A Rancièrian Analysis of Anti-mining Resistance in Guatemala

by

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DECLARATION

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I declare that the above thesis is my own work and that all the sources I have used or quoted have been indicated and acknowledged by means of complete references.

I further declare that I submitted the thesis to originality checking software and that it falls within the accepted requirements for originality.

I further declare that I have not previously submitted this work, or part of it, for examination at UNISA for another qualification or at any other higher education institution.

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Abstract

Indigenous people in Guatemala have protested several mining companies since 2004 and have succeeded in halting operations. Further research is warranted to find theoretical explanations for the decades-long resistance and its progress deterring mining operations. This research contributes to the scholarly literature on equality and resistance by analysing behaviour and communication as factors in determining the effectiveness and ineffectiveness of resistance strategies. The strategies of the indigenous people of Guatemala to resist mining activities are examined through the lens of Jacques Rancière's theories and concepts about power and inequality, with particular attention paid to his concepts of *police* and *politics*. His theory of equality finds that protestors are effective when they cause disruption, gain media attention, create their own platform for protest and have an all-inclusive protest slogan. Rancière's prescription for resisters to create politics is for them to exercise their own agency. The creation of politics is finding equality, not power. Using Rancière's concepts, this paper assesses the anti-mining movement's actions (or inaction) and discerns if the movement has had any sustained impact in achieving politics. These concepts are used as tools to analyse the indigenous people's mining protests intended to oust mining companies. While not directly prescriptive, this study brings to light alternative approaches in leveraging power to address ways the police order creates and maintains inequality. Rancière argues that resistance of injustice must be based on universal fundamental human equality. By having subjects speak for themselves through interviews and by closely analysing print sources, the intent of this research is to find any indication of the protestors achieving (or failing to achieve) a moment which reveals the false construction of inequality, the unfair nature of subjugation. This methodology follows a decolonial method. Data sources include interviews and content analysis of news media, trade magazines and reports from non-governmental organisations. Findings from the data provide new avenues for research in terms of identifying the tactics of the police order and circumventing and countering those tactics.

KEY TERMS:

Marlin mine; GoldCorp; Sipakapa no se vende; El Tambor; La Puya; Si al Agua, Si a la Vida; Fenix mine; San Rafael mine; Escobal mine; Soy Xinka; extractivism; development; decolonial; neoliberalism; indigenous people; Maya; Mam; Xinka; resistance; equality; power dynamics; Jacques Rancière; politics/police order

Contents

List of Abbreviations

CSR	Corporate Social Responsibility
CUC	Comité de Unidad Campesina (*Committee for Peasant Unity*)
FAR	Fuerzas Armadas Rebeldes (*Rebel Armed Force*)
FPIC	Free, Prior Informed Consultation
IACHR	Inter-American Commission on Human Rights
ILO	International Labour Organization
KCA	Kappes, Cassiday & Associates
MEM	Ministerio de Energía y Minerías (*Ministry of Energy and Mines*)
NGO	Non-Governmental Organisation
PNC	Policía Nacional Civil (*National Civil Police*)
UN	United Nations
WBG	World Bank Group

Chapter One: Background

1.1 Introduction

Rural indigenous people have engaged in opposition to the operations of extractive industries in proximity to the areas they have settled in Guatemala for several decades. From 2005 to 2010, 2,180 protests occurred due to the extractive industry in rural areas in Guatemala, and these protests included 82 gatherings, 53 roadblocks and 27 sit-ins (Gordon & Webber 2016:108-109). There is a need for deep theoretical investigations of the mining conflict between the rural community and the industry. This introductory chapter briefly relays rationale for the study, the relevant elements of Guatemala's history, the guiding theory of the philosopher, Jacques Rancière as well as the decolonial methodology and summarises the subsequent chapters.

A decolonial methodology was used to conduct interviews and to analyse the content of the media, newspapers, trade magazines and non-governmental organisation (NGO) reports. As Guatemala was formerly a colonised country with a large indigenous population, conducting interviews meant using a methodology which focuses on the subject as an integral part of the research rather than as an object of the research problem. This methodology proved to be invaluable for this research to find the limitations of the theoretical concepts of Rancière's political theory in researching vulnerable populations.

Rural indigenous peoples' methods of resisting the extractive industry are analysed through the lens of Jacques Rancière's theories on power and inequality. These analyses show how certain forms of resistance by the Maya (all Mayan indigenous groups) may or may not assert these peoples' inherent equality despite being perceived as unequal due to their being dominated by a ruling elite of European extraction. Further analyses apply Rancière's concepts of *the police order* and *politics* to show how resistance exposes, or fails to expose, the false construction of inequality by analysing the language used by the media, in company press releases and in personal interviews. This thesis is an in-depth study of the current indigenous Guatemalan anti-mining movement and the anti-mining movement's ability to halt mining activities.

Rancière's concepts, especially those related to his theory of resistance, can be used to analyse protests in order for protestors to reach a point where others (such as Guatemalan citizens and the Guatemalan government) subconsciously view their inequality as a false construct. These tools help explain how people gain political leverage against a corporation in the context of pervasive prejudice. Rancière has asserted that protestors need to create politics

and not reinforce the status quo, the police order (Rancière 1999:35). Creating politics is the process of gaining equality (Rancière 2006: 55), not power over another thereby creating a new hierarchical order (Rancière 1999: 42). When protestors are seen as equal among the population, the non-indigenous public becomes sympathetic and, inadvertently, a crucial proportion of the public recognises that they, too, feel the protestors' grievances (even though the protestors are part of the public as well). The anti-mining movement rarely made a lasting impact when protestors focused only on the mine or their community (a central focus of resistance), but when protestors connected with a general identity – with being a mother, a citizen, or a landowner – they were able to advance further in their fight against the extractive industry (a broader focus of resistance). However, two concepts fail to fully explain this case study: The first is Rancière's concept of identity politics, as it fails to resonate with indigenous identity. Second, Rancière's (1999:75) theory of institutions (the platform of the police order) failing to help lower-tiered groups in society does not account for instances of the mines being ordered by the court to cease operations.

1.2 The struggle of indigenous peoples in Guatemala

The Mayans were the first human settlers of the region. In 2000 BCE (the Early Pre-Classic period of the Maya), the Mayans built the Kaminaljuyu pyramid located in Guatemala's capital, Guatemala City. In the Pre-Classic period, pyramids and hieroglyphics were developed. In 300–660 CE (the Classic Maya period), from 250 CE to 900 CE, 60 Mayan cities, each with a population of 60,000 to 70,000, lived spread across the political boarders of Guatemala, Belize, and Mexico's Yucatán Peninsula. The cities went to war with each other for resources (Willey 1990:5). The Mayan civilization consisted of "pyramids, plazas, ball courts, and government buildings" and "the urban Maya discussed philosophy [and] developed an accurate solar-year calendar" with a robust agricultural sector and a sacrificial ritual religion (Mott 2012:1). During the Classic period, the Maya developed an advanced calendar system with two cycles: the solar cycle (365 days with 28 months and 22 days) and the sacred cycle (260 days) to determine personality and aptitudes dependent on the day of birth. The ancient Maya had an emerging elite wealthy class who were able to trade in several different Mayan cities (O'Kane 2000:7-8). Mayan cities had "stone palaces with vaulted ceilings, the walls covered in colorful murals" (O'Kane 2000:8). The Mayans had city-states with capitals, and the ruler of a capital was called the *Ahaw*, a title for a supreme lord. The Ahaw ruled by "inheritance, being a member of a royal lineage or dynasty", while mayors were called *Cahals*, meaning *lesser lords* (Willey 1990:3).

For 200 years the Mayans had continuous rainfall. The rainfall helped develop their agricultural sector. “During the wettest decades, from 440 [CE] to 660 [CE], cities sprouted. All the hallmarks of Maya civilization—sophisticated political systems, monumental architecture, complex religion—came into full flower during this era” (Mott 2012:1). However, over an extended period of years the climate changed to drier weather and the cultivation of crops could not be sustained. The dry period lasted for 2,000 years, between 1020 CE and 1100 CE (Mott 2012:1). Overpopulation and an overcultivation of crops could have led to this change in climate (Mott 2012:1; O’Kane 2000:10). In 1225 CE Mexican Toltecs invaded many Mayan cities and caused the Mayan population to further decline (O’Kane 2000:10). In 1450 CE, with a smaller Mayan population, the last ancient Mayan civilization, the Quiché kingdom, was at its height of rule. However, 70 years later (in 1524), the Spanish arrived (O’Kane 2000:19).

Guatemala’s history since its conquest by Pedro de Alvarado y Contreras (a Spaniard) in 1524 is marked by a European (and, more particularly, a Spanish) search for gold, military conquest, legitimised forced labour practices for colonial settlement and a colonial legacy of racial and ethnic domination. The Quiché land covered 16,000 square miles, and they ruled in excess of one million people over several smaller kingdoms. Since the Quiché outnumbered the Spanish, they worked to be cohesive to unite against the Spanish, but one Mayan group, the Tzutuhiles (Tz’utujil), betrayed the Quiché. As the Spaniards had horses and guns – but, most importantly, finding a lack of unity (Sharman 2017:492) between the Mayans – de Alvarado killed the Quiché ruler Tecún Umán (O’Kane 2000:10-12). The Spanish were more adaptable and took advantage of the disunity of the Mayan cities (due to their lack of central government force; Whitlock 1976:153). Additionally, 60–90% of the indigenous population died from paratyphoid, similar to typhoid fever from 1545 to 1550 (Krause & Trappe 2021:198). The disease made the Mayan peoples physically weak, so the Spaniards were able to enforce a “reign of terror” (O’Kane 2000:11). Then in 1562 in the Yucatán, a Spaniard, Franciscan friar Diego de Landa, burned Mayan hieroglyphic texts. This burning of Mayan texts destroyed potential cultural knowledge and an understanding of the ancient Maya.

During the colonial era (1811–1821), indigenous people were forced to work until death (as a disposable labour force) on land claimed and controlled by Spaniards (Quijano 2000:538). There were several uprisings, and at one point as many as 600 indigenous people rebelled in 1820; many indigenous families fled to the hard-to-reach mountainous areas in

Guatemala to try to escape enslavement or forced labour laws while other families committed suicide together to avoid being apprehended (O'Kane 2000:17).

Land could only be acquired by royal concession; some communal land was given to the indigenous community by the Spaniards in order to sustain themselves for forced labour. However, these lands were taken away to support monoculture plantations for exportation (O'Kane 2000:15). The Spanish Crown used taxation for its income. The Spaniards employed forced labour methods to work the land for colonial settlement, and taxes were imposed on the indigenous people, who were forced to abandon their own religious beliefs for those of the colonisers or else risk death by being shot. The church gave the Spaniards justification for their ascendancy over the indigenous people, to civilise and save their souls (O'Kane 2000:60). The indigenous people were forced to meet at a church (and live in designated towns with churches) as an act of conversion and so they could be forced to pay taxes. Another form of control relied upon each indigenous group having their own style and colour of clothing; the Spaniards learned their patterns to monitor their movement. The Spaniards also wrote a legal document in 1513 to legitimise the slavery of indigenous populations via Christianity called "Requerimiento de Palacios Rubios" (*Requirements by Palacios Rubios*). In 1663 the Spaniards wrote to the Spanish Crown, worried that the indigenous peoples would die off and their taxes would be lost, and justified their actions by saying that the indigenous people would be drunk from homemade liquor on the streets if not for the enforcement of labour (O'Kane 2000:12-16). There were several uprisings by the indigenous people – on average, there was an uprising every 16 years during the colonial era (O'Kane 2000:16-17). These uprisings would occur in rural areas, where harsh legal codes and lack of food to sustain continuous manual labour in the fields was unbearable.

The descendants of colonial conquerors became the dominant elite (ladino). The ladinos claimed independence from Spain in 1821 to avoid paying taxes to the Spanish Crown (Castagnino 2006:8; O'Kane 2000:14). However, the ancestors of the Spanish colonial settlers maintained political and economic power after 1821. Guatemala was part of a territory that Augustin de Iturbide of Mexico included in the empire of an independent Mexico until 1822, breaking up into separate nation-states El Salvador, Guatemala (except for Chiapas, as Mexico kept this territory), Nicaragua, Honduras, and Costa Rica. The common theme is that "[t]he structure of power was and even continues to be organized on and around the colonial axis" in Latin America (Quijano 2000:568). The Spanish ancestors, called *ladinos* in Guatemala, largely were wealthy landowners who no longer had to give the taxes they received from the indigenous people to the Spanish Crown. The implementation of

the Independence Act of 1823 fostered economic and some social development programmes for the indigenous and mestizos (those of Spanish and indigenous ancestry) peoples by liberal ladinos who wanted to modernise all Guatemalans. However, the Act was short-lived because the conservative ladino elite class in power supported wealth inequality and monoculture (O'Kane 2000:15). In 1871 the liberal reform began to modernise Guatemala as a secular state, setting up a universal educational system, distributing church lands and establishing a national army and basic infrastructure. Initially communal lands were supposed to be distributed to the indigenous communities; however, these lands were taken over by the wealthy ladino classes for the coffee boom of the 1870s, and the ladino class failed to comply with land rights (O'Kane 2000:14-15).

Guatemala experienced a brief period of social land reform from 1944 to 1954. In 1950, 22 farms contained 13% of arable land, and 165,850 rural families had access to fewer than 3.4 acres per family (Handy 1988:678-679). On 17 June 1952, Congress passed Decree 900 (an agrarian land reform) which affected 1,710 landowners who owned over half of Guatemala's private land (O'Kane 2000:21). The general story of large commercial Guatemalan history begins with the La Frutera (*United Fruit Company*), established in 1898, and the interplay of the United States' capitalist interests, military might and US interventionism (Schlesinger & Kinzer 2005:25, 28).

At the turn of the twentieth century, landless rural indigenous people began to protest their poor wages and the lack of high-quality land and soil and targeted the United Fruit Company; this marks the beginning of protesting corporate dominance. These protestors were future leftist (guerrilla) insurgents calling for land reform. The leftists needed places to hide, so they could rest and have food, so they usually passed through rural towns to ask for support; however, when the government army came through looking for the leftists, the town was accused of supporting the rebels.

1.2.1 The United Fruit Company

The United Fruit Company (UFC), based in Boston, Massachusetts, was developed in 1870 and was the first multinational corporation to operate in Guatemala beginning in 1898. The company paid no taxes and owned the railroad, the main port and the telephone and telegraph services that they built. The United Fruit Company had a monopoly over the export of bananas from Guatemala, a business worth USD 60 million in 1954 (Schlesinger & Kinzer 2005:12). Many rural workers (largely of indigenous Mayan descent) could not own land or even live independently on company-owned property (Schlesinger & Kinzer 2005:38). Large

plantations maintained their own justice systems (based on *Decree 1816*, implemented in 1932 by Jorge Ubico; O'Kane 2000:18), and the state could not intervene without the corporate owner's approval (McAllister & Nelson 2013:62-63; Reed & Brandow 1996:2, 8). Ubico (1931–1944) continued forced labour practices and imposed a vagrancy law on indigenous people who did not work at least 150 days per year on plantations: "[t]he Maya had to carry a book in which the plantation owner noted the days worked or they were subjected to arrest" (O'Kane 2000:15-16). The United Fruit Company "controlled about 40% of the economy by the 1930s. By 1934, UFCo [United Fruit Company] also held more than 3.5 million acres of land, of which 115,000 were under cultivation" (USBCIS 1997:1).

There is a history of steady resistance to labour practices, particularly during the 1920s and 1930s. In May and June 1944, there was a massive protest (called the Democratic Spring) against the government and UFC. The demonstrations against UFC comprised workers protesting the unfair labour practices as well as local peasants pressing for land, access to water and a share of the agricultural market. With the support of the plantation owners, the Guatemalan government stopped the protests (Schlesinger & Kinzer 2005:1).

On 20 October 1944, the October 1944 Revolution occurred, an uprising of rural peasants, which targeted plantation elites and government officials. The military consisted of lower-class ladino individuals (of European heritage) who resented the wealthier ladino class. The United States did not try to intervene in ex-president Jorge Ubico's loss of political power on 1 July 1944 (with General Federico Ponce appointed as provisional president; UCA.edu 2021:1); Ubico was viewed as an embarrassment because of his known pro-Nazi sympathies. After the October 1944 Revolution, an election was held. Activist Juan José Arévalo (1944–1950) became president under an electoral vote (only citizens 18 and older literate in the Spanish language could vote in the election, which excluded many indigenous people not fluent in Spanish) following a continuous string of wealthy ladino government officials who favoured the United States and UFC.

In 1950 his successor, Colonel Jacobo Árbenz (1950–1954), was elected, who expanded social security services in the form of pensions for all citizens (Gordon & Webber 2016:86-87; Nelson 2009:260). Guatemala has universal suffrage from age 18; however, many rural residents do not have the economic means to travel to the nearest voting booth (Serpe 2012:20) or have the required documentation (OAS 2015:10). Árbenz "carried out the first real agrarian reform in Central America and thereby affected the interests of the United Fruit Company" (O'Kane 2000:19).

This was a dramatic shift, and in 1951, Jacobo Árbenz became the second democratically elected president. Árbenz called for massive land reform and the nationalisation of the railroad and mail systems. UFC (with connections in Washington) acted in its own interests and countered Árbenz. The United States at this point was more invested in Guatemalan economic and political affairs than Árbenz was aware (Schlesinger & Kinzer 2005:45). On 2 May 1951, the United States outlined policy goals for Guatemala "[t]o assist in the training and equipping, as a source of supply, of the Guatemalan Armed Forces, so that they will be able to oppose the spread of Communist influence in Guatemala and to assume their proper role in hemispheric defense" (US Department of State 1951:1). In 1954, Colonel Jacobo Árbenz was immediately ousted (Schlesinger & Kinzer 2005; McAllister & Nelson 2013:13).

1.2.2 The 1954 Coup and the Civil War (1960–1996)

On 18 June 1954, a former Guatemalan military officer under Ubico, Castillo Armas, who had been living in exile in Honduras with a personal militia backed by the United States with money and arms, overthrew President Árbenz, who was accused of being a communist because of his support for land distribution (Malkin 2011:1). The United States' commercial interests were intertwined with the US's geopolitical goals. In fact, the Central Intelligence Agency (CIA) director at the time, Allen Dulles, was a former attorney for UFC (Schlesinger & Kinzer 2005:127-128, 155).

The Guatemalan Civil War (1960–1996) was fought between the Guatemalan government and rural peasants. The government wanted to stop land reform, as this policy was not favoured by UFC and the government asserted that they were fighting "communism" (Malkin 2011:1). Rural peasants protested mass land control by UFC, which controlled 72% of the land plus 887 miles of railroad through its own railroad company (International Railways of Central America; Schlesinger & Kinzer 2005:12, 38). In 1962 some peasants formed a formal militia rebel group called the Fuerzas Armadas Rebeldes (FAR; *Rebel Armed Forces*) to oppose the Guatemalan government. The Guatemalan government, backed by the United States, fought against leftist communist rebels in rural areas of Guatemala. FAR was formed by junior army officers who protested Colonel Carlos Arana Osorio's regime and who instead supported communist Cuba in 1960. Colonel Osorio was able to dismantle FAR in the early 1980s. Three smaller branches of FAR were created: the Comité de Unidad Campesina (CUC; *Committee for Peasant Unity*), Organización del Pueblo en Armas (ORPA; *Revolutionary Organization of the People in Arms*) and the Ejército

Guerrillero de los Pobres (EGP; *Guerrilla Army of the Poor*; McAllister & Nelson 2013:13-16).

Indigenous people suffered the most during the civil war. Many sources point to the mass killing of as many as 200,000 people by the end of the civil war, mostly indigenous Guatemalans, as a policy of genocide (Schlesinger & Kinzer 2005). Of those 200,000 people killed, 83% were Mayan and 17% were ladino (Truth Commission 1997:1). Violence against the Maya still affects their relationship with the government and other authorities (Fischer & Brown 1996:13). The war was most brutal between 1978 and 1983 and worsened even further during its final two years under the leadership of Efraín Ríos Montt (McAllister & Nelson 2013:17).

According to David Stoll (1993), the indigenous people were terrorised by both the rebel forces and the army. However, this conflicts with the narratives advanced by indigenous woman and Nobel Laureate Rigoberta Menchu who asserted that the indigenous people supported the CUC because they offered protection from the wealthy ladinos taking land from the Guatemalan army (Menchu 1984). The idea that a communist ideology was being implemented in Guatemala was almost impossible for US policymakers to justify; however, Guatemalan sovereignty and independence from the UFC was the real threat (Schlesinger & Kinzer 2005: xiii, xiv).

Support for the civil war began to wane among US military leaders in Washington when the Cold War ended in 1990. In addition, Rigoberta Menchu (1984) brought international attention to the brutal mass killings and rapes inflicted by the government and military leaders on the indigenous people during the civil war; in 1992, Menchu was awarded the Nobel Peace Prize. The United States asked for mediation from the United Nations (UN) for peace talks, and the war officially ended with the 1996 Peace Accords.

1.2.3 The 1996 Peace Accords

From the land reform conflict with the United Fruit Company to the coup of Jacobo Árbenz in 1954, which led to a 36-year civil war (1960–1996) in the name of fighting communism, the nation's economic agenda moved steadily towards neoliberalism (Almeida 2014:132-140). A neoliberal economic agenda focuses on privatising "state enterprises, open domestic markets to foreign capital and goods" and eliminating any government regulating policies (McAllister & Nelson 2013:25). Free markets, free trade and protected private property rights are the foundations of neoliberalism (Harvey 2005:2). In particular, the growth of monoculture (vast acreage owned by one company for producing one type of crop)

is a product of neoliberalism's protected private property rights for large businesses. In 1990, under the Vinicio Cerezo administration (1986–1991), a programme was developed to "stabilize the foreign exchanges, cut the fiscal deficit, reduce internal liquidity so as to contain inflationary pressures, and improve the external payments position" (Saborio 1990:299). The economic program implemented was called "Programa de Reordenamiento Económico y Social de Corto Plazo" (*Short-term Economic and Social Reorganization Program*). Economic improvements were seen the following year due to foreign direct investments, among other factors, such as a 50% increase in imports and the stabilisation of the foreign-exchange markets, with only public agents rather than the Guatemalan bank assuming the investment risks (Saborio 1990:299). In 1993, the International Monetary Fund pushed for austerity, and after the Peace Accords were signed in 1996 (under the presidency of Álvaro Arzú, 1996–2000), Guatemala was poised to emerge as an attractive global host for foreign company investment (Schlesinger & Kinzer 2005:262).

