

POLITICS AND INTERNATIONAL RELATIONS

Policing Economic Growth: Mining, Protest, and State Discourse in Peru and Argentina

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Since the 1980s, liberalized and newly stable markets have helped usher in an unprecedented mining boom across the Latin American region. However, despite the fact that this boom contributes to notable economic growth, protests in opposition to the expansion and practices of mining companies have also grown, often with violent results. How protests are policed matters, but more important for democracy is how state actors respond when violence is employed. We examine two instances of police repression of mining protests: one in Cajamarca, Peru, and the other in Catamarca, Argentina. We argue that, despite significant differences in context, there are important similarities in state discourse between countries. In particular, a vocabulary of protester wrongdoing and calls for a remedy of “dialogue” are employed in both cases as a way to facilitate the continuation and expansion of both mining and the repression of protests.

Desde la década del 1980, los mercados liberalizados y estables han ayudado a presentar un *boom* sin precedentes a través de América Latina. Sin embargo, a pesar de haber contribuido a un crecimiento económico muy importante, las protestas contra la expansión y las prácticas de algunas empresas mineras también han crecido, a veces con los resultados violentos. La gestión de las protestas por parte de la policía es importante, pero más importante para la democracia son las reacciones del Estado cuando ocurre un incidente violento. Nosotros examinamos dos incidentes de la represión policial de una protesta minera: uno en Cajamarca, Perú, y otro en Catamarca, Argentina. Planteamos que, a pesar de las diferencias significativas en el contexto local, hay algunas similitudes importantes con el discurso del estado en los dos países. Particularmente, un vocabulario de culpa por parte de los manifestantes y algunas recomendaciones para un remedio de diálogo son usados en los dos casos en una manera que facilita la continuación y la expansión del sector minero y también la represión de las protestas.

Introduction

Mining is a contentious issue across Latin America. Conflicts over government policies, industry practices, and indigenous rights reflect deep divisions between different definitions of development. Advocates note that by 2020 mining’s contribution to regional GDP is projected to top US\$400 billion (Parra et al. 2011, 14). For many people, the benefits of an expanding mineral sector include the proliferation of jobs, foreign investment, and much needed infrastructure improvements. Indeed, a surge in foreign direct investment in mining across Latin America has been facilitated since the 1980s by the end of regional civil wars and authoritarian rule as well as by the global expansion of neoliberal economic policies such as widespread privatization and free trade. Thus political stability and reduced oversight (regulation) have been important to the growth of mining in the region.

Yet those neoliberal economic policies supportive of export-led growth have been pursued in tandem with democratization across Latin America. This has raised significant tensions between those who wish to expand democratic participation beyond elections and increase state accountability, and those who wish to limit participation and oversight in order to encourage the expansion and growth of profits from mining.

Indeed, opposition to the expansion and practices of mining companies has grown considerably. Across Latin America over two hundred social and environmental conflicts are currently under way in communities impacted by mining.¹ In 2012 alone, nine separate instances of force were recorded across five countries and included security forces using tear gas, live ammunition, dogs, and even torture (OCMAL 2013). Mining tends to occur in isolated and largely rural areas and thus disproportionately affects peasant and indigenous communities who rely on fertile lands for subsistence and cultural reproduction (Bebbington and Bury 2009, 17297; Bury 2004, 81). Many conflicts are driven by collective anger around a lack of community consultation, disparate economic benefits, and harmful socioenvironmental impacts. For example, the unwillingness of states to ensure popular participation in project decision making has led to a proliferation of community plebiscites aimed at invalidating the “social license” companies now desire in order to effectively operate (see Gómez et al. 2014; Seoane 2006). State actors are therefore confronted with the challenge of how to manage these conflicting views of development; increasingly the choice has been to end mining protests with police violence.²

Thus it appears that mining conflicts reveal important limits to democracy that relate particularly to issues of policing, political participation, and accountability. In an effort to better understand these limits, we examine how state actors in two distinct Latin American countries, Peru and Argentina, explain accountability for the repression of mining protests. By “state actors” we refer to politicians, police, and members of the judiciary.

The right to public protest is fundamental to democracy. As the Office of the Special Rapporteur for Freedom of Expression for the Inter-American Commission on Human Rights explains, this is particularly the case in Latin America because in the region protest is a key tool of political participation used by those most marginalized in society (OAS 2005, 121, 140). As a consequence, the state has “very narrow margins to justify restrictions on this right” (OAS 2005, 140).

Of course, police repression of protests occurs in all countries. Police (or state) repression includes violence but also actions that impede freedom of speech and assembly and thus increase the costs of collective action (Tilly 1978, 100). Police are the primary perpetrators of repression of mining protests in Latin America, but private security forces, often employed by mining companies, can also be involved, as can military and paramilitary forces. However, in this article we choose to compare two cases in which public police were exclusively responsible for managing the protests. This choice allows us, for the purpose of this article, to put aside the more ambiguous role of the state in repression led by private or paramilitary security forces. Since public police forces are the only state actors legally sanctioned to employ violence against domestic civilian populations, how they manage protests and how their actions are held to account are important indicators of the quality of democracy.

In combination with police action (public or private or both), state actors in Latin America also publically criticize opponents and often use an array of legislative decrees to guarantee corporate access to valuable land and minerals and criminalize protests (Bebbington and Bebbington 2011, 134; Bonner 2014; Fox 2010). In some instances, as in the Peruvian protest examined in this article, states of emergency are declared that expand police powers. In this way, state actors can encourage police repression either explicitly or implicitly. Yet whether police or other state (or nonstate) actors are responsible for the repression of protests, what is most important for democracy is that there is accountability. Those responsible for the repression of protests need to be identified, made to answer for their wrongdoing, and a remedy or punishment applied.

Consequently, the way state actors frame or explain police repression of protests is important to accountability. Police in any society have the legitimate right to use violence against citizens. They have a great deal of discretion over what laws they enforce, when, and how. The discretionary decisions police make are often based in what some scholars call “police knowledge.” This includes officers’ perceptions of how their superiors, state actors, and the public want them to act (Della Porta and Reiter 1998, 229; Chan 1996; Bonner 2014, 29–31).

