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# Dialogue as racism? The promotion of “Canadian dialogue” in Guatemala's extractive sector



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## ABSTRACT

“Dialogue” is an essential element of Canada's CSR policies. Although the notion evokes a rich tradition in political and legal philosophy, in the context of mining governance its political and normative implications have received very little attention. This article contributes to a better understanding of such implications by conducting a case study of the promotion of dialogue by the Canadian state in Guatemala. Through critical discourse analysis, I examine logical correspondences between dialogue as a normative framework and a racist discourse that emanates from the Guatemalan oligarchy. I also examine interrelationship between concrete dialogue promotion and the repression of mining opponents. I find that the promotion of dialogue by Canada enunciates political ontologies that resonate at the core of Guatemala's post-conflict politics and contributes to stigmatizing rights-based opposition to mining, hindering Indigenous collective action and undermining democratization efforts.

## 1. Introduction

“Dialogue” is a commonly prescribed remedy to mining conflicts (Rodrigues and Mendes, 2018, p. 95). According to Mayes et al., dialogue is what “makes Corporate Social Responsibility (CSR) possible” (2013, p. 842). Over the past 20 or so years, it has most notably become a core component of Canada's CSR policy.

The notion of dialogue, of course, is central to contemporary conceptions of democracy. In the fields of political philosophy (Habermas, 2006, p. 56; Tully, 2004) and philosophy of law (Berman, 2012; Delmas-Marty, 2006; Brunet, 2010), the concept of dialogue evokes reason, reciprocity, pluralism and political inclusion. As a component of CSR, however, dialogue remains largely undefined. Apart from general statements that dialogue should be “meaningful”, “authentic” or “inclusive” (Mercer-Mapstone et al., 2017) and with a few notable exceptions (Burchell and Cook, 2006; Mayes et al., 2013; Roberts, 2003), the political and normative implications of dialogue as a prescription for good governance in the mining industry have received very little attention.

I use the term “Canadian dialogue” to refer to a CSR model promoted by the Government of Canada and Canadian mining companies around the world. Discussions about the role of Canada in the global

mining sector, especially in Latin America and Guatemala, have been centred on company behaviour, especially as it relates to firm size (Dougherty, 2011) or whether this behaviour bears a relationship with the “nationality” or “transnationality” of the capital involved (Gordon and Webber, 2008, 2018; Garrod and Macdonald, 2016). Recently, CSR has been evaluated both in terms of its impact on firm behaviour and in terms of its relationship with the Canadian origin of those firms (Haslam et al., 2018, p. 7). I approach the issue from a different perspective. Rather than focusing on firm behaviour, I study the impact of dialogue, as a normative prescription, on the societies surrounding mining projects, that is, as an element of what Dougherty calls the Canadian protection network for extractive capital around the world (2016), or what Studnicki-Gizbert describes as the new moral contract deployed globally around mining projects since the 1990s (2016).

How are the philosophical promises of dialogue sustained when it is used to operationalize CSR? To answer this question, this article examines how dialogue came to occupy the centre of Canada's prescriptions concerning issues of social conflict and mining. It also analyses how this prescribed approach impacts can impact host societies' politics, using post-conflict Guatemala as a case study. I argue that the promotion of Canadian dialogue resonates with core elements of Guatemala's post-conflict political dynamics. Both its ontological un-

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derpinings and the concrete way in which dialogue is being promoted contribute to the consolidation of repressive mechanisms, which undermine democratization efforts and negate the legitimacy of human rights claims.

I use critical discourse analysis to highlight and extract recurring tropes from the discourse of the Guatemalan oligarchy as well as axiomatic assumptions underlying the promotion of dialogue by Canada (see [Wodak and Meyer, 2009](#)). My analysis of the discourse of the Guatemalan oligarchy is based on a corpus initially put together by [Drouin \(2012\)](#), which I complement to include a total of 48 articles published between 2009 and 2018. I also rely on primary sources such as policy statements and on two interviews conducted with Guatemalan activists in 2008 and 2018.

In the first section of the article, I briefly describe the significance of a diplomatic shift that took place in 2004 in Guatemala, which shaped the political context in which Canadian dialogue was promoted. The second section analyses the discourse of the Guatemalan oligarchy that is related to indigenous opposition to extractive projects. The third section analyses dialogue as a component of Canada's CSR policy as well as the concrete impact of dialogue promotion in Guatemala. In conclusion, I highlight the potential resilience of the political ontologies associated with Canadian dialogue in the context of regulatory changes in the extractive sector. The following summarizes my argument:

- In the past, diplomatic pressure on Guatemala, including pressure from Canada, has acted as an important deterrent for human rights abuses in the country;
- The government of Guatemala and other groups linked to Guatemala's elites have responded to anti-mining protests with the criminalization and repression of protestors and human rights defenders. A racist discourse put forward by the Guatemalan oligarchy is intended to stigmatize mining opponents and legitimize repression;
- With the increase of Canadian mining investment in Guatemala, Canada has shifted its position so that incidents of criminalization and human rights abuses are met with calls for dialogue between mining companies and surrounding communities rather than diplomatic pressure and calls for the respect of human rights;
- The kind of dialogue being promoted by Canada is based on many of the same ontological assumptions as the oligarchy's racist discourse;
- By failing to call for the protection of human rights, Canada is removing an important check on criminalization. Canada is also reinforcing the intended effects of the racist discourse within Guatemalan society, contributing to an environment that permits the repression of protestors and human rights defenders.

## 2. Post-2004 Guatemala: shifting diplomacy, closing political spaces and the rise of the *Consultas*

The year 2004 marked a turning point in Guatemala's diplomatic relations; one that impacted the political space of different social actors and bears a direct relationship with the promotion of dialogue in the mining sector (see [Anzueto, 2016](#)).

Guatemala is a Central American country of approximately 16 million people, of which a majority belong to one of 24 Indigenous groups.<sup>1</sup> In the first decade of the 2000s, Guatemala's Human Development Index was well below the Latin-American average ([UNDP, 2007](#)). There was also a general increase in homicide rates, from 28 deaths per 100 000 in 2000 to 48 per 100 000 in 2008 ([UNDP, 2009](#), pp. 68–69).<sup>2</sup>

<sup>1</sup> Estimates of the percentage of the population who are indigenous range from 50% to 60%. Of the 24 indigenous groups, 22 are Mayan, while the remaining two are Xinca and Garífuna.

<sup>2</sup> The current homicide rate is around 26 per 100,000 ([InSight Crime, 2018a](#))

Levels of poverty and violence in Guatemala are partly a legacy of one of Latin America's deadliest armed conflicts (1960–1996). According to the UN Historical Clarification Commission (*Comisión para el Esclarecimiento Histórico* – CEH), 200,000 people died during the conflict, between 40,000 and 50,000 were disappeared, and between 500,000 and 1 million people were displaced. 93% of these human rights violations were committed by state agents. The CEH also concluded that acts of genocide were committed against Mayan communities between 1981 and 1983 ([1999, vol. IV](#)). Most importantly, counterinsurgency strategies focused on “disciplining” indigenous communities by forcing up to 1.3 million of their members to participate in gross human rights violations as members of paramilitary structures, thus ripping apart the social fabric of those communities ([Schirmer, 2001](#), pp. 147–198; [Drouin, 2017](#)). McAllister notes that, as a result, “[the Indigenous] capacity to act collectively [was] one of the war's greatest casualties” ([2009](#)).

Diplomatic relations played a significant role after the 1996 Peace Accords between guerrilla forces and the government by supporting the creation of political space for civil society. As Bastos indicates, “civilian governments, [in need of] external and internal legitimacy [...] had to appropriate the discourses of human rights and democracy” ([2006, p. xxii](#)). The UN observes that between 1996 and 2004 the imperatives of “empowering civil society and indigenous peoples” played a central role in structuring Guatemala's relations with the diplomatic community ([2004, p. 5](#)). The international community's willingness to coordinate its intervention around the implementation of the Peace Accords, human rights and Indigenous issues imposed a higher political cost on the repression of social actors.