The 1996 Peace Accords were not binding but encouraged further negotiations for constitutional reform with the UN brokering the negotiations. A year prior, in 1995, the military, the government and the rebels signed a separate accord. The accords addressed "demilitarization, postwar reconstruction, and democratization" (Warren & Jackson 2002:157), and 1,928 militia were disbanded (UCA.edu 2021). Many Guatemalan elites did not easily accept the reforms of the Peace Accords. They objected especially to the land reform for the indigenous traditional community as well as to the need to acquire the indigenous community's consent before developing their land. This latter stipulation was laid out by the UN's International Labour Organization (ILO). Many of the proposed liberal reforms (food subsidies and large public health initiatives) for development were abandoned and replaced with a neoliberal approach (opening domestic markets to foreign capital and goods) to development (Aylward 2010:65-66; McAllister & Nelson 2013:25). The Peace Accords were, in fact, praised by many indigenous and mestizo Guatemalans as well as the international community (Aylward 2010:63; Mersky 2005).

The authorities in parliament quickly ratified the convention with the help of the United States to make way for commercial development. The 1996 Peace Agreement was effective and set the stage for neoliberal economics, attracting foreign investment, and pleasing international financial institutions. In the mining sector alone, development boomed as hundreds of mining licences were pursued in the late 1990s (Deonandan 2015:27-28).

The neoliberal agenda has been positively viewed as an effective way to develop Guatemala for the twenty-first century (McAllister & Nelson 2013:25). Nevertheless, the

neoliberal agenda has not improved the lives of rural indigenous people as the Guatemalan government continues to ignore rural indigenous communities and does not include them in its policymaking when selling land to large corporations. Guatemala is “the most unequal country in terms of land distribution in all of Latin America” (Pedersen 2018:99). For instance, 60% of Guatemalans live in rural areas however, over half are employed by a monoculture industry (O’Kane 2000:44).

The Guatemalan military (consisting of lower-class ladinos in the senior ranks) was accused of perpetrating human rights abuses against the indigenous people, but the Accords did not mention prosecuting officials (Deonandan 2015:31-33, 37). What happens in Guatemala today is viewed in contrast to the violent past of the Guatemalan Civil War (1960–1996), and redress for abuses during the civil war remains a pressing issue for the indigenous people. The same issues of inequality remain from the violence of the civil war, the continued segregation of indigenous groups in society and the impunity of perpetrators of criminal activity on the streets of Guatemala City (McAllister & Nelson 2013).

Tensions remain from the time of the civil war; the researcher’s personal observations detected an aversion to discussing politics, both present and past, and indigenous people tended to distrust government officials, the military, the police force, and ladinos in general due to the continuing violence rooted in racism, economic instability, and pervasive corruption in the government. President Álvaro Arzú (1995–1999) pushed for Guatemala to remain open for multinational business during peace negotiations, and this atmosphere has fuelled tensions between the indigenous people and the militarised police force due to their collusion with foreign corporate development (McAllister & Nelson 2013:6-7, 126). After the signing of the Peace Accords, mining licences began to be bought by Canadian and American mining companies from 1997 to 1998. In the early 2000s, North American mining companies began building and operating in Guatemala (Gordon & Webber 2016:85-86, 91-97; Volpe & Rosa 2011:38).

1.3 The Extractive Industry

During Guatemala’s colonial era, the Spaniards briefly pit-mined for gold and silver, forcing the indigenous people to mine, and again used indigenous people for forced labour during the cacao boom of the 1570s (Burkholder & Johnson 1990:157; O’Kane 2000:12). The climate of forced labour and malnutrition caused indigenous people to die, and the small amounts of ore found caused the demise of the extraction of gold. Placer mining (mining from the river) was much easier, though not as profitable as pit mining (Herrera 2000:261).

Modern mining exploration in Guatemala began as early as 1966. The first explorations were conducted in Huehuetenango in western Guatemala. The community of Huehuetenango, a Mam indigenous ethnic group, was reportedly excited about the Fenix gold mine and hoped that their community would prosper from the creation of these jobs (Hemeroteca 2016:1). The Fenix gold mine is the oldest mine in Guatemala, which began operation during the Civil War but had to cease operations until 2014 (Cuffe 2021:1) due to internal political instability from the war (Saborio 1990:298-299).

Starting in the late 1980s, many mining companies moved their operations from developed to underdeveloped nations, as underdeveloped nations began adopting neoliberal policies to encourage extractive industry investment (Dougherty 2011:411). In the late 1990s (under President Arzú) multinational corporations with mining interests scouted and surveyed mineral resources in Guatemala and found potential mining sites. But it was President Oscar Berger (2003–2008) who aggressively pushed to develop resource extraction. The Guatemalan government started distributing mining licences in 1997 – just one year after the signing of the 1996 Peace Agreement (Aylward 2010:64). Between 1998 and 2008, an increasing number of mining licences and contracts were issued to mining firms (Dougherty 2011:406, 408-410).

Mining projects operating from 2004–2017 included Goldcorp's Marlin mine, the Escobal silver mine, formerly owned by Tahoe Resources and currently owned by its subsidiary Minera San Rafael S.A., the Fenix ferro-nickel project owned by Compañia Guatemalteca de Niquel (CGN) and the Progreso VII gold and silver mine, called the "El Tambor" mine by residents and activists (MEM 2013) and owned by Exploraciones Mineras de Guatemala, S.A. (EXMINGUA; Deonandan 2015). The indigenous people started movements to oppose mining activities. The Sipacapa movement focused on the Marlin gold mine, the La Puya movement targeted the El Tambor gold and silver mine, *Si al Agua, Si a la Vida* protested the Fenix (CGN) mine and the Soy Xinka movement resisted the San Rafael mine.

There are three types of mining companies: senior, mid-tier and junior. Dougherty (2011:405-406) reported that larger (senior) mining companies tended to respect their social and environmental responsibilities more than junior mining firms. Consequently, communities were more hostile to junior mining firms, as these firms were least liable to follow environmental regulations due to their high-risk exploration techniques; Guatemala hosts these kinds of firms (Dougherty 2011:406). Junior firms have "low-tech extraction techniques such as dynamiting for surface mineralization", and these cause the worst

environmental damage (Dougherty 2011:408). This type of mining has been banned in the United States (Fulmer et al 2008:93). Goldcorp was fined by the Ministry of the Environment and Natural Resources due to its contamination of local water with heavy metal; Goldcorp paid the fines as a cost of doing business and continued practices which damaged the environment (Dougherty 2011:409).

Goldcorp's Marlin mine used an open-pit hydrometallurgical extraction process (Volpe & Rosa 2011:38). Junior mines, such as Goldcorp, focus on finding new ore reserves and then after a few years sell them to mid-tier companies; this is to limit risk and to maximise investment. Mid-tier companies diversify to eventually become senior companies which have the capital and are in a position to take higher economic risks. Mid-tier companies merge several junior mines to become senior mining companies (Eads et al 2009:23).

1.3.1 Land Rights

The UN's *Indigenous and Tribal Peoples Convention, 1989*, also called *International Labour Organization (ILO) Convention 169*, declares that indigenous people own the land that they have resided on for centuries (ILO Ratifications for Guatemala 5 June 1996). This convention was designed to help indigenous people by giving them legal backing to be consulted for mining issues (Fultz 2016:102). Most anti-mining activists citing ILO Convention 169 state that "indigenous communities must give their free, prior, and informed consent (FPIC) before the national government issues subsurface extraction licenses" (Fultz 2016:102). "FPIC" for a community means that the indigenous population must meet to discuss a mine before the mine can begin operating or even exploring (Fultz 2016:103). The communities hold a "consulta" (*meeting*) and vote to determine their FPIC. According to Guatemala's Ministry of Energy and Mines (MEM), the final letter in the abbreviation "FPIC" could stand for either "consent" or "consultation". Mining corporations have emphasised that the definition of "FPIC" implies the latter interpretation, thereby requiring only the opinion of the community, not their consent, for a mine to operate (Fultz 2016:103). Mines are subject to the World Bank Group's (WBG's) regulations for prior consultation, and the WBG has used the word "consent" and "consultation" interchangeably (Fultz 2016:103-104). However, the institution makes it clear that no outside party has "veto power" (WBG 2004: v, 7, 21-22; see also Fultz 2016:104-105). According to the WBG in 2004, the "C" in "FPIC" stands for "consultation":

> The Bank Group will support only those extractive industry projects that have the broad support of affected communities. This does not mean a veto power for individuals or any group, but it does mean that the Bank Group requires a process of free, prior and informed consultation with affected communities that leads to broad support for the project by the affected community. (WBG 2004:21)

Mining companies can carry out their own meetings to try to get the signatures of local attendees, and these meetings are called "information meetings" (Fultz 2016:105); mining officials have stated that this is used as a courtesy. According to officials, it is the Guatemalan government's responsibility to conduct a community consultation (Fultz 2016:105).

Guatemala has been a member of the UN's ILO since the 1996 Peace Accords. The identity of indigenous Mayan people is the basis of the ILO asking for more rights from the company and the state (Almeida 2014; Volpe & Rosa 2011). The ILO's focus on indigenous peoples' rights could be an effective way to counter the power of national extraction corporations (Yagenova & Garcia 2009:66).

While the Guatemalan government agreed to the ILO guidelines and supported them during the 1996 Peace Agreement, they were not made part of the new Constitution and so offer no basis for legal action (UN 2007:1). Protests are based on these celebrated guarantees (Fulmer et al 2008:102; Pedersen 2014b:1). Despite community hostility and active protests against the Marlin mine based on ILO Convention 169, the local indigenous people cannot legally counter exploitation by the mine and have no binding decision-making power to oust the company (Fulmer et al 2008:104).

In Huehuetenango, Guatemala, on 29 August 2006, a total of 18,094 votes from 79 communities were cast regarding the presence of the mine: 18,089 votes opposed the mine, and 5 were in favour of the mine (with 62 abstentions). These votes were dismissed by the company and the federal government as the result of manipulation of local citizens by anti-mining groups (Fulmer et al 2008:104-105). In fact, the ILO admitted in 2003 that the "[i]ndigenous and tribal peoples do not have the right under the convention to veto exploitation of natural resources on their lands" (Project to Promote ILO Policy on Indigenous and Tribal Peoples 2003:104). Article 68, titled "Lands for Indigenous Communities", in the Guatemalan Constitution states that "[t]hrough special programs and adequate legislation, the State will provide state lands to the indigenous communities who may need them for their development" (Constitution 31 May 1985 [Amended 17 November 1993]: Article 68). Indigenous people can only claim land either that they have been directly

given by the government or if they can prove that they have a direct familial claim to the land for generations prior (Constitution 31 May 1985 [Amended 17 November 1993]: Articles 67, 68).

Deception is central to multinational corporations' acquisition of land and the people's "consent" to mining operations. In San Miguel, San Marcos, "people were told [by Goldcorp] that their lands would be orchid plantations, rather than a gold mine; so, the prices that were paid did not represent the real value" of their land (Urkidi 2011:566). Land titles were not respected by the mining company (Urkidi 2011:566). Article 67 of Guatemala's Constitution states that indigenous communities have special protections from the state to own their communal land for their own use and development (Constitution 31 May 1985 [Amended 17 November 1993]: Article 67). However, the Marlin mine bought land without the formal consent of the community. As these lands were separately sold to different individuals, the residents did not know that the wealthy private Guatemalan buyers were working for a large foreign company (Urkidi 2011:573). This deception allowed the company to claim that they had gained local consent.

1.3.2 The Municipal Code

The indigenous peoples' only other legal avenue for restricting mining operations in their community was through the Municipal Code, since they apparently could not do so through *ILO Convention 169* (Sandt 2009:15, 26). The Guatemalan Municipal Code states that the community (at least 10%) must show grievances, and 20% of registered voters must object for development operations in the local area to be prevented. This was generally true for mestizo (indigenous and Spanish ancestry) communities, but in practice, indigenous communities had to meet a higher standard – at least 50% of the people in indigenous communities would have to object to proposed development to prevent it (Elías & Sánchez 2014:1). Indigenous people do not have the equivalent amount of decision-making power as other social groups in Guatemala; this can only be justified as a general form of prejudice regardless of Guatemala signing *ILO Convention 169*.

The community-based consultas were supposed to be binding, as laid out in the 1996 Peace Accords, but this has not been the case for Sipacapa. In 2005, formal local referendums – *consultas* – in the indigenous community gained media coverage in Guatemala and attracted attention from international organisations, including the UN, as the mining in their territories was protested (Pedersen 2014a). The Sipacapa community voted in 50 consultas between 2005 and 2011 for the mine to cease operations and leave (Volpe & Rosa 2011:124).

Regardless, without the government backing the community's legal rights, the mining company continued to operate with full government support. During the voting process to demonstrate their opposition to the mining community, the government stated that "Sipacapa's municipality had no authority" to make any decisions (Urkidi 2011:565-566). The mine continued to operate despite the community rejecting its legality (Urkidi 2011:566).

Smaller-scale and specific grievances of local indigenous groups are also being ignored in the legal system: "The court is empowered only to hear cases against national states, not multinational corporations" (Fulmer et al 2008:106). The Maya face pressure to relinquish land, community life and connections to the past, all in the name of national economic development (Benson et al 2008:38-39; Fischer & Brown 1996:32-34, 45-47).

1.3.3 Infrastructure and Community Welfare

The government and corporations work together to advance corporate profits despite communities' concerns over environmental and social health risks. Government oversight of resource extraction companies is non-existent. The government depends on the companies to regulate themselves in terms of environmental and social issues. Marlin mine used a cyanide leaching process and discharged the mine's tailings directly into the Río Tzalá and the Quivichil Creek, which flow into the Río Cuilco water source. The ore is removed via blasting, crushed into small grains and then the grains are leached with cyanide (Basu & Hu 2010:4). GoldCorp's own assessment stated that the Río Cuilco is an important water source, as "[l]ocal inhabitants depend on subsistence agriculture, irrigated from the Cuilco River and its tributaries" (GoldCorp Human Rights Assessment 2010:32). Rashes, hair loss and respiratory difficulties reported by local residents are conditions associated with high levels of arsenic in the environment. Contractions of the blood and urine of residents show some levels of arsenic (blood level is 3.9; normal level range is from zero to five) and high levels of mercury (urine samples indicate 0.11 when normal levels are less than 0.10; Basu & Hu 2010:11).

Goldcorp's president, Chuck Jeannes, stated in Guatemala's national newspaper (Hamilton 2011:1) that the Marlin mine and others have the same sets of environmental regulations and respect for human rights as in Canada and in the US. He stated, "[w]e rely on the evidence of the Government of Guatemala to reach our conclusions that our activities in the mine do not release any harmful substance" and added that "[w]e rely on our own tests" for testing environmental impacts (Hamilton 2011:1).

In 2012, the mine slowed its operations and began undertaking environmental reclamation efforts to clean up the area under the name *Tajo Marlin* (*El Periodico* 17 March 2017). Many extractive corporations are unable to restore the land, as there is almost always long-term damage to the water and soil (Chomsky 2016:248). Operations were projected to end in 2017 because of a decrease in the price of gold on the international market and the country's lack of stability (*El Periodico* 25 September 2015).

The damage caused by mining is varied and far-reaching. Damage to homes – in particular, cracks in walls and foundations – are common (Dougherty 2011:410; Macleod 2016: 96). In February 2016, the Coordinadora Nacional para la Reducción de Desastres (CONRED; *National Coordination for Disaster Reduction of Guatemala*) reported to the government the risk of unstable ground and that 30 homes were at risk of immediate collapse in San Rafael Las Flores, Santa Rosa, where the San Rafael mine is located; however, the report did not mention the mine as the cause (Cardona 2016:1). Schools near the mine site had visible cracks in the walls, and authorities were forced to condemn and close the schools (Filipe & Marroquin 2016:1).

Mental health issues among indigenous Guatemalans have risen because of high stress triggers such as the presence of the military, the militarised police and the corporate security forces sent to instigate fear in the community (Barnett 2010; Maldonado 2014). Many locals reported having nightmares, hypertension, insomnia, and hyper-vigilance. Scholars Susana Caxaj, Helene Berman, Colleen Varcoe, Susan Ray, and Jean-Paul Restoule (2014) found that once security personnel became present on company land, more residents began openly carrying guns.

Communities that are known for activism against extractive multinational corporations are also hyper-militarised and are sometimes controlled by contracted foreign military forces protecting corporate property. Usually, Israeli private security companies whose personnel have had military training in Israel are hired to protect gold mining sites in Guatemala (Solano 2015:1). Mining officials do not acknowledge that security personnel hired by the mine have intimidated and killed activists (Deneault & Sacher 2012; Maldonado 2014). In 2018, 16 environmental land activists were murdered (Global Witness 2019:1) and the following year, 12 environmental land activists were murdered (Global Witness 2020:1).

Mental health issues were reported by 120 residents of 13 communities surrounding Marlin mine such as hopelessness, anxiety, and depression since the development of Marlin mine (Caxaj et al 2014). The presence of the Marlin mine polarised the community, creating tension between the residents who agreed with the company or who wanted to avoid conflict

and those who wanted the company to leave. There was conflict in the community between those employed at the mine and those who were not.

1.4 Rationale of Resistance

The four anti-mining movements ("Si al Agua, Si a la Vida", "Sipakapa No se Vende", "La Puya" and "Soy Xinka") are social movements, as they are public in nature, organise collective action directed at elites or officials, have a common purpose and identity, and create continued collective action (Tarrow 1994:3-8). Each of the anti-mining movements are public because they are presented in the national news media, they are collectively organised to oppose mining officials and the government, and their purpose is to stop mining operations in their area. Members of the anti-mining movements identify as local residents, rural residents, or indigenous peoples. They have protested for several years against mining operations in their area, camping out in tents, blocking mining entrances and protesting in front of the Constitutional Court.

Anti-mining movements claim that the mines began operating without the community's consent, and the protestors have stated that it is their legal right to have binding referendums voted upon before a mine can legally operate (as Guatemala is a signatory of the *ILO Convention 169*); this constitutes the original basis of these protests, but the list of grievances against the mines has grown to include environmental damage to soil, water, homes and schools, lack of access to water, health issues and civil rights abuses (Barnett 2010; Dougherty 2011:410; Farina 2012; Fumar 2008; Maheandiran et al 2010; Urkidi 2011; Valladares 2014; Yagenova & Garcia 2009).

Many activists have risked their lives to protest mining in their communities, yet the media has often portrayed community activists as criminals (Fischer & Brown 1996; Pedersen 2014b:1). Multinational corporations generally frame protestors and resisters as uneducated and anti-development criminals (Benson et al 2008:42; Deonandan & Bell 2019:30).

A person who protests mining can also be called an "extractivist", and extractivism is a global identity which resists imperialism, neocolonialism, and neoliberalism (Chomsky 2016:244). Extractivism in Guatemala began with rural indigenous groups conducting consultas in their communities. In Guatemala, the origins of mining protests are found in the consultas, where the pattern of residents having no say in the establishment of mining companies in their communities caused them to take action. Countering mining operations was the next step for the resisters.

1.5 Rancière's Concepts

Rancière's philosophical theory provides a foundation to understand protest and resistance movements generally. Rancière's concepts, especially his theory of equality, are applied to better understand the dynamics of power and the resistance of anti-mining movements. The assumption of universal equality is at the core of his thinking (Rancière 2010, 1999, 1991).

Rancière's concepts offer a new way to analyse power, inequality and resistance using two key concepts in his theory: "police" and "politics". These concepts are used as points of reference for this analysis of the anti-mining movement in Guatemala.

Rancière's usage of the word *police* does not refer to public police officers on the street, nor does the word *politics* imply elections, policymaking, or governing entities. The terms "the police order" and "the current status quo" refer to Rancière's concept of "police". Rancière defines his concept of the police as "the distribution of places and roles, and the systems for legitimizing this distribution" (Rancière 1999:28). Rancière (1999) described how the hierarchies of social groups (various groupings according to ethnicity, class, and age) are divided and given roles in society by the police order. In brief, the term "police" refers to the role of society in maintaining social arrangements.

Politics refers to "any order that justifies a hierarchy and that allows some to think that their unequal status relative to others is justified" (May 2010:11). Any hierarchical grouping of people in society according to race, ethnicity, class, or other intertwined groupings constitutes policing; recognising and rejecting the hierarchy of different subsystems of society is the creation of politics. Rancière has stated that "political science in fact stems more often than not from other mechanisms concerned with holding on to the exercise of majesty, the curacy of divinity" (1999:17). He has also suggested when politics might occur: "when these mechanisms are stopped in their tracks by the effect of a presupposition that is totally foreign to them yet without which none of them could ultimately function" (Rancière 1999:17).

Policing exists everywhere that people accept the established arrangement of society and act in an orderly fashion within this establishment, regardless of whether their placement in that order is privileged. The police order is a social reality which can be altered but never eliminated (Chambers 2012:65). The police order assumes that it has counted everyone and grouped all individuals into orderly levels so it will appear that all individuals are seen and heard.

A key point in Rancière's discussion of the police order is its artificiality (Rancière 1999). The concept of *police* includes the internalisation of the status quo, and the concept of *politics* refers to challenging an established yet artificial hierarchy of people. Thus, the use of the word *politics* in this context does not reflect the general use of "politics" (Chambers 2012:41). Again, the term "politics" here does not mean process, such as the parliament system, court system or electoral system. Additionally, Rancière (1999) distinguishes politics from small challenges to the police order: "a strike is not political when it calls for reforms rather than a better deal or when it attacks the relationships of authority rather than the inadequacy of wages" (32). Politics is revolutionary, and politics reorganises society; politics does not simply make incremental changes (Rancière 1999:42).

For politics to occur, demonstrators must protest on their own turf and claim an identity that is general enough to invoke universal cause while being free from prejudices, such as being a worker or a parent (Rancière 1999:41-42). Protestors also need to create their own space, which will allow them to present their argument with the greatest amount of disruption, thereby enabling them to be seen and heard (Rancière 1999:52-53): If protestors dissent in an institution (a space controlled by the police order), then they will not receive the same attention that they might if they instead blocked a highway.

