are continuously subject to change.

The lawyer recognised the flexibility of the law in the ability to ‘play’ with it, but argued that banning mining on the basis of *consulta popular* went beyond this flexibility and changed the nature of the rules. The subsequent Constitutional Court jurisprudence, which allowed municipal authorities to veto mining, underlined the industry’s perception of legal instability.

Believing in mining

These three points – the shape of the debate, the absence of the state, and legal insecurity – shaped the mining industry’s perception of fragility in the face of a strong anti-mining movement. This idea had been part of the industry’s discourse for a longer time, but was particularly highlighted after the suspension of La Colosa. Many industry actors believed that, in order to strengthen the industry’s position in the debate, mining companies needed to be more vocal in their response to anti-mining activism. The sector needed to ‘speak up for itself’, especially since ‘the state has failed to do so’, in order to improve the public perception of mining. AGAC’s argument that anti-mining sentiments had been able to grow in part due to the company’s silence, aligned with this industry narrative.

Speaking up for the sector

Mining sector employees had a key role to play in ‘speaking up’ and defending the sector in the public debate. According to the industry narrative, however, many employees did not dare to speak up because of the stigma attached to the sector. This idea was, for instance, expressed in a special industry-sponsored issue of news magazine *Semana* on gold mining:

Defending ‘mining done right’ [*minería bien hecha*] and projects that will bring the country development is not popular. It brings you insults and enemies who do not allow for a technical, but only for a passionate debate. However, now is not the time to let our guard

down. It is necessary to create awareness, debate with arguments that will silence the shouting and the lies, to make way for the geological, legal and environmental truth (Cardona 2017:125).

At AGAC, this idea was also promoted to employees. In 2013, during the time in which the regional environmental movement started promoting Piedras's *consulta*, Márquez, then Vice-President of Corporate Affairs, addressed the AGAC personnel in a publicly available video message as follows:

It is a responsibility we all have as AGAC employees to debunk the myths about mining and to try and speak the truth, so that they will not continue to attack us with things that are not true. I wanted to talk to you so that you, from your homes, with your friends, with your family, with your colleagues, are permanently helping to end these myths and to end the lies about mining. Every day, with our work, by repeating it, wearing the company's colours [*con la camiseta puesta*], we will make the myths disappear and we will be able to make everyone with whom we can discuss mining see the truth (AGAC 2013f).

Another example was a company-wide meeting I observed at headquarters in 2016, about AGAC's communication strategy. A senior manager stated at the start of the meeting:

We need to have a different attitude. We need to do away with our shame [*quitarnos la vergüenza*]. We have to feel proud of our work, proud and responsible for what we do for the people in the towns where we work. We are working in an environment of adversity. We are better than other mining companies in many ways: think of our social commitment, our environmental management, our policies. Our challenge is to show that what we see every day: that AGAC cares about the communities where it operates. We have to communicate this, unapologetically [*sin que nos de pena*].

Another manager connected his words to the company's narrative about its previous 'low profile', which would have enabled the growth of anti-mining sentiments:

Before, we did not participate. We maintained a low profile, we did not tell what we do. That is no longer an option. We have to talk about the good things we do and talk about them with pride.

The discourse of ambassadorship, which I introduced in Chapter 4, also featured in the meeting. A social manager argued that employees needed to be equipped with a solid discourse on 'good mining' in order to speak up for their sector:

It is important that we can properly answer the questions our friends and family ask us. We are the ambassadors of the company. We need to have a clear discourse of why mining is good for the country. We need to be ready with answers, especially about environmental issues, about water.

Ambassadorship, being an *embAGAdor*, was a role of all employees, not only those who represented the company to the community at the local level, where the polarisation around mining was strongest, but also headquarters-based employees who faced controversial discussions about mining with friends or family.

Mining evangelism

Cajamarca's *consulta* and the subsequent suspension of La Colosa were strongly felt at the Gramalote project, where I accompanied the local Community Relations team from April until June 2017. The events generated a sense of insecurity for Gramalote personnel and they were the topic of many internal conversations. On the one hand, the atmosphere at the project in the aftermath of La Colosa's suspension was characterised by a sense of uncertainty and fear about the future, while on the other hand, the perceived fragility of the company in the face of the anti-mining movement inspired a certain militancy among employees. One morning, the Community Relations manager of the Gramalote project opened the team meeting with which each working day started with the question: 'Do you believe in mining?' 'Yes', a few Community Relations workers responded, while others nodded hesitantly. 'Have you seen how the media are talking about us? What people are saying about us?', the manager continued, referring to the negative media attention the company had received after Cajamarca's mining consultation and the anti-mining messages that dominated social media debates on mining.

We know that we do things right. We know that we comply with high standards. We need to believe in what we do. I, José Eduardo García, firmly believe in mining. We use mining all the time. When I get up in the morning and brush my teeth, I am already using oil [plastic toothbrush]. I microwave my breakfast, and I am using mining [minerals in kitchen appliances]. Look around you, this room, this table, these chairs: none of it would exist without mining.

In the face of successful anti-mining activism, the manager argued, the people who worked in the mining sector needed to remain convinced of the good work they did, and to hold on to their 'belief in mining'. One of the workers responded:

I believe in mining, but often I don't have strong arguments ready when people question me about it. That makes me sometimes feel helpless when I really want to convince someone.

Another said:

We need to know well what we are doing, so that we can speak up. We are from here, we are from this community, and we know how this company works.

The manager insisted:

We are working for a mining company at a time that is very difficult for the industry. Our job is *socializar* [informing and promoting] the mining project. That is not to say: I am a good person, and because you like me, you will like the company. No, what we are promoting is mining, and so we need to believe in mining and tell others about it.

We have to defend this project. That does not only mean to *believe* that it is a good project, but to *defend* it, up-front. We should believe in this company, because it is a company that does things right and gives us a dignified job. Mining is good for San Roque, Antioquia, and Colombia.

We should not only inform the communities we work with about the project, but also the people around us, especially our families. We have to be like evangelists, we have to be mining evangelists.

Observing this meeting, I was struck by the religious discourse and ritualistic way in which the meeting developed. It almost felt like a charismatic evangelical church service in which the manager/pastor preached to his team/congregation and in which the employees/believers one by one shared their testimonies of faith. Conversations such as this one helped foster the conviction among employees, equally almost 'religious', that they worked for a company that 'did things right' and stood for the 'truth' about mining that was worth defending. This strong belief in the company and in the importance of mining was something I observed in many local workers throughout my fieldwork, at all three projects. They seemed to feel a strong urge, perhaps best characterised as 'missionary zeal', to convince others of their position. I was one of the people they arduously tried to 'convert'. In the many conversations I had with local workers throughout my fieldwork, a recurring question was what my 'position on mining' was, usually followed by a small lecture on the importance of minerals in our daily life, and the many ways in which the mining project could contribute to the development of their town. Conviction and charisma were central to the performance of corporate fragility and the defence of the company in the face of opposition.