With the occasion of the 2003–2004 electoral process, however, there was a diplomatic shift that resulted in a reduction in the political space available for social actors. In 2003, ex-military dictator Efraín Ríos Montt strong-armed the Constitutional Court into permitting his presidential candidacy<sup>3</sup> and many in the diplomatic community feared that his electoral victory would signal the failure of a peace process in which they had heavily invested ([Peacock and Beltrán, 2003](#), pp. 62–63; [El Observador Electoral, 2003](#), pp. 8–9; [UN, 2003](#)). His defeat, on the contrary provided the opportunity for both the Guatemalan government and its international counterparts to put aside the political imperatives imposed by the Peace Accords ([Romero, 2005](#)) in favour of more conventional terms of engagement that were better aligned with the neoliberal reforms that had already been initiated in Guatemala ([Copeland, 2018](#)). These reforms included the 1997 mining code, adopted with the purpose of securing foreign direct investment, as did other mining reforms implemented in Latin America during the same period ([Fox, 2015](#), pp. 158–160; [Heidrich, 2016](#), p. 201). Shortly after the apparently more benign government of Óscar Berger came into power in January 2004, Guatemala saw an explosion of mining activity on its territory ([Girón, 2007](#); [Dougherty, 2017](#)).

No longer shielded by the empowering rhetoric of post-conflict engagement, Guatemalan human rights defenders suffered attacks at an increased rate between 2004 and 2014 ([UDEFEGUA, 2018](#)). Those who challenged the vested interests of Guatemala's economic and political elite, and their alliances with foreign capital, were particularly affected ([Reina, 2008](#)). Economic reform or projects involving capital from important supporters of the peace process, such as the U.S., Italy, Spain,

<sup>3</sup> President Alfonso Portillo had taken power in 2000 under the banner of the Guatemalan Republican Front (*Frente Republicano Guatemalteco*, FRG), Ríos Montt's party. Ríos Montt was constitutionally prohibited from running as a presidential candidate due to his participation in a military coup in 1982. Ríos Montt was found guilty in a Guatemalan court in May 2013 of charges of genocide and crimes against humanity committed in 1982 and 1983 against the Maya-Ixil people. The ruling was soon overturned in a controversial ruling by the Constitutional Court. He died in April of 2018 at the age of 91 while a new trial was underway, which again proved the genocide against the Maya-Ixil people.

Switzerland and Canada, were especially contentious.<sup>4</sup> Foreign NGOs that contested the diplomatic shift and raised alerts about the continuing deterioration of human rights in Guatemala also suffered attacks, which had rarely been the case prior to 2004 (FONGI, 2004; UDEFEGUA, 2007).

Paradoxically, however, opposition to mining prompted a surprising revival of indigenous collective action. In reaction to mining activity, indigenous communities began organizing local community referenda (*consultas populares*) which, Costanza argues, constitute a grassroots appropriation of the right to consultation enshrined in ILO 169, redefining it as a right of veto on extractive projects (2015, p. 261; see also Mérida and Krenmayr, 2008; Walter and Urkidi, 2017; Sieder, 2007; Deonandan et al., 2017). In less than ten years, over 78 *consultas* were conducted, with over a million people rejecting, with a high degree of consensus, any form of mining activity (Laplante and Nolin, 2014; Rasch, 2012). Importantly, most of these *consultas* took place in the highlands, the area most affected by counterinsurgency. Given this antecedent, and regardless of their effectiveness in terms of preventing mining projects from going forward (see Deonandan, 2015), *consultas* were an expression of collective capacity and political autonomy that challenged Guatemala's exclusionary political regime directly. It is thus not surprising that *consultas* were systematically confronted in courts by private companies and Guatemalan business associations (Aguilar-Støen and Hirsch, 2015, p. 228); the reaction, however, was not limited to legal action. *Consultas* were also met with a virulent discourse emanating from a core element of Guatemala's elite.

### 3. The oligarchy's discourse on indigenous opposition to mining

The Guatemalan oligarchy is structured around kinship networks dating back to the Conquest and its members, as Casaús Arzú demonstrated, have traditionally succeeded in appropriating state decision-making institutions, thus perpetuating clientelist domination. The oligarchy relies on its organic intellectuals<sup>5</sup> to exercise political power and, importantly, to promote class cohesion and legitimization: racism is its "dominant ideological underpinning" (Casaús Arzú, 2010, p. 256).

The oligarchy exhibits a prominent position in Guatemala's public space, including in print mass media: the Marroquín family, for example, is heavily represented in newsrooms, while the Gutierrez-Bosch family is a major shareholder in several newspapers. Most importantly, members of the oligarchy also publish regular opinion columns in the three major newspapers: *Prensa Libre*, *El Periódico* and *Siglo XXI*. I have analysed 48 opinion columns published by 7 such representatives: Raúl

<sup>4</sup> In March 2005, the Guatemalan army killed two demonstrators opposed to the Free Trade Agreement between the U.S., the Dominican Republic and Central America (DR-CAFTA). The U.S. Secretary of Commerce later stated that "those who oppose DR-CAFTA [are] the same that would have wanted to have a communist revolution" (EFE, 2005). U.S. President George W. Bush expressed concern over "the proliferation of left-leaning pressure groups [...] that threaten[ed] the stability of democracy [and] DR-CAFTA" (*Prensa Libre*, 2005a). According to Guatemala's President Óscar Berger, "DR-CAFTA [was] an issue of national security for the U.S." (*Prensa Libre*, 2005b). Nine opposing organizations or their members subsequently suffered break-ins, death threats and kidnapping attempts (Samayoa, 2005). Italian interests own several concessions for hydroelectric dams in Guatemala, many of which were vigorously opposed by local communities (Solano, 2009, p. 9). Unión Fenosa, a Spanish company, is also involved in several hydroelectric and thermal projects (Solano, 2008, p. 28). Swiss cement giant Holcim has been involved in joint ventures with the prominent Novella family, owner of Guatemala's officious cement monopoly *Cementos Progreso* (Solano and Solís, 2006). Canada's interests are, of course, discussed below.

<sup>5</sup> Organic intellectuals, following Casaús Arzú's Gramscian framework, grant relative homogeneity to a given social group through the enunciation of its economic, social and political interest (Gramsci, 1971, p. 5).

Minondo Ayau,<sup>6</sup> Julio Ligorría Carballido,<sup>7</sup> José Gonzalez Merlo,<sup>8</sup> Alfred Kaltschmitt,<sup>9</sup> Humberto Preti,<sup>10</sup> Pedro Trujillo<sup>11</sup> and Estuardo Zapeta.<sup>12</sup> This corpus is remarkably coherent and combines five interconnected tropes within a general normative system.<sup>13</sup>

The first of these tropes is to dismiss indigenous opposition to extractive projects as the result of manipulation by third parties, including foreigners, the Catholic Church or left-leaning groups, who all exert an "evil" influence on indigenous peoples. As Kaltschmitt wrote in 2010:

Dante's *cadres* have penetrated the Indigenous collective imaginary by means of the systematic and continuous repetition that touching the Pachamama with any type of hydroelectric or mineral exploitation project, metallic or non-metallic, is harmful, deeply unfair and absolutely negative for communities and the whole country (2010).

While it delegitimizes opposition, this trope also serves to deflect the blame for violence and repression onto the protesters:

Protests, manipulated by the eco-terrorists of Madre Selva<sup>14</sup> (?) [sic], are increasing in intensity. This organization promotes and finances them (where do they get the money) and keeps the "protestors" in a state of war. They have now published a manual on how to "resist" and how to organize eco-terrorist groups. In other words, it is the guerrilla manual with an environmentalist face. They learned to use human shields, innocent children, so that if any situation arises, they have the potential to produce tremendous martyrs! (Minondo Ayau, 2009).

The second trope relates to the idea that opposition to mining is unreasonable and unfounded. According to that trope, indigenous peoples and their allies impede development and provoke social conflict and violence. As Preti explains,

<sup>6</sup> Raúl Minondo Ayau is a member of the Ayau Cordón family. His uncle, Manuel Francisco Ayau Cordón, was a founder of the conservative Francisco Marroquín University in the early 1970s and "one of [the oligarchy's] neoliberal organic intellectuals [...] and a representative of Guatemala's far right" (Casaús Arzú, 2010, 138). According to Solano, Raúl Minondo Ayau is an assimilated army official and has been a representative of the Association of Private Security Companies (2011, p. 19).

<sup>7</sup> According to Solano, Julio Ligorría Carballido was linked to the far-right political party National Liberation Movement (*Movimiento de Liberación Nacional*), that organized death squads during the armed conflict. He is also a close business partner, as a political campaign consultant, of Lieutenant Colonel Héctor Mauricio López Bonilla, one of the young officials involved in General Efraín Ríos Montt's coup d'état in 1982 (Solano, 2011, p. 17). López Bonilla was Minister of the Interior between January 2012 and May 2015 and has been extradited to the United States on drug smuggling charges.

<sup>8</sup> According to his university webpage, González Merlo is an economics professor at the Francisco Marroquín University (see footnote 7, above). He was also the president of the Managers Association of Guatemala (*Asociación de Gerentes de Guatemala*). See: <http://tedx.ufm.edu/jose-raul-gonzalez-merlo/> (retrieved 24 December 2013).