State actors can, and sometimes do, condemn police violence as excessive, uphold citizens’ democratic right to protest, and suggest reforms that might contribute to more peaceful protest policing. This is often referred to as a civil rights frame. The literature on protest policing has found that this frame tends to

¹ Observatorio de Conflictos Mineros de América Latina (OCMAL), “Mapa de conflictos mineros, proyectos y empresas mineras en América Latina,” http://basedatos.conflictosmineros.net/ocmal_db/ (accessed January 16, 2015).

² OCMAL, 2014. “Conflictos Mineros en América Latina: Extracción, Saqueo y Agresión” http://www.conflictosmineros.net/agregar_documento/publicaciones-ocmal/conflictos-mineros-en-america-latina-extraccion-saqueo-y-agresion-estado-de-situacion-en-2014/detail (accessed October 21, 2016).

contribute to a decrease in police repression of protests (Wisler and Tackenberg 2000, 122; Della Porta and Reiter 1998, 19; Bonner 2014, 84). Alternatively, state actors can justify police action as necessary to ensure public order, economic development, and blame protesters for the violence. This frame is referred to as a law-and-order frame. The literature on protest policing has found that this frame tends to increase the levels of repression used by police against protests (Wisler and Tackenberg 2000, 122; Della Porta and Reiter 1998, 19; Bonner 2014, 84).

In this way state discourses provide a form of accountability by identifying if police action was wrongdoing or not (or if someone else is responsible for wrongdoing), what actions are considered wrongdoing, and what remedies (punishment or institutional state responses) are required (Bonner 2014; Peruzzotti and Smulovitz 2006). Thus state discourses frame what those with power perceive as the contours of acceptable and unacceptable democratic practice. These discourses are especially important when the law is ambiguous; when applied to actions that are considered within the realm of state discretion; or when state institutions of accountability (such as the judiciary) do not function the way they were designed (Bonner 2014; Peruzzotti and Smulovitz 2006).

While state response to police violence against all protests is important, their responses to mining conflicts are particularly important for understanding how the economic policies of a particular government can conflict with or be made to appear compatible with democracy. Given that economic liberalization and democratization have been simultaneous projects in Latin America since the 1980s, this is an important area of inquiry.

For these reasons we ask: How do state actors frame police repression of anti-mining protests in two distinct settings, one in Peru and one in Argentina? We argue that, despite significant differences in historic and sociopolitical context, there are important similarities in state discourses. We find that rather than holding police accountable, state discourse justifies the repression by attributing wrongdoing to the protesters. To rectify the “problem” of protest, state actors call for a remedy of co-optive “dialogue.” In this manner state discourses facilitate the continuation and expansion of mining and the repression of protests.

At first glance these findings might not seem surprising. Governments and police throughout Latin America (and elsewhere) have a long history of police repression of protests, especially those that challenge the dominant economic order. Yet there are two key reasons that our findings stand out. First, during the current period of democracy in Latin America there has been considerable and growing attention on the part of academics and practitioners on the need for “democratic” police reform (e.g., Ungar 2011; Uildriks 2009; UNDP 2013). Both Argentina and Peru have been among those countries that have pursued such reforms (e.g. Arslanian 2008; Costa 2006). Thus the state discourses we find highlight the limits of political will in expanding of such reforms. State actors hold protesters, not police, discursively accountable for wrongdoing. Police repression is justified and thus reinforced.

Second, the cases we examine involve the repression of mining protests that occurred under left-of-center populist governments in both countries, Presidents Ollanta Humala in Peru and Cristina Fernández de Kirchner in Argentina. The rhetoric of these governments emphasizes popular participation, anti-neoliberalism, and human rights. If police or political leaders were to be held accountable for the repression of protests, we would expect these to be the presidencies most likely to do so. Yet the discourses we find reveal how populist rhetoric of democratic participation, in particular “dialogue,” is used in a co-optive manner that reduces accountability for repressive protest policing in order to accommodate mining-based economic growth.

The Cases: The Conga Mine Protest (Peru) and Alubrera Mine Protest (Argentina)

This study compares state discourses in response to two incidents of police repression of a mining protest, one in Argentina and one in Peru, both of which took place in 2012. This comparative methodology allows us to identify similarities and differences between the two cases to reveal issues that may be applicable to other countries in the region.

Peru and Argentina were chosen because they offer a compelling contrast between political organization and industrial history, which together produce distinct challenges for mineral development and antimining protest policing. Yet in both cases left-of-center populist political leaders have embraced mining as a means to stimulate economic development. In both cases demonstrations in opposition to mining have resulted in violent confrontation between protesters and police. The two protests we have chosen to examine, the Conga mine protests in Peru and the Alubrera mine protests in Argentina, are relatively recent and highly mediatized examples of such conflict in each country.

Both instances involved rural communities who, despite making latent the “indigeneity”³ of their relationship to the landscape, do not self-identity as indigenous but as campesinos (in Peru) and small townspeople (*pobladores*) or environmentalists (in Argentina). And while indigenous rights issues have certainly transformed political debates around mining, particularly in Peru, the conflicts we explore were not explicitly framed in these terms. The historical erasure of indigenous identity in Peru remains an important area of critical inquiry but is beyond the scope of this article. We therefore recognize that debates around mining are always tightly bound to the realization of indigenous rights, but we maintain that protesters articulated these particular conflicts as part of a broader political struggle around issues of democratic citizenship. In what follows, we provide a brief background on the context of mining conflict in each country and details on the protests that will be examined.

The Conga Mine Protest (Peru)

Peru has a long history of mining dating back to the colonial period. Mining is controlled at the national level and revenue is redistributed back into mining areas using a tax transfer system established by the national government. The policing of protests is conducted mainly by the Peruvian National Police (Policía Nacional del Perú, PNP).⁴

Resource conflicts have escalated dramatically since the return to electoral democracy in 2001, with some of the country’s most violent conflicts occurring in 2005, 2009, and 2012.⁵ Under former president Alan García (2006–2011) the country experienced more than 250 natural resource conflicts, conflicts often exasperated by antagonistic political rhetoric and the violent intervention of military forces (see Torres and Salgado 2013). The deaths of thirty-four individuals (both protesters and police) near the town of Bagua in 2009 catalyzed issues of indigenous land rights to national attention. Subsequently, current president Ollanta Humala was elected in 2011 on a platform that promised to reevaluate resource extraction and better engage both indigenous and nonindigenous communities impacted by mining operations. He pledged to respect communities’ decisions of no mining but once elected has continued to green-light projects despite vociferous and at times violent opposition (Li 2013).