1.6 Research Questions and Application

In viewing the anti-mining movement through the lens of the police order, it is easy to fall into the trap of analysing behaviour in terms of its effectiveness at creating politics. Providing an artificial outline of "correct" behaviour to create politics is not the goal; in fact, it would be impossible to create such an outline. Instead, the intent here is to discern indications of politics occurring in the various actions within the anti-mining movement. However, there is an attempt to answer how one could see the indications that politics have occurred. The main question for this research is as follows: In what instances do these protests achieve, or fail to achieve, a point where inequality is seen as a false construct? In other words, does this anti-mining movement have the potential to create "politics"? Finally, would Rancière's theory of politics be useful in further analysing the protestors' accounts and actions?

There are many obstacles to address. The first issue is how identity constructs reinforce the police order. This research focuses on evidence concerning activists in the anti-mining movement fighting to be equated as Guatemalan citizens. To determine if there has been a shift in perception of the indigenous protestors as land-owning and politically minded,

this study focuses on the self-identification of indigenous protestors and public perception. A consequence of colonialism is the idea of race (in terms of being mestizo or indigenous) in relation to the coloniser and how one fits into the "other" category as a non- "Anglo Saxon European" (Quijano 2000:534) ladino.

The official state language of Guatemala is Spanish, and the official national culture is ladino; in other words, "Mayan languages and cultures are treated as folklore" (Fisher & Brown 1996:21). The *emic operation* (Harris 1976:330) factor is embedded in Guatemalan conservative legal framework, which has historically worked to create an assimilationist approach towards the different indigenous groups by lumping all people other than ladino (and including the mestizo group) as "indigenous" (Fisher & Brown 1996:21). There are distinct groups in Guatemala, such as the Maya, ladinos, mestizos (sometimes included with ladinos), Garífuna and Xinka (sometimes written as *Xinca*). In fact, the "Maya" label comprises 23 indigenous groups with at least 21 recognised languages. "Ladino" refers to a white Spanish person or anyone of white European descent. "Mestizo" comprises people who have indigenous and ladino descent. "Garífuna" refers to indigenous people from the Caribbean islands (from West and Central African and Arawak heritage; CIA World Fact Book 2018:1). The Xinka are from the Pipil group (Fisher & Brown 1996:20), an indigenous group predating the Classic Maya, although they did not have kingdoms as the Ancient Maya did. The ladino and the mestizo make up 56% of Guatemala's population; 41.7% of the population is Mayan groups. The Xinka make up 1.8% and the Garífuna make up 0.1% of the population. Those of African descent are 0.2% of the population, and foreigners make up 0.2% (CIA World Fact Book 2018:1). As there are many different groups that make up Guatemala, this research works towards an *etic operation* (Harris 1976:330) factor (especially the struggles faced by the Xinka for not being part of the indigenous Mayan groups).

With Guatemala split into 22 departments, Alta Verapaz has the highest population of indigenous people, with 93% of the population speaking an indigenous language. The Guatemalan census has been conducted every five years since 1950, with the last census conducted in 2020. Respondents were identified as indigenous if they spoke an indigenous language. The results from the census showed 22 departments along with their total populations and total indigenous populations (www.censopoblacion.gt/explorador 2018:1). Indigenous population percentages for each department are as follows: Guatemala (Guatemala City), 13%; El Progreso, 1.5%; Sacatepéquez, 40%; Chimaltenango, 78%; Escuintla, 5%; Santa Rosa, 2%; Sololá, 96%; Totonicapán, 97%; Quetzaltenango, 51%; Suchitepéquez, 38%; Retalhuleu, 15%; San Marcos, 30%; Huehuetenango, 65%; Quiché,

89%; Baja Verapaz, 60%; Alta Verapaz, 93%; Petén, 30%; Izabal, 28%; Zacapa, 2%; Chiquimula, 27%; Jalapa, 7%; and Jutiapa, 97%. The Huehuetenango department has the most diverse population of people speaking different indigenous languages. The census asked which languages respondents spoke and listed 22 languages. Listed are the language names and the department with the highest population of speakers: Achí (121,340 speakers in Baja Verapaz), Akateka (56,945 speakers in Huehuetenango), Awakateka (10,039 speakers in Huehuetenango), Ch'orti' (108,758 speakers in Chiquimula), Chalchiteka (17,027 speakers in Huehuetenango), Chuj (89,663 speakers in Huehuetenango), Itza' (2,181 speakers in Petén), Ixil (125,271 speakers in Quiché), Jakalteko/Poptl' (52,239 speakers in Huehuetenango), K'iche' (570,985 speakers in Quiché), Kaqchikel (158,341 speakers in Sololá), Mam (170,855 speakers in Quetzaltenango), Mopan (2,218 speakers in Petén), Poqomam (22,066 speakers in Jalapa), Poqomchi (128,557 speakers in Alta Verapaz), Q'anjob'al (185,393 speakers in Huehuetenango), Q'eqchi' (979,220 speakers in Alta Verapaz), Sakapulteka (11,080 speakers in Quiché), Sipakapense (16,383 speakers in San Marcos), Tektiteka (1,858 speakers in Huehuetenango), Tz'utujil (64,748 speakers in Sololá) and Uspanteka (3,691 speakers in Quiché). K'iche' is the most spoken indigenous language in Guatemala with a total population of 1,680,551 speakers (www.censopoblacion.gt/explorador 2018:1).

1.6.1 Goal

The goal of this research is to see within the issues and controversies regarding the mining companies' practices and whether the resistance movement can be better understood when evaluated through the lens of politics and the police order. It is easy to examine this resistance movement in terms of fighting for justice or, as Rancière has described it, "wrongs redressed" (Rancière 1999:5). One way to analyse the anti-mining movement through a Rancièrian lens is to look for moments of equality between residents and mining officials. These moments would imply that mining officials conversed with residents. The discourse would have to occur in a location where the residents have control, such as a local church meeting or a resident's home, to satisfy the criteria for a political platform.

The assumption is that equality (the creation of politics) is based on how society generally, including the resisters and mining officials, view the anti-mining movement's actions and inactions. Both the anti-mining movement and the mining companies operate within the police order's environment; the issue at hand is how to identify the occurrence of politics.

Another manifestation of equality would be the abolition of the police order (e.g., the cessation of mining operations). However, it is impossible to completely abolish the police order as it is, as of yet, impossible to abolish a modern nation state's dependency on the revenues of the extractive industry. For example, Guatemala's gross domestic product (GDP) from mining was 227.20 million Guatemalan Quetzals (GTQ) in April 2001 and the highest GDP was 2380.81 GTQ billion in April 2015. The total revenue received by the Guatemalan government from 2010–2015 was 1,056,057,477 GTQ. Only in 2014 and 2015 did the extractive industry spend a combined 0.02% on fines, penalties, and forfeits and a combined 0.08% on property taxes for the five-year total. The year 2011 was the highest revenue paid to the Guatemalan government, totalling 225,127,064 GTQ. San Rafael mine paid 4,295,430 GTQ to the government and Marlin mine paid 222,642,898 GTQ to the government from 2012 to 2013 for a total of 226,938,328 GTQ. "GDP From Mining in Guatemala averaged 796.77 GTQ Million from 2001 until 2021" (TradingEconomics.com 2021:1). Guatemala's extractive sector accounted for 1.5% of the GDP in 2016 and 1.2% of the GDP in 2017. According to the Extractive Industries Transparency Initiative (EITI) the lower GDP output in 2017 was likely due to GoldCorp's Marlin mine ending its operations in May and Tahoe's San Rafael mine (also known as Escobal) being suspended by the Constitutional Court of Guatemala in July (EITI 2021:1).

For Rancière, the concept of the police encompasses the current hierarchical structure of society in terms of behaviour and expectations. Can the anti-mining movement push against society's uncritical assumptions (the status quo of the police order) that the mining industry is the only way to develop the country and that indigenous people are not being productive by protesting the industry (an assumption based on prejudices against them)? When asked their views of corporations, 73% of indigenous people viewed government-led institutions unfavourably and 50% viewed company-owned intuitions unfavourably; however, 25% of mestizos viewed government-owned institutions negatively and 38% viewed privately-owned companies negatively (EVS/WVS 2020: Dataset). This indicates that the indigenous people have a greater mistrust of the government and corporate institutions than do the mestizo people.

1.7 Methodology

This research tests Rancière's concepts in the context of the mining conflict, where *police order* refers to the status quo and *politics* refers to changes in the public's perceptions. Rancière's concepts and theories are used to analyse and evaluate the effects of the anti-

mining movement's conflict with the mining industry by analysing the content of the news media and individual interviews.

The news media (namely, *Prensa Libre* and *El Periodico*) and its public comments online reveal public perceptions of the conflict between the movement and the companies. News articles will reflect what is digested by the general Guatemalan public, including the tone of the news and the information included (and omitted). The online comments for each article further reflect how the public perceives the information. In knowing how the public understands and views the situation and the anti-mining movement, one may discern when the movement either creates politics or reinforces the police order.

Interviews were conducted to directly hear, in their own words, how mining resisters, mining supporters and the public perceive the conflict. Interviews present a view of the situation and either validate the information given by the newspapers, trade magazines and NGO reports or bring to light new information on the power dynamic between the protestors and the companies.

1.8 Conclusion

This research deeply engages with the conflict to see within the issues and the controversy over the mining industry's practices, tries to better understand the resistance movement and evaluates the situation through the lens of politics and the police order. It is easy to examine this resistance movement in terms of fighting for justice, or what Rancière termed "wrongs redressed" (Rancière 1999:5). One way of analysing the anti-mining movement is to look for the appearance of a greater level of equality, a reconfiguration of equality or the abolition of the hierarchy (the police order). This study assumes that this higher form of equality (the creation of politics) is also based on how society, which includes both the resisters and the mining officials, views the anti-mining movement's actions and inactions. The anti-mining movement and the extractive industry work in the police order's environment; the issue at hand is to see if one can find where politics occur.

The literature review, Chapter Two covers general scholarship on protest and identity as well as scholarly studies on social relations and conflict in contemporary Guatemala. The chapter also includes literature on the mining industry in Latin America generally and Guatemala specifically followed by the gaps in the existing literature. This chapter covers the thinking behind the study and presents the usefulness of such a study. Rancière's theory of equality is brought to bear on the issue of the indigenous people's resistance of the colonial

legacy and their dispossession of productive assets by multinational corporations, covers the gaps in the literature and how Rancière's theory of politics can help fill those gaps.

The theoretical framework, presented in Chapter Three, covers the discourse on the theory of Rancière's terms *police* and *politics*. The chapter also shows the different theoretical ways the concepts are used in other studies and other interpretations of Rancière.

The methodology chapter, Chapter Four, discusses the generation of data based on interviews and the content analysis of newspapers and public responses posted online. The chapter argues that the data reveals, in light of Rancière's concepts, public perceptions of equality. These sources show how the public views the protestors who comprise the anti-mining movement. This data can best capture Rancière's concepts of "police" and "politics". The chapter includes a discussion of the study's limitations.

Chapter Five covers the analysis of the research and states the findings of the study. The study's results show how the public found common ground with the anti-mining movement's protestors (how they created politics) or how they viewed the anti-mining movement as a hindrance to the country's progress (where affirmations of the mining company's growth affirm the police order). This chapter reveals the answers to the following questions: Do Rancière's concepts of *police* and *politics* really fit with what is occurring in the mining conflict? Has the anti-mining movement been able to create politics with public support, or have mining companies reinforced the police order at every turn? Finally, how well do Rancière's concepts describe the power dynamic between the companies and the protestors?

The concluding chapter, Chapter Six, presents the study's contribution to the existing literature and makes recommendations for further study.

Chapter Two: Literature Review

2.1 Introduction

In the social sciences, a literature review demonstrates the researcher's awareness of past studies on the research subject, including the concepts, constructs and methods used (Frankfort-Nachmias & Nachmias 2008:493). The goal of a literature review is to better understand the empirical situation through an evaluation of the current literature, and for this research on the resistance to metal mining in Guatemala, this literature review begins with the state's capital interest in exploiting resources; specifically, this literature review concerns the actions of resisters and the reactions of mining companies and the state.

There has not yet been an empirical study of the anti-mining movement using Rancière's concepts to make sense of resistance tactics. This literature review examines the power dynamics of the mining companies directly involved with the local resisters in Guatemala as well as the current approach, explanations, reactions, and strategies of protesters related to the mining situation. Issues pertaining to a mining company's internal social policies, or their corporate social responsibility (CSR), are discussed; however, issues with human rights records or international standing with international NGOs – such as the International Monetary Fund, WBG or UN – are beyond the scope of the subject matter. CSR is a mining company's framework for "best practices" regarding the development of social infrastructure, such as schools and police stations, in its host country to maintain a good public image (Dashwood 2014:39-40). It is necessary for a mining company to be concerned with its public image as it cannot relocate for several years or several decades to avoid disrupting its operations. CSR is only adopted based on a cost–benefit analysis and is usually implemented near areas of limited governance or in rural communities where social infrastructure is low (Dashwood 2014:39).

When the literature review began on 30 June 2014, the researcher found articles dated from 2004 on. The researcher found that literature published after 2004 was particularly abundant as the research on metal mining began to gain traction after the first highly publicised protests against Goldcorp's Marlin mine in early 2004. To guide the search for literature, the researcher used Galvan's (2006:24, 25) guide for beginning a literature review. The researcher focused on using general descriptors, redefining the topic to be more specific and focusing on the most current research first, then working backwards (Galvan 2006:24,

25). The researcher also searched for theoretical articles on the topic of the extractive industry in Latin America.

The researcher made a literary search request to the subject librarian, Ms. T.A. Erasmus, since retired, of the University of South Africa, in fall 2015. Searches focused on mining in Central America and Guatemala. The researcher requested another search from the same librarian in 2017; most sources were fruitful, though some of the references and research topics were too broad and extensive for this review, with topics including mining in Latin America, extractive industries around the world and gendered perspectives of extractive industries. These searches allowed the researcher to stay up to date on a specified case study without having to revisit old search terms.

Keywords used for literature searches included, in no particular order, “Guatemalan mining”, “mining in Central America”, “La Puya”, “Sipacapa”, “No Se Vende”, “San Rafael”, “Marlin mine”, “Mina”, “Indigenous protest”, “Prostestas Indigena”, “Minera”, “Minero” and “Mineria”. As these search terms were used for articles published in Spanish, the researcher translated them and checked results with Google Translate or the equivalent Mate Translation result.

Databases searched by the researcher included EscoboHost, Frances & Taylor, Google Scholar, JSTOR, LexisNexis, Project Muse, ProQuest, Wiley Online Library, the WBG and the International Monetary Fund. Online sources included *Cultural Survival* magazine, *Indian Country* magazine, *ReVista Harvard Review of Latin America* and *Latin American Research Review*.

Earlier works in the literature refer to Marlin mine (2005–2017). Local mining protests began in 2004 and gained international attention from NGOs and scholars of the mining conflict. Later works in the research, from 2017 onwards, refer to San Rafael mine. Research is ongoing, and the scholarship covered in this chapter is not exhaustive. Various organisations publish articles online, but this chapter covers only peer-reviewed articles and university-published texts to avoid bias, as many NGOs are either pro-mining or anti-mining.

The general research problem is how a protest group utilises power to gain equality through its behaviour, language, and image to stop a multinational corporation’s operation. The purpose of this chapter is to collect information from scholarly works on the strategies and approaches used to evaluate the power dynamics of the mine as well as information on how subordinated groups can effectively resist these dynamics.

The following sections focus on the issues scholars have noted regarding the mining conflict in Guatemala and its impact on the local people in contemporary Guatemala since

2004. Few anti-mining protests were reported in the media before 2004. The first protest occurred early in 2004 at Marlin mine (Goldcorp's mine in Sipacapa, Guatemala) a year before the mine was operational (Volpe & Rosa 2011:78; Witte 2005; Alfred & Corntassel 2005; Pedersen 2014a, 2014b; Shahjahan 2005).

2.2 Formatting of the literature review

The works of Chris Hart (2001:27), Jose L. Galvan (2006:40-41, 91-95) and Diana Ridley (2012:24-35, 101) influenced this chapter's structure. The chapter's format was based on one or two points from each of the authors' works.

Hart (2001:27) informed this literature review by recommending that researchers focus on understanding the background of the research problem. The current literature on the mining conflict in Guatemala includes background information on foreign influence on the country's economic neoliberal stance. Areas of concern and neglect were found in the literature after identifying the methodologies used in the literature, such as in-depth analysis of media accounts and company press releases. The literature also successfully identified the "relationships between ideas and practice" (Hart 2001:27).

Galvan (2006:40-41) recommended creating checklists to maintain focus and, most significantly, noted the need to analyse the list of articles for the literature review to select the most recent five-year time frame and discuss the topic as thoroughly as possible. Also, Galvan (2006:91-95) noted the importance of developing a coherent essay instead of using annotations for each author and directed researchers to focus on a strong introduction and conclusion.

The outline in section 2.4 includes structured citations based on Ridley's (2012:101) compare/contrast approach to literature. The following sections discuss the historical background and the current gap in the literature while focusing on the theoretical underpinnings of the sources (Ridley 2012:24-35).

The following sections first focus on the general agreements within the literature and then on disagreements within the literature regarding the mining conflict in Guatemala. This provides general background for the study. The subsequent sections address gaps in the literature and shows how a Rancièrian lens can fill those gaps. Then approaches are presented for using Rancière's concepts according to their applicability pertaining to language, protest venues and equality.

Most scholarship on the mining conflict comprises background information and is heavily descriptive, starting with either a short discussion of Guatemala's colonial period or

beginning with the Guatemalan Civil War (1960–1996). This presents a colonial and militaristic-focused background, with the rural indigenous fighting for their autonomy against foreign and domestic governments.

Earlier studies focused on the significant increase in media attention gained by the anti-mining movement, but later studies found that the anti-mining movement was unproductive and could not maintain its momentum. Scholars noted that the anti-mining movement's lack of framing limited its success (Deonandan 2015; Fultz 2016).

The theoretical underpinnings covered in sections 2.4 and 2.5 examine authors from the literature with similar views and identify where they diverge in terms of solutions to the mining conflict. For example, it was found that strong mining regulations can help communities have more of a voice. It was also reported that the anti-mining movement needed to create a stronger message opposing the mine. In other words, the anti-mining movement needed to have a more robust frame. Throughout the literature are instances of resistance groups gaining sustainable traction as well as a few descriptions of resistance groups being characterised as criminals. Section 2.6 discusses a new perspective of the existing literature and suggests how gaps in the literature can be filled using alternative approaches. The conclusion discusses the study's contribution to the existing literature.

2.3 Points of consensus in the scholarship

Most scholarship on metal mines in Guatemala has focused on mining's physical abuse of humans and the natural environment and the anti-mining movement's subsequent actions. The scholars Barnett (2010), Caxaj et al (2014), Deonandan (2015), Fulmer et al (2008), Fultz (2016), Nolin and Stephens (2010), Pedersen (2014a, 2014b), Urkidi (2011), Witte (2005), Yagenova and Garcia (2009) and Zarsky and Stanley (2011) all pointed to many issues, including the breakdown of community cohesion, with disputes among members of the community and fears of diminished community safety. There was also an uptake in rumours regarding the presence of the mine, contaminated water, and lack of water, with reports pointing to cracks in houses from mine blasts, insufficient electricity, and higher electric utility bills. Thus, the scholarship shows that mining is harmful for Guatemalan communities, both socially and environmentally. Numerous studies have focused on the destruction of the environment and human rights abuses in the Guatemalan countryside (Dougherty 2011:408, 414-415; Fulmer et al 2008:103-105; Urkidi 2011:566, 573; Yagenova & Garcia 2009:4).

Many scholars have written about the harmful effects of the extractive industry in Guatemala, and many have affirmed that mining is unnecessary; from a critical development perspective, there is little justification for metal mining in Guatemala as only a select few benefit. This asserts the view that local communities should have the right to decide what is best for their towns in terms of development (Eccarius-Kelly 2007:51; Pedersen 2014a:187). Mining companies pay for the local schools, playgrounds, roads, hospitals, police stations and jails to be built to serve their employees and their families. However, these infrastructures are not built for residents unaffiliated with the mining company. Companies develop these public goods to use them as private goods (Prakash 2000:20-23). The development of a school, hospital or police station by a mining company is to gain public acceptance (Dashwood 2014:41).

By law (though the law is often ignored), communities can decide whether mining operations can take place. In the case of Marlin mine, at least 50 consultas were conducted between 2005 and 2011, and each referendum voted against mining. Both the governments of Oscar Berger (2004–2007) and Alvaro Colom (2008–2011) ignored the referendums (Eccarius-Kelly 2007:57; Volpe & Rosa 2011:124). The question is how the community can push back, and push back effectively, to counter the state and corporate powers. When a mining company completes its extraction, it leaves behind contaminated water and infertile soil (which has been stripped of nutrient topsoil and contaminated by pesticides and fungicides), even after claiming to have cleaned up and restored the land. There is no long-term support when a mine finishes extracting resources (Chomsky 2016:248-249).

Another general point in the literature was that local resistances did not gain enough traction to oust the mining companies because they presented weak arguments (Deonandan 2015:27, 29; Fultz 2016:5). The indigenous population may need to gain leverage before engaging with the mining corporations regarding the social and environmental consequences of mining activities instead of only focusing on ousting the mining company. However, the literature fails to acknowledge the element of time in mining – mining companies are extracting material more quickly as methods become more efficient, but the environmental destruction remains problematic and long-term. Whether the environmental degradation is diminished or increased with the invention of technology requires further research. However, as mining companies shorten their extraction time frames, it becomes more difficult to oust the company since protests and legal avenues utilising the judicial system take time. It is important to note that mining companies have been known to support their claims using their own studies (Zarsky & Stanley 2013:143-144).

2.3.1 Continued colonial violence

A recurring theme in the literature on the mining conflict is the violent and racist backdrop of colonialism and the continuation of colonialism, where indigenous people continue to lose their land rights, livelihood, and community bonds. Rural indigenous people of Guatemala want the government and big businesses to leave their land (Pedersen 2014a:190-191).