<sup>9</sup> Businessman Alfred Kaltschmitt was a defence witness in the 2013 trial against General Efraín Ríos Montt for genocide and crimes against humanity. He is also listed as an "expert" by the association *Chapines* United for Guatemala, a group that denounced foreign intervention in the case. *Chapines* United for Guatemala is linked to the landowner oligarchy (Illescas Arita, 2013, p. 9).

<sup>10</sup> Preti is CEO of Induagro S.A. and listed as an expert for *Chapines* United for Guatemala (see footnote 9, above).

<sup>11</sup> Trujillo is linked to the Francisco Marroquín University (see footnote 6, above).

<sup>12</sup> Estuardo Zapeta is a journalist and teaches at Francisco Marroquín University (see footnote 6, above).

<sup>13</sup> A complete description is included in annex 1.

<sup>14</sup> Madre Selva is an environmentalist group that supported some of the first *consultas*.

[The example of Rigoberta Menchú, our] Guatemalan Nobel Peace Prize winner,<sup>15</sup> is eloquent[.] These days, she promotes confrontational actions against peace, in different parts of the country. We saw that in Sipakapa,<sup>16</sup> now in San Juan Sacatepéquez,<sup>17</sup> which recently organized a demonstration - rickety, but organized. Among the protesters were some who recently opened fire on workers of a company involved in the construction of the new road[.] [Menchú et al.] appear as members of the orchestrated campaign against investment and employment[.] Her attitude contradicts the human right to work, and she protects people responsible for loss of life[.] In a world where [...] millions of jobs are lost, having investors trust Guatemala and generate employment is a blessing, but that's nonsense for those who want to maintain at any cost the poverty levels necessary for their deceitful agitation. The agility of organizations like *Doña Rigo*<sup>18</sup> is awesome. The same night, her statements are already on all information websites, thus adding to the bad reputation we have around the globe[.] It's employment vs. Menchú (Preiti, 2008).

A third trope links indigenous opposition to dangerous and criminal elements; a category that often conflates communists, terrorists, drug-traffickers, subversives, former insurgents and assassins:

What happened in Barillas<sup>19</sup> is no coincidence. It stems from a structured plan that multiplies as a cancer in the country. It is promoted by drug networks, part of the international cooperation, parasites of conflict, light-headed ideologues and [left-leaning] columnists[.] It is not the first time that violent acts take place in this municipality. Some groups [...] have been terrorizing, abusing, kidnapping, occupying private property and burning machinery[.] They wanted to provoke a violent reaction on the part of the army in order to create the victims necessary for this new kind of revolution [...] The mechanisms are similar: a mob uses violence, violates the law and commits any kind of disturbances in order to justify some groups, "leaders", "civil society" profiteers[.] Who said ideological struggle was over? (Trujillo, 2012a).

The fourth trope relates directly to the organization of the *consultas*, which are described as illegitimate, unreasonable, non-binding, flawed in their process, provocative and manipulative. For example, for Trujillo:

These *consultas* do not look like something that could be constructed as a referendum. They are not secret, but public. You line up in front of the community, in front of the "no" or "yes" table, with the kind of coercion that this entails; there are meetings before and after the event, or even during the event, that orient the vote and intimidate; discourses from "leaders" that promote the decision representing the interests of the organizers; there is no verified census, anybody can vote; names, signatures and other forms of personal identification are falsified (I have the document in my possession); interested activists place the persons in line, sometimes separating man and women, even if they later complain of discrimination, *machismo* and racism [...] [These] "*consultas*" do not reflect the freedom of a community to express an opinion, but the result of the manipulation and bad leadership of some hooligans associated with organized crime, light-headed ideologues or the usual suspects paid by international cooperation[.] They learned their dirty tricks during the armed

<sup>15</sup> Rigoberta Menchú, a Maya-Quiché, won the Nobel Peace prize in 1992 for her defence of the rights of indigenous peoples during the civil war.

<sup>16</sup> Where the first *consulta* took place.

<sup>17</sup> Where indigenous peoples oppose the construction of a cement plant.

<sup>18</sup> "Miss Rigo" – a diminutive with racist connotations. On racist jokes about Rigoberta Menchú, see (2001, pp. 303–331).

<sup>19</sup> Where Indigenous peoples protesting a hydroelectric project where shot at (one killed) by security guards and a state of exception was decreed.

conflict and they don't want to stop using them (2012b).

Finally, the fifth trope is a call to action to face this imminent threat. For Preiti,

The offensive is clear, productive activities in general are under attack, some of them very violent, which have cost millions, without the authorities acting with decision[.] They watch passively the actions that cause lack of investment and unemployment. How many people mobilize these groups? [...] Is it possible that these small groups cannot be neutralized? Of course they could be neutralized if political will existed (2011).

In some instances of this trope, the authors invoke the practice of blacklisting and insinuate the need for the same decisive and "courageous" measures employed during the armed conflict:

[This] proves that Guatemala's internal enemy, the violent and retrograde leftist, still operates. We must identify him[.] We must wake up the sane, intelligent, hard-working, honourable and patriotic Guatemalan that we carry inside (Minondo Ayau, 2011).

The belligerent and often violent tone observed in my corpus demonstrates the oligarchy's control over the instruments of political violence. In equating mining opponents with terrorists and insurgents, and by resorting to imagery such as "the list" and "internal enemies," the columnists signal that the oligarchy has and continues to bend the State and the law to its own will (Martínez Salazar, 2012).<sup>20</sup> Indeed, the discourse described here bears a significant resemblance to that which preceded the massive human rights violations during Guatemala's armed conflict (Drouin, 2012, p. 373).

In contemporary Guatemala, these five tropes constitute the necessary foundation for violent repression and the practice of criminalization, i.e. the formulation of false or trumped-up charges against mining opponents<sup>21</sup> (Sibrán and Van der Borgh, 2014, p. 68). Stigmatization, violence and criminalization, as Rasch argues, intersect around mining sites in Guatemala (2017). On the one hand, the racist oligarchic discourse thrives on the charges of "terrorism" formulated by the State against opponents to mining. On the other hand Government officials have used the tropes of the oligarchy to justify heavy handed intervention in extractive conflicts, decreeing states of exception during which several constitutional rights are suspended, including the right of assembly. During the implementation of a state of exception in San Juan Sacatepéquez in 2008 (see Costanza, 2015), for example, the chief of the Presidential civilian intelligence unit justified the measure:

Abandoning this position would result in reviving a fire that has now been converted into ashes. What we did [was] create fear through our military presence to restore order and stop the manipulation of the population by leaders who have certain interests (quoted in Reyes and Acuña, 2008).

Since 2004, the suspension of constitutional rights and the criminalization of anti-mining opponents has been a recurring event. Between 2004 and 2009, 592 cases of arbitrary application of the law against human right defenders or social mobilization were documented,

<sup>20</sup> Members of the oligarchy participate in "parallel power networks" with organized crime organizations that evolved from within counterinsurgency structures created by the Guatemalan army during the internal armed conflict (InSight Crime, 2018b). They are connected, notably, through money laundering (CDHEC, 2004, p. 92), but, historically, mining and other extractive activities have also played an important role in articulating the interests of the oligarchy and the military (Solano, 2005; Solano and Solís, 2006; Fox, 2015, p. 159).

<sup>21</sup> For more information about the recurring patterns of criminalization of human rights defenders in Latin America, specifically in the extractive sector (with many examples from Guatemala), see the 2015 report from the Inter-American Human Rights Commission (IACHR, 2015).

of which 441 appeared to further the interests of landowners and firms, including Canadian mining companies (UDEFEGUA, 2010). 909 additional cases of criminalization were recorded between 2012 and 2017 (UDEFEGUA, 2017).

#### 4. Guatemalan racism as a Canadian advantage?

The Canadian mining industry's public image rapidly deteriorated in the wake of the repression and criminalization of opponents after 2004. Under pressure from Guatemalan and Canadian civil society, the Canadian state responded with a normative prescription: dialogue.

##### 4.1. Dialogue as a core element of Canada's CSR policy

Dialogue has emerged as a dominant element in Canadian discourses on CSR in the last 20 years. Contrary to most common understandings of CSR as something that acts *upon* the behaviour of a firm, dialogue reveals CSR as a way of organizing external actors *around* companies, defining roles and responsibilities for institutions, communities, NGOs – indeed, for society as a whole (Berno, 2007). As such, it is closely linked with the definitions of political axioms surrounding notions of interest, communication, conflict and consciousness. Analysing the role of dialogue in Canada's CSR policy allows us to describe three such axioms.