In July 2012 a conflict at the proposed Conga mine site in the region of Cajamarca, a project Humala had explicitly promised to terminate, resulted in the deaths of five protesters (Isla 2015, 27). This is the protest we examine in this article. In light of President Humala’s pledge to better address conflicts over resource extraction, state responses to the events in Cajamarca help to illustrate the tensions that continue to drive resource conflicts nationally.

The proposed Conga mine is an extension of the preexisting Yanacocha mine, owned by the American company Newmont Mining in partnership with Peruvian mining group Buenaventura and the International Financial Corporation of the World Bank. Yanacocha began production in 1993 and is currently the largest gold mine in Latin America, accounting for 14.5 percent of total Peruvian mineral exports (IFC 2009, 11). The concession covers nearly twenty-five thousand hectares and has long been subject to concern over its environmental impact. The use of cyanide in the extraction process at the Yanacocha mine has led to the contamination of surrounding land and freshwater resources, while a spill of 150 kilograms of mercury in 2000 continues to negatively impact the health of nearby villages (Bury 2004, 81–82; Bury 2008, 311–313; Li 2013, 401). While organized opposition to Yanacocha has been ongoing, a 2011 proposal to expand operations into the adjacent Conga site intensified opposition. After thirty-four days of strike action, on July 3 and 4, 2012, demonstrations against the Conga expansion were held near the towns of Celendín and Bambamarca. Five protesters died and forty-five were injured when the PNP intervened with helicopters and live ammunition.⁶ A sixty-day state of emergency followed during which time reports of police violence, including sexual assault, were not uncommon (Isla 2015, 36–37).

³ We use this term in the same manner as Fabiana Li, who defines it as “recognizing the complex politics of class, language, ethnicity and race in Peru” and the “ways in which identities are made and negotiated” (2013, 402). As other scholars have pointed out, indigeneity is not experienced in zero-sum terms (García 2005, 6).

⁴ Protest policing is increasingly done by the PNP in coordination with private security as well as military forces. However, this is not the case for the protest we examine.

⁵ In 2005, PNP and private security forces in the northern department of Piura detained and tortured twenty-eight community members opposed to the Rio-Blanco mining project (Slack 2012). On June 5, 2009, thirty-four people were killed during a conflict over oil extraction near the town of Bagua (Hughes 2010). Police killed two antimining protesters in Espinar, Cuzco, in May 2012 and five in Cajamarca in July 2012 (Jaña 2012, 2).

⁶ “Obispo católico mediará en conflicto minero en Perú que dejó 5 muertos,” *El Universo*, July 6, 2012.

Alumbrera Mine Protest (Argentina)

In contrast to Peru, in Argentina the mining industry is relatively new. Argentina has historically privileged agricultural production, which has long dwarfed any domestic mining industry (Rock 1985, 29–30, 99–100). However in 1993, faced with declining agricultural exports and mounting inflation, Argentina liberalized its mining code in an effort to attract much-needed foreign investment and began to aggressively promote the industry internationally. By 2007 the number of mine sites had increased from 40 to 336 (Walter and Alier 2010, 282).

In tension with these developments, Presidents Néstor Kirchner (2003–2007) and Cristina Fernández de Kirchner (2007–2015) governed on a platform of human rights and anti-neoliberalism. From the beginning of their presidencies, they were outspoken against the repression of protests. Proponents of mining development argue that the Kirchner administrations did not go far enough to ease currency controls that hurt foreign direct investment in mining; during an address to the United Nations in 2014, President Cristina Fernández de Kirchner openly criticized Western governments for stripping Latin American countries of their mineral wealth. Yet mining expanded under the Kirchner governments and Argentine regional police forces have increasingly used repression to disrupt mining protests.

However, unlike Peru, Argentina is a federal state and provincial governments hold significant power. Provinces own and control access to mineral rights and, as such, operate with a great deal of political and economic autonomy from the national government (Arelleno-Yanguas 2011, 622; Ardanaz, Leiras, and Tommasi 2014, 31). The Federal Mining Agreement harmonizes mining policy nationally, and while provinces retain rights to royalties and other tax revenues, the federal government generates funds from its own tariff and taxation regime (Ibopus 2014, 83–84). Mining protests are predominately policed by provincial police forces unless they are held on federal territory such as national highways.

In 2012 a significant mining conflict erupted at the Alumbrera mine in the northern province of Catamarca. Owned in tandem by Canadian companies Glencore Xstrata, Goldcorp, and Yamana Gold, Alumbrera is the oldest and largest mine in Argentina. In operation since 1997, Alumbrera accounts for around 3 percent of total Argentine mineral exports (Xstrata 2011, 26). Relative to Peru, Argentina does not have a violent history associated with mining protests. This likely reflects the comparatively recent expansion of mining in the country. Yet, opposition certainly exists and is growing. For example, seven of Argentina's twenty-three provinces have passed bans on open-pit gold mining (see Walter and Alier 2010). Thus resource extraction remains a contentious issue in Argentina, but until recently, disagreement has not resulted in the level of violence that occurred in 2012 in Catamarca when police attempted to remove a road blockade maintained by protesters. For this reason the case is a particularly interesting one to examine as it may reflect the direction of future conflicts.

The Alumbrera mine is currently in its waning years of production and an expansion project seeks to incorporate an adjacent parcel of land, referred to as Agua Rica. Local residents and civil society organizations, such as El Unión de Asambleas Ciudadanas Contra el Saqueo y la Contaminación (UAC), have long opposed both Alumbrera and Agua Rica due to concerns over water shortages and contamination. In 2010, demonstrations in opposition to the mine ended in violence when provincial police intervened and the Agua Rica's operating permit was ultimately suspended.⁷ However, in 2012 a provincial judge reissued the permit and opponents reestablished a series of road blockades aimed at preventing construction. On February 9, 2012, the Catamarca Provincial Police carried out a court order to clear the roads. Over the following days more than sixty people (including two minors) were arrested and twelve protesters were hospitalized after police used rubber bullets, tear gas, and dogs to disperse crowds.