Welker notes how promoters of CSR, like AGAC's 'mining evangelists', may deploy 'charismatic tactics' to make CSR ideas take root in the company (2014:44). Drawing on Weber, she argues:

The charismatic mode of CSR depends heavily on individual personality, storytelling, and performances that stage and elicit emotion as a way of mobilizing moral and affective dispositions. Working in this mode, CSR proponents seek to touch, recruit, and transform individuals. ... In the mining context, charismatic authority might be especially appealing at times when executives find a company has lost its social license to operate (ibid.).

According to Weber, she notes, charismatic authority ‘springs from “faithful devotion ... born of distress and enthusiasm”’ (Welker 2014:44, citing Weber 1946:249), and is particularly appealing in conditions of warfare. This resonates with the defence of the company by AGAC employees, whose ‘faithful devotion’ to the company in the polarised mining debate, not dissimilar to ‘conditions of warfare’, can also be said to spring from the ‘distress’ caused by the uncertainty about the company’s future (as well as their own jobs), combined with the ‘enthusiasm’ about the company’s ‘good mining’ practices, which was actively cultivated inside AGAC.

Other anthropologists of CSR have also commented on the religious undertones to the promotion of CSR. Rajak notes how Anglo American’s CSR managers framed themselves as ‘the figure of a missionary conducting the “moral work” of the company’, thereby ‘bringing the sacred realm of morality into the profane realm of business’ (ibid.:184). Fortun describes the promoters of ‘environmental public relations’ as ‘part messiah, part therapist’, who must change people’s perception of the company and solidify the company’s identity as environmentally responsible (2001:329). In their account of capitalism at the turn of the millennium, Comaroff and Comaroff highlight how this ‘messianic’ capitalism presents itself as a ‘gospel of salvation’ to transform the lives of the disempowered (Comaroff and Comaroff 2000:292). The ‘good mining gospel’ which AGAC and the global mining industry promote draws on this ‘messianic capitalism’ in its argument that modern mining is the key to local development through employment and community-empowering CSR projects.

Dolan and Johnstone-Louis refer to the Comaroffs’ notion of messianic capitalism to describe a company’s ‘community entrepreneurialism’ programme, which used discursive strategies such as

the ‘testimonial’, a ‘confessional of self-transformation’ by beneficiaries of the CSR programme, in order to ‘legitimize and evangelize the ethical script of the company’ (2016:74). In a similar way, the ‘testimonies’ in which AGAC employees declared that they ‘believed in good mining’, such as in the meeting I described above, helped cultivate an ‘ethical script’ these employees went on to employ in their community engagement work. The vocabulary for this ‘script’ also came from AGAC’s CSR language, especially references to the company’s values, such as ‘safety is our first value’ and ‘AGAC wants communities to be better off’, and to the company’s adherence to ‘the highest standards’, as I discussed in Chapter 4.

Commitment and ambivalence

The quasi-religious faith many AGAC employees professed in ‘good mining’ and their evident desire to defend the industry, was partly the result of the way in which this sentiment was cultivated inside the company, which this chapter has illustrated. At the same time, it would be overly cynical to depict this ‘belief in mining’ as merely a top-down ‘instilled’ corporate logic, echoed by loyal employees. The passionate conviction of the many local Community Relations workers I accompanied in their day-to-day activities throughout my fieldwork was, also, undoubtedly genuine. The coexistence of the strategic role of employees in defending the company in the face of controversy and their genuine desire to do so characterise AGAC’s response to opposition.

Many employees felt a deep sense of loyalty and gratitude towards the company as a good employer. A Community Relations worker from Cajamarca, for instance, told me:

I love AngloGold. We all love AngloGold. They pay us to create something good for the village. We believe in the company. The company has been a great support to me personally and also to the community. If people attack the company, they will have to deal with me.

This sense of affect for the company strengthened the desire to defend the company in the face of opposition. Furthermore, many employees personally identified with the idea that AGAC, and the mining sector more generally, was being ‘stigmatised’ and ‘demonised’. Many, especially villager-employees from Cajamarca, had personally experienced a sense of moral stigmatisation

in response to being employed by AGAC. ‘Many people think that someone who works for a mining multinational can’t possibly be a good human being. They think that we must be evil, that we have sold our souls to the devil,’ a local worker phrased it. In Chapter 4, I discussed how, as a result, many employees seemed to feel the need to explicitly justify their choice to work for AGAC, which they often did by employing AGAC’s CSR language of ‘values’ and commitment to the ‘highest standards’. By defending the company, employees also defended their own moral integrity.

At Gramalote, I did not initially observe this defensive tendency among the workers I accompanied. The region in which the project was located, the Northeast of Antioquia, had a strong artisanal gold mining tradition, as a result of which the activity of mining itself was not contested in the way it was in Tolima. However, the suspension of La Colosa seemed to generate an increased awareness among the Gramalote personnel of the perceived fragility across the sector, and of the effect anti-mining activism could have on their work. This became evident, for instance, in meetings such as the one I described above, in which the mining debate was explicitly discussed, as well as from the increased vigour with which employees started talking about their work. One of the Community Relations workers told me:

At a time in which so many people are talking about mining, we should speak up. Sometimes, people in the community are against the mining project, but they don’t want to offend us. They are nice and polite. They say things like: you know, we’re not against you. We don’t blame you, you are just relaying messages from *los de arriba* [those higher up]. But I tell them: no, *señor*, that’s not how it is. I am here because I believe in this company. I am a social worker, but working in mining has taught me that this is one of the most strongly scrutinised sectors. It complies with high standards. If I did not believe in this company, I would be out of here. I am inside, and I can see things are done properly.

The desire to defend their choice to work in the mining sector even extended to government officials working on mining. In a debate at a university in Bogotá, a week after Cajamarca’s mining consultation, the director of the National Mining Agency (ANM) stated:

Mining has been demonised. The decisions that are being taken are not based on information, but on misinformation and ideology, because what we all want is mining that is done the right way [*minería bien hecha*]. I would not be working for the ANM if I was promoting a type of mining that was destroying the country. I would not accept that (Pontificia Universidad Javeriana 2017).

Her words were strikingly similar to those of the Gramalote employee as well as the moral self-justifications of the villager-employees in Cajamarca I discussed in Chapter 4, who also told me that they ‘would never work for AGAC’ if they were not convinced it was doing things correctly.