The first axiom states that the interests of mining companies and society are one and the same. For example, in her academic writings prior to being appointed as Canada's first CSR Counsellor, Marketa Evans<sup>22</sup> argues that divergent interests between the private sector, communities and NGOs are based on the false notion of a dichotomy between "social" and "economic" interests (2007, p. 318). For her, insofar as the interests of society are encompassed by an enlightened conception of corporate interests, alliances between NGOs and the private sector are crucial for development (2007; also 2013). "Strategic dialogue" thus serves "to identify overlapping interests and practical measures for moving forward together" (Evans, 2007, pp. 324–325).

This argument leads to the second axiom upon which Canadian dialogue is premised: the negation of the legitimacy of conflict as an essential element of political pluralism and democracy (see Paquerot, 2017, p. 297). The connection between dialogue and a depoliticized understanding of conflict as something that is inherently negative was articulated explicitly in relation to the Canadian mining sector in the early 1990s. In 1992, the Canadian mining industry convened a "multipartite dialogue" – firms, governments and Indigenous communities – called the Whitehorse Mining Initiative to try to reach a series of "consensuses" on the contribution of mining activities to development. As Weitzner emphasizes, the resulting exercise obscured the underlying tension between two political identities for Indigenous peoples: between that of *stakeholders* and that of *rightsholders* (2010, pp. 92–94). Yet this contradiction is far from trivial in that it hinges on the legitimacy or illegitimacy of conflict and whether Indigenous peoples are entitled to autonomously defined interests, or merely entitled to a "stake" in a pre-defined version of "development."

This fundamental ambiguity notwithstanding, the Whitehorse Mining initiative has since informed Canadian governance prescriptions abroad. Indeed, in subsequent years, the Government of Canada and the mining industry have consistently defined the relationship between companies and communities in terms of a dialogue between stakeholders that is focused on technical, rather than political, questions. A number of "CSR tools" have thus been developed by the Government of Canada in collaboration with the Canadian mining industry and made available to companies operating abroad. Specific tools have been developed for working with indigenous communities (Coomans, 2008, p. 43).

<sup>22</sup> Appointed in 2009, Evans resigned in 2013.

These tools were created based on a third premise: since conflict does not emerge from legitimately diverging interests, it must result from misunderstanding and lack of communication. For example, the Peru-Canada Mineral Resources Reform Project, a flagship of Canada's CSR strategy in Latin America, aimed to build the capacity of the Peruvian government as "facilitator and promoter of better company-community relations", by "increas[ing] the level of acceptance of mining operations," "diminish[ing] the number of violent crises in the mining sector," and "increas[ing] the number of mechanisms and multi-stakeholder participatory, consultation and dialogue processes" (see Campbell et al., 2011, p. 95). Similarly, in 2004 the Canadian embassy in Guatemala, in collaboration with the Ministry of Energy and Mines (MEM) and the World Bank, organized a "National Forum on Mining," which was described by MEM's Deputy Minister as "the beginning of a process of agreements to improve governability" (quoted in PDH, 2005, p. 43). In 2005, trips to British Columbia were organized for Guatemalan indigenous community leaders to visit "successful" mining projects in indigenous communities (Imai et al., 2007, p. 132). In 2007, the Canadian government funded a workshop entitled "Economic opportunities and Indigenous development," the objective of which was to "generate a dialogue" between the Canadian Embassy, Canadian mining companies, the Guatemalan government and indigenous communities (Mindiola and Chabot, 2008, p. 70).<sup>23</sup>

These three premises – society and mining companies share the same interests; the problem is conflict itself, not underlying substantive issues; and, conflict arises from communication problems and incorrect perceptions – directly impact Canadian policy development.

First, Canada's responsibility regarding substantive rights issues related to mining abroad is ill-defined in policy related to international CSR. In fact, home state responsibility has been a particularly contentious issue in Canada. In 2005, a report by Canada's Standing Committee on Foreign Affairs and International Trade, which documented egregious situations involving Canadian mining companies abroad, recommended that government make its "support – such as export and project financing and services offered by Canadian missions abroad – conditional on companies meeting clearly defined CSR and human rights standards" (House of Commons, 2005). Although it did not follow these recommendations, the Canadian government did institute a series of *Roundtables on CSR and Canadian Extractive Companies in Developing Countries* in 2006. The 2007 to the Roundtables, which brought together representatives from academia, industry and civil society, issued a unanimous report in 2007, following considerable effort and mobilization from Canadian civil society.<sup>24</sup> It reiterated the Standing Committee's recommendations, calling for an independent ombudsman with fact-finding and reporting powers and for the withdrawal of official government support when a company failed to meet certain standards (2007, p. iii). In developing countries, it recommended that the Government of Canada

advance the rights of Indigenous peoples with relation to extractive-sector issues; enhance revenue transparency; build capacity for host country judicial systems; and work with like-minded countries to strengthen CSR requirements at the World Bank Group and the regional development banks related to lending and support to private sector clients (2007, p. iv).

The Government of Canada rejected the call for enhanced home

<sup>23</sup> For an overview of aid programs established as part of Canada's CSR policy, see GAC, 2017.

<sup>24</sup> For an account of the Roundtable process, see Coumans (2017). It must be noted that the Advisory Committee's consensus was not easy to achieve. Civil society members indicated that "Industry representatives [...] and some government representatives made a determined effort to shift focus away from a 'rights-based' approach[,] which would include the right of indigenous peoples to say 'no' to a mine, to an approach focused on ensuring better 'development' outcomes" (Coomans, 2008, p. 62).

state responsibility, proposing instead that “conflicts” should be resolved through dialogue.<sup>25</sup> In its response to the Advisory Committee’s report, the Canadian government explicitly absolved itself of any responsibility for the human rights impacts of mining, and placed those obligations on host governments alone (DFAIT, 2005). The Canadian government then presented a CSR strategy named “Building the Canadian Advantage” in which it limited its role to “facilitating dialogue” between firms and stakeholders. The government explained the function of such dialogue in the following terms:

Unresolved disputes directly affect businesses through expensive project delays, damaged reputations, high conflict management costs, investor uncertainty, and, in some cases, the loss of investment capital [...] [T]here [is] strong support for a mechanism to enable the sector to resolve CSR disputes [...] in a timely and transparent manner (DFAIT, 2009).

From the government’s perspective, the purpose of dialogue is to “improve the competitive advantage of Canadian international extractive sector companies by enhancing their ability to manage social and environmental risks” (DFAIT, 2009) rather than to prevent social and environmental harm. In 2014, a revised version of this policy was adopted, which made official support for Canadian firms conditional on their participation in the mediation processes conducted by the CSR counsellor. For the first time, a specific requirement was imposed on Canadian firms; however, this conditionality was only attached to the firm’s willingness to engage in dialogue, rather than to substantively defined obligations toward affected communities or the environment (GAC, 2014).

A second consequence for policy development is the way legitimacy is assigned to different actors based on their acceptance of Canadian dialogue’s political axioms and on whether they facilitate the primary, bilateral relationship between a firm and its social environment. Canadian officials – notably in Guatemala – have thus made a distinction between “anti-mining” and “pro-sustainable mining” in their evaluations of NGO applications for official development aid.<sup>26</sup> Rights-based interventions from local or international third parties are also defined by both Canadian officials and company representatives as “interference” or “manipulation” (Counmans, 2008).

In sum, in Canada’s CSR policy, the primary aim of dialogue is to stabilize the social environment in which mining takes place rather than to prevent potential harms to surrounding communities. In doing so, Canadian dialogue enunciates a series of ontological definitions that are key to any society’s political organization: the definition of interests; the role of conflict and communication; and, the autonomy and legitimacy of actors.

#### *4.2. Dialogue and racism: from logical connections to synergies on the ground*

As demonstrated above the oligarchic discourse combines with

<sup>25</sup> The Advisory Committee report called for “multi-stakeholder engagement” and “dialogue”. Their purpose, however, was to oversee the regulatory instruments put in place by the Canadian government and to verify firm compliance. The recommendation was aimed at preventing anyone from benefitting from loopholes and institutional environments conducive to human rights violations. In this regard, dialogue complemented other policies that extended the fiduciary responsibility of the Canadian state beyond its frontiers.