Both protests, and the violent police response they encountered, were important enough in each country to garner significant media attention and state actors were compelled to make statements on the events. State discourses provided frames for understanding the violent result.

Methodology

In addition to the comparative methodology outlined, we also use discourse analysis. In each country we followed state discourses on the incidents in the national daily newspaper that is the most supportive of the government. This allowed us to examine the frames used by dominant state actors in a form closest to how they would like to have them presented. While we include the voices of state actors who oppose government choices and we recognize they might be in more abundance in other media sources, we are most interested in the frames used by those with the power to determine how mining protests are policed

⁷ "Catamarca: Tras graves incidentes, un juez ordenó suspender la actividad de una mina," *Clarín*, February 16, 2010.

and accountability for wrongdoing is attributed and remedied. In Argentina we used *Página 12*, the only national daily newspaper supportive of the Kirchner government. In Peru *El Comercio* offered a parallel venue. *El Comercio* is the newspaper of record and routinely features op-eds by prominent political figures. We examined all relevant articles published in each newspaper for fourteen consecutive days following the initial incidence of violence. After fourteen days media coverage of the events mostly disappeared. In total, we examined ninety-three articles, fifty-nine from Peru and thirty-four from Argentina. *El Comercio* published fifty statements given by state actors, while *Página 12* published forty-three statements. In total we examined ninety-three statements given by state actors.

We use framing analysis (a form of discourse analysis) to understand how state actors presented police repression of these mining protests. Framing analysis comes from the work of Erving Goffman (1974). Simply put, frames are the repeated vocabulary or interpretation used by a given actor to explain events, objects, people, or experiences. Frames simplify or condense complex issues to make them comprehensible in the speaker and audience's current or past environment (Snow and Benford 1992, 137). They tell us how we should understand an event, object, person, or experience. In this article we are interested in the frames used by state actors. By state actors we refer to politicians, police, and members of the judiciary. We are interested in the frames used by state actors due to the importance of how they understand the democratic right of protest in relation to the economic prospects of mining given their decision-making power. We asked: How do state actors frame the respective protest in terms of the identification of the wrongdoer(s), the wrongdoing committed, and the appropriate state response?

Who Is Responsible and What Did They Do Wrong?

State discourses that attribute responsibility for violent incidents is part of building democratic accountability (Bonner 2014, chap.2). Accountability depends on the identification of certain acts as wrongdoing and identifying the specific actors who are in the wrong. If an act is not considered wrongdoing, there is no need for accountability. Moreover, the person and act deemed to be responsible will also shape the form of state institutional remedy pursued. While the legal system can provide guidelines for wrongdoing, laws are not always enforced, police have significant discretion in how they apply laws, and the legal system does not always provide accountability (O'Donnell 1999). Since state actors are in a position to activate institutional mechanisms of accountability, such as resignations, pursuing criminal charges, legal changes, and institutional reform, whom they define as responsible for wrongdoing and what they identify as the wrong done is significant.

In the cases of mining protests in Peru and Argentina, it is particularly interesting to consider how state actors frame wrongdoing (who is responsible and for what) in light of the tension between democratic rights and economic interests that these protests embody. Despite the differences between the two countries, in both cases state actors identified protesters, more than anyone else, as the key actors responsible for wrongdoing, and the wrongdoing most identified was the protest itself, which justified police action. Thus the dominant frame in both cases was "police actions were justified given the threat they faced." In the protest policing literature this is commonly understood as a law-and-order frame for understanding police actions. In what follows we analyze and compare the frames for responsibility found in each case in descending order of frequency. These are: "the protesters are responsible," "repressing protest is wrong," and "the government is responsible."

The Protesters Are Responsible

In Peru, according to twelve of the twenty-six statements assigning blame, the wrongdoing that occurred in Cajamarca is overwhelmingly the responsibility of protesters. These statements reinforce the frame that protesters caused disorder/broke the law, undermining any potential accountability on the part of other actors. Despite President Humala's assertion, "We should criticize the lack of experience of the police," their lack of experience is only problematic in light of protesters who, according to President Humala, are "looking to be victimized."⁸

Similarly in Argentina the majority of state actors hold protesters responsible. Twelve out of twenty-four statements citing blame identify protesters as responsible. It is notable that all twelve statements come from the provincial government, the same government that authorized police action. These statements point

⁸ "Obispo católico mediará en conflicto minero en Perú que dejó 5 muertos," *El Comercio*, July 5, 2012.

to the actions of protesters who blocked the road and threw stones, constituting what Minister of Justice Francisco Gordillo called “a danger to society.”⁹

It is notable that in Peru the national government overwhelmingly perpetuates the frame of protester culpability, whereas in Argentina provincial state actors frame protesters as responsible. This appears consistent with the level of government responsible for police oversight and mining regulation, as well as each country’s domestic political divides.

While it is significant that state actors in both cases identified protesters as those who were most responsible for wrongdoing in the incidents, it is also important for accountability how the wrongdoing is presented. That is, what exactly did the protesters do wrong? State actors in both countries framed protesters’ wrongdoing in two distinct but compatible ways: (1) protesters caused disorder/broke the law, and (2) protesters hold extreme (minority) views. In Peruvian state discourse the former frame is dominant, while in Argentina the latter is also invoked. We explore how both frames work to justify police intervention and to perpetuate a wider law-and-order frame. State discourses legitimating police action or casting blame on other actors reinforce the dominant frame that protesters’ action/beliefs validated police response.

In Peru, wrongdoing is associated with the actions of protesters in eleven out of thirteen statements made by state officials describing events in Cajamarca. All eleven statements come from state actors at the national level, including members of the PNP. According to police, protesters are responsible for “causing public disorder” and “directing a public mobilization.”¹⁰ President Humala accuses protesters of “provoking police with their placards or sitting in the Plaza de Armas in order to get onto television.”¹¹ The president implies that acts of protest encouraged PNP reaction, which protesters in turn used as a strategy to garner popular support. Minister of Justice Juan Jiménez defends police action because protesters “have guns and shoot at law enforcement.”¹² In short, because protesters caused public disorder and did so with violence, Peruvian police were justified in their response.¹³ Unlike Argentina, any additional motivations protesters may have in Peru are made irrelevant by virtue of their tactics.