During my fieldwork at Gramalote, the increased sense of insecurity after La Colosa’s suspension eventually translated into a downsizing in which approximately one third of the Community Relations team lost its job. Soon after the downsizing, a group of local employees created the Facebook page ‘*Gramalote Somos Todos*’ [‘We are all Gramalote’]. On the page, they uploaded photos and video messages in support of the company for the rest of the village to see, including videos of their children, saying things such as: ‘My daddy told me he is happy working at Gramalote. Because Gramalote is all of us.’ They also posted self-fabricated ‘memes’ and pictures such as those in figure 8.2, expressing their support and affection for the company. Many villager-employees also posted messages on their personal social media accounts, such as ‘I enjoy working at Gramalote’ or ‘I love my work, I support Gramalote’. These posts seemed sincere, although they appeared to be the result of distress as well as enthusiasm, as one of the villager-employees behind the page wrote to me:

The president of the company told us, basically, that if the social controversies in the village continue, we will be the first to be harmed by it. There are many rumours that there will be another round of dismissals soon.

 **Gramalote Somos Todos**
6 October 2017 · 🌐

#yoapoyoaGramalote #Gramalotesomostodos



Yo apoyo a



gramalote
colombia limited

Todos Somos Gramalote

8.2 Images created and posted by local Gramalote employees on public Facebook page 'Gramalote Somos Todos':

'You are the love of my life, I want to grow old with you, Gramalote'

'I support Gramalote' [literally 'I put on the T-shirt for Gramalote']

'I support Gramalote, we are all Gramalote'

The 'we are all Gramalote' discourse was not unique to Gramalote. Colombia's largest coal mining operation, Cerrejón, used the hashtag #CerrejónSomosTodos in its human resources publicity and on social media many examples can be found of employees posting their support for the company under this hashtag, with messages such as 'I am with Cerrejón because Cerrejón is responsible mining' (figure 8.3). In September 2019, employees marched in defence of the company under the same hashtag, in response to a legal claim a coalition of senators, community organisations and NGOs had brought against the company before the Council of State, which

could lead to a partial closure of its operations (Guerrero 2019). Another example of the use of similar language was the approach of oil company Ecopetrol when, in March 2018, it came under fire after an oil spill in one of its fields in the department of Santander caused an environmental disaster. In response, many employees took to social media in what seemed to be at least a partially coordinated communication strategy, to declare their support for the company with hashtags such as *#YoSoyEcopetrol* [I am Ecopetrol] and *#YoApoyoaEcopetrol* [I support Ecopetrol], and their trust in the engineers who were working to seal the well and clean up the spill (figure 8.4). These examples show how, particularly in situations of insecurity or controversy, employees play an important role in the defence of the company.



8.3 Image posted on Twitter by Cerrejón employees in the context of the Council of State case: 'I am with Cerrejón, responsible mining. I support the project La Puente and employment in the department of La Guajira' (September 2019).



8.4 Image posted on Facebook by Ecopetrol employees in the context of the Santander oil spill, with texts such as 'I believe in Ecopetrol's management to stop the harm and I support everyone who is working on a prompt solution. We can do it' (March 2018).

The ambivalence which characterised the defence of the company was also present in the personal motivations of many Community Relations workers. I interacted with them in different settings, from observing them in their professional capacity in CSR activities, to chatting with them about their personal life and what had led them to the work they were doing, on muddy walks from one remote farm to the next, or over a cup of coffee in the town centre. Many local workers alternated between a sincere passion for their work, and feelings of opportunism, doubt, and even cynicism. To many, their job at AGAC was, in the first place, a way to make the most of the company's presence in their town for themselves. Community Relations workers were generally much better paid than those with similar jobs in state institutions, especially when including benefits, and for many, the fact that AGAC was 'a multinational' gave additional status their job. Although none of the workers I accompanied did their work 'just' for the money, it was an important motivation, especially in the poorer municipality of San Roque, where Gramalote was located. Contributing to the development of their town was another important reason workers had chosen to work for AGAC. Several had previously worked for state institutions but felt that they were able to achieve more in the private sector, which had more resources to do meaningful work. At the same time, many shared a degree of doubt about the sustainability of the CSR programmes they were

implementing and passionately promoting. Ángela, a Community Relations worker from Cajamarca, who was deeply loyal to the company, for instance, often shared her frustrations about what she saw as the lack of ownership beneficiaries took over the CSR projects they participated in, which often aimed at ‘empowering’ the community. ‘People just want us [AGAC] to do everything for them,’ she had found. Her experiences had made her more cynical about the potential of CSR projects to empower the community, but her own entrepreneurial mindset seemed to keep her motivated to keep trying to implement these empowerment-oriented projects. A few workers were more cynical about the company and its CSR programmes. An illustrative example was Daniel, another Community Relations worker from Cajamarca. He often talked to me about his ideas for the development of his town, in which he envisioned an important role for AGAC. In community meetings, I observed him give passionate presentations, addressing ‘mining myths’ and discussing how AGAC’s CSR projects contributed to the town’s agricultural sector. In our one-on-one conversations, on the other hand, he appeared much less convinced. For instance, he told me:

You know what I find the hardest about my work? Balancing the corporate interest with the interests of Cajamarca, as a *cajamarcuno* citizen. What this project has achieved more than anything else is polarisation. And you know what, that ends up being cheaper for the company, too. This way, they only have to fund a couple of allies, instead of having the entire village knocking on its door.

At the same time, he continued to speak with great affection for and pride in the company. In the same conversation, he told me:

If they fire me, I will continue to be an advocate of AGAC in Cajamarca. This is a marvellous company. People [managers he disagreed with] make mistakes, but this is still a great project.

Daniel lost his job after the suspension of La Colosa and, indeed, when we met again two years later, his loyalty to the company did not seem to have changed. In making sense of these ambivalent and sometimes contradictory discourses of local workers about their work and about the company, I agree with Sharp, who notes that ‘candid’ statements by employees:

... should probably be interpreted as indicating not the ‘inside truth’, but rather the fact that CSR practitioners are, like other people, able to work within two or more different, and even diametrically opposing, discourses at the same time, provided they keep separate the contexts in which each is deployed as a means to interpret the world (2006:219).

This deeply human ambivalence may be seen as characteristic of the practice of CSR itself. CSR often serves multiple purposes, some strategic, such as the silencing of critics, others sincere, such as contributing to local development. CSR projects are often driven by people with sincere intentions and make real contributions to people's lives and, at the same time, they may also serve more cynical objectives.