<sup>26</sup> In assessing Canadian NGO KAIROS’s proposed project with local NGO CEIBA to “promote human rights to life by [...] reducing the impact of [...] unsustainable resource extraction,” officials at the Canadian embassy stated that “[t]he proposed local partner, CEIBA, has concentrated on anti-mining activities recently. Their publications use inflammatory terms and language to thwart [sic] any mining activities [...] KAIROS and CEIBA are openly unwilling to consider the concept of sustainable mining even on a case-by-case basis, they are not in a position to foster a balanced or an impartial monitoring effort [...] [In Mexico, KAIROS has] demonstrated its position [to be] ‘anti-mining’ rather than ‘pro-sustainable mining’” (cited in Berthiaume, 2010).

criminalization and political violence to “forge a long-term culture of socio-cultural fear and political paralysis” (Martínez Salazar, 2012, p. 202).

The Canadian prescription for dialogue is based on many of the same assumptions as the oligarchy’s racist discourse and is generally consistent with that discourse. First, both normative systems consider conflict and diverging interests to be illegitimate. In both cases, “development” is shorthand for “universally shared interests that admit no contestation.” Second, both share the notion that conflict is derived from wrong assumptions on the opponents’ part. Even though the Canadian state believes that these misunderstandings are a result of “communication problems” rather than the subhuman condition of indigenous peoples, there remains an underlying assumption in Canada’s CSR policy that conflict is ultimately attributable to the flawed perceptions of community members. Third, both systems hold conflict to be a result of third-party manipulation – for example, environmental NGOs who oppose mining. Overall, both Canadian dialogue and the racist discourse of the Guatemalan oligarchy negate the relevance of substantially defined rights because they contradict the notion of consensual interest. Their concern is rather to stabilize the social environment around mining, whether through dialogue between firms and neighbouring communities or through more sinister practices aimed at inhibiting collective action.

Beyond their axiomatic connections, both normative systems have also complemented themselves in the concrete, historically situated way dialogue has been promoted (see Frydman, 2012). Indeed, with the rise of its mining interests in Guatemala, the Canadian government shifted its position so that incidents of criminalization and human rights abuses are met with calls for “dialogue” instead of diplomatic pressure and calls for respecting human rights.

One year before the diplomatic shift described above, for example, the Canadian embassy referred to “the intolerable climate of insecurity and ungovernability” in Guatemala in vigorous terms and expressed its disappointment “at the clear deterioration of the situation of human rights [...] and [the] lack of progress in the elimination of corruption and impunity [two factors that combined] to reduce the effectiveness and impact of all development programs” in the country (DFAIT, 2003). A few years later, Canada’s public diplomacy had adopted a different tone. Under the new government of Oscar Berger, several Canadian companies had begun to carry out work on mining concessions granted during that period of “intolerable insecurity and ungovernability.”<sup>27</sup> This rapidly led to protests by the affected communities and sparked a nationwide debate in Guatemala. James Lambert, Canada’s Ambassador, weighed in by publishing an opinion piece (Lambert, 2004) and by giving an interview in two different national newspapers. In each case, he described the opponents to mining as “misinformed.” For Lambert, mining was a “clean” activity, a key driver of Canada’s economy, and there was no reason for it to be otherwise in Guatemala (Castellanos, 2004). Diplomatic cables show that the embassy at the time was concerned with “balanc[ing] the negative spin that the vociferous critics, including the Catholic church, have been putting on the growing interest in the mining industry” (cited in Anzueto, 2016, p. 326).

Significantly, this position was maintained even in the face of escalating repression. Canadian mining made the front-page in January 2005 when a convoy transporting a piece of heavy equipment destined for the Marlin gold mine was blocked by indigenous farmers in the Guatemalan highlands. A large contingent of police and military troops eventually removed the roadblock, killing a protester in the process (El Periódico, 2005). President Berger justified the operation: “We had to protect the investors” (quoted in Cuffe, 2005, p. 26). Echoing these words, during an interview broadcast on Canadian public radio, the

<sup>27</sup> Dougherty reports that the permit for the Marlin Mine, mentioned below, was granted on the last day in office of the FRG (2017, p. 13).

embassy's First Secretary stated:

It is not only the Canadian company that we are trying to protect [...] [W]e are talking of thousands of Canadians who invested in the Toronto Stock Exchange [and provided] the capital for this operation [...]. We also have a duty [to ensure that] they do not lose their investment (quoted in Lavoie, 2005).

For his part, in a response to the numerous messages that were sent to the embassy by concerned Canadian citizens, Lambert blamed misunderstandings and prescribed dialogue, writing:

My understanding is that there have been repeated attempts to explain [the purpose of this piece of equipment] to the individuals concerned and the fact that it [was] for a territory where the operating licenses were granted in accordance with national and international regulations. That said, we will continue to provide information and promote dialogue to help Guatemalans make informed decisions about their development options (quoted in Cuffe, 2005, p. 27).

Clearly, Canada's shift from its pre-2004 policy toward human rights violations helped diminish the overall pressure on Guatemala to protect human rights defenders involved in mining conflicts. Indeed, for Guatemalan actors, the Canadian government's call for dialogue stood in stark contrast with its previous positions. The indigenous mayor of Sololá, Dominga Vásquez, said: "I feel that we have relived the war [...] Our children will always remember how they protected a steel cylinder [over] a human life" (quoted in Yagenova, 2007, pp. 53–54). Her comments are even more poignant considering that the protester killed in Los Encuentros was the first victim of an army bullet since the signing of the Peace Accords, which prohibit military involvement in internal security. In any event, the declaration of the Guatemalan minister of the Interior that the roadblock constituted "clear demonstrations of sedition and terrorism" and that there were "irresponsible leaders who misinform[ed] the population" (quoted in Yagenova, 2007, p. 51) went unchecked by the embassy.<sup>28</sup> One prominent Guatemalan human rights defender observed that:

[During that time] human rights defenders were going through a very grave situation; it was insinuated [by the Canadian embassy] that it would be preferable not to give too much visibility to cases associated with mining [...] Furthermore, other embassies [...] said that they could not raise these issues in multilateral spaces because of the Canadians [...] This generated an atmosphere in the diplomatic community that support for human rights defenders was conditional on whether they were involved with mining issues [...] Of course, this had an impact on their security [...] It generated an environment prone to criminalization, violent incidents and serious threats (author's interview, 2008; see also Anzueto, 2016, p. 337).

By failing to call for human rights protections, and calling for dialogue instead, the Canadian government both removed an important constraint on criminalization and reinforced the intended effect of the oligarchy's racist discourse within Guatemalan society. Indeed, in some cases Canadian dignitaries have directly echoed the oligarchy's suggestion that indigenous activists and communities are being manipulated by their leaders and by outside actors. In January 2007, evictions were carried out on behalf of Canadian mining company Skye Resources in the department of Izabal (Paley, 2007).<sup>29</sup> Canadian journalist Steven Schnoor filmed and released footage that showed an

<sup>28</sup> Vásquez then received death threats by phone on 5 January 2005. She and her husband, local activist Humberto Guárquez, were threatened again on 25 March and Mr. Guárquez's vehicle was set on fire shortly after by unknown men (CALAS, 2007, p. 32).

<sup>29</sup> For a detailed historical overview of mining conflicts in Izabal, see Nolin and Stephens (2010).

imposing military and police contingent burning down houses and that footage was shared widely online.<sup>30</sup> According to a Canadian human rights delegation that met with then Canadian Ambassador Kenneth Cook some days later, Cook accused Schnoor of having falsified the video (CBC, 2007). Allegedly, officials from the embassy also accused environmental organizations opposed to mining of lying to and manipulating the indigenous population (SRC, 2007).

Even though the Ambassador does not refer to dialogue directly in this instance, his reaction echoes the political ontologies that underlie the promotion of dialogue, as well as some of the tropes found in the oligarchic discourse. Of note in this case is the conviction expressed by Ambassador Cook that a particularly articulate Maya-Quech'i woman who was filmed addressing the policemen and the crowd during the eviction was, in fact, a paid actress (CBC, 2007). The assertion was false, but consistent both with the underlying assumptions of Canadian dialogue and the racist trope according to which dissenting Indigenous representatives must be manipulated by "external human rights and environmental organizations who are 'anti-development,'" as Nolin and Stephens summarized (2010). According to the logic followed by the Ambassador, resistance to the evictions, as well as Schnoor's critical coverage, are the result of illegitimate third parties – the foreign filmmaker, the actress – inciting conflict. If we follow those assumptions to their logical conclusion, the Quech'i community itself shares some responsibility for this manipulation: in a 2007 cable cited by Anzueto, the embassy blames the conflict on a "deep distrust of authorities [...] low levels of literacy and vulnerability to manipulation by groups with radical anti-globalization and mining agendas" (2016, p. 333).