In Argentina the majority of official statements also associate wrongdoing with the actions of protesters, but unlike Peru, these statements come exclusively from actors at the provincial level. Protesters caused disorder/broke the law, but unlike in Peru, they did so because they hold extreme beliefs. State actors associate wrongdoing with protesters in nine out of eighteen statements that identify the wrongdoing committed. Minister of Justice for Catamarca, Francisco Gordillo, states that protesters were removed “in compliance with a court order, respecting above all the right of everyone to travel on the road.”¹⁴ Catamarca governor Lucía Corpacci defends police action because “people at the court threw stones, one of which seriously injured a truck driver.”¹⁵ Provincial actors appeal to a need for law and order as a way to frame wrongdoing in terms of protester action. However, unlike Peru, in Argentina wrongdoing is also framed in terms of protesters’ motivating beliefs.

Argentine provincial state actors employ labels, such as “environmentalist” or “fundamentalist,”¹⁶ to signify that protesters are driven by minority, even extreme, beliefs. The governor of nearby San Juan Province, Luis Gioia, responded to events in Catamarca, stating, “Environmentalists do not want the blacks [*los negros*] of the ranches to have progress,”¹⁷ a derogatory reference to mestizos from the lower classes in the provinces. In addition to attributing ideological motivations to protesters by labeling, Gioia also points to what he perceives as an incompatibility between environmental concerns and economic development. Governor Corpacci echoes this sentiment, stating, “It is easy to say no to mining . . . but the resources generated from mining are what is going to be the most delayed.”¹⁸ Wrongdoing includes both the actions of protesters who

⁹ “La policía de Catamarca reprimió a los ambientalistas de Tinogasta,” *Página 12*, February 10, 2012.

¹⁰ “Pobladores marchan en Bambamarca y desafían otra vez el estado de emergencia,” *El Comercio*, July 6, 2012.

¹¹ “Duras críticas contra Gregorio Santos y Marco Arana,” *El Comercio*, July 7, 2012.

¹² “Tres muertos deja el ataque de una turba al municipio de Celendín,” *El Comercio*, July 4, 2012.

¹³ On July 3, 2012, protesters, attempting to occupy municipal offices in Celendín, fired shots when police intervened. Police opened fire into the crowd, killing three protesters and injuring at least twenty others. A state of emergency was quickly imposed and sweeping arrests made. Police killed a fourth protester on July 4, 2012, during a five-hour standoff with protesters who had attempted to kidnap fifteen police. On July 6, 2012, a fifth protester died in hospital of bullet wounds sustained during the events of July 3, 2012.

¹⁴ “La explicación del gobierno provincial,” *Página 12*, February 11, 2012.

¹⁵ “Un desarrollo minero con reglas claras,” *Página 12*, February 15, 2012.

¹⁶ “La policía de Catamarca reprimió a los ambientalistas de Tinogasta,” *Página 12*, February 10, 2012.

¹⁷ “Tinogasta, la represión indigna,” *Página 12*, February 13, 2012.

¹⁸ “Corpacci: “La minería se desarrolla orgullosamente en Catamarca,” *Página 12*, February 14, 2012.

disrupted order or broke the law as well as their extreme motivating beliefs. Both frames work to justify police intervention and to perpetuate a wider law-and-order frame by defining wrongdoing in terms of the protest itself.

Repressing Protest Is Wrong

In contrast with the dominant frame of protester wrongdoing, some state actors in both Peru and Argentina instead associate wrongdoing with the repression of protesters. These state actors offer a counterframe to the dominant law-and-order frame but do so in ways that limit accountability. The repression of protest is wrong, but who is responsible for what remains unclear.

In Peru, just three out of sixteen statements describing wrongdoing refer to the repression of protesters. President Humala includes in his definition of wrongdoing “the actions of certain police officers,”¹⁹ yet the director of the PNP, General Raúl Salazar, justifies any injuries protesters sustained as “having had no criminal intent.”²⁰ Any accountability is either precluded or reduced to a few bad apples negating any wider challenge to the law and order frame.

In Argentina, seven out of eighteen statements describing wrongdoing point to protester repression, the majority of which come from federal political leaders. Federal Minister of Justice Aníbal Fernández attempts to distance himself from his provincial counterpart by asserting, “I have never agreed to suppress a social protest.”²¹ The repression of protest offers an important counterframe to the dominant frame of protester wrongdoing. However, like Peru, state actors in Argentina do not offer a strong critique of the law-and-order frame because they provide weak calls for accountability. For example, the Minister of Justice Aníbal Fernández may condemn the suppression of protest, but he is also quick to recognize that “the provincial government holds the power of the police”²² and, as such, is ostensibly sanctioned to employ it.

In sum, while some state officials, in both Peru and Argentina, associate wrongdoing with protest repression, the majority does not. Moreover, state actors’ failure to demand accountability for police repression diminishes the salience of the police wrongdoing frame. The dominant frame that protesters’ action/beliefs provoked and justified police response is ultimately maintained and reinforced by statements assigning responsibility.

The Government Is Responsible

Second to protesters, government actors were most frequently cited by other state actors as responsible for the repression of the protest in both countries. In Peru eleven out of twenty-six statements, and in Argentina seven out of twenty-four statements assigning blame point to government officials or offices. For the most part, although not exclusively, they are framed as responsible in a manner that supports the dominant frame that “protester actions/positions justified police response.”

Certainly governments play a role in the management of conflicts. They can choose to negotiate ahead of time (mitigating the need for protests). They can demand the enforcement (or not) of laws. They can enact new laws or measures. They can call on the police to respond and suggest the appropriate response. Yet, when things go wrong in the management of protests, state actors use two common discursive mechanisms to minimize their accountability: they blame other state actors or legitimize police actions. Both these strategies are used in these cases in such a way that predominantly reinforces the dominant frame of protester wrongdoing.

First, in both cases state actors blamed other state actors for the repression of protests. The Peruvian national government consistently blames the regional government of Cajamarca for protester wrongdoing and in turn the violent intervention of the PNP. According to these statements, while protesters provoked police action, the Cajamarca government purposefully failed to reach a political remedy, thereby exacerbating social unrest and requiring the national government to order the PNP to intervene.