Conclusion

How should we understand the sense of corporate fragility that characterised the atmosphere at AGAC during the months following La Colosa's suspension?³³ Corporate fragility, in the sense of the consternation about the perceived 'demonisation' of the mining sector and the 'unfairness' of the dominance of anti-mining voices in the public debate, may be viewed as the reaction of a powerful actor, used to being in a dominant position, confronted by a strong counter-movement: disconcerted to discover the limits to its power, it responds with a perhaps instinctive sense of consternation and indignation about its newfound disadvantage. This reaction reflects the disconnect between, on the one hand, the company's self-perception as a company committed to 'doing things right' and contributing to environmental restoration and local development, along with the legitimacy it derived from the government's prioritisation of the sector in the public interest, and, on the other, the rejection of the sector by much of the Colombian (and *cajamarcaño*) public.

Beyond the 'instinctive' nature of the company's and industry's narrative of vulnerability and fragility, it may also be seen as a part of a corporate defence strategy. AGAC, and to an extent the industry at large, was invoking a type of 'victim complex' in order to defend its position of power and privilege. Although not deliberately designed to serve this purpose, the collective

³³ My use of the term 'fragility', in addition to vulnerability, serves to denote the type of defensiveness of dominant actors in a power relationship in reaction to a challenge to their dominant position, resonant with the popular discourse of 'white fragility' in response to anti-racism (DiAngelo 2018) and the intersecting 'male fragility' in response to feminism (Mitchell 2019).

consternation functioned to motivate and stimulate the defence of the company, uniting mining sector employees to speak up for ‘their’ industry.

The strategic value of employees as defenders of the company, in particular in situations of insecurity or controversy, is evident from the way in which AGAC employees in Cajamarca and San Roque defended mining in front of the community, as well as the examples from Cerrejón and Ecopetrol I mentioned in this chapter. This is not unique to Colombia and may be characteristic of the mining industry globally. Rolston, in her ethnography of US coal miners, also found that ‘companies in Wyoming view their employees as an army of potential defenders in what they perceive as a war of public relations’ (2014:58).

Conviction and charisma were central to the defence of the company. AGAC actively cultivated a narrative on mining and fostered employee conviction by promoting this narrative through training and workshops, discussions about ‘good mining’ in team meetings, and the use of a uniform moral vocabulary throughout the company. Many employees I interacted with during my fieldwork appeared to have internalised this narrative. It was formative of their belief system with respect to mining, and, thereby, their professional identities as ‘proud miners’ (*#OrgullosamenteMinero/a*), a phrase widely used by mining sector employees on social media. As Rajak notes:

[T]he power of corporate discourse lies precisely in its capacity to penetrate beyond the surface of rhetoric, to reshape the personal ethics and beliefs of its members, keen to identify with their place of work and its goals, and to achieve coherence between their professional and personal identities (2020:477).

Employees who defended AGAC played a strategic role in sustaining corporate power, but equally, they should not be regarded as mere ‘corporate mouthpieces’ trained to reproduce the discourses of AGAC, industry association ACM, and the Ministry of Mining. My argument resonates with Rolston’s, who, in her study of coal miners in Wyoming, argues that, for employees, such discourses ‘captured their unique sense of vocation, their contribution to the world they live in, and their self-understanding as moral actors’ (2019:813). She argues:

While their senses of their profession and its place in the world were formed in the context of the wider messages disseminated by corporate employers and trade groups, their uptake of this ethical framework exceeded the official discourses propagated by companies and trade groups (ibid.).

As I have shown in this chapter, the strategic role AGAC employees played as defenders of the industry coexisted with a genuine conviction, resulting from their belief that their work with AGAC contributed to the development of their community and country. This reveals another dimension of CSR's 'proselytising capacity' (Rajak 2011:231) – it not only seeks to convince people on the receiving end of CSR projects, but also, and perhaps even more so, works to foster conviction among the employees carrying out these projects. Importantly, however, outside the company, the effectiveness of moral narratives was much more limited. The company fostered some local alliances and actively cultivated these relationships in its local CSR programmes, but most people in Cajamarca and San Roque appeared to have a more ambivalent and negative perception of the corporation, and many did not appear at all convinced by the discourse propagated by the AGAC employees.

Conclusion

Over the past decades, the world in which mining corporations operate has been shaped by evolving norms and expectations regarding the responsibilities of business to society. As mining investment has expanded across the globe, moving the mining frontier into areas that were previously considered too difficult or dangerous, so has public awareness of the socially and environmentally harmful consequences of resource extraction. Civil society campaigns have drawn media attention to the social and environmental harm caused by mining, from tailings dam collapses and toxic mining spills, and accusations of involvement in the killing of environmental activists have presented a picture of corporate ‘irresponsibility’ to the public. Mining resistance has also expanded as transnational advocacy networks have provided local communities and grassroots resistance movements with international exposure, technical and legal expertise, and funding.

In the face of these growing challenges, the CSR movement has shown ‘a powerful capacity to offer itself up as a solution’ (Dolan and Rajak 2016:1), allowing corporations to make claims to moral purpose beyond the creation of profit and employment. Across the global mining industry, the adoption of environmental management standards, human rights policies, and community engagement programmes has become common practice. While mining corporations continue to be central targets of social activism, they have also become self-proclaimed champions of corporate social and environmental responsibility, in the vanguard of the CSR movement.

In this thesis, I have used AngloGold Ashanti Colombia and its response to the anti-mining movements in Colombia and Tolima as a case study through which to explore how corporations make sense of and give shape to the norms and ideas put forward by the CSR movement, and the role these may play in the company’s response to mining resistance. AGAC is an emblematic case in the Colombian context, as the first multinational gold mining corporation to operate in

Colombia, as well as one of the most visible and controversial companies in the country's public debate on mining. My thesis joins a growing body of scholarship on mining corporations which moves away from the normative focus in much of the literature on CSR and looks at the ways in which mining corporations have come to understand and practise CSR, in different ethnographic settings (Golub 2014; Kirsch 2014; Li 2015; Rajak 2011; Rolston 2014; Welker 2014). In different ways, this scholarship responds to Ballard and Banks's call to pay 'closer attention to the internal structure and politics of mining corporations' and ethnographically examine 'attempts by corporations to come to terms with their place in a rapidly changing world and to respond to the negative shift in public perception of the mining industry' (2003:290,291).