Victor Montejo, in *The multiplicity of Mayan voices: Mayan leadership and the politics of self-representation* (2002), states that "contemporary Mayan activism resulted from the chronic violence that enveloped Mayan life and history" (128). Kendall W. Brown (2012:1-5) in *A history of mining in Latin America: From the colonial era to the present* discusses how the Spanish and the Portuguese in the late 1400s and early 1500s exploited Native Americans for slave labour until the indigenous people died from exhaustion and disease. Without enough slave labour, the Spanish could not continue mining. Indigenous populations have been controlled and evicted from their land when convenient for the Spanish to maintain order and meet economic needs. As land was being bought up by the colonial rulers for sugar and coffee plantations, the indigenous people were forced into labour or else they risked high taxation. It was not until the adoption of Guatemala's Constitution in 1824 that slavery was abolished (Schlesinger & Kinzer 2005:38). The indigenous community often found refuge – and some degree of autonomy – in the high mountainous areas. Many forced labourers found various ways to resist (Brown 2012:71). In the early 1500s the indigenous people in the gold mines formed labour gangs in Guatemala as a resistance technique (Burkholder & Johnson 1990:118).

Many scholars make the point that the indigenous people experienced subjugation during the colonial era (Burkholder & Johnson 1990:323, 324) and suffered genocide during the Guatemalan Civil War, with 200,000 dead by the end of the war (CEH 1999; Malkin 2009:1; McAllister & Nelson 2013: 5-9; Warren & Jackson 2002:157), and now indigenous people are fighting to maintain land rights and the quality of the land and water sources surrounding their communities. The literature points to the civil war as a direct effect of mistrusting the government, as the indigenous people associated the government with violence and being forced to open their land to mining companies. Many scholars, including Aylward (2010), Benson et al (2008), Eccarius-Kelly (2007), Godoy (2002), McAllister & Nelson (2013), Moody (2002), and Pedersen (2014a, 2014b, 2018), have found that post-war violence targeted the poor, but now the consequences of neoliberal reforms harm this

population. This long history of violence against indigenous people still affects their relationships with the government and other authorities. The indigenous people living in rural areas have little trust in the state, and the state's blatant impunity was a central theme during the Guatemalan Civil War (Fischer & Brown 1996:43-45). The beginning of foreign investment heightened tensions with the state, and corporate collusion negatively impacted development. Moreover, "mineral resource extraction is arguably one of the more visible forms of neoliberal violence facing Guatemalans today" (Pedersen 2018:91).

2.3.2 Land ownership

Some scholars focus on the narrative of a mining company rushing in to take over privately owned land for development; other scholars take a broader view and discuss the historical dispossession of traditional Mayan land. They discuss land rights pertaining to land ownership, land use, the purchasing of land and the dynamics of private absentee ownership as well as corporate, multinational, and state land ownership.

Barnett (2010:1), Fischer and Brown (1996) and Snell (2007) noted that the government has dismissed communal ownership of land and instead claimed that indigenous people are landless. The land rights of indigenous people have been contentious for centuries (Brown 2012:1-5; Schlesinger & Kinzer 2005:38-40). Some indigenous people do not have land titles to prove that they own their land, despite having lived on that land for generations (Leveille 2017:1; Zorrilla et al, 2009:12). Pedersen (2014a) has emphasised that international law recognises indigenous land rights while simultaneously acknowledging the absence of those rights. The UN International Law Resolution 1515 (XV) from 15 December 1960 also recognises a state's sovereignty in its domestic affairs concerning natural resource development only if the well-being of its citizens is concerned (International Law Handbook 2017:570). However, under the UN Declaration on the Rights of Indigenous Peoples General Assembly resolution 61/295 adopted on 13 September 2007, indigenous people have sovereign rights to communal lands, can fully participate in any resource development on their land and are entitled to compensation (International Law Handbook 2017:572-580).

Scholars have described the mining industry's impact on peoples' lives in terms of economic security, family bonds and community life, especially with regard to the disruption of rural life. Mining is detrimental to indigenous people. Catherine Nolin and Jaqui Stephens (2010:37, 45) in *We have to protect the investors: Developmen*t *& Canadian mining companies* stated that mining in Guatemala has changed the social and economic dynamics of the country on a micro scale. There has been a change in livelihood for many families who

have gone from working on their own farms to being forced to relocate to find work when the mine pressured or threatened them to sell their land (Nolin & Stephens 2010:45). From the end of the civil war in 1996 until 2018, "[l]ess than 1 per cent of export-oriented agricultural producers still control 75 per cent of the best land, leaving indigenous people to continue to seek wage labour through internal and external seasonal migration" (RefWorld 2018:1). Fisher and Brown (1996:31) emphasised the importance of beliefs, history, and culture in terms of land ownership and land use for indigenous people. Land is important to rural indigenous communities in Guatemala.

When studying the La Puya mining protest in Guatemala, Pedersen (2014a:195, 198, 201) noted that protestors created their own space; the resisters took back their land and refused the mining company entry into the mine. Pedersen's (2014a, 2014b, 2018) research attributed the violent situations endured by the local community to the development and operation of the mine. The La Puya movement was successful because it created its own space, found alternative non-violent protest methods (such as sitting in tents and singing hymns) and created an open, inclusive protest grievance (Pedersen 2018:322). Although Pedersen did not mention Jacques Rancière, Rancière's concept of disruption is useful for this research. For example, Rancière (1999) stated that when the subordinate class creates their own space and does not use the space given to them by the dominant class, they overstep their marked identity to create politics. La Puya kept the mining operation at bay, so an explicitly Rancièrian approach may be useful in understanding this aspect of their success.

In addition, a Rancièrian analysis can show how the possession of political power allows one to directly have the power of *speech*. The rural indigenous population has held some land rights, via communal land rights, following the civil war (Stocks 2005:90-91). Nonetheless, it was not until 2 February 2011 that the Constitutional Court reaffirmed indigenous communal land rights (Vaca 2011:1). The rural population accounts for 51% of the total population of Guatemala, and 80% are rural indigenous. "The largest 2.5% of farms occupy nearly two-thirds of agricultural land while 90% of the farms are on only one-sixth of the agricultural land" (Land-Links.org 2021:1). The 90% of land owned by indigenous people constitutes small plots which are not large enough for self-sustainability. More than half of the land is unfarmable, with 26% suitable for agriculture and 21% suitable for livestock (O'Kane 2000:44). In Guatemala, being a self-sustaining landowner means not only having political power and education but also (and most importantly) being considered a tax-paying citizen. Owning land gives autonomy, self-sustenance, and personal space to exercise free will (May 2010:84). From a Rancièrian perspective, owning land signifies having *speech*

rather than *voice*. Applying this perspective to the literature on the Guatemalan mining conflict reveals the obstacles and limited political avenues for the rural population to protest mining companies.

2.3.3 Treated as protestors or criminals?

Goldcorp turned protestors into criminals in the eyes of its investors, the media and public opinion (Benson et al 2008; Clement 1980; El Quetzal 2014). The mining company's freedom of speech granted them this power.

Local people who protested the mine were considered "trouble-makers" by mining officials, the local police, and the militia. The community believed that the violence they experienced was the result of private security personnel hired by Goldcorp to create chaos and confusion (Caxaj et al 2014:53). Benson et al (2008), Clement (1980) and El Quetzal (2014) noted that the presence of the mine polarised the community, in particular, for people who sided with the company and those who wanted the company to leave (Aldana & Abate 2016:597). Residents said that the community had been safe before the mine came in (Caxaj et al 2014:53).

Protestors have been labelled "gang youth" (Benson et al 2008). Multinational corporations have framed protestors as criminals and militarised their areas of operation. The mining companies have equipped their own security with ammunition (Benson et al 2008; Deonandan & Bell 2019:30; Gordon & Webber 2016:110). One scholar, Michael Dougherty (2011:413), found that the government had pressured local authorities to stop mining protests in the province, and mayors have even been phoned by the federal authorities to persuade them to act against protestors.

The slightest resistance to or disapproval of the mine has always been met with violence (Costanza 2015:267; Yagenava & Garcia 2009:159). From the early 2000s to 2012 there were 120 assassinations of anti-mining activists (Gordon & Webber 2016:109; Sosa 2012:19). Tracy Barnett (2010:1) also noted that mental health issues among the indigenous people have risen because of high stress triggers, such as the presence of the military, militarised police and corporate thugs sent to instigate fear among the community. Many locals reported having stress-related symptoms (Caxaj et al 2014). Caxaj et al (2014:51) also found that increased alcoholism among community members was associated with depression and community division.

Berman Caxaj and Ray Varcoe (2014:53) reported an increase in residents who carried guns as well as an increased presence of security personnel both on-site and in the

communities surrounding the mine. In an attempt to gain a sense of security, the community tried to relay information via a person-to-person network to warn each other when crimes occurred, as many people did not own televisions or even a radio to be able to receive any local news. However, this communication could break down into rumours, which instil fear in the community as they circulate. Accounts are essential for both articulation and any fear that circulates in a community, though accounts by the community are routinely dismissed by the mining companies, who are quick to report their versions of any incidents (Fultz 2016: xvi, 181, 183-185, 200).

Dougherty (2011:13) stated that it was reasonable for the anti-mining movement to be frustrated with weak mining regulations but noted that the movement could become dangerous. Members of the anti-mining movement (Amadeo de Jesus Rodríguez Aguilar) kidnapped security personnel after disrupting a meeting of mining officials and set fire to company vehicles and a hotel, looting dynamite from Tahoe mine and burning up mine deposits after receiving death threat notes from strangers (Dougherty 2011:13; Escobar 2018:1; Fultz 2016:92-93; Gordon & Webber 2016:111). Fultz (2016:92-93) stated that both sides of the mining conflict have accused the other of kidnappings and direct violence targeting the other party. When people are confronted with a foreign power in their territory that will not leave, aggression is the only way to regain their control of their sense of self and community. The extractive industry is equated with neocolonial foreign powers: "Colonialism is not a machine capable of thinking, a body endowed with reason. It is naked violence and only gives in when confronted with greater violence" (Fanon 1963:88).

2.3.4 Identity

The literature includes speculation about mining companies' racism; Alfred and Corntassel (2005), Aylward (2010), Ballester (2006), Barnett (2010), Benson et al (2008) and Urkidi (2011) have described in detail how racism is at the root of the mining conflict when identifying specific instances of racism in extractive industries' control of indigenous communities.

Race is an important consideration when discussing social issues in Guatemala, as Guatemala has a racial hierarchy of foreigners (Spanish and other European ancestry), ladinos and the indigenous population. In addition, finer racial hierarchies exist among the ladino and indigenous populations. The indigenous populations have limited resources, but the ladinos and mestizos are the first to gain access to the legal and social services provided to society through the government (Fultz 2016:17; Imai et al 2014:293). Many indigenous

people are forced to rely on NGOs for social services and support (Berger 2006:32). In Guatemala 80% of indigenous people are living in poverty while 50.1% of non-indigenous people are in poverty. The Guatemalan government invests 0.4 USD per day for every indigenous person. A non-indigenous person receives 0.9 USD of government investment (IWGIA 2020:398-400).

Perceived images play a vital role in race relations. In *Mas que un Indio: Racial ambivalence and neoliberal multiculturalism in Guatemala* (2006), Charles R. Hale discusses the racial dynamic in Guatemala and the pejorative images that ladinos have of the indigenous population as dirty, lazy, unable to learn and being anti-progress. Resistance to the mine takes place in the context of long-standing and pervasive oppression, racism, and inequality against indigenous groups. Social indices for indigenous people are at the bottom end of the social hierarchy (Fischer & Brown 1996:20-21). Indigenous people struggle for legal representation. Indigenous people make up only 15% of parliament and prominent public officials (IWGIA 2020:399). The Constitutional Court's legal proceedings and rulings are conducted in Spanish; the requirement for an interpreter is oftentimes ignored, the reason being that there is a shortage of interpreters for 21 different languages (with some being only oral languages; RefWorld 2018:1). Pedersen (2014a; 2014b), Meyer and Alvarado (2010), Aylward (2010), Barnett (2010:1), Fischer and Brown (1996), Dougherty (2011) and Fulmer et al (2008) have described indigenous people's lives in the context of cultural assault, marginalisation, and extreme pervasive racism throughout larger Guatemalan society. Indigenous people do not speak their languages in the workplace or in secondary schools due to harassment. Also, mainstream media does not represent indigenous Guatemala and there are no printed newspapers in any indigenous language. In rural areas, indigenous people have tapped into radio frequencies and broadcast the town's daily news and events in their own language. However, as of 2013, 80 radio frequencies are under threat of being shut down by the government (Avila & Valdizán 2013:22, 31).

A Rancièrian lens provides a new perspective with which to address racism in Guatemalan society. Many sources focus on indigenous people as part of unique entities instead of applying the generalisation of universal equality to argue that all Guatemalan citizens are indigenous, and some have a close direct lineage to another country. Scholars who addressed the mining conflict have not adequately addressed racial issues beyond general statements of the existence of prejudice. By applying a Rancièrian lens to interviews and content analysis, one can see how racism arises and recount how racism has been used to

reproduce unequal power relations. Rancière has addressed the issue of a hierarchy of race and ethnicity as a hierarchy of identities.

The local mining resistance in the Sipacapa movement has found it difficult to oust the mining companies. Scholars have emphasised mining protestors as indigenous rather than as political agents and full citizens, which complicates the situation. The anti-mining movement is a citizen protest, not an example of identity politics.

The mark of being indigenous in Guatemala comes with many prejudices. Injurious labels applied to the indigenous people include "anti-development", "anti-progressive" (for opposing government reforms) and, in general, "anti-modern" (Fisher & Brown 1996:22). Resisters are continually shut out because they are not considered intellectual political activists.

2.4 Different solutions to the mining conflict

There are contentions within the literature pertaining to a study of mining-related protest in Guatemala. Some scholars are more optimistic than others about the power of consultas (community referendum), as there is some ambiguity about how seriously the WBG, and the national government regard the local community's votes (WBG 2004: iv-vi). There are also disagreements on how to resolve this conflict and how to approach studying the conflict. One theory is for governments in host countries to oversee the conduct of the extractive industry. Another theory is for anti-mining communities to become more strategic in their protesting. Approaches for studying the situation focus on either the resisters and their experiences or what is being resisted, such as the type of mine and its conduct with resisters (Dougherty 2011:3).

2.4.1 The effectiveness of consultas

Community consultations are necessary for a mining company to meet its requirements to gain a "social license to operate" (Fultz 2016:105). Indigenous communities participate in community consultas (referendums) to vote either for or against mining development. Some scholars are optimistic about using consultas as a tool to stop or oust a mining company (Fox 2015; Laplante & Nolin 2014; Yagenova & Garcia 2009).

Consultas are guaranteed by the 1996 Peace Accords and were supposed to be binding, but this has not been the case (Coxshall 2010). Indigenous people's protests are based on these guarantees, but these have proven to be hollow promises (Aldana & Abate 2016:644-645; Pedersen 2014b). Also, the Guatemalan government agreed to, and celebrated

guidelines put forth by the International Labour Organization of the UN, but these guidelines were not officially made part of the Constitution (ILO 1989; UN 2007). Indigenous community rights pertaining to development planning are often ignored.

It is clear from the literature that indigenous people have not had any say whatsoever in mining development. The indigenous people have faced pressure to concede land, their control of community life and connections to their traditions, all in the name of national economic development (Aldana & Abate 2016:644-645; Fischer 2001:141; Fischer & Brown 1996:85-86; Solano 2005:85). Fultz (2016: xv) has made the point that strict legal interpretations of codified indigenous rights serves mining development. The process is meant to appear democratic while voting results from the indigenous mining communities are not legally binding (Fultz 2016:123).

In interviews conducted by Fultz (2016:141), many mining supporters seemed to think that only the government or companies could perform a true, non-biased consulta and, further, that these local-led consultas were a wasted effort when there were "other political venues" that local people could pursue. Fultz (2016:141) did not, however, elaborate on what the mining supporters meant by "other political venues". It would be interesting to know if these platforms include the court system, the Ministry of Energy and Mines (MEM) governmental organisation (to negotiate mining rights) and voting, as these are all police order platforms. Further research could focus on the role racism plays in accessing these venues for people who identity as indigenous.

Indigenous people have communal land rights (codified in 1996) which entitle them to land, but the government has tended to override the land rights of indigenous people. The community has voted repeatedly via consultas for mines to cease operation and leave. Nonetheless, without the government backing up the community's legal rights, the mining companies continue to operate and are supported by all levels of government (Volpe & Rosa 2011:132). The state determined that consultas are not legally binding unless the state is directly in charge of the consultas (Gonzales 2011:1; Coumans 2012:49).

Fultz (2016) described the view of locals when participating in consultas: "In Guatemala, the process of voting is not the decision-making process; communities' participation in anti-mining networks, including all of the discussions and planning leading to holding a *consulta* is" the decision-making process (156). Voting expresses the decisions already reached by a community based on their discussions since "the information arrived" (Fultz 2016:146). Voting is a way for the community to collectively use their power to

publicly state their decision. “Every vote to date has been a preemptive attempt to limit mining development” (Fultz 2016:179).

Still, some scholars have noted that consultas are essential in forcing the government to respond to the indigenous people: “Through consultas, indigenous groups in Guatemala not only oppose mining projects, they also redefine the relationship of indigenous culture to the state governance system” (Fultz 2016:136). The Sipacapa movement has not been able to close the mine, but they have attracted attention to the anti-mining movement through consultas (Fultz 2016:147). Participating in a consulta allows one to feel like part of a democracy (Fultz 2016:101).

Pedersen (2014a:197) found that the La Puya movement gave up conducting community consultas, as they were ignored by the government and its judiciary branch. Pedersen (2014a:197-198) viewed the anti-mining movement as effective without having to resort to consultas, as they focused more on disruption through occupying the mine’s entryway and main access road.

Costanza (2015:272, 277) goes further than Pedersen (2014a) when stating that consultas are counterproductive, since consultas are not conducted by the government, only by the community on its own terms. Costanza stated that results are muddled, and the outcome of a vote is not forthright. If a community does not understand the operation of a mine, they tend to reject it (Costanza 2015:275).

2.4.2 Framing

When scholars focus on the effectiveness of the anti-mining movement, they discuss the framing of weaknesses. Mining corporations make efforts to blunt criticism of their negative environmental impacts to instead frame their actions as positive. For example, Zarksy and Stanley (2013:132-133) showed how pro-mining companies such as Goldcorp’s Marlin mine used the same terms as anti-mining activists, such as “sustainability”, but in ways contradictory to the activists’ usage. The company used the term “sustainability” as a social service for families, to represent community infrastructure that would be used by every community member once the mine had extracted all materials (hospitals, schools, police station). However, the community defined “sustainability” as helping future generations, farming with clean water for bountiful crop production as well as building homes and working in secure, high-paying jobs for a lifetime before handing down these jobs to future generations. The town will not have the money to run the hospitals, schools, and police

station once the mine leaves after fully extracting materials and environmentally deteriorating the farmland.

The Marlin and San Rafael mines have helped the community build a social service for families that work at the mines (Zarsky & Stanley 2011:134-135; Van de Sandt 2009:54). Zarsky and Stanley (2011:138, 141) reported that even as Goldcorp funded social services for the surrounding community, built schools and paved roads (via an NGO that it created), the cost–benefit analysis remained negative. Also, little money was allocated to offset the mine's environmental damage. With global warming increasing floods and the considerable risk of heavy metal leakage, environmental damage makes mined areas uninhabitable (Zarsky & Stanley 2011:142). However, the company felt responsible for the environment only during the mine's operations, and no attention was paid to the mine's long-term environmental impact.

There are few socially conscious achievements that the Marlin mine can be proud of. The mine uses framing, such as creating their own environmental portfolios on the local river water by conducting several tests over time, to seem like they are responsible and serious about contamination and about how many jobs they can offer (Fultz 2016:280). However, James Ferguson (1990:156) found that jobs in the global trends of the mining industry were becoming more skill-intensive and that workers were needed only for short-term work contracts.

Fultz (2016:28-29) interviewed mining supporters and mine officials as well as several NGOs, including the Association for the Integral Development of San Miguel/Asociacion de Desarrollo Integral San Miguelense (ADISMI), the environmental group Colectivo Madre-Selva and the Roman Catholic Church's Pastoral Commission for Peace and Ecology/Comision Pastoral Paz y Ecologia (COPAE). Fultz (2016:29) investigated why the anti-mining movement targeting the Marlin mine was unsuccessful, as their demands were ignored by both the government and the company. The movement had problems with its message framing, which rendered the movement vulnerable to attacks by the pro-mining side, the mine, and national elites. Fultz (2016:5) stated that the anti-mining movement in Sipacapa opposing the Marlin mine has had an insignificant impact on the government's mining laws. According to Fultz (2016:5), the effects were only regional and did not extend to the national level. The indigenous people were unsuccessful in gaining control over their communities and livelihood from corporate control. Protests, legal measures, and media attention have been ineffective for the indigenous people in their efforts to oppose the mine (Volpe & Rosa 2011:132).

Through interviews at the MEM, Fultz (2016:7) recorded government officials stating that the local people were uneducated with regard to how mining helps them. As Fultz explained:

> The way that the Guatemalan government employs particular discourses about development, environment, and indigenous subjects is an attempt to produce political subjects who cooperate with their desire to expand the mining industry; antimining activists' responses push back against this process and ultimately create their own political subjects based on alternative ways of framing development, environment, and indigenous identity. (Fultz 2016:16)

The narrative appears intractable: indigenous people are "stuck in the economic past" and hinder both the mining industry and Guatemala, thereby preventing the country from prospering (Fultz 2016:17; Solano 2005).

Deonandan (2015:27, 29) most directly stated that the anti-mining movement opposing the Marlin mine was unsuccessful. Deonandan also found that the mine produced stronger massaging frames and counter-frames than the anti-mining movement. Unlike Fultz (2016:20), Deonandan (2015:32) stated that the anti-mining movement has made several political attempts beyond consultas to oust the Marlin mine, but to no avail; Fultz (2016) stated that the anti-mining movement only attempted to hold consultas. Deonandan (2015:32) found that the movement also lobbied the government, the WBG and the Canadian government and petitioned Goldcorp as well. The protestors have continuously been "organising protests; forming multinational linkages; [and] seeking restitution through the courts" (Deonandan 2015:32).

Fultz (2016) has described how indigenous people can adopt a seemingly pro-mining stance to solve their grievances. The sub-director of the MEM said that the controversy surrounding the metal mines exists largely because the indigenous communities do not understand what mining is. He explained how to gain greater autonomy against a large mining company: The indigenous people need to become "mining associates" (Fultz 2016:74-75). A mining associate would take a soil sample, then bring it to the MEM to see if it contains gold; if it does, the mining associate would take out a mining licence and use that licence to negotiate with the mining companies (Fultz 2016:74-75).