Congresswoman María del Pilar Benavides Alfaro accuses Cajamarca regional president Gregorio Santos of exploiting opposition to Conga because “he wants to be president and does not care about the people.”²³ In a related statement, President Humala publicly chastised Santos for “playing politics with the dead” and describes him as “insane” and “having only half a brain.”²⁴ In Peru, state actors at the national level lay

¹⁹ “Obispo católico mediará en conflicto minero en Perú que dejó 5 muertos,” *El Comercio*, July 6, 2012.

²⁰ “Otro poblador muere por las protestas en celendín,” *El Comercio*, July 6, 2012.

²¹ “Otra voces,” *Página 12*, February 11, 2012.

²² “La policía de Catamarca reprimió a los ambientalistas de Tinogasta,” *Página 12*, February 10, 2012.

²³ “¿La minería no comunica lo que hace por la sociedad y el ambiente?” *El Comercio*, July 7, 2012.

²⁴ “Duras críticas contra Gregorio Santos y Marco Arana,” *El Comercio*, July 7, 2012.

blame with the Cajamarca government in tandem with protesters. By failing (or refusing) to reach a political solution, this frame holds that the Cajamarca government put the national government in a position where it was forced to respond to protester wrongdoing with police intervention. By passing blame onto the regional government, the national government is able to uphold the dominant frame that “protester actions/beliefs justified police response.”

Similarly, the Argentine federal government immediately points out that the government of Catamarca holds jurisdiction over resource conflicts. Thus state actors at the federal level are quick to lay blame with the provincial government. For example, Jorge Rivas, national deputy for then ruling Frente para la Victoria (FVP) party, criticized the Catamarca government for failing to “seek answers to popular demands.”²⁵ Like Peru, the failure to reach a political remedy exacerbated social unrest, ultimately necessitating police intervention. However, unlike Peru, in Argentina, Minister of Justice Aníbal Fernández explained that “what happens in the provinces is the decision of the provinces,”²⁶ including the choice of using police repression, therefore absolving the federal government of any blame. While there are certainly those, such as Fernando “Pino” Solanas (federal leader of the opposition party Proyecto Sur), who criticize provincial actors for “the brutal repression unleashed upon the residents of Tinogasta,”²⁷ mechanisms for accountability are largely usurped by jurisdictional authority. In sum, federal statements do not directly challenge the dominant frame that protesters’ actions/positions justified police response.

State actors also blame an array of other state and nonstate actors for events in Cajamarca, Peru, and Catamarca, Argentina. These frames are not dominant; in most instances only one such statement is found. In Peru, President Humala blames police for their “lack of experience”²⁸ and “failed foresight,”²⁹ and in Argentina national opposition coalition president Hermes Binner cites excessive “police force.”³⁰ In addition to police, state actors also blame two nonstate actors—the mining company (in both countries) and the media (in Argentina only). However, while Argentine secretary of environment Juan José Mussi accused the company of treating Argentine mining communities as “guinea pigs”³¹ for substandard operating practices, he failed to recognize that companies are first and foremost beholden to host state regulations. In other words, assigning blame to other actors, including mining companies, distracts from the responsibility national and provincial state actors have in managing protests, which in turn limits their accountability. In addition to laying blame, state actors in both countries also attempt to manage responsibility by legitimizing those actions under scrutiny.

In Peru, state actors at the national level consistently worked to legitimize the repressive actions of the PNP by justifying the need for intervention. Former minister of justice Víctor García Toma defends the need for the PNP because “the political authorities of Cajamarca are in a clear situation of violating the basic rules of law.”³² García Toma goes on to point out that “the request of the authorities and leaders in Cajamarca has changed. Now it [the conflict] is more political than technical.”³³ In other words, if, for example, protesters demanded technical solutions to environmental concerns the national government could have feasibly complied. However, Santo’s outright opposition to Conga constitutes a political demand that challenges the authority and interest of the national government. In short, these statements uphold the dominant frame that “protesters’ action/beliefs justified the police response” and work to legitimize decisions made by the national government that ultimately led to violence.

Comparably, in Argentina the provincial government defends its decision as being “pursuant to a court order, respecting above all else the right of all to transit routes.”³⁴ Moreover, provincial minister of justice Francisco Gordillo responded to allegations of police wrongdoing by asserting that Catamarca police “followed the protocol signed with the Ministry of National Security.”³⁵ In both cases, statements by provincial officials work to legitimize the actions of both the government and police by appealing to legal or regulatory regimes; the result is to prop up the dominant frame of protester wrongdoing and in turn police response.

²⁵ “Otras voces,” *Página 12*, February 11, 2012.

²⁶ “La policía de Catamarca reprimió a los ambientalistas de Tinogasta,” *Página 12*, February 10, 2012.

²⁷ “Otra voces,” *Página 12*, February 11, 2012.

²⁸ “Duras críticas contra Gregorio Santos y Marco Arana,” *El Comercio*, July 7, 2012.

²⁹ “Obispo católico mediará en conflicto minero en Perú que dejó 5 muertos,” *El Comercio*, July 6, 2012.

³⁰ “Otras voces,” *El Comercio*, February 11, 2012.

³¹ “Una Corte de la patota prominera” *Página 12*, February 13, 2012.

³² “Las demandas son políticas,” *El Comercio*, July 10, 2012.

³³ *Ibid.*

³⁴ “La explicación del gobierno provincial,” *Página 12*, February 11, 2012.

³⁵ *Ibid.*

In sum, government officials in both Argentina and Peru employ strategies of legitimation and blame in order to deflect criticisms and impede accountability. Police repression is either the appropriate response to social disorder or the fault of some other individual or office. In both instances the dominant law and order frame is maintained. This, in turn, has profound implications for potential remedies.

In the following section we examine the remedies proposed by state actors in both countries. By remedy we mean those steps taken to address wrongdoing in order to restore both order and confidence in the state. If the primary concern or wrongdoing had been identified to be police violence or repression, then we would expect to find the remedy to be various forms of police accountability such as trials, resignations, or police reforms. However, as we have seen, in the cases examined here the majority of state actors identified the wrongdoers as the protesters. Using this latter frame we find that state actors in both countries overwhelmingly propose “dialogue” as the most appropriate remedy. Yet we find that dialogue is promoted in ways that support the expansion of mining development nationally. This is consistent with critical perspectives on dialogue as a governance technique whereby the potential for co-optation of opposition voices is intensified by inequality. Alternatively, state actors also propose political leadership/policy streamlining as a possible remedy, which like dialogue reduces the scope of political debate around mining effectively promoting the industry’s future expansion.