In reaction to its declining image, the Canadian government's priorities for Guatemala for the period 2007–2009 included a "better communication strategy on mining practices and Canada's commitment to CSR" (cited in Anzueto, 2016, p. 337). This communication strategy reaffirmed the axiomatic underpinnings of dialogue, downplayed the legitimacy of the substantial grievances of indigenous people, and suggested that indigenous communities had an obligation to engage in dialogue. For example, during her official visit to Guatemala in December 2009, then Governor General of Canada Michaëlle Jean explained that "there is a communication problem, because [mining] companies need to communicate more about their activities and intentions to participate in the development of their communities, and citizens *must* also be open to dialogue" (quoted in Cardona, 2009. Emphasis added).

After the Governor General's visit in 2009, embassy officials avoided the public sphere, concentrating their diplomatic efforts on government officials, congresspersons and human rights bodies (Anzueto, 2016, p. 337). This shift in approach was perhaps a reaction to litigation in Canada: three transnational civil lawsuits were filed between 2010 and 2011 in Canadian courts against mining firms concerning human rights violations committed during other evictions that took place in Izabal (Above Ground, 2018). Steven Schnoor also filed a complaint for slander in an Ontario small-claims court against Ambassador Cook (ONSC, 2009), which he won in June 2010 (Schnoor and Murray Klippenstein, 2010). In addition, the general deterioration of the situation around mining sites in Guatemala after 2008 (Dougherty, 2017) might have encouraged Canadian officials to be more circumspect.

Some of the underlying assumptions of the prescription of Canadian dialogue and the tropes of Guatemalan racism continued, however, to be entangled with mining projects. Tahoe Resources, for example, faced significant opposition, which included 6 municipal *consultas* wherein a majority of voters rejected its mining projects (Imai, 2017, p. 11). According to Imai, "Tahoe has consistently downplayed the degree of community opposition to the mine. It has described the opposition as being led by a small, unrepresentative group of individuals or by

<sup>30</sup> This video can be seen online at: <http://www.youtube.com/watch?v=Q20YxkM-CGI> (consulted on 8 March 2018).

communities outside of the immediate area of the mine” (2017, p. 12). Indeed, after members of its private security shot at demonstrators and injured seven of them in 2013, Tahoe maintained that its project,

like many others around the world [was] opposed by a small group of opponents who refuse to engage in meaningful discussions [...] Local Guatemalan authorities have identified some members of the opposition to be from outside the local area, transported in and organized by local and international NGOs. Some of these outsiders have resorted to violence and intimidation tactics. The fact remains that Tahoe has exceeded legal requirements and demonstrated best international practices for engaging in dialogue with the community [...] Tahoe continues to seek meaningful and effective dialogue with community members [...] Tahoe is always willing to engage with peaceful protestors and any law-abiding citizens (Tahoe Resources, 2013).

While Tahoe rejects any responsibility for the shootings, its head of security was recorded using language that was consistent with oligarchic discourse and Canadian dialogue prescriptions when explaining how and why he dispersed the protesters:

I ran them out with bullets [...] And they'd better find some Indians so they can defend themselves, I tell them, faggots [...] Bring on the priest [...] then, or women and children to defend them, weren't you the real trouble-makers? That's what I told all of them. Well then, sons of bitches! [...] And I let them have it, but like this, with a load of rubber bullets. Bitch! But I gave them shit, and they're gone now. There is no way I am ever going to allow, I am not going to allow these people to get confident (García et al., 2015, p. 29).<sup>31</sup>

In such a violent context, dialogue promotion provides Canadian officials with a convenient policy cover for continued engagement with Canadian companies. Using documents obtained through the Canadian Access to Information and Privacy Act, for example, Weisbart shows sustained communication around security issues as well as unabated “networking” activities in informal settings between embassy staff and Tahoe representatives in the aftermath of the 2013 shootings (2018). The plaintiffs in a civil lawsuit filed in Canada against Tahoe also assert that “the company routinely ‘flies’ the Canadian flag in Guatemala. The Canadian Ambassador has attended at (*sic*) various ceremonies pertaining to the Escobal Mine [...] Canadian embassy staff have visited the mine and Tahoe has turned to the embassy for help” (García et al., 2015, p. 39).

It must be noted that Canadian dialogue is harmful not only because of Guatemala’s particular context, but also because of its inherent characteristics. In philosophical terms, dialogue is perhaps the lowest possible requirement formulated by any regime governing the relationship between firms and surrounding communities. As a merely procedural stipulation, devoid of any substantial obligation, it only demands the recognition of the other as an interlocutor: the bare minimum of human interaction. It is precisely because of this apparently “minimal” character that refusal to engage in dialogue is such a powerful marker of unreasonable behaviour – a very effective and wide-ranging stigmatizing and delegitimizing tool to be used by any mining company, local elite or government.

Translated into the discourse of the Guatemalan oligarchy, of course, this unreasonable behaviour signals dangerousness and a threat

to the National interest that must be dealt with, through violence if necessary. In this context, pressure on indigenous communities to engage in dialogue can be very high: people who refuse to identify their interests in line with those of Canadian mining firms have been shot, killed, gang raped, arbitrarily arrested, had their constitutional rights suspended and seen whole regions put under military control for months at a time (JCAP, 2017, pp. 11–12, 15–18).

Dialogue promotion also has a negative impact on the internal dynamics of indigenous communities. Deonandan demonstrates that diverging positions regarding dialogue with mining companies are an important factor of division in the indigenous anti-mining movement (2015, p. 41), and arguably more so than the oligarchy’s racist discourse on its own. Apart from the pressures discussed above, Canadian dialogue might be alluring to some indigenous communities given the importance of dialogue in their own political practices, which often include discussing and consulting issues with every community member in order to reach consensus (Trentavizi and Cahuec, 2012, p. 59).<sup>32</sup> However, this has rarely been the kind of dialogue experienced by indigenous communities in their dealings with mining firms (see Aguilar-Støen and Hirsch, 2017, p. 230). As a representative of indigenous resistance to mining commented:

In our communities, dialogue is important. It means that everybody's point of view must be considered and that collective decisions must reflect a consensus. But when the company invited us to “dialogue”, we realized that this was no dialogue. It's a one-way thing. Our views are not considered; what we think is important can't be discussed (Author's interview, May 2018).

In sum, the promotion of a type of dialogue that is defined in opposition to rights-based claims is congruent with some of the tropes that, in the oligarchy’s discourse, rationalize, justify or condone the use of violence against social actors, especially when those actors assert the legitimacy of opposing a mining project, mobilize rights-based solidarity networks or refuse to partake into “multi-stakeholder dialogue” for the purpose of “improving the competitive advantage of extractive sector companies”, as I described in Section 4.1. The impacts of Canadian dialogue in the context of Guatemala are even more serious when contrasted with the moral authority previously asserted by Canada by invoking human rights and the imperative of empowering indigenous peoples. In other words, the Canadian variety of dialogue does not uphold the promises inherent to the notion in the realm of political and legal philosophy. More grievously, it turns them against indigenous communities and human rights defenders.

## 5. Conclusion: towards a genealogy of Canadian mining political philosophy

Critical approaches to CSR in the mining sector have tended to consider it merely as a “limited” or “insufficient” solution, a form of greenwashing or a way to pre-empt the application of “rights-based approaches” (e.g. Wettstein, 2009). My analysis shows that dialogue promotion by the Canadian government, as a component of its CSR policies, also enunciates political ontologies, consolidating or undermining the core notions of the political regimes where it is implemented.

The discussion above illustrates that dialogue promotion has bolstered the Guatemalan oligarchy’s stigmatization of indigenous communities and human rights defenders, legitimized the Government of Canada’s continued relationship with private companies involved in human rights violations, and contributed to creating divisions within the Guatemalan anti-mining movement.

<sup>31</sup> The counterinsurgent overtones of this discourse are confirmed by Solano’s documentation of an extensive network of international military consultants trained in counterinsurgency tactics, former Guatemalan intelligence officials, active members of the police and the army, and the heads of Tahoe’s private security (2015). The shootings described above coincided with the promulgation of a state of exception during which the military was deployed around the Tahoe project and two protest leaders were arrested and charged with crimes such as kidnapping and gangsterism (ERMADHC, 2013, pp. 13, 27).

<sup>32</sup> Trentavizi and Tahuec find that *consultas*, for example, often conform to these practices. For a more critical appraisal of *consultas* see Costanza (2015), who argues that they can also lead to new forms of social exclusion.

It could be argued that the relevance of this analysis is limited to a bygone era in the development of Canadian policy. The office of the CSR counsellor, for example, was replaced in 2018 by an independent Ombudsman with investigative powers (GAC, 2018a). In addition, Canada's new CSR policy, for the first time, makes Canadian government support to mining firms conditional upon the fulfilment of substantively defined obligations (GAC, 2018b).