This can work because the government owns the subsurface rights to minerals and gas, and through the MEM, the government "can issue licenses for access to the subsurface without the express permission of the owners of the surface land, and with no guarantee of benefit - financial or otherwise - to the owner of the surface land" (Fultz 2016:73). The

"trick", according to the MEM sub-director, is for an individual to gain access to a mining licence before the government asks for one in the same area (Fultz 2016:73). The MEM does not require a mine or an individual to prove that they are financially able to carry out their mining project (Fultz 2016:74). However, this information is not widely available to the general public.

Articles on mining encountered during the literature review failed to fully acknowledge that rural or indigenous people have access to fewer institutions than the mestizo and ladino populations do, including legal avenues. Rancière's theoretical framework is valuable to the study, in particular, how he views the constitution of citizenship (Rancière 1992:51-52).

According to Deonandan (2015), a lack of message framing doomed the movement. Deonandan pointed to three structural social barriers faced by the indigenous people in terms of political opportunity. The first barrier is that Guatemala's model is based on the trickle-down theory of economic development. The second barrier is that racism has played a decisive role in keeping indigenous people out of the political arena. The third barrier is the constant impunity of the justice department. For example, "[b]etween January and May 2019, an average of 13 Guatemalans were murdered every day, for a rate of 30 per 100,000 inhabitants. This year's figures represent a slight increase from the 12 daily homicides that ended 2018" (Ávalos 2019:1). Furthermore, Deonandan's (2015:35-40) most potent point is that the anti-mining movement's lack of success is due to its own inability to address the counter-frame.

Deonandan's study (2015) on Sipacapa showed that the anti-mining protests to date have been unsuccessful and described the current issues faced by indigenous protestors, such as pervasive prejudice and impunity. Deonandan (2015) argued that protestors can create message frames which emphasise indigenous identity rights. According to Deonandan (2015), a strong message frame would create political opportunities for the indigenous people.

However, instead of using social movement theory to suggest a message frame which emphasises indigenous identity, Rancière's concept of politics can be used to argue that the movement should steer clear of any identity issues and instead focus on equality (Rancière 1999:46). Rancière's concepts can be used to show why this inequality of framing messages between the anti-mining movement's frame and the company's counter-frame reveals an unequal power dynamic where the company pretends to not fully hear the protestors' demands. Rancière's concepts provide a new way to view the mining conflict, away from

"message framing" and the "political opportunities" approach, including Deonandan's (2015) analysis of the anti-mining movement. Rancière's thinking on equality is useful to better understand protest and resistance struggles by marginalised groups.

2.4.3 Regulation of the mining sector

Some scholars have focused on how the mining sector can be better regulated so that mining operations and surrounding communities can live peacefully. Dougherty argues in *The global gold mining industry, junior firms, and civil society resistance in Guatemala* (2011) that mining sectors better regulated by foreign or domestic regimes can better cohabitate with local populations. Dougherty distinguished types of mines in Guatemala and their effects on communities as well as how older types of mines in developed countries are more regulated. Dougherty (2011:2-3) described how the type of mine (junior, mid-tier or senior) can affect the community. The most recent mines (junior mines) are less regulated, have production costs far lower than the mid-tier and senior mines, focus on eliminating expenses and hire few locals. Mines which are less efficient cause less resistance from the community because they hire more local people. Dougherty argued that protests worldwide have increased because of the development of the junior mines in developing countries. Dougherty (2011:3-4, 12) also stated that junior mines tend not to perform as well as larger mining companies in terms of social and environmental responsibilities. The type of extraction used by the mine, such as that used by the Marlin mine in Guatemala, can disrupt the environment more than other types by causing earthquakes and contaminating the water and soil at higher content levels than do the techniques of older extractive mines. Dougherty (2011:7-8) stated that the main reason for resisting this type of mine is the mine's weak regulation by international bodies and local governments. For example, the Fenix mine asked the Constitutional Court for further clarification of the court's order to suspend its operations in 2020. The mine has stated in press releases that while waiting for the Constitutional Court to clarify, the mine will continue to operate. After the response from the Constitutional Court for the mine to be suspended, Fenix mine stated that it would halt operations immediately, but "[i]n the meantime, ProNiCo will be supplied with ore from other sources and will continue its operations in accordance with its production plan" (Solway Press Release 20 June 2020 [updated 8 Feburary 2021]:1). However, ProNiCo is the same company: "Pronico, also owned by Solway, operates a refinery at the Fenix site, and after buying the ore from CGN, turns it into ferronickel" (Garside 2019:1).

A 2014 article by Rachel Davis, who was involved with the UN on issues pertaining to CSR, describes the cycle of paternalism from a corporation's perspective. CSR is thought to be another effective avenue for marginalised communities when the judicial system is corrupted (Imai et al 2014:293-294).

The article by Davis (2014) begins by quoting an unnamed senior staff member on the community relations team at a mining company in Peru: "You make noise, you get in the way, you cause a problem, we give you money; we get what we want, you've got what you want, and then once that money runs out, it starts all over again" (Davis 2014:2). This is called the "cycle of paternalism" (continued community economic reliance on a mining company). Davis's article presents the perspective that the current relationship between mining companies and local communities is "paternal" (where the community sees the mining company as a way to acquire money and resources, becoming dependent) and presses the issue that the relationship needs to be "one based on partnership and engagement" (Davis 2014:3).

It is convenient to assume that the community is not resisting, just airing small complaints (Davis 2014:1). In other words, one might claim that a community is never satisfied. Davis referred to the community's discontent being viewed as the mining company simply "throwing money at problems" (2014:1); there is no mention of the word "resistance". The company does not acknowledge the anti-mining protestors. Davis (2014:1-2) argued for a set of "effectiveness criteria" for mining companies to be able to appropriately respond to the community, along with "effective operational-level grievance mechanisms" to field community complaints and an orderly platform for the protestors to show their grievances.

Davis (2014) also called for clarification pertaining to the precise role of mining companies and their exact responsibilities in terms of human rights. However, Davis (2014) did not address the problem with the fact that the mining company can always require an infinite amount of clarification to better understand what "human rights" means. Real change will never occur without a whole system being reordered to ensure equality. Focusing only on profits and losses will not bring about change. Moreover, Rancière's (1999:4-5) concepts provide an instrument for constructing (along with other theoretical concepts) the overall phenomenon of the corporate narrative such as the large amount of time devoted to explaining an infinite recurrence of refining "profits and losses" for workers and corporate powers.

In *Corporate social responsibility in the mining industries* (2005), Natalia Yakovleva does not address the meaning of "human rights", only what prior theorists of CSR have

claimed that it includes. Yakovleva (2005:82-83) only addressed the issues of "environmental assessments" and "safety". Yakovleva (2005:84-85) reported Barrick Gold as having developed an environmental policy to minimise environmental impacts and restore the land. From 1998–2000, Barrick Gold reported environmental actions and implemented environmental awareness training for mining staff. They were also listed as having extensive health and safety training and practices in place (Yakovleva 2005:81-86). What was not disclosed were the meanings of the terms "health" and "safety". Do these terms refer to the health and safety of the shop floor practices of its workers, or do they refer to the environment outside the mine? Is the environment healthy and free from toxic waste? The mining company attempted to fix their social image but failed to address environmental issues. Rural people need a healthy environment for growing produce as well as clean water for both animal and human use. Mining companies either ignored environmental issues or pretended to address them by obfuscating them or delaying action by asking for more clarification from the international community. Ambiguity in the mining company's language is what Rancière calls *metapolitics* – how oppressors use language to their advantage for an "illusion of democracy" (Rancière 1999:82).

2.5 Gaps in the Literature

Rancière's concepts are tools for analysing the process to gaining equality and resistance in the case of Guatemala and mining. His concept of the process of gaining equality fills the gap in the existing literature. Numerous studies have focused on the destruction of the environment and human rights abuses against the local community and subsequent protests.

The general story is well known by scholars (Dougherty 2011:408, 414-415; Fulmer et al 2008:103-105; Urkidi 2011:566, 573; Yagenova & Garcia 2009:4), and there has been much descriptive scholarship on the anti-mining movement in Sipacapa – for instance, by Caxaj et al (2014), Coxchall (2010), Eccarius-Kelly (2007), El Quetzal (2011), Farina (2012), Snell (2007) and Urkidi (2011) – but no scholarship to date has analysed this movement through the lens of Rancière.

Apart from Fultz's brief use of Michael Foucault's (1991) theory of governmentality (2016:20) and Pedersen's (2014a:187) and Eccarius-Kelly's (2007:57) critical development theories and perspectives, the literature on Guatemalan mining has lacked theoretical analysis. This review of Guatemalan mining covers scholarship on protest and identity as well as scholarly studies of social relations and conflict in both historical and contemporary

Guatemala. Power and equality are the themes underlying this review, along with the indigenous people's distrust of the state. The literature on metal mining in Guatemala alludes to strong corporate power over individuals who do not have enough capital or state support to maintain their autonomy.

These indigenous-led protest movements against mining companies offer a variety of aspects for study, including forms of protests, command of the message and use of power. Approaches to foundations of protests include issues regarding scale, time frame, effectiveness, and the seeming intractability of the situation. These subjects figure in the analysis of these protests considering Jacques Rancière's political theory.

Rancière's theories of power and politics, as well as related concepts, provide alternative and useful ways of understanding the practices of domination and resistance by the Mayan indigenous people. This study may provide new avenues for research, including identifying the tactics of the police order and how one could avoid or counter those tactics.

This case study contributes to the scholarly literature on power and resistance by analysing behaviour and communication as resistance tactics. While not directly prescriptive, this study may point to alternative approaches in leveraging power to address the consequences of the police order in creating inequality. This study allows subjects to speak about their efforts in terms of the failures and successes of their movement, and this information provides the basis for analysis in terms of Rancière's theory.

2.6 The Case for Rancière

Rancière's concepts can be used as lenses for understanding power dynamics in resisting government, social stratification, or large corporate entities in order to gain equality. This study analyses a movement which opposes corporate power to works to gain equality. Much has been written about corporate power in Guatemala,. Corporate power is pervasive, but it is subsumed within the discussion of state–corporate collusion.

This research fills gaps in the literature by using Rancière's concepts and attempts to go beyond a merely descriptive study of the power dynamics of the mining conflict. This paper evaluates if there are vestiges of gaining equality, how a low status group can gain equality to be able to achieve politics. This study may provide new avenues for research, such as identifying the tactics of the police order and how one could avoid or counter those tactics.

2.6.1 Beyond Gaining Power to Gaining Equality

This study's units of analysis is the process to gaining equality for the indigenous people working within the current power dynamics played by the mining officials in Guatemala. The El Estor, Marlin, El Tambor and San Rafael Escobal mines are analysed through the lens of Rancière's theories of resistance based on behaviour and language tactics. The research problem is to determine how a community, or even one individual, can exercise power for equality through behaviour and language to stop the operation of a multinational corporation.

The theoretical underpinnings of this study provide examples of how a subordinate group can use its power not to overcome but to gain equality. Applying Rancière's theory directly is challenging because although the concepts are not subjective, they are ephemeral. Is it possible to determine the beginning of the creation of politics? The Guatemalan anti-mining movement is a good case study for determining how the creation of politics can be seen. The rural indigenous people must resist prejudices founded on the supposition that they are anti-progress, and they must fight against the status quo of development – the extraction of natural resources, which promises economic prosperity for a low-income country.

2.6.2 Finding a New Research Angle to the Existing Literature

The researcher was introduced to John Gaventa's (1980) description of community-level resistance as part of a graduate class in comparative politics. Gaventa described the issues of power dynamics (where the source of power is obscured intentionally to avoid culpability) in the Appalachian coalfields in the eastern part of the United States; Gaventa focused on responses to corporate oppression in everyday life and argued that the seemingly powerless resisters behave with the intent to affect their surroundings. His study details secret sabotage and other forms of behaviour directed against corporate oppression. Gaventa's work (1980) led to James C. Scott's (1985) work on hidden forms of resistance to colonial oppression. In short, while Gaventa (1980) covered resistance to corporate oppression and Scott (1985) covered resistance to colonial oppression, Guatemala has both corporate oppression and a colonial past; Scott acclimatised Gaventa's ideas to a different context of power relations. The researcher viewed Guatemala as a site which potentially featured both elements relevant to Scott's and Gaventa's research interests.

The consideration of using Scott's or Gaventa's ideas was abandoned when the researcher came across the scholarship of Jacques Rancière in a political theory class in the second year of graduate school in 2012. The researcher saw that Rancière's theory of politics offered profound insights in how a low-status groups can gain equal status and not by gaining

an upper hand over their oppressors as detailed in Scott and Gaventa but finding the process to equality as their resistance in achieving social change. Rancière further analyses of resistance, as conflict can often unintentionally reinforce the status quo of oppression. The topic for a doctoral thesis was decided after conferring with graduate professors Anne Caldwell, PhD, and Laurie Rhodebeck, PhD, at the University of Louisville once it was determined that Rancière's concept of politics could provide a salient basis for understanding the dynamics of protest and resistance in Guatemalan mining communities.

The researcher became interested in conducting research in Guatemala after travelling to Guatemala in 2004 and then again in 2005 and hearing people in Guatemala discuss issues of inequality, oppression, violence, and impunity in their communities. The researcher wanted to conduct further research into large corporations operating in Guatemala. From daily readings of *Prensa Libre*, Guatemala's national newspaper, the researcher became aware of the complexities and challenges of the anti-mining movement. It was plain that indigenous people constantly protested mining corporations in varied ways and gained the attention of the UN and numerous other international NGOs. Nevertheless, the protests were met with governmental and corporate pushback at every turn as dominant classes set the narrative. One could see that while the press reported on the protests, the Guatemalan public, apart from those directly affected by the mine, was not engaged.

The researcher wanted to study this further to get a clearer sense of public opinion on the anti-mining movement and the images of mining presented by the mining industry. In what instances could the anti-mining movement get the sympathy it sought, or were corporations presenting an unassailable picture of progress and development? The dynamics of the public image created by the mining companies seemed to be vital for understanding the people's actions and reactions, as the state and the companies' investors were attuned to the public's knowledge and perceptions of the mining issue. What is the public discussion? If the public cannot discuss politically charged issues among themselves, then this would be an example of the police order.

2.6.3 New Objective and Questions for the Existing Literature

A new form of colonialism emerges in the form of writing about a culture that is not one's own, which projects hidden prejudices that create caricatures and perpetuate the long-term effects of the images forced upon formerly colonial countries (Said 1993:221-222) such as Guatemala. In addition, advice from outsiders such as intellectuals and international organisations (particularly from wealthy countries) can damage the understanding of cultural

elements or what is politically at stake for resisters (Frank & Fuentes 1990:272, 284). In Guatemala, the mining companies' systems of domination create new forms of colonialism as indigenous people have to endure having their land taken away and their ways of life disrupted.

The research objectives align with how language and action have the potential to abolish hierarchies and establish equality for all people by changing the status quo of this new form of colonialism. Rancière has asserted that striving for equality is not only an economic goal but also a social goal which changes the system of inequality and its functions in society. The indigenous protestors do not work at the mines, as the skilled labour needed by the mining companies is sourced from outside the community.

This study rests on Rancière's (1999:104) concept of politics, which claims that one must self-emancipate, as one cannot ask to be emancipated. Rancière (1992:84) rejects the idea that self-emancipation via identity can lead to equality. Self-emancipation must be inclusive; for example, Guatemalan citizens are humans who require fresh water, air, and a place to live in peace. Protesting via indigenous identity creates an "us versus them" dynamic which alienates people and creates a similar hierarchy only with new labels.

The researcher wanted to determine if there were any identifiable patterns and conditions when an anti-mining group achieved politics, even if achieved for only one event. What about consistency? Therefore, the main research questions were: How do these protests reach a point where inequality is viewed as a false construct? What factors make it possible for politics to occur? In what ways do these protests achieve equality, and are the protestors affecting lasting change? For example: Did the mining company receive a court order to halt operations? Was a mining company ousted? Did the mining company sell out to a new owner?

The creation of politics may rarely occur, but the researcher asks, could examples, even failed ones, point to more effective protests in this conflict? Are there any proscriptive future tactics or strategies for anti-corporation or anti-government protestors? Every protest event is different but finding commonality with people in power marks the gateway to creating politics (Rancière 1999:35). For example, mining officials and residents conversing socially or professionally for developmental planning would constitute the creation of politics.

Could the protestors expand the scale of their grievances? The researcher hoped that the conflict was not about creating a better situation and relationship between the locals and the mining companies but about ousting the mining companies. It would be

counterproductive to focus on fighting a few authority figures or a set of rules rather than the greater social reality of the system (Rancière 1999:32).

How could the indigenous community counter pervasive racism as much as possible and "speak as political actors" and as Guatemalan citizens? What does it take to gain public support for this resistance? What tactic is most useful to stop mining companies? As the researcher looked into the areas of conflict, the mining companies' tactics seemed to resemble police tactics. Examples of these tactics were numerous and compelling and exactly matched the police order. One question stood out to the researcher: Can Rancière's theoretical concepts help to better understand the strengths and limitations of the mining resistance?

2.7 Connecting Rancière's theory to Guatemala

The researcher hoped that this analysis would reveal a shift in the mining officials' perceptions so they would view the protestors as equals. The researcher thought that Rancière's concepts could illuminate the exact moment that protestors gained enough leverage to stop or impose restrictions on the multinational corporations by revealing the mechanics used by those who profit from the mines to oppress individuals to gain equality. Government-supported multinational corporate development has sparked protests by indigenous people against large corporations and the Guatemalan government (Schlesinger 2005:40). The researcher thought that this study would generate additional knowledge about the resistance of indigenous people to the dispossession of their productive assets by multinational corporations in Guatemala and perhaps elsewhere. This research explores how mining companies' tactics have undermined the protestors and how the protestors' united front broke down the false construction of the status quo; either the protestors were apolitical, or the mining companies were simply trying their best while working in an underdeveloped country.

Rancière's examples are based on the government maintaining the police order. Citizens are always trying to gain the ability to speak so they can fight the police order's narrative. To do this, citizens must create politics. The difficulty in directly applying Rancière's concepts is that this study is based on big business and surrounding communities rather than the government and workers. It seemed to the researcher that in Guatemala, the owners, and managers of the multinational corporations – including La Compañía Guatemalteca de Níqnel/Guatemalan Nickle Company (CGN), Goldcorp, Kappes, Cassiday & Associates (KCA) and Tahoe Recourses – reinforce the police order. One can see that the

workers are either enforcers of the police order or, if they are actively speaking out, resisters of the police order. Using Rancière's concepts, one can focus on the setup, the situation of the police order and how the police order maintains (or tries to maintain) the status quo.

The researcher imagined how a political platform could be established in Guatemala. Protestors' demonstrations could create roadblocks, or (after hearing about the indigenous groups' *consultas*) protestors could conduct their own voting systems to force a mining company to close, among other forms of disruption to the flow of the state system. Protestors would have to be seen on their self-made platforms as opposed to a platform created by the police order, such as the state court system or a hearing arranged by either the state or the mining company. The protestors would have to try to counter the status quo; they would have to change the narrative propagated by the mining company.

2.7.1 A New Approach to what Development Means to Humanity: Equality

To use a latent Eurocentric term, "modern" societies began in Europe in the 1600s and subsequently became the dominant culture and race in Latin America (Quijano 2000:536-537; Giddens 1990:1). Along with its distribution of labour based on exploiting perceived racial divisions in society, which have served as a continued legacy, the dominant European race also created a new distribution of social identities (McMichael 2012:31, 34-38; Quijano 2000:537). "Development" implies that host societies benefitted from the profiting parties. However, development came with negative factors such as chemical contamination, clear-cutting forests, violence, and income inequality due to labour exploitation (McMichael 2012:301-302).

It is necessary to go beyond a modernisation theory conceptualisation (even an ecological modernisation theory; Ewing 2017:127), the false conception that extractive industries can operate for the wellbeing of the local economy in rural Guatemala. The concept of development tends to be ethnocentric, and the development projects targeted for rural areas are not inevitably beneficial for locals. Many large development organisations, such as the World Bank Group (WBG), "talk a lot about helping poor farmers . . . but in fact their funds continue to be targeted at the large, highly capitalized farmers, at the expense of the poor" (Ferguson 1990:41). A rural community being able to work side by side with a mining company, on equal footing, is an ambitious concept.

An alternative approach to development is to look at the social wellbeing of a society and focus on achieving greater wellbeing through the development of nonmarket values (such as healthcare and economic security for citizens) to combat inequality (McMichael 2012:284-

287). Furthermore, focusing on a degrowth of old development schemes in order to combat environmental collapse and social ills due to climate change is gaining momentum (Escobar 1995: xix; McMichael 2012:295-299). The extractive mining industry falls short of being able to turn itself around to achieve this kind of development. The industry still has to extract material from the environment; thus, the core of the industry is defective.

2.8 In Conclusion

Rancière's political theory can shine a light first on the behaviours of mining companies and then on the reaction of the resistance, revealed either through the movement's coping mechanisms (e.g., reinforcing the police order by making only incremental changes) or through the movement's rejection of the system of corporate control (i.e., by creating politics). Rancière's concepts help organise the data to make sense of the patterns or meanings behind social behaviours to view the power play between the mining companies and protestors.

Many indigenous people live in rural areas in Guatemala that are targeted for mining. The researcher understood that the indigenous groups are politically voiceless due to prejudices and that protesting a mining company is physically dangerous, as mining is considered a politically controversial issue. If the rural indigenous groups demand numeric equality, as fellow Guatemalan citizens who demand equal quality of water, air, and food, rather than economic equality, then their cause would be heard according to the tenets of creating politics. Continued in-depth investigation of the case and a thorough review of Rancière's concepts are needed to determine a way forward to exert inherent equality for communities surrounding mining companies in Guatemala. Rancière's theory is useful for a study of resistance in Guatemala. Inequality is at the heart of the existing literature of the mining conflict in rural Guatemala. Using a theoretical lens focusing on dynamics of inequality is the tool needed to find a path for a low-status group to gain equality with a high-status group, such as the indigenous community and mining officials, fills the gap in the current literature.

Chapter Three: Theoretical Review

3.1 Introduction

Equality is at the heart of Jacques Rancière's thinking. He provides a philosophical perspective with which to analyse a social movement's actions and images to figure out the strengths and weaknesses of a movement. The present chapter is an in-depth analysis of Rancière's theoretical concepts. The presentation of false equality (when the higher class presents a façade of equality to the lower class) is addressed when Rancière points out the absurdity of inequality. His concepts provide a comprehensive map of theory.