While my analysis is based on the in-depth study of one particular corporation in the specific context of Colombia, many of my observations resonate with other ethnographic work on different companies in contexts very different from the Colombian. This is hardly surprising, as mining is in many ways a global endeavour – global capital funds mining activities, global market forces influence the viability of individual mining projects, and neoliberal regulatory structures, shaped by global-level financial institutions, attract and facilitate mining investment across the globe. Conflict dynamics, too, may be considered a global characteristic of mining activities. Analysing these common patterns reveals common dynamics in the workings of CSR in practice and the way corporations make sense of and respond to resistance. At the same time, some of the events and patterns I observed were particular to the context in question, especially the strong position the anti-mining movement found itself in at the time of my fieldwork, which differed from the years before and after, and the more general uncertainty surrounding AGAC's activities in Colombia after more than a decade of exploration. These circumstances provide a unique insight into the corporate response to resistance. In particular, they illuminate the particular ways in which mining resistance may affect the development of a mining project during the early stages of the mining cycle. As Kirsch has argued, anti-mining activism may make effective use of the 'politics of time' by targeting pre-operational mining projects for which companies are still raising

the necessary capital or awaiting government approval (2014:192). My thesis provides an illustration of the vulnerability of mining corporations during the volatile exploration phase.

Expanding frontiers

At the turn of the millennium, AGA turned to the Colombian Andes as a ‘new frontier’ to expand its global reach and ensure its long-term survival. Towards the end of a particularly violent period in the Colombian armed conflict, it was the first corporation with sufficient financial resources and technical expertise for extensive ‘greenfields’ exploration to ‘take the leap’ and invest in Colombia. In doing so, it weighed political concerns about the armed actors controlling the rural mountain areas against geological excitement about being the first to access this last part of the Andes to be explored with modern mining technology. The company’s entry into Colombia was facilitated by neoliberal legislative reforms and a conservative security policy which increased stability for international mining investment. As the first gold mining multinational to apply for mining titles, AGAC was able to obtain the lion’s share of titles across the country and conduct an extensive exploration campaign. This yielded significant discoveries, including Gramalote and La Colosa, ‘the gold industry’s most significant virgin discovery of recent times’ (AGA 2010a).

Viewed from the perspective of AGA, as a multinational corporation, during the first years, the Colombian exploration was one of several ‘new frontiers’ for its global Greenfields Department. Its international team of geologists was territorially disconnected from Colombia: due to the high-risk nature of the initial stages of exploration, they only spent very limited time in the country. This changed after the Gramalote and La Colosa discoveries. As these greenfields targets became ‘permanent projects’, the corporate structure managing them evolved. From a section of the global-level exploration team, the Colombian exploration turned into its own operation, which involved a formalisation of institutional structures and arrangements, as well as a more firm rooting in the Colombian context. The change of company presidents from a US geologist to a Colombian economist at the end of the greenfields phase may be considered symbolic of this ‘Colombianisation’ of the corporation. AGAC’s evolution reveals a characteristic of multinational

mining corporations commonly found in the ethnographic literature on corporations: they are ‘simultaneously rooted in the local sites of their operations and home countries, yet at the same time defined by networks of connection, personnel and processes that are distributed across a transnational scale’ (Gilberthorpe and Rajak 2017:192). The degree of ‘local rootedness’ or ‘transnationality’ of a mining company may also vary depending on its operational stage.

The character of the company evolved as its projects advanced through the mining cycle. Initially, AGAC’s ethos was shaped by the bravado that characterised the greenfields culture. While this gained the company a competitive advantage as ‘first mover’, as well as admiration from industry partners, it also exposed AGAC to heightened public scrutiny. As the corporate structure formalised, standards and policies became more central to the organisational culture than they had been during the greenfields period, including standards dealing with the company’s social and environmental responsibilities.

While the CSR discourse and the standards AGAC adopted were, in part, imposed from the global headquarters in Johannesburg, AGAC’s embrace of CSR was also shaped by the company’s growing controversiality in the Colombian public debate. The concerns and critiques of the protest movement shaped many of AGAC’s CSR programmes, such as its various agricultural CSR projects in Cajamarca, as it sought to demonstrate how mining could support, rather than threaten, the town’s large agricultural sector, or the company’s extensive educational programmes and public relations campaigns, which aimed to change the societal perception of the modern mining industry. To this extent, my thesis aligns with other recent ethnographic work on mining corporations which has shown that CSR practices often emerge out of the interaction with critics (Golub 2014; Kirsch 2014; Li 2015; Rajak 2011; Welker 2014). My material is distinctive, however, in the degree to which the company’s critics were able to challenge the company’s ability to advance its projects.

Subverting corporate solidity

My description of AGAC demonstrates that corporations are internally complex and heterogeneous. By highlighting the inconsistency and incoherence inherent to AGAC's functioning, I have sought to question the monolithic image of the corporation prevalent in the literature on mining conflicts. Such an image may serve the corporation, for instance in its projection of stability and confidence to shareholders and investors. It may also serve a company's opponents, as a campaigning device which allows activists to present corporations as all-powerful actors driven by a ruthless profit-maximising imperative. In practice, however, as my thesis illustrates, corporations do not correspond to this image. For Welker, therefore, this 'solidity of firms' is an ideological effect, rather than an ontological reality, which, she argues, 'anthropologists might subvert rather than reproduce' (2006:15).

Three observations that emerge from my ethnography may contribute to such a 'subversion' of corporate solidity. First, I have shown that AGAC does not operate according to a single logic. The tensions and often competing views between technical and social departments illustrate this, as does the friction generated by the transition from a 'greenfields logic' to a 'corporate logic' during the company's first years in the country. Furthermore, tensions within the corporate hierarchy were common, for instance between the global, company-wide outlook of headquarters-based managers and the locally-focused outlook of project-level managers. These were particularly evident during the abstention campaign I described in Chapter 7.

Second, my ethnography reveals the elusiveness of the 'corporate interest'. The interests of different departments, each presumably acting in the company's best interest, may clash. The interests of the Colombian operation were not always in line with those of the multinational as a whole, most urgently illustrated by internal budget cuts. The perspective of time also plays an important role when considering the 'corporate interest', as Welker notes:

Even the simple injunction to maximize profits begins to fall apart when the question is raised, 'over what time frame should profits be maximized?' The optimal strategy may differ radically depending on whether the concern is with tomorrow's profits, third

quarter of 2007, the next ten years, or eighty years from today after certain oil or mineral reserves are depleted (2006:16).

Profit maximisation undoubtedly drives corporate actions, but it is often too vague and generic a term to meaningfully explain corporate decisions and actions. For AGAC, a company in the exploration phase, profit was still an abstract future goal, as it was not yet producing any gold.

The third element concerns the notion of strategic intention and the possibility of unintended consequences. My account of AGAC's CSR programmes reveals how there may be discrepancies between the way CSR strategies are designed, the way CSR programmes are actually implemented, and the way they are received. AGAC's CSR programmes in 'partnership' with the local administration and with community councils provide a case in point. While AGAC's strategy explicitly sought 'not to replace the state', and headquarters-based managers spoke highly of 'tripartite' projects as a way to contribute to local development without creating dependency, on the ground, the local Community Relations workers implementing these partnership programmes had to balance this strategy with the local expectation that the company would provide where the state failed to do so. Furthermore, in practice, these 'partnerships' turned out to be highly susceptible to capture by local political interests, as I discuss in Chapter 6. The idea of a central strategy behind corporate actions is more of an ideological notion than a practical reality.