What Should Be Done?

Democratic accountability involves not only identifying wrongdoers and what they did wrong; it also involves finding a remedy. This might be a punishment, perhaps applied by an institutional authority such as a court or commission, or it might involve a new way to go forward, such as institutional reform or new laws. Interestingly, state frames of remedy, despite blaming protesters as the wrongdoers, overwhelmingly emphasized the need for dialogue. Ganesh and Zoller (2012) note three primary orientations toward dialogue in the context of governance—collaborative, co-optive, and agonistic—depending on varying conceptualizations of conflict, power, and difference. While collaborative dialogue strives for win-win scenarios it often ignores many of the underlying power differentials that in turn define outcomes. Openness is thus a key part of collaboration, a requisite that more critical perspectives reject as a tactic of power. Instead, they argue, dialogue works by co-opting dissenting voices in order to legitimize ongoing inequity. Finally, agonistic perspectives understand dialogue to operate conflictually, as a form of political subversion aimed at radical change. In the cases examined here, state actors defined dialogue in a number of different ways, but the term was consistently and frequently used in both cases. In addition to dialogue, another frame promoted the streamlining of policy or improvement of leadership. When other frames were proposed, such as an inquiry into protester deaths or an increase in policing, they tended to be minor and reinforce the dominant frame. In short, state actors in both countries overwhelmingly preferred the remedy of dialogue.

Dialogue

In promoting dialogue state actors both recognized and legitimated protesters’ concerns and committed (at least in theory) to addressing them. In Peru, Catholic bishop Miguel Cabrejos mediated with protesters and the regional government at the request of President Humala. In Argentina, provincial and federal officials forged a new interprovincial organization, the Federal Organization of Mining States (La Organización Federal de Estados Mineros, OFEMI), to promote cross-provincial dialogue and build “consensus”³⁶ around mining policy. In both countries, state actors invoked dialogue as a calming mechanism, an effort to restore peace and stability in communities heated by police action. However, an examination of state discourse around calls for dialogue also reveals how the frame is employed tactically, as a way to both reinforce the dominant frame that protesters’ actions/beliefs justified police response and to shift attention away from mining opposition. In both countries, dialogue appears to operate as a co-optive governance strategy that reduces the scope of political debate in order to safeguard both current and future mining investment.

In Peru state actors called for dialogue to remedy the conflict in Cajamarca in eighteen out of thirty-two statements on remedies. The president called on Archbishop Miguel Cabrejos to “open a space for dialogue in Cajamarca in order to apply cold cloths [because] we are committed to forging a different relationship

³⁶ “Otra voces,” *Página 12*, February 12, 2012.

with mining.³⁷ Humala presents dialogue as an opportunity for collaboration, a way to depoliticize the provincial/national conflict and to reevaluate his government's approach to mining policy. In short, Humala presents dialogue as a win-win scenario.

However, others in his government offer a very different image of dialogue, one that places particular limits on its outcome. Justice Minister Juan Jiménez states, "The [national] government wants dialogue, but under circumstances where there is good communication undertaken in good faith. . . . They [the regional government] have to work toward construction, progress, investment and the validity of fundamental rights."³⁸ In a similar vein, Congresswoman Benavides Alfaro called on the state to "hire specialists in business and community relations because they can help the population to make the right decision."³⁹ For these state actors, dialogue is not about accountability or whether mining will continue to occur in Cajamarca but is instead about public relations and how the government might placate communities impacted by operations. In Peru calls for dialogue need also be understood in the context of a state of emergency, the initial remedy offered to Cajamarca by the national government.

State actors called for dialogue with protesters as a way to restore calm when it became clear the state of emergency alone was insufficient. The state of emergency suspended constitutional guarantees of assembly and inviolability of the home for a period of thirty days. Minister of Justice Juan Jiménez defended the decision by reasserting the national government's authority: "We [the national government] are complying with established standards. The state of emergency is a provision adopted on the basis of the Constitution for the purpose of restoring public order, peace, and social harmony."⁴⁰ Within days, three additional protesters died and demonstrations continued in open violation of this order. Dialogue quickly became the dominant frame of remedy but also took on an increasingly limited capacity for reform.

By contrast, in Argentina calls for dialogue did not engage protesters directly, thus excluding the one group arguably most directly impacted by decision making. State actors called for dialogue to remedy the conflict in Catamarca in nine out of twenty statements on remedies. Notably, since 2004, the Argentine federal government has held a position of not repressing protests and instead favors a strategy of "dialogue" (Bonner 2014; Perelman 2008). President Fernández de Kirchner called for "a serious political discussion"⁴¹ and expressed a desire "to hear all positions,"⁴² thus suggesting an open and collaborative process. However, just as emerged in Peru, state actors also frame dialogue by imposing a set of conditions that work to limit its meaning. Governor of Catamarca Lucía Corpacci attributes dialogue with "building the necessary social consensus [in order] to grow Catamarca mining."⁴³ Indeed mining policy quickly becomes the only subject of dialogue, ignoring the demands of protesters in Catamarca for heightened environmental protections and consultation mechanisms, and thereby limiting accountability for police repression. Moreover, by invoking a definition of dialogue that excludes civil society groups and instead harmonizes mining policy between provinces, state actors limit wider reflection and debate around the future of mining development nationally.

Dialogue is the frame of remedy most consistently invoked by state actors in both Peru and Argentina, but as a governance technique its scope quickly became limited. While dialogue is initially proposed to engage protesters in Peru and provincial politicians in Argentina collaboratively, in both countries state actors subsequently describe their objectives for dialogue in terms consistent with their objectives for economic growth via mining.

Closely related to dialogue is the second most advocated remedy of policy streamlining/political leadership. This frame, like dialogue, limits mechanisms for accountability by addressing operational challenges the industry faces and not the repression of those who stand up in opposition to it. In short, both frames of dialogue and streamlining/improving political leadership work to reinforce the dominant fame of protesters' action/beliefs justified police response because they address issues tangential to the protest itself. Instead both frames work to limit the potential for future protests by better promoting mining as a vehicle of economic development.