Rancière is a critical theorist who focuses on the language and physical actions of a subject or subjects in relation to the world (Chambers 2013:124). In critical theory, a subject is a product of society because a subject internalises their place in society (Ashley & Orenstein 1998:60). Critical theory utilises language to understand how human life is constructed by society and institutions (Ashley & Orenstein 1998:59-60). Rancière focuses on how language can affect one's ability to move from a less dominant societal class to become equal with the dominant social class. Since humans internalise their place in society assigned to them by the police order, using language to break up the police order can create politics. Rancière conceptualises class hierarchy as a social and psychological barrier, not an economic barrier, to equality. Rancière argues that every human inherently has equal intelligence (given access to the same resources and opportunities) and value and attempts to understand art, education, and labour as avenues to assert equality. He is critical of liberalism because it overlooks how equality has been concealed by society in the name of social order (Rancière 1991:60-62, 67; Chambers 2013:29). "Liberalism" for Rancière (1992:39-40) means a preoccupation with profits and losses rather than equality. A liberal society can strive to be fair amongst people through a justice system, but it will never be genuinely equalitarian. There will always be a struggle to gain equality, but the goal is to lessen this struggle in society to achieve equality (Rancière 1992:63-64; Rancière 1999:98-99).

This chapter begins with a discussion of some influencers who helped shape the development of Rancière's theory. The concept of *police* encompasses the different levels of the police order. The levels include how policing operates on a false consensus with the masses, the interrelation of police and state, the police order's platform for allowing dissent and how institutions become the police order. The following sections of the chapter discuss politics, the issue of identity, the difficulty of addressing a wrong, public opinion and the

platform for conducting politics. The concluding section of the chapter focuses on Rancière's (1991) work *The Ignorant Schoolmaster* which considers the relationship of equality and intelligence by further clarifying the central theory of equality. Finally, Rancière's method of research to find hidden meanings of equality and the logic behind inequality is addressed.

3.2 Influences on Rancière

Rancière (1999) developed his political theory in one of his premier explications of the political process in *Disagreement: Politics and Philosophy*. Section 3.2.1 of this study describes how Rancière draws from ancient Greek ideas of democracy and the issue of equality, and in particular how he draws from the thoughts of Plato (427–347 BCE) and Aristotle (384–322 BCE). The subsequent sections, 3.2.2–3.2.5, present some modern theorists that Rancière draws from. These theorists informed Rancière's reassessment of society's construction. Rancière offered new insights for achieving social change based on equality. He aimed at revealing the inherent social and psychological equality of people. Rancière is a French philosopher who bases his theory on ancient Greek philosophy; however, philosophy is not only a Euro-centric phenomenon (Connell 1997:1535-1534).

3.2.1 Classical Greeks

Rancière (1999) relies on political philosopher Plato's *The Republic* in his analysis of what it means to be a political citizen. Plato tried to develop a perfectly governed city-state, where all grievances are addressed. However, citizens and their roles are miscounted: not all can be equal; not all can be heard. It is impossible, and no mathematical equation may fix this problem. Social order is not based on natural law or divine law, so the only way to allow everyone to be heard equally is to lie, to pretend that a social order rooted in natural law exists (Rancière 1999:10, 16).

Rancière draws on Aristotle's (Politics I. 350 BCE: a 9-7, 60) terms "voice" and "speech" to develop his own concepts of "police" and "politics". Rancière (1999:7) draws from Aristotle (350 BCE:204) to define a political person and to discuss who can rule and who cannot. Rancière's work (1999:1-2) is informed primarily by the concepts of voice and speech in terms of asserting equality and agency. Based on Aristotle's empirical examination that enslaved people possess *voice* while masters have *speech*, Rancière (1999:30) expands on the two terms and reports that many supposedly inferior groups are ignored because they have been labelled as possessing only *voice*; they merely emit noise, much like animals.

In brief, *voice* is the sound of discontent, pain and suffering with no articulation of any point. *Speech* is what one possesses to articulate a wrong and be heard. This is why few social ills affect the dominant class (Rancière 1999:1-5). *Voice* is often translated into modern usage as Rancière's "speech".

Rancière (1999:1-5) has asserted that dominant classes pretend to view subordinate classes as incomprehensible. Rancière (1992:2-13; 2000:12) also used Aristotle's work to develop his ideas on equality and the role of government control over the masses in terms of maintaining inequality.

Rancière (1992:40-41) also described the interpretation of the plebeians' actions by Pericles (1998: xxxv-xlv) in *Book II* in Thucydides' *History of the Peloponnesian War* (431 BCE) in his discussion of freedom. This is where Rancière (1992:18, 40-43) introduced the idea of the public and private realms. Criticising Pericles' (1998: xxxv-xlv) interpretation of the plebs in the Peloponnesian War, Rancière (1992:18, 40-43; 2006:55-56) held that freedom can only occur when the public and private realms are combined. In other words, when what is deemed hidden (i.e., a stay-at-home mother) can quickly become public (i.e., by becoming a protester), the issue of equality can emerge. These two emerging identities make up a smoothly functioning democracy.

3.2.2 Ballanche (1776–1847): Plebian resistance in ancient Rome

As an example of creating politics, Rancière (1999:22-23) cites Pierre-Simon Ballanche's (1829:75, 94) historical recounting of a plebian revolt in the Roman Empire. Rancière (1999:22-23) draws on Ballanche's (1829:75, 94) interpretation that the plebs gained speech by speaking in their own language and by demonstrating their own political order. The plebs developed speech because they created their own space for political conduct, thereby asserting their inherent equality; both the masters and the plebs had the power of speech. Rancière (1999:22-23) argued that the plebs' actions show that anyone can have the power of speech. The plebs used their own agency to gain political autonomy from the Roman elites, not to create a revolution. The discussion of the plebs in Rancière's *Disagreemen*t (1999:22-23) emphasises that social groups create politics via their own platforms and using their own languages. By demonstrating that they are intelligent, equal, and able to conduct themselves as civilised beings, they challenge their assumed lower social status. Thus, the social order is altered not by a revolution but by a more respectful society, an end to the hierarchy, which can mean gaining tangible or intangible benefits.

3.2.3 Marx (1818–1883): Economic equality

For Karl Marx (1846: 64), "[t]he ideas of the ruling class are in every epoch the ruling ideas, i.e., the class which is the ruling material force of society, is at the same time its ruling intellectual force" of the state apparatuses. Current society is hierarchical, where some groups have speech, such as the CEOs, judges and policymakers, and others do not, such as those experiencing homelessness and incarceration, and "among other things, rule also as thinkers, as producers of ideas, and regulate the production and distribution of the ideas of their age: thus, their ideas are the ruling ideas of the epoch" (Marx 1846:64-65).

Marx's (1848) working classes are "the name of the uncounted, a mode of subjectification that places the part of those who have no part in a new dispute" (Rancière 1999:84). In other words, the working classes exposed society's inequality and segregation in a new way. For Marx (1848:90), "every class struggle is a political struggle".

For Marx (1848), equality occurs when the working class is not subjected to a system imposed on them by the upper classes against their interests (87-88, 93). Marx (1848) found that one of the many signs of a "false socialist regime" is that "the bourgeois is a bourgeois-for the benefit of the working class", the hidden workings of control over the proletariat (114). Rancière (1992) agrees that social hierarchies are in place for state control. This is not equality for all citizens, and the inherent inequality of these regimes betrays their falsity (Rancière 1992:46). In a democracy, the working class must continuously ask and fight for every right while the upper classes decide who gets what and when. However, economic classes cannot be the only hierarchal groupings (Rancière 1999:84).

Marx asserted that revolutions only reinstate a different order which is still hierarchical and unequal. In Marx's (1848:105) opinion, imminently after the revolution, the new superior, dominant political class would be the proletariat class. Rancière (1999:86) rejects Marx's (1848:120-121) mode of transitioning from capitalism to communism through a revolution and instead focuses on reforming to socialism (which is less controlling than a communist state economy but is a more equal society than a capitalist economic state) where an inferior, subordinate class would be the bourgeoisie class. Then, eventually, these two groups would converge to become one equal class:

> In this way, such an abundance of goods will be able to satisfy the needs of all its members. The division of society into different, mutually hostile classes will then become unnecessary. Indeed, it will be not only unnecessary but intolerable in the

> new social order. The existence of classes . . . will completely disappear. (Marx 1848:105)

For Rancière (1999:22-23), a revolution is a reversal of the dominant/subordinate relationship, and it would only produce a different hierarchal ordering of the economic social systems. Rancière (1999) also outlined a struggle against false structures of inequality, but unlike Marx (1848; 1846:121), after the revolution, Rancière saw no future hierarchy of superior proletariat (previously, the labouring class, but now newly educated) and inferior bourgeoise (formerly, the modern Capitalists), only an immediate benefit for everyone – that is, social equality. For Rancière, education involves the ability to take time to learn new skills, and leisure time should allow those skills to be utilised, which creates equality. This can provide one with resources to be able to alter a harsh livelihood into a pleasing and fulfilling livelihood (Rancière 1987, 2012). A true political awareness by the former proletariat by self-determination and self-education sets up a new social divide (Marx 1846:121). For Rancière, equality is not based only on private property but on the public's awareness, respect, and new perception – not only on material items – and on eliminating hierarchical structures. Changing the economic structure of society does not necessarily create equality (May 2010:136).

Rancière (2010b:31-32) states, "democracy is not a political regime... it is the very regime of politics itself as a form of relationship that defines a specific subject." Rancière (2010) is critical of what democracy represents in modern societies; only true politics is created collectively, creating equality. When a community represents an equal collective whole, the community can create a language that forces the oppressors to hear them and not be dismissed as producing just noise (noise presents an unrecognized dehumanized sound that the oppressors ignore). However, Rancière does not mention states' economic systems. According to Rancière's theory of equality, the least equal economic system is the pure capitalist state (a shareholder market; Schumpeter 1943:84-86) at the individual level of being able to produce an infinite amount of wealth without contributing to the social welfare of the state.

For Marx and Rancière the most equal economic system is either the socialist or the communist state, depending on the particular system of social regulation and welfare. The socialist economic system is the most flexible of the three, as it can easily change to be more equal, as its regulation of the economy is minimal. The communist regime may be the most equal as long as the leaders (regulators) are also living in commonplace conditions among the

citizens of the state. Similarly, the recent Occupy Wall Street movement's slogan "We are the 99%" (Clarke 2013:20) exposed the inequality between corporate CEOs and their families (the 1%) and the remaining United States citizens (the 99%). This protest mantra of regrouping of society reveals that the top 1% are wealthier than the other 99% combined. The ubiquitous chant rearranges the old groupings' unequal compositions and provides a more equal formation of society (in terms of the political system and use of resources); with a change in mindset comes changes to an equal distribution of social welfare.

3.2.4 Arendt (1906–1975): The right to have rights

Rancière drew from the political theory of Hannah Arendt's *The Human Condition* (1958), specifically, from the relationship between the private and public realms. Central to *The Origins of Totalitarianism* (1951) is the idea that human rights only apply if one is a citizen; if one is stateless, then human rights become abstract (Arendt 1951:11, 13). If one is a stateless refugee, one cannot exercise universal rights – this is the absurdity of the concept of universal human rights. Arendt assumed a static view of identity and human rights. Arendt (1951) concluded that human rights are not enough; all refugees should have the right to a political community (Schaap 2011:23). Arendt (1958:39-41) saw the political (public) role as separate from the social (domestic) role, although the social role heavily influences the public role.

Though Rancière (2010b) has stated that his theory of identity is somewhat counter to Arendt's, he has discussed her work and influence at length regarding the dynamic of place. Rancière viewed the political and the domestic roles as one and the same (Rancière 2010b:11, 32). For Rancière (1999:42), the domestic role turns political when it creates politics. This switches the roles, as does someone who supposedly belongs only in the domestic realm who steps into the public realm.

As Rancière has stated, "the truth of politics is the manifestation of [the police order's] falseness" (Rancière 1999:82). Contrary to Rancière's views, the ultimate utopia for Arendt means possessing universal rights, freedom, and citizenship (Rancière 2010b:28). For both Arendt (1951) and Rancière (1999), a democratic regime that actively works to achieve equality for all citizens does so only once a police order is fully established, "where the citizens belong to and are represented by groups or form a social and political hierarchy" (Arendt 1951:312). Based on these groupings, they are helped by the government (social privileges) as long as they stay in their designated groupings.

3.2.5 Foucault (1926–1984): Power and autonomy

The work of Michel Foucault was fundamental to the development of Rancière's political theory. Though Foucault's philosophy can be difficult to decipher and organise into one grand theory, his discussion of "governmentality" is the starting point for Rancière's thinking. Foucault focused on the nature of the hierarchical order and the forces which maintain it (Foucault 1976:282). He was interested in how the person, the government and the governing society are controlled as well as the government's indefinite control over specified groups (Foucault 1976:7).

The political government does not exist because it is an abstraction; however, it is an abstraction that establishes reality (truth) and invention (falsity; Foucault 1976:19-20). Foucault's concept of governmentality, later named "biopower", describes how humans develop forces that control others, similar to how buildings are developed to change human behaviour. Buildings are designed and constructed so human behaviour can be continuously monitored, judged, and controlled (Foucault 1976:281-282). Foucault found that if one could be controlled, then one would control oneself, and in so doing be complicit in keeping one's "place" in society.

According to Foucault, power allows a subject to influence others through the disciplining of bodies (Foucault 1976:141). For Rancière (1999:29), power is not "the 'disciplining' of bodies" but a social constraint, suppression of equality. Power distributes "bodies [and they] are put in their place and assigned their role" (Rancière 1999:33). However, this does not occur in a disciplinary manner – if a person leaves their assigned role in society, then they are actively hidden from society (they are unseen) by the oppressive entity. Max Weber's theory of power "is the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance, regardless of the basis on which this probability rests" (Weber 1947:152). This is similar to Foucault (1972:200), who asserted that power is not necessarily a top-down level of oppression. Foucault (1972) also saw that power is not localised; a whole power system needs to change (60). Robert Dahl (1957:202-203) has a much broader view of power, where on the individual level, one person makes another person do something that they would not do on their own. Weber's (1965) and Dahl's (1957) theories of power demonstrate power as an entity to be obeyed.

Foucault argued that accurate discourse (a dominant viewpoint of an entity) and knowledge are tools for resisting biopower (Foucault 1972:100-101, 199). About the court system used for justice, Foucault declared:

> [it is] not so much that the court is the natural expression of popular justice, but rather that its historical function is to ensnare it, to control it and to strangle it, by re-inscribing it within institutions which are typical of a state apparatus. (Foucault 1972:1)

Power relations involved in determining what counts as science and knowledge, such as the understanding that the court system is a form of justice, bring forth a way to resist such power by bringing other forms of knowledge of justice to the table, such as preventive measures for justice and social welfare programs (Foucault 1972:22). For Foucault, the understood inferior level of knowledge (such as folklore or medicinal plants) is a form of power for subjugated people (Foucault & Gordon 1980:81-82). The "insurrection of subjugated knowledges" is "not dependent on the approval of the established regimes of thought" (Foucault 1994:41; Foucault & Gordon 1980:81). This is the way to resist power, through an "insurrection of subjugated knowledges" (Foucault 1994:41). The key is to find out who sets up the initial interpretation of status quo, who has speech, who has agency, who sets the narrative and how the narrative is maintained (Rancière 1999:1). However, Rancière (1999:24-31) focuses only on the equality of intelligence and, like Foucault, the "established regimes of thought" (Foucault & Gordon 1980:81-82) do not need to be dominant.

Like Rancière (1999:50), Foucault (1976:95) also stated that everyone gains and loses power; the point of resisting is to gain power and to change oneself. For example, a large corporation sees its employees and the community as monolithic (one entity to be controlled), but resistance is up to the individual. Resistance is always there; it is never non-existent: "[w]here there is power, there is resistance" (Foucault 1976:95).

Biopower is the power struggle between the individual and the social institutions (Foucault 1976:82, 140-141). The struggle is "against that which ties the individual to himself and submits him to others in this way (struggles against subjection, against forms of subjectivity and submission" (Foucault 1982:781).

The concept of never-ending control is most notably developed in Foucault's (1977) *Discipline and Punish: The Birth of the Prison*. Punishment must be *witnessed* for it to be fully effective: If the punishment is conducted in public, then the spectators will begin to self-regulate (Foucault 1977:111). The self-regulation of spectators is the reinforcing order. Additionally, in *The History of Sexuality* (1976), Foucault demonstrates how a representation of a reality, such as the social facility of suppressing sexuality in the Victorian era, made people discuss and think about it more. The alternative reality controls social behaviour and

inadvertently changes social thinking. This is one unintended consequence of social behaviour from biopower.

Power is pervasive and everywhere, but it is concentrated at the top of the hierarchy; in other words, the lower levels of the hierarchy struggle to gain power (Foucault 1978:82, 93-95). Both theorists offer similar, albeit slightly different, takes on power. Like Rancière (1999:17), Foucault (1976:93, 95, 141) also argued that power in the form of control is never-ending and always present. However, unlike Rancière, Foucault viewed protests as localised, not universal. For Foucault, politics is power (Foucault 1976:94-97); for Rancière, politics is a mode of "political subjectivation" (Rancière 2010b:93). Furthermore, both theorists have stated that biopower can never be pure because biopower means always striving to gain more control (Foucault 1978:95; Rancière 1999:29). For example, when control is exercised over one group, the level of control can only increase; the only way for it to lessen is through the creation of politics – that is, through resistance.

Biopower for Foucault is similar to *the police order* for Rancière: "Foucault uses the term biopolitics to designate things situated in the space I call the police" (Rancière 2010b:93). Foucault focused on society and the state's direct relationship with power (the "production of power") while Rancière focuses on the diffused dynamic between police and politics (Rancière 2010b:93). For Foucault (1977:130), biopolitics was "an institutional apparatus that participates in power's control over life and bodies". For Rancière (2010b:95), current society functions according to the police order, which reinforces what is reasonable, rational, and sensible: the status quo. Rancière's theory uses concepts to help pinpoint those instances of hidden control and how to combat these forms of control. Rancière's theory is proscriptive in combatting oppression.

3.3 Rancière's terminology

Rancière's concepts provide a new analysis for an in-depth understanding of equality. His theory can provide a different analysis for the lack of framing in terms of the resisters having either the power of speech or the lack of such a power, called voice. If one has the power of speech, then one also has one's own symbolic political platform to express oneself to the public. The platform provided to protestors by the police order cannot be used to create politics (Rancière 1999:52-53). This points to equality and power dynamics where protestors will have to find their own platform to be able to reach out to the public to gain speech. The concept of politics can also help explain the ineffectiveness of protestors' framing based on identity.

Rancière's terminology is organised here under two main headings: in section 3.3.1, the concept of the police order, and in section 3.3.2, the concept of politics. These concepts are the building blocks for Chapter Six: Findings.

The first section of what follows defines the police order, and the following subsections describe the three levels of the police order, the definition of *consensus*, the state level of oppression and the police order's platforms and various institutions, such as the judicial system.

The second main portion, section 3.3.2, covers the concept of creating politics. This section presents Rancière's Ten Theses and explains them in detail, followed by Rancière's theory on identity and how his theory contrasts with the views of other social theorists. Then the public opinion of the emancipated spectator and the platform necessary for the police order are explained. The political platform subsection details how being seen and how finding speech is important for being able to create politics to find equality.

3.3.1 Police

Rancière deemed oppressive powers *the police order*. When the hierarchy of the system and the current status quo are maintained, the police order is in action. He calls the unequal arrangement of society "the police". The police order exists everywhere that people accept the established image of society and act in an orderly manner within it (Rancière 1999:29). His formulation of equality is vague, but it is multidimensional and consists of economic, social, and psychological elements. The police order is the status quo and directs people how they should gravitate into hierarchical groups. However, Rancière (1999:29) has pointed out that the police order determines what is viewable to the public, what is taboo and what one can publicly say based on the hierarchical order into which one has assigned oneself. The police order takes the form of the processes of bureaucracy, such as the processes of the parliamentary, court and electoral systems (May 2010:41). Rancière's concept of *the police* is the everyday notion of the term *politics*:

> Politics is generally seen as the set of procedures whereby the aggregation and consent of collectivities is achieved, the organization of powers, the distribution of places and roles, and the systems for legitimizing this distribution. I propose to give this system of distribution and legitimization another name. I propose to call it *the police* [author's own italics]. (Rancière 1999:28)

Rancière's (1999:31) police order is a social force that people internalise, causing them to behave in ways which maintain the status quo in the name of peace or tranquillity in society. The police order is how society perceives a way of life and behaviour for each hierarchical group. An example of an extreme police order system is a broken judicial system that overwhelmingly favours one group over another. The police order is not only an institutional structure but also the invisible walls of social constraints that keep people in their hierarchical positions. The police order does not allow for universal equality (Rancière 1999:31); however, there are some "normative degrees within" (May 2010:10). The police order is the status quo, which can also be a neutral entity. For example, the State apparatus could be viewed negatively or neutrally (Rancière 1999:29).

Until the hierarchy and the status quo are called into question, only policing may occur. Policing is also how the hierarchy reinforces itself; that is, the police order keeps the inferior classes in the spaces provided for them – outside the elite class. According to Rancière (1999:28), what we see as conventional politics are mechanisms of the police order.

It is important to note that on a visual dimension of the police order theory, an abundance of the petty police order (actual officers on duty) trying to hide dissent from any possible "emancipated inspectors" – in other words, keeping hidden what is unseen – indicates the infirmity of the police order: "It is the weakness and not the strength of this order in certain states that inflates the petty police to the point of putting it in charge of the whole set of police functions" (Rancière 1999:28). A weakened police order oversteps and overreacts. In other words, "the presence and activity of more police officers indicates not the strength but the weakness of a police order" (Chambers 2013:70).

3.3.1.1 Levels of police order

Several of Rancière's books (1999; 1992; 2010a; 2010b) refer to three types of regimes throughout European history, and all three are based on inequality. The first is *archipolitics*, Plato's image of good governance.

(a) Archipolitics

In archipolitics, everyone is accounted for, and every point of political dissent is corrected for the masses. Plato's conceptualisation of this regime suppresses dissent in the name of political harmony. In this regime, politics is not possible because "there is no assertion of equality" (May 2008:43). If everything is accounted for, then there is no need to dissent against the ruling elite.