Power, resistance, defence

The La Colosa project, announced as 'one of the biggest gold mines in the world' after its discovery at the end of 2007, soon attracted the interest of activist and political movements. In the department of Tolima, a vociferous anti-mining movement emerged, involving a range of actors with a range of interests and agendas. Crucially, the movement involved not only relatively weak local actors, such as *campesinos*, students, and other town residents, who took on the role of 'grassroots activists', but also actors with more financial resources and political clout, such as the regional rice-farming elite, regional politicians connected to a national environmental agenda, and urban middle-class environmentalists from Ibagué. Whereas accounts of mining conflict tend to frame these as battles between 'powerful' corporations and 'powerless' social movements, my

ethnography shows the need to transcend such dichotomies and pay attention to the complex power dynamics involved in the interaction between large corporations and the actors opposing their activities.

One of these complex dynamics was represented by the anti-mining movement's use of the *consulta popular*, a legal mechanism which provided a new impetus to mining resistance in Colombia, and in particular Tolima. The mining consultation movement may be considered a form of 'legal mobilisation from below', which drew on the power of law to challenge not only corporate power, but also the state's highly centralised decision-making process. The use of a legal mechanism turned the essentially political debate over whether or not mining activities should be permitted in certain territories into a constitutional question, moving the debate from the public arena into the judicial domain. Between 2014 and 2017, progressive jurisprudence from the Colombian Constitutional Court strengthened the anti-mining movement by providing a legal foundation for the use of this public participation mechanism as a means to ban mining at the municipal level. The success of Tolima's anti-mining movement in holding a mining consultation in Cajamarca, even as AGAC campaigned against it, set off a 'boom' of mining consultations across the country. However, while this suggests that the law served as a 'weapon of the (relatively) weak', as the epilogue reveals, more recent rulings, on the basis of claims brought by industry actors, has severely restricted the effectiveness of the mining consultation as a legal instrument for mining resistance. This backlash shows how the power of law is capricious, and may, alternately, undergird or undermine resistance.

The way AGAC responded to the anti-mining movement is a central theme of this thesis. Resistance, as Abu-Lughod has argued, may serve as a 'diagnostic of power' – not only based on the Foucauldian notion that 'where there is power, there is resistance' and that, therefore, 'this resistance is never in a position of exteriority in relation to power' (Foucault 1978:95), but also because resistance provides insight into how structures of power are historically transformed (Abu-Lughod 1990). She argued that anthropologists should shift their focus from the subaltern

acts of resistance to the structures of power this resistance sought to challenge. My ethnography goes further, in exploring, from inside the powerful actor against which the resistance is directed, how resistance is received.

Central to AGAC's response to resistance were its educational programmes and public relations campaigns aimed at changing the way the Colombian public viewed the mining industry. These campaigns promoted a narrative of 'responsible mining', also using moral phrases such as the government's slogan '*minería bien hecha*' ['mining done right'] and the company slogan '*verdadera minería*' ['true mining'], in contrast to the 'lies' about mining spread by the opposition. However, these did not allow the company to gain ground over the anti-mining movement in the Colombian public debate on mining. The control over the terms of the debate was firmly in the hands of the anti-mining movement, leaving the company in a reactive and defensive role. This was further confirmed during the campaigns in favour of and against Cajamarca's mining consultation. As such, my findings reveal how, in the discursive domain, corporate power may be relatively limited, and the corporation may be genuinely vulnerable.

The sustained resistance to AGAC's activities, and in particular Cajamarca's mining consultation, generated a deeply-felt sense of vulnerability in the company, and among Colombian mining industry actors more widely. Even though AGAC employees tended to dismiss the anti-mining movement as misinformed and politicised, its effect on the company's 'self-perception' was significant. In the face of resistance, I found, employees had a strong desire to defend their company. With a drive that may be best compared to 'missionary zeal', they sought to convince others that AGAC was 'doing things right' and that its projects would benefit all.

The (limited) power of CSR

CSR played a central role in shaping employees' beliefs and convictions, and their desire to defend the corporation. It provided a company-wide narrative that framed AGAC as a 'company with values', seeking to 'do things right'. This narrative was powerful to employees, as it allowed them

to align their professional roles with their personal values. In particular at a time of uncertainty for the industry, such narratives were important to foster employee motivation. Yet, employees' 'belief in mining' should not be seen as a mere echo of corporate discourse. Rather, the narrative power of CSR was constitutive of their genuinely-held belief in the moral purpose of their work, revealing CSR's 'proselytising capacity' on the work floor (Rajak 2011:231). However, although CSR was central to shaping the beliefs and motivations of employees to speak up for the controversial mining industry in the face of contestation, beyond the walls of the company, CSR narratives appeared much less convincing.

In this sense, my ethnography reveals the need to nuance the common critique of CSR, which views it as an extension of corporate power and a central mechanism to sustaining corporate capitalism. Studies following this line of critique argue that CSR provides corporations with a discursive instrument for legitimisation, allowing them to co-opt and appropriate the language of critics in order to render it meaningless (Benson and Kirsch 2010b; Kirsch 2014), or transform critique into a commercial asset (Shamir 2010). According to Rajak, as a result of the CSR movement, 'the moral high-ground once occupied by NGOs has been usurped ... by the former targets of their campaigns' (2011:8). She sees the power of the movement in 'its capacity to colonise rather than alienate the very structures capable of obstructing the drive of corporate capitalism' (2011:239). The material I have presented in this thesis reveals that, while companies may certainly attempt to use the language and practice of CSR in order to co-opt the discursive power of opponents' moral claims, and to gain moral ground in the public debate, the extent to which this actually enables the preservation of corporate power in the face of opposition may be questioned.

To a great degree, AGAC appeared to act in line with the expectations of these critics. Faced with mounting popular and political criticism of the sector, it adopted the 'oxymoronic' CSR discourses of 'responsible mining' and 'mining done right'; it attempted to dismiss the arguments of the opposition as 'mining myths'; and it tried to mimic or 'co-opt' the opposition's discourse

and methods, such as its use of rights language and the use of pro-mining protests. However, this did not appear to enable AGAC to gain any significant ground in the Colombian mining debate. The use of moral language did not allow the company to ‘usurp the moral high-ground’ or ‘colonise the structures capable of obstructing the drive of corporate capitalism’, even though the company went to great lengths in its attempt to control the terms of the debate. Instead, it was left on the defensive. These findings raise the question of whether the grand role critics have attributed to CSR in sustaining contemporary corporate capitalism might be overstated.