³⁷ "El Gobierno tiende puente a Cajamarca con monseñor Cabrejos," *El Comercio*, July 7, 2012.

³⁸ "El Gobierno invoca prudencia a líderes de Cajamarca para evitar más violencia," *El Comercio*, July 5, 2012.

³⁹ "La minería no comunica lo que hace por la sociedad y el ambiente?" *El Comercio*, July 7, 2012.

⁴⁰ "El Gobierno invoca prudencia a líderes de Cajamarca para evitar más violencia," *El Comercio*, July 5, 2012.

⁴¹ "CFK pidió 'una discusión en serio' sobre minería," *Página 12*, February 10, 2012.

⁴² *Ibid.*

⁴³ "Corpacci: 'La minería se desarrolla orgullosamente en Catamarca,'" *Página 12*, February 14, 2012.

Streamline Policies/Improve Political Leadership

In Peru, calls for political leadership reflect the country's long history of mining and mining-related conflicts. Because mining is governed at the national level a streamlined policy already exists. However, Peruvian state actors called for "political leadership" in five out of thirty-two statements proposing remedies. Congresswoman Benavides suggests, "People are filled with misconceptions. And the state should participate there . . . [In turn] the state would benefit from more taxes. It's that simple."⁴⁴ According to this frame the state's role is to generate support for mining so as to avoid future conflicts. State discourses employ the frame of political leadership not to address events or demands in Cajamarca but to avoid future scenarios wherein protesters' actions might again require police to intervene.

In Argentina political leadership is championed in tandem with policy streamlining in an effort to prevent future conflict. State actors call for the streamlining of mining policy in nine out of twenty statements on remedies. Streamlining of mining policy refers to political and regulatory coordination across Argentina's provinces in order "to unify regulatory, environmental, and income distribution" and to promote the idea that "mining is not taboo."⁴⁵ The establishment of an interprovincial organization dedicated to streamlining mining policy is the logical result of a remedy framed in terms of dialogue, not collaboratively with protesters but between state actors. Political leadership is required in order to pursue policy streamlining and better promote mining as an important industry. Like Peru, the frame of streamlining policy/political leadership works to reinforce the dominant frame of protester wrongdoing because it attempts to deter future protests and the need for police intervention by persuading opponents of the benefits of mining and thus the lack of need for future opposition.

In addition to dialogue and streamlining policy/political leadership, some state actors proposed a number of other remedies in both Peru and Argentina. However, these are minor frames and for the most part work to reinforce the dominant frame just described.

For example, some state actors in Peru called for the removal of Cajamarca's regional ministers⁴⁶ and an inquiry into the deaths of protesters.⁴⁷ In Argentina the provincial government called for an increase in policing.⁴⁸ These constitute minor frames in that only a small number of statements (in fact just one) proposed this mechanism. More importantly, each minor frame works to support the dominant frame of protester wrongdoing (and therefore police response) because none engage in wider reflection on the role of the state and police accountability.

Conclusion

Given the expansion of mining in Latin America in recent years it is worth reflecting on the impact it has on democracy. Mining is contentious and for this reason requires democratic debate. However, as O'Donnell (1993, 1999) and others have noted, state institutions for democratic debate and accountability in Latin America are weak and often inaccessible to the most marginalized citizens. In this context public protests become an important arena for political debate and accountability (Peruzzotti and Smulovitz 2006). When police repress protests, the manner in which state actors frame wrongdoing and the corresponding remedies can establish the limits of acceptable democratic protest and police response (Bonner 2014) as well as the scope of political participation. Thus state responses to antimining protests provide a window into the distinct ways in which state actors are defining democracy in order to accommodate the pursuit of economic growth through mining.

Our findings, using a most different case comparison of Peru and Argentina, highlight the similarities in state discourses. In both cases state actors responded to police repression of an antimining protest. Rather than condemning police actions, state actors identified the protesters as those most responsible for wrongdoing. The remedy offered by state actors in both cases was a form of co-optive dialogue or improved political leadership/policy streamlining that would help avoid such conflicts in the future by convincing opponents of the merits of mining, or placing strict limits on the possibilities for reform. If this remedy does not succeed in convincing people, then it can be assumed that police repression of protests will be the response. The discourses examined reveal that state actors in both countries justify police repression of antimining protests, or at least provide insufficient calls for accountability to dissuade a similar response from the police and political leaders in the future.

⁴⁴ "¿La minería no comunica lo que hace por la sociedad y el ambiente?" *El Comercio*, July 7, 2012.

⁴⁵ "Corpacci: 'La minería se desarrolla orgullosamente en Catamarca,'" *Página 12*, February 14, 2012.

⁴⁶ "Hay que volver a fojas cero," *El Comercio*, July 11, 2012.

⁴⁷ "Los reclamos de los dirigentes cajamarquinos y su factibilidad," *El Comercio*, July 10, 2012.

⁴⁸ "Otro reclamo, dos años después," *Página 12*, February 14, 2012.

These findings have a number of implications for mining and democracy in Latin America. First, police reforms that aim to reduce police violence and increase accountability may be significantly challenged if governments' mining policies rely on police use of excessive force to control oppositional public protests. Second, the limiting and co-optive manner in which the concept of "dialogue" is used in both cases suggests that state actors may be embracing public relations, rather than meaningful participation, as a key strategy to gain support for mining and avoid, if possible, the need for more authoritarian police responses. This finding is consistent with recent work on participatory governance strategies around mining, particularly in Peru, where efforts to promote a "new natural resource policy agenda" that respects and includes impacted communities in decision-making and monitoring processes has been increasingly criticized (Arelleno-Yanguas 2008; Himley 2010; Li 2013). Taken together, this work reveals how community participation is understood and constrained in important ways, which in turn raises questions about its ostensibly democratic role. Finally, the right to protest, identified by the Inter-American Commission on Human Rights as fundamental to democracy, is significantly restricted if particular definitions of economic growth can be used to justify the restriction of public demonstrations. All of these issues merit further research to explore how or if mining and the opposition it generates can be made more compatible with a broader definition of democracy.

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