(b) Parapolitics

The second regime type is parapolitics. Parapolitics is based on Aristotle's (350 BCE) idea of a perfect government, where elite rulers guide the masses to partake in governance so that the masses think that they have more control than they do. Parapolitics is where "politics is a question of aesthetics, a matter of appearances. The good regime is one that takes on the appearances of an oligarchy for the oligarchs and democracy for the demos" (Rancière 1999:74). The illusion of a properly functioning government is what is most important for the police order.

(c) Metapolitics

The third and final type of regime is metapolitics. This regime is a government which convinces the masses of what needs to be done and what needs to be sacrificed (Rancière 1999:85). This modern regime is most closely related to what Karl Marx (1848:113-114) criticised – the "conservative" regime – and it consists of those who exploit and those who are exploited (May 2008:45; Rancière 1999:84-86). In metapolitics, "[t]he real relations between human beings are determined not by the political order but by the economic one" (May 2008:45).

From these three types of regimes, Rancière makes it clear how inequality has been justified in society throughout European history. Rancière's concern in our current metapolitics is where truth "is nothing more than highlighting falseness" (Rancière 1999:85). Efforts to achieve equality have failed due to the over-institutionalisation of social norms (not the over-institutionalisation of property) as "[o]ur century has apparently spent the best part of its time being no more than the future—the nightmare—of the previous one" (Rancière 1992:6).

3.3.1.2 Consensus

Rancière's (2010b) *Chronicles of Consensual Times* defines the term "consensus" as "the rulers", where a government explains how the masses should behave or think when the regime is dealing with an issue, such as a bad economy or a war (Rancière 2010a:2). The masses are told that they have no logical reason to disagree with a knowledgeable regime. As mentioned earlier in this chapter, this is similar to Foucault's (1972:51-52) findings on power and knowledge, where the exercise of power creates knowledge, and power cannot exist without knowledge. "Consensus" is engineered knowledge.

The elites "need only to show the people of the world of needs and desires exactly what it is that ciphered objective necessity dictates" (Rancière 2010a:1). A consensus regime

creates a social problem to cause fear among the public for social unity, then claims that only the regime can resolve the issue and that it is the only entity that knows how. This is how the regime maintains power (Rancière 2009:27). Rancière (2010a:3) argues that what regimes do best is to explain to the public the statistics of the stock exchange and how to behave accordingly. Additionally, regimes explain their behaviour and the meanings behind their actions so that no one can dissent. The mere act of explaining communicates to members of the public that they are not as intelligent as the elites in power (Rancière 2010a:129-132).

For Rancière (1999:102), a consensus regime is a standardised system that handles discontent. The consensus system is the police order with the complete "disappearance of politics" (Rancière 1999:102). It is a situation in which everything is accounted for, and everything is reasoned out so that people will not trouble themselves to protest.

The modern state implies that universal equality is unattainable (Rancière 1999:110). For the state, equality is always treated as a universal phenomenon for each group in society, but the illogical claim of "equality for all" exposes that many individuals are neither seen nor heard and that they cannot gain equality (Rancière 1999:110). Politics makes issues seen and calls for them to be dealt with, whereas the police order wants people to be passive.

To Rancière (2010a:129-132), this is our current construction of democracy. It would be a political act against the establishment if the masses were to ignore the explanation provided by the government, to fully understand the government's words but remain unconvinced (Rancière 2010a:129-132).

3.3.1.3 The state

The state hides its inequality under the blankets of law and order and statistics: "The expert state eliminates every interval of appearance, of subjectification, and of dispute in an exact concordance between the order of law and the order of the facts" (Rancière 1999:112). For liberal democracies, to control the masses is to keep the idea of dissent alive but suppressed. "The state today legitimizes itself by declaring that politics is impossible" and that dissent is unnecessary (Rancière 1999:110).

The police order divides "society into parts that are not 'true' parts" for the well-being of the regime (Rancière 1999:18). The police order brings harmony to society through laws, rules, and regulations and by reason (using statistics to justify actions). Objects behave in the ways they are supposed to behave, "everyone is accounted for", and everything is visible which should be visible while everything is invisible which should be invisible (Rancière 1999:28).

The police order declares that the state has counted all persons in their categories; there is nothing else to count (Chambers 2013:43-44). This shows the inequality of the police order, as it dismisses some people. Race, gender, income, and place are all visible to society because the police order makes them so (Chambers 2013:13, 40, 42, 162; Rancière 1999:22). The police order makes some issues visible and others invisible.

There will always be individuals who do not "belong" in a group (according to the police order), who are not counted within the police order – their role is to be unseen and unheard. When the police order does not recognise a group, it is deemed unworthy of classification. The logic of the police order declares that society should believe that everything has its place and that everyone has a role in society, so any group that is unclassified should be ignored (Rancière 1999:28). Politics shows the absurdity of this ordering of society by revealing that this structure values humans differently. Subjects are given a space to speak by the hierarchy, but they are not heard because the inferiors (according to the superiors) are not understood by the police order (Rancière 2000:59-60).

The police order is the organisation of society, the status quo. Policing exists everywhere, as people accept the established arrangement of society, whether or not their placement in that order is privileged. The police order assumes that it has counted everyone and grouped all individuals into orderly levels so that it may seem that all individuals are seen and heard. Instances of enforcing the hierarchical order as "natural" often reach the point of absurdity. The creation of politics reveals this absurdity, such as when one group of individuals acts outside of its assigned role due to necessity and this necessity is seen by society (Rancière 2000:59-60). In such cases, the status quo is called into question.

3.3.1.4 Police order's platform

The police order sets up disagreement platforms for the uncounted to present wrongdoings, but these platforms (either a geographic location or a notion) can be ineffective or even counterproductive for the uncounted. The police order puts on a show for the public by asserting that everyone is counted, and that dissent is unnecessary (Rancière 1999:62). These specially made platforms, or "theatres of dispute" are usually hidden, and the public is usually unaware of the disputes (Rancière 1999:62). The police order tries to "escape from the situation, trying not to understand the argument and perform the nominations and descriptions adequate to a situation of discussion between speaking beings" (Rancière 1999:55). In other words, the police order tries to ignore, puts effort into failing to understand, the aggrieved group's argument (Rancière 1999:59). To set up a platform for the

uncounted is a ploy because it makes the uncounted think that they are being heard when they are not actually heard. This is to make any kind of dissent go away. In a democratic society, there is a platform where one may state concerns to the government in command. The police order allows certain areas and specific time frames for voicing concerns (Rancière 2000:12-13), and these platforms are presented as the best venues for dissenting against governing institutions, but only if an individual or group is visible. If an individual or a group is routinely ignored by society, this type of platform is then a venue for the police order.

This creates a "proper place" for dissent, though the concerns voiced there would be much more noticeable if voiced whenever and wherever the dissenters chose. The creation of space by the elites is done to manipulate dissenters into thinking that they are conducting politics by having speech (Rancière 1999:1-3). The power of speech for Rancière demonstrates who can control the narrative of – and resistance to – the status quo.

3.3.1.5 Institutionalisation

Any time a concept or idea becomes institutionalised, it is at risk of becoming part of the police order: "Equality turns into the opposite the moment it aspires to a place in the social or state organization . . . Intellectual emancipation accordingly cannot be institutionalized" (Rancière 1999:34). Rancière's (1992) analysis of schools and learning in *The Ignorant Schoolmaster* offers a theory of the institutionalisation of intellectual inequality – that this institutionalisation of equality kills politics. Once a student knows how to read, they only need the initial push to be launched into higher learning and education. However, the educational system, at both the primary and university levels, conducts arbitrary antics – exams, then further exams – to "prove" that the learner has learned; these trials are determined by teachers who participated in the same types of hurdles. What becomes lost is one's own experiences. There is no analysis according to a pupil's own path of learning. Rancière (1992) argues for an unstructured learning path which would provide for highly educated *individuals* rather than churn out the same type of "educated person" as does an institutionalised educational system.

Rancière (1999:5) points to the justice system as a platform institutionalised by the police order. It does not account for everyone, as the police order would have the masses think. Many people cannot afford time away from work or simply do not have the knowledge necessary to navigate the justice system to effectively voice their concerns. The institutionalisation of voicing a wrong is the regime "[o]ffering a justice bogged down in the various forms of dispute and an equality flattened by the arithmetical counts of inequality,

democracy is incapable of giving politics its true measure" (Rancière 1999:62). Rancière argues that politics shows that "first, equality is not democracy, and second, justice is not management of wrong" (Rancière 1999:62).

The courts always present the accused as having the same grounds to fight in court as the accuser. The logic of the police is to go along with the expiations asserted by a good citizen, allow them to voice their concerns in the appropriate venue and work through the bureaucracy. The police order believes that full equality already exists if dissenters can take advantage of the bureaucracy and the judicial system to voice their concerns. The police order states that everyone is already equal, but institutional judicial systems do not favour resisters (Rancière 1999:97). The institutional judicial system is a platform created by governing bodies, not spontaneously created by protestors. For protestors, "power is in the first place the power to create a space" (Rancière 1992:47). Protestors must demand their own platform, not use the police order's platform. When protestors use judicial institutions, they are using the police order's platform (Rancière 1999:108). These practices are institutionalised and practiced in a liberal democracy, where everyone has a space for dissent, but the police order created this space and the rules are theirs (Rancière 2010b:129-132; 1999:96; 1992:63-64; 1991:60-62, 67).

3.3.2 Politics

Without the police order, there can be no politics. Rancière (1999:28) reserves the term *politics* to refer to actions that counter the police. "Politics" directly relates to equality because it suggests opposition to hierarchical social groupings. *Politics* does not try to create power over another entity or try to gain power over an oppressor. To be clear, *politics* refers to an action that protestors inadvertently engage in, called *creating politics*, and the term *police* refers to *the police order*. In summary, politics is the act of creating social arrangements so that equality can be felt by all humans (Rancière 1999:29).

Rancière (1999:61) stated that any hierarchical arrangement in society is subject to "disruption", a protestation of the police order through the creation of *speech*. Rancière reserves the term *politics* to mean actions that counter *policing* (Chambers 2013:41). Neither the police nor politics can be pure (Chambers 2013:77). Rancière's conceptualisation of politics offers a way to recognise in protests the moment (however rare) that politics is created (Rancière 1999:17). He states that politics occurs if protestors create their own platform on their own terms (as either a geographical location or a notion), as politics creates "a fresh sphere of visibility for further demonstrations" (Rancière 1999:42). Only then is

there full equality. “The home and housework are no more political in themselves than the street, the factory, or government” (Rancière 1999:41). Police and politics are not a dichotomy, such as the oppressor and the oppressed, simply because they are not pure entities (Rancière 1999:61). Creating politics means revealing to members of societal hierarchies what they are: an artificial ranking of individuals. This is achieved by showing the lack of logic in the police order and the lack of control in grouping such individuals. Once the ranking of individuals is shown to be unnatural (where someone has been overlooked and is not seen or heard), the police order is shown as unreliable (Rancière 2000:12-13, 59-60): “Politics is not made up of power relationships [which would be the police order]; it is made up of relationships between worlds” (Rancière 1999:42). Rancière found that people who possess only *voice* can be political at any given moment if they gain *speech*, even if it has not been given to them (1999:35).

The work of politics in breaking down the police order’s boundaries is never finished, as there will always be a police order – some police orders are simply more desirable than others (Rancière 1999:30-31). Politics works by showing the police order examples of its own illogic and its lack of control. When politics occurs, the veil is lifted, and a new ordering is revealed.

Politics is revolutionary and reorganises society to become more equal, less hierarchical. Politics does not inspire merely incremental changes but changes to an entire system. Rancière gives examples of how one might interpret politics or what it would look like if politics were to occur (1999:32). For an example of a factory protest creating politics, Rancière outlined the necessary elements:

> A strike is not political when it calls for reforms rather than a better deal or when it attacks the relationships of authority rather than the inadequacy of wages. It is political when it reconfigures the relationships that determine the workplace in its relation to the community. (Rancière 1999:32)

In this quotation, Rancière (1999) distinguishes creating politics from simply negotiating terms. Politics does not split up people into citizens and government (Rancière 1999:30-31). Instead, politics sees people as human, without hierarchical groupings. Politics is grounded in equality (Rancière 1999:31).

3.3.2.1 Ten Theses on Politics

In Rancière's (2010a) work *Dissensus: On Politics and Aesthetics*, he distils his insights into "Ten Theses on Politics" to thoroughly describe what politics is and how it is created. His theses are an outline of what politics consists of and are not intended to be empirical characteristics of politics. However, one can see how using the outline of what politics entails, provides a clear picture of the inequality that persists in these mining communities in Guatemala. Rancière forms his own concepts about people's roles in society and how people might alter their roles for society to better reflect equality. The Ten Theses are listed in sequential order for clarity in this chapter; however, they will be used for analysis in Chapter Five: Findings in nonsequential order. These theses may occur in any sequence to create politics and there is no particular time duration for each. Also, an important note to remember is that many of the theses overlap; for instance, Thesis Four is a statement that overlaps with the other theses regarding equality.

(a) Thesis One:

Rancière (2010b:27) states that politics occurs when an individual decides to act outside of their expected role in society. The person should act outside society's norms to protest injustice and to be heard, to have *speech*. Injustice is what Rancière (1999:9) calls a wrong: "Politics begins with a major wrong . . .". One must first be aggrieved before attempting to play a role outside society's norms in the hope of creating social change.

Thesis One also states that politics is not about gaining power and that politics occurs when an individual defines their reason for action (Rancière 2010b:27). Also, the act of creating politics shows society that the individual is a political being. It is politics that creates the individual, not the individual who creates politics (Rancière 2010b:27). Politics happens when a disenfranchised group begins to gain recognition as equal to a more privileged group in the hierarchy. Politics brings out the hidden people and groups, so they are visible and equal.

(b) Thesis Two:

The individual is a new political being defined by a disruption to their old role in society. The new role and the old role collide to create a new individual (Rancière 2010b:29).

For example, the old role of being homosexual meant being a paedophile and a threat to children; however, beginning in the 1980s and early 1990s, the gay and lesbian movement has reconfigured that narrative. The Queer Nation chant is "We're here! We're queer! Get used to it!" (Chambers 2013:159). This shows society that they are non-threatening, that they are good members of society, that they have always been in society and that they cannot be ignored. The old role is replaced by the new role and subjectification is retained – queer

people are everywhere, and they are peoples' friends and family members. This group asserted equality to correct the record.

(c) Thesis Three:

Politics breaks up the status quo and disperses the specific groups and roles that people are placed in within society. Politics shows that there can be other possibilities in defining, labelling, and partaking in society, so one does not have to be stuck in the currently configured order (Rancière 2010b:30).

(d) Thesis Four:

Democracy is the current regime that most represents and supports the creation of politics. People who rule in a democracy are selected from the commoners, and, in theory, anyone can be selected to rule in a democracy. Rancière has stated that to be a full citizen in the social sense, one must be able to access all institutions that can be accessed by other known citizens (Rancière 1992:51-52), not just what the police order allows for certain groups. Also, in theory, democracy is the most egalitarian regime type (Rancière 2010b:31).

(e) Thesis Five:

The status quo rests on the notion that everyone has been accounted for; thus, everyone occupies their appropriate roles in society. To Rancière (1999:22), there are two main ways of counting people in our contemporary liberal democracy: by birth and by wealth. These groups form the basis for who gets what from the state (Rancière 2010b:33; 2000:59-60). Politics occurs when people refuse to stay in their group and instead find a new role in society (Rancière 2010b:34).

(f) Thesis Six:

Politics does not create conflicts between races or economic backgrounds. These conflicts, instead, reinforce the police order. Politics occurs in "opposition between logics that count the parties and parts of the community in different ways" (Rancière 2010b:35). The police order keeps the logic of groupings, and wealth and cultural backgrounds play assumed roles in society. Politics disrupts this overall logic of ranking people (Rancière 2010b:33; 2000:59-60): "Politics exists as a deviation from this normal order of things" (Rancière 2010b:35).

(g) Thesis Seven:

Politics is the opposite of the police order; the police order is "a distribution of the sensible" (Rancière 2010b:36). Politics reveals an individual who was previously invisible to society and makes audible the voice of an individual who was formerly unheard (Rancière 2010b:37). The police order wants to lump people into groups based on birth and wealth so

that they will go along with the designated roles based on their group (Rancière 2000:59-60). People are fitted into artificial groups so that everyone neatly occupies their hierarchical place in society (Rancière 2010b:36).

(h) Thesis Eight:

The police order ensures that every group is viewed only as the embodiment of the role assigned to the group by the police order. This is to dampen dissent among the masses controlled by the state (Rancière 2010b:37). For example, those people who identify as lesbian or gay had to protest to be seen and to change society's perception of them (Chambers 2013:159, 163). The police order is the reason that some individuals are unseen (Rancière 2010b:39).

(i) Thesis Nine:

The logic of politics dictates that any individual can be whatever they wish, at any time, without any qualification, because everyone has the same mental capabilities. For example, philosophy is politics because philosophy makes it possible to view society in a different light, as it shows other ways of participating in society, other ways of living. Philosophy is the blueprint of living in different worlds before "laws or educational methods of the ideal states, before even the partition of the community is formed" (Rancière 2010b:41). However, it is crucial to keep philosophy accessible to everyone (Rancière 2010b:40).

(j) Thesis Ten:

The police order has its own platform called "the false consensus" which is the "suppression of politics" (Rancière 2010b:43) or the "consensualist practice of annihilating politics" (Rancière 2010b:44). In practice, democracies tend to create fear among the masses to reinforce the state's own presence as a protector, creating inequality between government and citizens. Rancière (2010a:129-132) called our current democracy a "liberal democracy", and "consensus" is the justification for the existence of liberal democracy. The regime feeds the masses a false consensus platform to demonstrate how powerful the state apparatus is and how citizens require the protection of the state.

For instance, Rancière (2010b:129-132) describes a French news report from the summer of 2004 which detailed how a woman with a baby was attacked and mugged by a gang at a subway station. Some reports focused on the fact that the incident was during the day and during rush hour, yet no one came to her aid. Several more news reports talked about societal ills and how one cannot count on humanity. After a few days, the news reported that the incident was false. Thus, what makes this event unusual is that it was not an event at all.

This false news story demonstrated the state's power and its control of the masses. Reports that one cannot count on the kindness of strangers in a time of need suggests that one must rely on the state. Fear in the name of consensus is the central justification for liberal democracy (Rancière 2010a:132, 1999:102-103). This example shows that the state supresses the masses by claiming that the state is unquestionably needed and that it is the masses' only saviour, thereby exacerbating inequality.

3.3.2.2 Identity

In contrast to the decolonial method, Rancière (1992:74-75) argues that identity politics are a trap. Three items must be satisfied to create equality, and Rancière puts the burden on the resister to find a common identity that is not laden with prejudices. One, equality must satisfy a broad universal humanity component, such as emphasising that we are citizens with the same rights as everyone else. Second, the resisters must be identified, such as being voters. Finally, the identity of the group must incorporate the image of an indigenous person (the previous dominant identity) who is a voting Guatemalan citizen (Rancière 1992:75). The emphasis is on the new identities and having the older identity become less poignant (Rancière 1999:36-37). Similar to class, race as a form of hierarchy is intertwined with identity. However, Rancière's theory of identity is problematic, as the researcher relies on the decolonial method, and Rancière's strict theory of identity has proven to be an ineffective analysis for the case study. The researcher will only use his theory of identity in terms of the public platform of being seen (heard) and unseen (unheard) – or counted and uncounted – and address the problems with Rancière's theory of identity in later chapters.

Rancière (1992:101) called racism "the disease of consensus" to suggest that racism and identity politics are used by the police order to justify specific actions of the state. A focus on identity when asserting a wrong is counterproductive. Equality is based on fundamental human equality, not identity (May 2010:15). Thus, the police order's hierarchy of identity must be abandoned (May 2010:12). Identity prevents one from gaining certain goods in society and in institutions because of the hierarchical status quo but finding a unifying identity (subjectification) shifts the public's opinion to recognise equality. Identity politics relies on what rights and goods one group can gain from institutions. Finding a subject of unity among people (subjectification) is key for achieving equality (Rancière 1999:36-37).

Since groups are placed on a hierarchical social scale, they can easily make the mistake of reinforcing the role that society – the police order – has assigned to them. Politics

is not a struggle between groups but a struggle within groups against the whole of society (Rancière 1999:18-19). For example, politics does not happen when the rich oppose the poor, as this only enforces the police order (Rancière 1999:11). Politics occurs when the poor create a new identity that is equal to that of the rich: "Politics exists when the natural order of domination is interrupted by the institution of a part of those who have no part" (Rancière 1999:11). Though the poor may still suffer, they are not suffering because they are a group of poor people (that is, in their biological makeup, poor and inferior); what is realised after the creation of politics is that they are poor because the rich are keeping them poor for absolutely no reason. The blame of inferiority has shifted.

There are different ways to live and to break up current dominant groups. Social groups change over time and break through status quo barriers. Politics is a "conflict over the existence of a common stage and over the existence and status of those present" (Rancière 1999:26-27). Foucault also found that when there is a power struggle, there is always a way to either fight or escape the dominating power (Foucault 2001:346).

People who are presumed to be at the lower level of society, either invisible or existing within a loosely tied lower-level group, need to find a common transgression and, most importantly, be seen on a platform of dissent (Rancière 1999:22, 27). This is where the voiceless can voice their grievances and hopefully be seen. Rancière's example of setting up a platform is the secession of the plebs (Rancière 1999:27).

Politics occurs because it shows the inherent falsity of a hierarchical society. Rancière states that "[p]olitics exists simply because no social order is based on nature, no divine law regulates human society . . . and makes real the ultimate equality on which any social order rests" (Rancière 1999:16).

Rancière (2012) negatively views identities. Humans without identities are unseen by the public and have no legal rights. Groups strive to be recognised by the courts but note that it is an arduous process to try to achieve equality in society. Once an identity becomes recognised by society and institutions, the new identity gains legal rights. The critical issue is the fact that gaining legal rights does not mean gaining equality, as liberalism implies (Chambers 2013:13, 161-162). Human rights do not mean human equality; equality has never occurred. When a group is identified by the police order, it is automatically placed in a hierarchy. For Rancière (2012), it is not productive to protest based on identity. The very identity one protests under is the very category the police order has placed upon the protester and represents what is "naturally" assumed by society. It is a denigrated position and asserting that identity does not challenge it.