An ambivalent perspective on CSR

The predominance of a normative focus in the CSR literature has polarised this body of scholarship between proponents and opponents of CSR, while obscuring the more complex ways in which CSR works in practice (Dolan and Rajak 2016:2). The study of the way in which CSR is understood and practised in different ethnographic settings provides an opportunity to move away from this normative polarisation toward a more ambivalent understanding of CSR, to which my thesis contributes. While CSR sceptics have made important contributions to the analysis of CSR as a mechanism of corporate power, much of social scientific literature ends up dismissing CSR as a public relations sham or an attempt at deflecting criticism with smoke and mirrors. This cynicism is an attractive position for social scientists, myself included, as it suits a progressive worldview, often my own, which views corporations primarily as harmful vehicles of capital with an undesirable degree of influence over our society (see Welker 2014:16). In this research project, I have had to let go of the ‘sense of security and satisfaction’ (Welker et al. 2011:S7) that comes with this analytical perspective, and sought to adopt a more open-ended perspective, which is typical of ethnography. Such a perspective leads to more ambivalent conclusions about CSR.

AGAC’s CSR practices, I found, were characterised by a coexistence of the genuine and the strategic. On the one hand, its CSR projects were overtly aimed at generating support for the project, a ‘social licence to operate’. Often, they also served a more covert strategy of countering or deflecting criticism, as I have shown throughout the thesis. Nevertheless, the projects were,

simultaneously, motivated by the genuine intentions of managers and employees, from the headquarters to the project level, to harness the economic power of the company ‘for good’. The agricultural CSR projects in Cajamarca, for example, allowed the company to build strategic alliances with parts of the local population, to underpin its message that agriculture and mining ‘go hand in hand’, and to contrast the company with the anti-mining activists who ‘don’t do anything for the *campesino*’, while also improving the quality of life of the farmers participating in the projects.

The more cynical facets, on the other hand, were particularly evident in AGAC’s use of CSR language and practices to defend or shield the company in the face of direct ‘threats’, such as Cajamarca’s mining consultation. During the anti-mining movement’s first attempt at organising a mining consultation in Cajamarca, for instance, it used the termination of its CSR partnerships with the municipal government to put pressure on councillors not to approve the mining consultation initiative. This shows that the intentions behind the CSR projects, as well as the effects they had in practice, were multifaceted. By showing how CSR may serve different, and sometimes contradictory, purposes my thesis contributes to a more ambivalent understanding of CSR. It challenges the literature that dismisses CSR for merely serving the corporate interest, by considering the possibility that CSR might, even when it serves a more cynical purpose, be motivated by genuine commitment and still be able to make positive contributions to people’s lives.

Shifting power relations?

The dynamics of the mining debate I describe in this ethnography have been repeated throughout Colombia, as the popular consultation ‘boom’ in 2017 demonstrated. They also resonate with ethnographies of mining corporations in very different parts of the world – from the comparable case of Peru (Li 2015) to the very different context of the US (Rolston 2014). As such, this case study may be illustrative of global power struggles between the mining industry and its critics, in

which the environmental movement has gained ground. Rolston, in her study of coal miners in Wyoming, for instance, quoted an executive who told her:

We're engaged in a war of public relations here, and so far we're losing. The entire industry is painted with one brushstroke, so we have to defend not just our operations here but mining in general (Rolston 2014:58).

Colombian mining industry actors would certainly agree. As the environmental movement has grown, and environmental concerns have risen on the political agenda, the global mining industry does not appear to have been able to harness the moral language of CSR to its advantage. Its discourse remains focused on the economic contributions of the sector in the form of employment, taxes and royalties. Discursively, its most convincing argument may be the need for minerals in our contemporary society (Rolston 2019). Even in the Colombian mining debate, many critics acknowledged the importance of minerals in everyday life, on the basis of which they hold that mining might be acceptable in some places, such as less inhabited and ecologically less sensitive areas (see e.g. Pontificia Universidad Javeriana 2017).³⁴ A phrase commonly used to express this position was *'minería sí, pero no así'* [yes to mining, but not in this way]: yes to mining because of its importance in everyday life, but local communities should still be granted the right to veto mining projects if they wish to base their economy on a different activity, or if the project is located in an environmentally sensitive area. More radical, typically local, activists, however, were not convinced by such arguments. An AGAC employee told me that, during one of the community information sessions he had attended, when one of his colleagues had told people attending the session that without mining it would not be possible to make a mobile phone, several opposed community members had ostentatiously thrown their phones on the floor. The 'responsible mining' narrative focuses on its ability to minimise environmental harm through technological fixes and to offset negative environmental impacts, for instance through reforestation. It also makes the argument that other sectors, notably agriculture, have a worse impact on the environment. These discourses, however, do not seem to have enabled mining

³⁴ Gold, however, may be considered one of the less 'necessary' minerals, especially when taking into account the possibility of recycling already mined gold. According to AGAC's education materials, 50% of gold is used for jewellery and decoration, 37% is held in central bank reserves, and 12% is used in technology (AGAC 2014a:38).

companies to persuade the general public of the place of mining in a more environmentally conscious economy.

The fact that the mining industry partially relies on societal acceptance provides space for contestation, of which the environmental movement, at least in Colombia, has made effective use. Whereas the power imbalance between mining corporations and their opponents is enormous in economic and, to a great extent, in political terms, the anti-mining movement has been able to use its moral leverage to control the terms of the debate.

Critics regard the mining industry's embrace of CSR as a 'co-optation' of the language and symbols of its opponents. While I consider this a valid concern, my ethnography shows that the dynamic between corporations and their opponents is more complex, and that the ability for mining corporations to 'appropriate' the language, symbols and methods of its critics may be more limited than this critical literature assumes. AGAC's claims to environmental responsibility, which, in themselves, could be considered an appropriation of the environmental movement's language, did not appear convincing to many people. Nor did it seem to render the movement's discourse on environmental irresponsibility meaningless, or weaken its discursive power.