It remains to be seen, however, how much of a departure these new policies represent from the political ontologies developed around the notion of dialogue since the 1990s. Indeed, dialogue promotion continues to play a central part in Canada's normative prescriptions regarding extractive governance on a global scale (GAC, 2017). This article, then, will help us to better assess the depth of the proposed regulatory changes by clarifying the underlying logic of dialogue promotion: the assumption of converging interests; the view that conflict results from communication problems and wrong perceptions on the opponents' part; and the definition of third party, rights-based interventions as illegitimate interference.

The insights derived from this research need not be confined to the case of Canada or Guatemala. On the one hand, Canadian dialogue promotion has taken place in other Latin American countries where similar repressive dynamics exist (JCAP, 2017). The racist tropes described here might very well apply to elite discourses elsewhere. But more generally, over the last few decades, the Canadian government

and Canadian companies have become the agents of dissemination of many norms and governance prescriptions (Dashwood, 2005; North and Young, 2013). Through the vector of Canadian mining, central notions such as responsibility, reputation, interest, dialogue, communication, the distinction between the public and the private spheres, etc., have been taking on new meanings. It seems thus important to pursue the genealogy of Canada's "mining political philosophy".

On the other hand, de-politicized dialogue as a method for deflating rights claims and pre-empting collective action is not necessarily confined to Canadian CSR practices. As stated in the introduction, "dialogue" is an essential part of CSR practices across the global extractive sector, regardless of firm nationality. Interesting research may be conducted by examining how similar ontological underpinnings of CSR interact with local political regimes to properly understand the implications and the issues raised by change and reform in extractive governance in the future.

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### Appendix A. Description of the corpus relating to the Guatemalan oligarchy

#### Tables A1 and A2

##### A.1 Bibliography

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**Table A1**

The discourse of the Guatemalan oligarchy on Indigenous peoples and extractive industries<sup>a</sup>.

Author	Number of opinion pieces published	Print media <sup>b</sup>
Raúl Minondo Ayau	6	<i>El Periódico</i>
José González Merlo	2	<i>Prensa Libre</i>
Alfred Kaltschmitt	10	<i>Prensa Libre</i>
Julio Ligorría Carballido	1	<i>Prensa Libre</i>
Humberto Preti	20	<i>Prensa Libre</i>
Pedro Trujillo	8	<i>Prensa Libre</i>
Estuardo Zapeta	1	<i>Prensa Libre</i>
<b>Total</b>	<b>48</b>	<i>Siglo XXI</i>

<sup>a</sup> Extrapolated from Drouin (2012).

<sup>b</sup> As Drouin notes, these columnists do not necessarily represent the editorial policies of the newspapers that publish them (Drouin, 2012, p. 372).

**Table A2**Occurrences of the themes in the corpus<sup>a</sup>.

Trope	Occurrences	Example
1. Opposition to development projects is the result of manipulation by third parties.	<b>González Merlo</b> (2012a). <b>Kaltschmitt</b> (2010; 2012b; 2017). <b>Ligorría Carballido</b> (2012). <b>Minondo Ayau</b> (2009a; 2010; 2011b). <b>Preti</b> (2009a; 2009b; 2010; 2011a; 2012a; 2012b; 2012e; 2012f; 2012g; 2012j). <b>Trujillo</b> (2012b; 2012c; 2018). <b>Zapeta</b> (2009).	Protests, manipulated by the eco-terrorists of Madre Selva (?), are increasing in intensity. This organization promotes and finances them (where do they get the money) and keep the “protestors” in a state of war. They have now published a manual on how to “resist” and how to organize eco-terrorist groups. In other words, it is the guerrilla manual with an environmentalist face. They learned to use human shields, innocent children, so that if any situation arises they have the potential to produce tremendous martyrs! (Minondo Ayau, 2009a). They already have a martyr, essential for their dismal way of life! The martyr can be manufactured. Invasions are backward and violent (Minondo Ayau, 2011b). Swedish and Norwegian ‘international cooperation’ is used to destabilize communities (González Merlo, 2012a). Dante’s <i>cadres</i> have penetrated the Indigenous collective imaginary by means of the systematic and continuous repetition that anyone who dares to touch the Pachamama with any type of hydroelectric or mineral exploitation project, metallic or non-metallic, are harmful, deeply unfair and absolutely negative for inland communities and the country as a whole (Kaltschmitt, 2010).
2. Opposition is unreasonable and unfounded.	<b>Kaltschmitt</b> (2010; 2012b; 2012c; 2012d; 2012e). <b>Ligorría Carballido</b> (2012). <b>Minondo Ayau</b> (2010; 2011a). <b>Preti</b> (2008a; 2008b; 2012g; 2009a; 2009b; 2010; 2012a; 2012h; 2012i; 2012j; 2016b). <b>Trujillo</b> (2012b; 2012c; 2017b). <b>Zapeta</b> (2012)	[The example of Rigoberta Menchú, <sup>b</sup> our] Guatemalan Nobel Peace Prize winner, is eloquent[.] These days, she promotes confrontational actions against peace, in different parts of the country. We saw that in Sipakapa, <sup>c</sup> now in San Juan Sacatepéquez, <sup>d</sup> which recently organized a demonstration - rickety, but organized. Among the protesters were some who recently opened fire on workers of a company involved in the construction of the new road[.] [Menchú et al.] appear as members of the orchestrated campaign against investment and employment[.] Her attitude is against the human right to work, and she seeks to protect those who have claimed lives [...] In a world where [...] millions of jobs are lost, having investors trust Guatemala and generate employment is a blessing, but that’s nonsense for those who want, at any cost, to maintain the poverty levels necessary for their deceitful agitation. The agility of organizations like <i>Doña Rigo</i> <sup>e</sup> is awesome. The same night, her statements are already on all information websites, thus adding to the bad reputation we have around the globe[.] Now it appears to be employment vs. Menchú (Preti, 2008a).
3. Opposition is linked to dangerous and criminal elements.	<b>González Merlo</b> (2012b). <b>Kaltschmitt</b> (2010; 2012b). <b>Minondo Ayau</b> (2009a; 2009b; 2014). <b>Preti</b> (2008a; 2008b; 2009a; 2009b; 2010; 2012a; 2012j; 2016a). <b>Trujillo</b> (2011; 2012b; 2012c; 2017a). <b>Zapeta</b> (2009).	They have professionalized and militarized their protests, marches and demonstrations (with tremendous explosive potential). They have published a small paramilitary manual on how to “resist”. They have paralyzed the country in the blink of an eye (Minondo Ayau, 2009b). This hidden dirty war is a serious threat [...] to anyone who “dares” denounce or contradict their violent methods and totalitarian intentions. The problem is not that these groups oppose mining, hydroelectric dams or development[.] The problem is the violent way in which they promote their agenda[.] These leaders are violent people, who only know these methods to achieve their goals. “War goes on by other means” (González Merlo, 2012b). The characters that brought the leftist movement in Guatemala in the 70s and 80s, even if they have retired from active participation, have left the ideological seeds that we see growing in the present decade. There are some differences, but terrorist activities continue, as we have seen in recent actions against mining companies, hydroelectric projects, agro-industrial plantations and oil companies (Preti 2012j). What happened in Barillas <sup>f</sup> is no coincidence. It conforms with a structured plan that multiplies as a cancer in the country. It is promoted by drug networks, some international cooperation, parasites of conflict, light-headed ideologues and associated columnists[.] It is not the first time that violent acts take place in this municipality. Some groups [...] have been terrorizing, abusing, kidnapping, occupying private property and burning machinery[.] They wanted to provoke a violent reaction on the part of the army in order to create the victims necessary for this new kind of revolution [...] The mechanisms are similar: a mob uses violence, violates the law and commits any kind of disturbances in order to justify some groups, “leaders”, “civil society” profiteers[.] Who said ideological struggle was over? (Trujillo, 2012b).
4. Local, community-organized referenda are illegitimate.	<b>Kaltschmitt</b> (2010; 2012b). <b>Trujillo</b> (2012c).	Be sincere. You are the same people who organize the <i>consultas</i> . The same who establish absurd rules. First you send tons of preachers to the communities, paid for by radical international donors, with their bags full of lies and shiny trinkets of days past (Kaltschmitt 2012b). These <i>consultas</i> do not look like something that could be constructed as a referendum. They are not secret, but public. You line up in front of the community, in front of the “no” or “yes” table, with the kind of coercion that this entails; there are meetings before and after the event, or even during the event, that orient the vote and intimidate; discourses from