Although it is entirely unclear at this moment, it is not unlikely that AGAC will eventually be able to obtain the licences and permits required to operate its mines in Colombia. Despite their vulnerability in the discursive domain, mining corporations continue to hold great economic and political power, which will often be sufficient to get their way. As Kirsch notes, 'no campaign against mining is ever permanently victorious, as capital is nothing if not relentless in its pursuit of economic opportunity' (2014:233). Still, as my ethnography has illustrated, this is not necessarily straightforward. Social movements demanding environmental and social responsibility constitute a genuine challenge to mining corporations through their control of much of the public debate. My ethnography illustrates the difficulty mining corporations face when trying to improve their moral standing through the adoption of the language and practices of CSR, and to overcome

their defensive position in the face of anti-mining activism. State-controlled legal and technical processes, such as the environmental licence in Colombia, may facilitate the continuation of mining activities, but the sector is vulnerable to challenges in the discursive domain. CSR's limited capacity to shield the mining industry in the face of sustained opposition, and the industry's defensive position in the public debate, suggest that the power relations between mining corporations and the social movements challenging their power may be shifting.

Epilogue

AGAC in Colombia

At the time of submission of this thesis, in October 2020, La Colosa is still halted under ‘force majeure’. The local anti-mining movement has sought to enforce the outcome of the mining consultation in various ways, from administrative actions by local authorities to strategic litigation. In July 2018, Cortolima adopted a resolution stating that, ‘in compliance with the outcome of the popular consultation’, it would no longer grant environmental permits for mining-related activities in the municipality of Cajamarca and review and potentially revoke previously granted permits (Cortolima 2018). In June 2019, cause lawyers of Bogotá human rights NGO Tierra Digna brought an action for annulment against AGAC’s three mining titles in the municipality of Cajamarca before a regional court in Cundinamarca, on behalf of Cajamarca’s local anti-mining movement (Tierra Digna 2019). In October 2019, Julio Roberto Vargas, the mayoral candidate opposed to mining who lost the local elections described in Chapter 6, was elected the new Mayor of Cajamarca, and announced he would seek to implement the outcome of the popular consultation by banning mining in the municipal land use plan (EOT). Whether his administration will legally be able to do so remains to be seen.

The situation at Gramalote has also changed. The project was majority-owned and operated by AGAC as part of a 51:49 joint venture with the Canadian company B2Gold from 2009 to 2019, but in January 2020, B2Gold took over as the operator of the project (AGA 2019). This means that AGAC is no longer involved in the day-to-day running of the project, although most of the local team has remained the same. AGAC now only actively operates the Quebradona project in Jericó, Antioquia, which the company intends to be its first copper mine, producing gold and silver as by-products (AGA 2020). In November 2019, it submitted an application for an environmental licence to the ANLA, which is still under review. In Jericó, similar to Cajamarca, Quebradona has many supporters as well as opponents, and in the wider region of Southwestern Antioquia, an environmental movement has emerged in opposition to the project, which has many

parallels to the opposition movement in Tolima. Over the past few years, as the Quebradona project has gained more visibility, resistance from the environmental movement, as well as local authorities, has grown. As Quebradona is an underground mine, rather than open-pit, its impacts on the environment and landscape will be less significant than at La Colosa.

At the same time, the perspective for AGAC has improved in the sense that the gold price on the global market has surged as a result of, among other things, the coronavirus pandemic (Aslam 2020). In Colombia, the government announced it considers the mining sector crucial to the reactivation of the Colombian economy, citing its contribution in the form of royalties and local procurement (Dinero 2020).

The future of mining consultations in Colombia

This thesis has examined the legal developments around mining consultations up until Cajamarca's *consulta* on 26 March 2017. I have discussed how changes in the political and legal landscape in 2015 and 2016 generated new momentum for mining consultations in Tolima, which facilitated the momentous *consulta* in Cajamarca. In the following years, this political and legal landscape has continued to evolve, in a way that gradually closed the door to new mining consultations. The results of Cajamarca's *consulta* have not been affected by these changes, although AGAC argues that these results never applied to La Colosa in the first place, as I discussed in Chapter 7. The main effect of the subsequent jurisprudential developments is that they limit the ability of Cajamarca to act as a precedent for other *campesino* communities resisting extractive projects using mining and oil consultations.

In 2017, the Constitutional Court saw a change of five of its nine magistrates, including three out of the five who were regarded as the driving force behind the progressive rulings limiting the power of the mining sector (the '*bancada verde*', see Chapter 5). The new constellation of the court is considered more conservative and more industry-friendly. With regard to mining, anti-mining activists considered one liberal and two conservative magistrates to have 'pro-mining'

interests. In October 2018, before the court was due to decide a case on the *consulta popular* of Cumaral against oil drilling (see Chapter 7), the anti-mining movement held a protest in Bogotá. Wearing yellow miners' helmets and T-shirts with the names of mining multinationals, activists circled the Palace of Justice holding barricade tape, to symbolise what they considered to be the 'corporate capture' of the Constitutional Court (El Espectador 2018). Eventually, two of the three magistrates targeted by the protest declared a conflict of interest and abstained.

In the case of Cumaral, the Constitutional Court returned to the line of jurisprudence that held that, under the constitutional principle of state-ownership of the subsoil, only the central government has the authority to decide on mining, and overturned the regional court's ruling that had declared Cumaral's *consulta* constitutional (Corte Constitucional 2018). This seemed to contradict its previous jurisprudence according to which municipalities may ban mining if no agreement can be reached between the national and local authorities. The Court also ordered Congress to create a public participation mechanism which strikes a balance between the interests of local and national-level authorities. In July 2019, political party the Green Alliance presented a bill on such a mechanism, but to date the Senate has not debated it (Alianza Verde 2019). Ten days after the Cumaral ruling, one more mining consultation was held, in Fusagasugá (see Chapter 7), but the Council of State suspended a neighbouring municipality's initiative based on the new Constitutional Court ruling (Consejo de Estado 2018).

Finally, in February 2019, the Constitutional Court struck down article 33 of the Municipal Code (Corte Constitucional 2019). This article required municipalities to hold a popular consultation when a mining project threatens to create a significant change in land use, based on technical grounds mirroring the 2016 case that struck down the prohibition of municipal mining bans in the Mining Code (Corte Constitucional 2016b). With this ruling, the Constitutional Court delivered a final blow to the legal argumentation in favour of *consultas populares*.

In light of this recent jurisprudence, the mechanism of *consulta popular* itself no longer seems a viable tool for mining resistance. Nevertheless, this does not mean that Colombia's mining consultations should be considered a case of 'backfired legal mobilisation from below'. The mining consultations have advanced the Colombian mining debate by establishing that local authorities have a crucial role to play in the authorisation of mining activities, which the centralised model of mining decision-making overlooks. Territorial autonomy and participatory democracy remain central principles of the Colombian Constitution, and will continue to provide citizens and activists a legal avenue to challenge centralised decision-making which favours the interests of extractive corporations. This debate continues. A new legal mechanism for local and central authorities to come to agreements [*concertación*] on mining exploration and exploitation, as ordered by the Constitutional Court, may form the next forum for the law-based challenging of corporate power.

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