(continued on next page)

**Table A2 (continued)**

Trope	Occurrences	Example
5. Action is required against those responsible.	Kaltschmitt (2010; 2012b; 2012d; 2012f). Minondo Ayau (2009a; 2009b; 2010). Preti (2008b; 2009a; 2011a; 2011b; 2012b; 2012e; 2012g; 2015). Trujillo (2012d).	“leaders” that promote the decision representing the interests of the organizers; there is no verified census, anybody can vote; names, signatures and other forms of personal identification are falsified (I have the document in my possession); interested activists place the persons in line, sometimes separating man and women, even if they later complain of discrimination, <i>machismo</i> and racism [...] [These] “consultas” do not reflect the freedom of a community to express an opinion, but the result of the manipulation and bad leadership of some hooligans associated with organized crime, light-headed ideologues or the usual suspects paid by international cooperation [...] They learned their dirty tricks during the armed conflict and they don’t want to stop using them (Trujillo, 2012c).  I don’t know how the president will be able to generate the jobs offered during the campaign if he doesn’t have the firm intention of putting in order the “destabilizers” [...] If these kinds of actions are allowed, they will spread to the rest of the country. We have already seen that they are armed and ready for a new conflict (Preti 2009a).  [This] proves that Guatemala’s internal enemy, the violent and retrograde leftist, still operates. We must identify him [...] We must wake up the same, intelligent, hard-working, honorable and patriotic Guatemalan that we carry inside (Minondo Ayau, 2011b).  It must be noted that the Minister of the Interior has conducted the intervention of public security forces with serenity and strategic vision. [In many occasions] it is the agents of public security forces that have been attacked by the hooligans, with insolence and lack of respect. Eventually, political clashes with these contrarians is unavoidable, if a relative control of governability is to be achieved (Kaltschmitt 2012d).  The offensive is clear, productive activities in general are the aim of attacks, some of them very violent, which have cost millions, without the authorities acting with decision [...] They watch passively the actions that cause lack of investment and unemployment. How many people mobilize these groups? [...] Is it possible that these small groups cannot be neutralized? Of course they can be neutralized, if political will existed, but it doesn’t. There are too many vested interests in the government (Preti, 2011b).  We are going to make a list of unwanted foreigners and call for their expulsion for importing destabilization. They are the new colonizers (Preti 2012i).  Make a list of the activists, look at their life history, observe the movements that they represent and how many are involved in them. Find out where the money comes from, if they do anything productive and then make up your own mind regarding their intentions and the discourse that they use. Welcome to the world described by Verstrynghe [...] where terrorism can be “legalized” [...] as frequently happens with those delinquents that lynch, kidnap, usurp, pressure, assassinate, while others cover up for them by giving a legal tone to the issues (Trujillo, 2012d).

<sup>a</sup> The table documents occurrences of the five tropes identified in our study. The examples provided in the third column have been chosen for their representativeness. All quotes are translated by the author from the original Spanish.

<sup>b</sup> Rigoberta Menchú, a Quiché, won the Nobel Peace prize in 1992 for her defense of the rights of Indigenous peoples during the civil war.

<sup>c</sup> Where the first *consulta* took place.

<sup>d</sup> Where Indigenous peoples oppose the construction of a cement plant.

<sup>e</sup> “Miss Rigo” – a diminutive with racist connotations. On racist jokes about Rigoberta Menchú, see Nelson (2001, pp. 303–331).

<sup>f</sup> Where Indigenous peoples protesting against a hydroelectric project were shot at (one killed) by security guards and a state of exception was decreed.

- (2009b). Comentarios. Nadie invertirá en su sano juicio sin certeza jurídica. *El Periódico*. August 5<sup>th</sup>, p. 14.  
 — (2010). Comentarios. Propiedad privada. *El Periódico*. August 25<sup>th</sup>, p. 14.  
 — (2011a). Comentarios. La minería es peligrosísima para el ambiente. *El Periódico*. March 2<sup>nd</sup>, p. 14.  
 — (2011b). Comentarios. Escenario bien montado en el Polochic. Ya tienen mártir. *El Periódico*. March 30<sup>th</sup>, p. 18.  
 — (2014). Comentarios. ¡Ánimo Ejército! *El Periódico*. October 29<sup>th</sup>.  
 Preti, Humberto (2008a). Empleos vs Menchú. *Prensa Libre*. December 13<sup>th</sup>, p. 17.  
 — (2008b). No les va a gustar. *Prensa Libre*. December 20<sup>th</sup>, p. 17.  
 — (2009a). Un nuevo conflicto. *Prensa Libre*. February 14<sup>th</sup>, p. 17.  
 — (2009b). ¡Conozcámolos! *Prensa Libre*. March 14<sup>th</sup>, p. 15.  
 — (2009b). Los Mejores aliados. *Prensa Libre*. June 13<sup>th</sup>, p. 15.  
 — (2010). Yoyos y capiruchos. *Prensa Libre*. December 18<sup>th</sup>, p. 15.  
 — (2011a). ¡Que no les miren la cara! *Prensa Libre*. April 16<sup>th</sup>, p. 15.  
 — (2011b). Les deseo una feliz Navidad. Lamentablemente para muchos, esta noche no será de paz. *Prensa Libre*. December 24<sup>th</sup>, p. 17.  
 — (2012a). Pobre nuestra Guatemala. El actuar con decisión debe ser un objetivo de este gobierno. *Prensa Libre*. February 18<sup>th</sup>, p. 15.  
 — (2012b). El doble discurso de siempre. El tema de la cooperación internacional se pone en la balanza. *Prensa Libre*. March 10<sup>th</sup>, p. 15.  
 — (2012c). Las cosas por su nombre. Ahora se pretende coartar cualquier expresión en contra de ciertos grupos. *Prensa Libre*. March 31<sup>st</sup>, p. 17.

- (2012d). No los quisieron invitar. Lo planteado por el CUC y los campesinos nos retrasaría siglos. *Prensa Libre*. April 14<sup>th</sup>, p. 17.
- (2012e). Solo eso tienen que hacer. Es lo común, hacerse el representante de las mayorías sin serlo. *Prensa Libre*. April 28<sup>th</sup>, p. 17.
- (2012f). Para exacerbar los ánimos. La violencia orquestada está llegando a límites que rebasan la tolerancia. *Prensa Libre*. May 12, p. 17.
- (2012g). Nada tienen que ver. Nuestra crisis es solamente de nosotros y de nadie más. *Prensa Libre*. June 16<sup>th</sup>, p. 15.
- (2012h). Ya para abajo no más. Es lamentable que siempre nuestros índices en todo bajen. *Prensa Libre*. June 30<sup>th</sup>, p. 15.
- (2012i). Son los neocolonialistas. La histeria de ciertos grupos se hace sentir a cada momento. *Prensa Libre*. July 14<sup>th</sup>, p. 17.
- (2012j). Son prácticamente intocables. Los movimientos de izquierda toman una fuerza inusitada. *Prensa Libre*. September 22<sup>nd</sup>, p. 17.
- (2015). No le tiembla el pulso. *Prensa Libre*. November 28<sup>th</sup>.
- (2016a). Amenaza, surge con impunidad. *Prensa Libre*. May 7<sup>th</sup>.
- (2016b). Trabajemos con verdades. *Prensa Libre*. June 18<sup>th</sup>.
- Trujillo, Pedro (2011). Justicia y desalojos. *Prensa Libre*. April 5<sup>th</sup>, p. 15.
- (2012a). De clérigos en política. A Dios predicando, pero con el mazo dando. *Prensa Libre*. April 10<sup>th</sup>, p. 17.
- (2012b). Entre Barillas y avatar. ¡Cuando, a toda costa se quiere justificar la violencia! *Prensa Libre*. May 15<sup>th</sup>, p. 17.
- (2012c). La “consulta” popular. ¿Dónde está el clamor a la observación internacional en esos “comicios”? *Prensa Libre*. July 10<sup>th</sup>, p. 17.
- (2012d). Goebbels sigue vivo. Lo que no puede ser, no puede ser y además es imposible (Talleyrand). *Prensa Libre*. October 2<sup>nd</sup>, p. 17.
- (2017B). ¡Ahora es terrorismo! *Prensa Libre*. November 21<sup>st</sup>.
- (2017A). ¡Vaya corte con la Corte! *Prensa Libre*. December 12<sup>th</sup>.
- (2018). Me cansé de rogarle... *Prensa Libre*. May 15<sup>th</sup>.
- Zapeta, Estuardo (2009). Políticos con sotana. *Siglo XXI* February 27<sup>th</sup>, p. 17.

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