Rancière's (1991:1-2) theory is that resistance based on identity is not effective because the presence of prejudice means any dissent is viewed as inconsequential "noise". To resist as an identifiable group risks the perception that the group is affirming its "lower position". It is essential to see if an act of resistance by the subordinate group causes the dominant group to rethink its perceptions of the subordinate group, which it has perceived as inferior. Rancière found that it is necessary to abandon identities assigned by the police order (May 2010:12). However, the identity that holds true for a marginalised group risks alienating the group by acting as the police order in stating that one identity is better than another.

3.3.2.2.1 Other theorists on identity

Theorists such as Francis Fukuyama have argued that globalisation exacerbates inequities and makes "grievances become much more acute when they are attached to feelings of indignity and disrespect" (2018:9-10). For Fukuyama (2018:37-40) there are three layers of identity. The first layer is called *thymos*, where in its simplest form, humans want recognition, so they behave in their social surroundings craving acknowledgment (Fukuyama 2018:37). The second layer of identity is having a private self and an opposite public self. The third layer of modern identity is focused on dignity, especially the notion of equal dignity of humans (Fukuyama 2018:40). Rancière does not account for dignity in his theory of identity formation creating politics, as identity resides under the police order. Immanuel Wallerstein's *World System Analysis* (2004) has shown that identity is continuously changing with the pressures of globalisation. Identities are continuously being institutionalised by the state. Anthony Giddens' (1990:36-45) reflexivity of modernity, a concept in *Consequences of Modernity*, claims that there is a clash with modern identity and traditional identity. For traditional identity, the past is the grounding for self-placement in society, whereas modern identity anchors itself in the future. Modern life is always changing based on new information, new perspectives and unintended social behaviour based on the aggregate of new information. Giddens (1990:38-40) presented a bleak perspective of modernity in light of new, constantly changing knowledge where everyone looks to the future but has fewer answers. History is a key factor in traditional societies, and Linda Tuhiwai Smith (2012:3-31) in *Decolonizing Methodologies* describes how indigenous people talk about the modern aspect of their history being taken away. Indigenous history is seen "as irrelevant, ignored or rendered as the lunatic ravings of drunken old people" and their oral histories are not considered history, only tradition (Smith 2012:3-31, 34). Rancière overlooks these accounts

of traditional society by viewing identity as a police order institution with the notion of equality resting above identity. However, does everyone view equality in the same light? For traditional societies, their identity is their history, and that is their equality. For a decolonial perspective in Western-based theory, it is imperative to ask "[w]hat does this ask us to do that we are not now doing, as knowledge workers?" (Connell 2014:218).

3.3.2.3 Public opinion of the emancipated spectator

Public opinion (what Rancière sometimes calls "the emancipated spectator") is a third-person perspective of the relationship between Group A (the superior class) and Group B (the inferior class). It is the *emanation of the spectator* (the viewer, who represents public opinion) who can aid Group B's cause (Rancière 1999:31).

It is important to include a third person who observes the disagreement to enable "qualifying the relationship between the parties" (Rancière 1999:53). Group B must first voice an injustice (i.e., they must dissent), as the public will have already heard Group A's viewpoints, being the dominant class. Public opinion is not the police order, but it can reinforce the police order's status quo. It can also help to reorder the hierarchy (Rancière 2009:4-5; 1999:48).

3.3.2.4 Politics platform

The platform for political dissent is different from the platform provided by the police order for political dissent. The platform that must be created by protestors is difficult to define because it is ambiguous – the protestors must create a makeshift platform appropriate for the situation. Rancière argues that it is more effective to create a political platform than to use the platform provided by the police order. Creating a political platform, such as setting up roadblocks or tents in a public space, provides the image for the emancipated spectator to see the protestors (Rancière 2000:13), and this creates disruption. "The call for equality never makes itself heard without defining its own space" (Rancière 2010:50).

Thus, the disagreement between the superior class and the inferior class shifts from a private affair to a public affair (Rancière 1999:52-53). If a worker sets up a strike blocking traffic on a major road, this platform makes the dispute public: "politics occurs wherever a community with the capacity to argue and to make metaphors is likely, at any time and through anyone's intervention, to crop up" (Rancière 1999:60). If the public can understand and empathise with Group B's dispute, then Group B has created equality with Group A (Rancière 1999:55).

(a) Voice and speech

In *Disagreement: Politics and Philosophy*, Rancière's (1999:1) thinking about the creation of politics (as mentioned in Chapter Three) is informed by Aristotle's (350 BCE) distinction of "voice" and "speech". Rancière (1999:1) claims that *voice* refers to a human (usually inferior) who is misunderstood by society, such as a heroin addict, an inmate trying to report rape or a person requesting a restraining order. It is difficult for them to be taken seriously, and others tend not to understand the pain expressed in each case because these "inferior" humans cannot effectively argue for themselves in society.

The superior class, on the other hand, possesses *speech* and can fully articulate and express pain related to any injustice committed against them (Rancière 1999:2). The superior class rarely experiences injustice, and if they do, it is dealt with immediately because they are the first ones in society to be heard. Rancière (1999:3) points out that the dominant class can use speech to be heard, but the inferior class can use only voice and are thus ignored.

A group deemed inferior tends to have difficulty articulating an infraction, so they are not understood among the upper classes and are dismissed as ugly noise. Vulnerable groups do not have the means to speak and be heard (Rancière 1999:7). However, when these vulnerable groups do work to be heard, and "who rise to contest the 'naturalness' of these places", politics is created, where society sees and hears the subjects (Rancière 2010b:96).

Speech is what the police order allows the superior class to possess. Speech is thought to be articulated and used by people with power; voice only occurs within the space allowed by the hierarchical policing structure. For Rancière (1999:22-23), the plebs constitute the inferior class, which has only voice: they babble and make noise, which can be ignored.

The language used by elites is meant to keep the poor at the level of *voice*. Elites create space for the voice, but never the speech, of the destitute. Going back to Rancière's example, the elites claim not to understand the plebs and so dismiss them. The plebs try to talk with the elites, but the elites refuse to interact, as the plebs are beneath them. Overcoming disagreement by emphasising equality is where the plebs create their own public space. This is the first step in challenging the elites and creating politics (Rancière 1999:24-31).

According to Rancière (1999:24-31), in order to create politics, the inferior need to cause disruption and turn *voice* into *speech* using their own platform. They cannot merely present subjugated knowledge to the mainstream (Foucault & Gordon 1980:80-83).

The police order determines who has speech, while Rancière points to the fact that everyone can have speech (1999:5). This is the focus of Rancière's theory of the police order: not material items as property or the production of labour, but the ruling of ideas and how to counteract this elite way of thinking.

(b) Seen and unseen

Politics is the act of a body being seen that had been deemed to have "had no business being seen" and a body that was unheard and unnoticed becoming well-known and heard (Rancière 1999:30). The police order reports what is to be seen and, if an event occurs, the police order can instruct people, "Move along! There's nothing to see here!" (Rancière 2010b:37).

The police order makes individuals unseen and unheard. The creation of politics liberates these people, makes them seen (Rancière 2010b:92). The police order masks inequality to make it seem that the world is equal by providing a false platform to placate individuals so they feel as though they can articulate their offenses. Rancière (2010a:49-52) discusses the right to belong to humanity and the right to have a social image, the right to be seen and counted in society.

3.4 Equality and intelligence

All hierarchical systems are forms of inequality in practice; to create equality, one must disband and abolish the hierarchy. Rancière's theory of radical equality is the simple idea that everyone has the same brain and the same capacities as any other person; this concept is central to his philosophy. Only life's circumstances determine who is labelled intelligent or ignorant (Rancière 1991:71).

Rancière's (1991) most famous book is *The Ignorant Schoolmaster: Five Lessons in Intellectual Emancipation*. The book presents Rancière's key insights pertaining to how societies create and perpetuate false constructions of inequality as well as the shift in perception required to reveal it. In terms of the educational system, most people focus on the equality between students, not on the equality between the instructor and students. Rancière focuses on the inequality between the professor and the student and how, in that relationship, the students are indefinitely required to complete tasks such as tests and assignments but are never considered to be as intelligent as the professor. Rancière (1991) demonstrates how this inequality can be broken to liberate both professor and student. There is a belief that "certain people are just not as intelligent as others" (May 2010:8-9). The simple thought that some

people matter while others are insignificant is essentially the same concept as some people being intelligent while others are ignorant. This is what Rancière (1992) fights against in *The Ignorant Schoolmaster*.

Rancière tells the story of 48-year-old Joseph Jacotot, a French-speaking teacher in the year 1818 in Belgium. Jacotot could not speak Flemish, and the students at his new post did not speak any French. The language barrier was not known to Jacotot before he accepted the post. By accident, Jacotot found himself unable to lecture these students, so he gave his students the assignment to learn French while he would learn Flemish. He gave his students two copies of the same book – one copy in each language – and before the end of the year, both he and his students were close to speaking both languages (Rancière 1991:1).

To Rancière (1991), the narrative and false assumptions of the police order generate inequality. The simple act of explaining degrades people and creates inequality. An instructor describes what a student has already read, and as Rancière posited, "[t]o explain something to someone is first of all to show him he cannot understand it by himself" (Rancière 1991:5-6).

Humans are equal in every way, including with regard to intelligence. Unequal opportunities in societies are built by the police order. Therefore, humans have a difficult time believing that everyone is equal in intelligence because of the police order. The logic of the facilitators explaining and teaching simply reinforces the idea that students are not equal to their professors. All children learn naturally through their own curiosity. One does not have to explain to a child what every word represents; a child learns by doing and by speaking (Rancière 1991:5). Why is it, Rancière (1991:5-6) asks, that when children become six or seven, they should be taught, when before that age, they could learn on their own? After turning six, everything must be explained to them. Even when these children can read on their own, a teacher must still explain the book or text (Rancière 1991:5-6). What these institutions do is create inequality (by assuming that the teacher is more intelligent than the student) in the name of equality (where every student learns the same material at the same pace). Creating politics is the act of showing oneself as equal. Since politics demonstrates equality, in this situation, these events create equality. Equality must be addressed before any profits or losses, such as property relations, can be negotiated (Rancière 1999:4-5, 8, 10, 19). "Creating politics" here means that a professor may only guide a student in a direction so the student can learn and encourage the student to learn more on their own, since the student has an equal level of intelligence as the professor.

Rancière states that all humans are genetically equal, with the same brain capacity, regardless of social network or access to resources (and, therefore, that any hierarchical

ordering is false), and the fact that some people demand others to obey them shows that two things must occur for this statement to be true (Rancière 1999:16). First, "[y]ou must understand the order, and you must understand that you must obey it" (Rancière 1999:16). For this to occur, "[y]ou must already be the equal of the person who is ordering you" (Rancière 1999:16). The equality of this fact breaks away all ordering of groups in the police order, the so-called *natural order* (Rancière 1999:16). When commands are followed, the subordinates demonstrate to the commander that their orders were comprehended (Rancière 1999:16).

Equality starts with opposition to the social order in terms of spaces, "jobs, roles, and places", where Group A (the dominant group) and Group B (the less dominant group) are in dispute (Rancière 1999:35). Group B has no legal pull or at least has a lesser role in society compared to Group A. Group A consists of the people in society who matter, whereas Group B comprises those who do not matter. Group B tries to find "something in common between those who have a part and those who have none" in society (Rancière 1999:35). To create "equality" (what Rancière calls "politics"), it is crucial for two groups to find common ground in their humanity so that society will not view itself as made up of hierarchical social groups, such as race and class, and goes beyond property relations (Rancière 1999:35). For Group B, "[t]he political act of going out on strike then consists in building a relationship between these things that have none, in causing the relationship and the non-relationship to be seen together as the object of dispute" (Rancière 1999:40). Finding commonality is critical – commonality is what makes humans equal.

Rancière (1989) refers to workers from the French Revolution of 1830 who revealed their decision to write, to live beyond their roles as workers (Rancière 2012: ix). These workers understood their situation of domination and the work hierarchy. What they wanted to do "was to withdraw themselves, intellectually and materially, from the forms by which this domination imprinted on their bodies, and imposed on their actions, modes of perception, attitudes, and language" (Rancière 2012: ix). The revolution for these workers was to take back time they lost for themselves, to live intellectually. These workers were not angry about their working conditions – they wanted to change society's conceptions of how to live as human beings. These workers become political. Rancière found these labourers to be just as political and intelligent as philosophers or politicians (Rancière 2012: xii). Rancière's case study presents resistance to the social norms; equality is the single most significant idea of Rancière's scholarship.

For example, an elderly woman can become political at any point in time. She can protest. Changing the status quo changes society's perceptions. The status quo for this elderly woman would be to remain quiet and peaceful, focused on family matters such as cooking and cleaning while ignoring the political world. If she presented to the world her reasons for protest, many would paint her as being an unstable old woman making a scene in public, but her coherence and strength could shift politics. She would be able to show equality among others in society if she conveyed that everyone will have the same concerns when they, too, grow old.

3.5 Methodology for the unheard

With *The Names of History*, Rancière (1994) set out to present discrepancies in the work of writing and recording history. The names published in histories benefit the nation-state, not the poor, not the ones who cleaned the king's chamber pots. The issue of how to write history is not about what is more important but the reality that we look at history from an elitist perspective. What has been hidden or published has social importance because history exposes what is seen, but we do not know what is unseen. Rancière's book focuses on what has not been written in history. Rancière (1994:2-4) criticises the way of writing history that values only the state and its elites. He argues that society loses vital information, even if the information is of no concern to the state. The actions that were not recorded in history books and the unnamed people who supported and suffered for famous figures but were never remembered are the exciting events of history to Rancière (1992: xi). By denying the poor the right to contribute to an event, one can deny that the event, person, or people collectively ever existed or that they had any meaning at all (Rancière 1989: xiv).

It is essential to note Rancière's caution in approaching his concepts simplistically, that is, as simply good or bad. "I am not arguing for people or against the elites. The logic of police versus the logic of politics does not mean the elites are the bad ones, and the people are good" (Dasgupta 2008:75). As policing can affect what is considered the status quo, even the ones against the status quo inadvertently support it. Politics can disrupt the status quo in positive ways for some, but it can also have devastating effects for others (Rancière 1999:61): "Whether the police is sweet and kind does not make it any less the opposite of politics" (Rancière 1999:31).

3.6 Rancière's logic

Politics can disappear as soon as it occurs (Rancière 2010b:29). Politics occurs when the police order is shown to be illogical and human equality shows through: “For politics to occur, there must be a meeting point between police logic and egalitarian logic” (Rancière 1999:34). Rancière (1999:33) has shown the illogic of oppression and the rationality of equality. The dominant group exercises its dominance when commanding the inferior group. The dominant group already assumes that the inferior group understands what they are commanding. Conversely, why then would the superior group be unable to understand the inferior group? This shows the absurdity of the police order. If inequality was natural, as between humans and animals, then there would be no need for the superior group to assert their dominance (Rancière 1991:47; 1999:33).

3.7 Conclusion

The police order “eliminates every interval of appearance, of subjectification, and of dispute in an exact concordance between the order of law and the order of the facts” (Rancière 1999:112). A country’s Constitution is an example of a “mode of appearances” which regimes use to maintain the status quo of hierarchical social groups (Rancière 1999:87-89). Though some groups are seen more than others, depending on their rank in their hierarchical society, those who rank at lower levels will need to “contradict” their assigned group (Rancière 1999:96). The creation of disruption breaks up the police order:

> [p]olitics exists because those who have no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong that is nothing more than this very confrontation, the contradiction of two worlds in a single world: the world where they are and the world where they are not, the world where there is something ‘between’ them and those who do not acknowledge them as speaking beings who count and the world where there is nothing. (Rancière 1999:27)

If one states that everything is political, then in Rancière’s view (1999:86), it is the same as stating that nothing is political. By the same logic, if everyone is seen, then no one is seen. The point of creating politics is to contradict appearances, not to confirm them, as institutional democracies tend to do. Rancière does not give a concrete formula for what constitutes “creating politics”, only that politics is created by staging a “fresh sphere of visibility for further demonstrations. Politics is not made of power relationships; it is made up of relationships between worlds” (Rancière 1999:42).

Chapter Four: Methodology

4.1 Introduction

To study the anti-mining protests in Guatemala, the dynamics of these protest events are examined in relation to principles of equality. This chapter continues by discussing the goals and methods of the study. Next, the data sources are presented, along with the data collection methods, then the data analysis and subsequent data evaluation are described. This is followed by an interpretive list and the question set, including commentary on its design, and then the sampled mines are listed. Next, issues of trustworthiness are noted, and sampling techniques are detailed. The final section of this chapter concerns ethical issues.

This research looks for shifts in society's perceptions of phenomena. The aim of this study is to use Rancière's concepts to find evidence of a social shift, one where anti-mining protestors come to be viewed as politically engaged and educated Guatemalan citizens. When evidence was anomalous to the theory, the researcher examined possible reasons for this deviation from the theory and deliberated upon the theory's limitations. Were resistance tactics successful in shifting preconceived ideas of inequality to instead promote an awareness of equality? For content analysis, the researcher used limited interviews and the media to collect evidence. To uncover a shift in public perception of indigenous protestors as land-owning and politically minded equals is to find evidence of what Rancière (1999:31) calls politics.

4.2 Research design

The challenge was to find a research method that would work well with Rancière's concepts. The purpose of the research was to investigate whether "politics", according to Rancière's usage of the term, has occurred at any moment(s) in the mining resistance. A purely quantitative analysis is impossible to apply to the situation, though the research is qualitative in design. Rancière's methodology utilises archives of journals, newspapers, archival correspondence, and poetry written by workers and about workers in nineteenth century France (Rancière 2012). Rancière's concepts are brought to bear on protests interpreted using language and imagery on the parts of both protestors and officials. These conceptual tools reveal both intentional and inadvertent messages which shaped public

opinion. It is critical to collect data over time to see how the media and the wider community view the mining situation.

Participatory action research is one research design that would also be a useful approach. However, the current political climate surrounding extractive industries would not allow the researcher to safely enact such a design. One cannot inform people that there is a normative research agenda (the researcher could reveal only the topics of mining, resistance and how Rancière's theoretical concepts inform modes of success or failure) or engage with large groups of people (Liebmann & Rizvi 2008:122) as these actions would draw too much attention from the authorities, the state, or the mining officials.

Since Guatemala used to be a colonised country, and since many groups are socially vulnerable, this research uses a decolonial methodology. An ancillary goal of the research is to provide an opportunity for marginalised people to speak on the historical record without interruption (Caxaj et al 2014). Primary sources used in the study include Guatemala's national newspapers, personal interviews, reports published by NGOs, company press releases and public images such as photos, videos, video stills, signage, graffiti, and billboards.

4.2.1 Decolonial methodology

The decolonial methodology of Linda Tuhiwai Smith (2012), an indigenous scholar from New Zealand, was adopted as a model both because the researcher interviewed indigenous people and because Guatemala was formerly a colonised country. The researcher endorsed relinquishing full control of the interview by allowing subjects to have some say in how data related to them was gathered (conversation or open ended) and presented (how much to include about them and what they may want to leave out of the study in what they told the researcher; Smith 2012:17-18, 31, 122-125, 142).

A decolonial methodology works best when studying indigenous people, particularly in relation to power struggles. This methodology is used with countries that have experienced colonisation and are dealing with its effects, such as being a failed state, having an ineffective bureaucracy and dealing with corruption (Smith 2012:29). Guatemala also has these factors; in Ronald Inglehart's recognised dataset to assess general perceptions from 2017 to 2020, indigenous people viewed the Guatemalan state as unhealthy compared to other ethnic groups, and there was as much as a 10% difference in having "not very much" confidence in the judicial system compared to ladinos and mestizos (EVS/WVS 2020: Dataset). Guatemalans have little trust in the civil servants of an effective bureaucracy, with the

majority of Guatemalans stating that “most of the civil servants are corrupt” (EVS/WVS 2020: Dataset). Guatemalans were asked how they regarded corruption in their country in general, and 70% stated that it had the highest level of corruption (“There is abundant corruption in my country”) as opposed to only 0.5% who answered that there was no corruption in Guatemala (EVS/WVS 2020: Dataset).

The researcher used a decoloniality technique when conducting interviews by not using a rigid list of questions or a questionnaire but an analysis of meaning from the subjects’ points of view (Bruchac et al 2010:207, 209; Smith 2012:20). Research observation is not as trustworthy as the researcher’s participation in the moment; furthermore, subjects’ acknowledgement of this research and thesis was esteemed (Smith 2012:15-17). Statistical analysis is not usually employed in decolonial methodology, as surveys could devalue the complex meanings of participants’ own analyses; these meanings are, however, presented when participants are free to tell their stories (Bruchac et al 2010:207; Liebmann & Rizvi 2008:8-9, 103-105). Decolonialism does not focus on individual behaviours (constraints and actions) but on an individual’s behaviour and beliefs within the context of their community. In implementing decolonialism, the researcher works to write for the good of the community and to relay individual experiences in the context of the participants’ communities (Liebmann & Rizvi 2008:136-139).

Pervasive prejudice against indigenous people is an effect of colonialism (Bruchac et al 2010:204). Linda Tuhiwai Smith stated that decolonial methodology “means that there is unfinished business, that we are still being colonized (and know it), and that we are still searching for justice” (2012:36). Decolonial methodology assumes that indigenous people and nations share a social language and experiences as people who have been colonialised (Nandy 1989:42). Smith (2012:47) found that colonisers also have a common social language and common experiences. An awareness of these differences informs this research. This approach emphasises noting and addressing the cultural norms and values of a community in the larger colonial context (Smith 2012:15-16).

A decolonial methodology plays a role in centralising the perspective of Guatemala against Westernised preconceived notions of developing Central American states. It is important to acknowledge that Guatemala’s development tactics reveal its colonial past as a continuation of colonialism. The decolonialisation method points out a pattern of “land oppression” (or space oppression) imposed on communities by the mining companies (Bhattacharya 2018: Video). Guatemala has a colonial history of elites taking land from indigenous peoples and dislocating whole communities. The mining companies in

contemporary Guatemala continue to enter indigenous spaces and dispossess indigenous peoples of their land.

Rural and indigenous Guatemalans are the subjects of this research, and as the researcher is not Guatemalan and identifies with Western values, many cultural aspects were considered during this research. However, the researcher was not able to conduct this research in any indigenous language, and that fact reveals the lack of an ability to conduct the research in the ontology and vocabulary of indigenous people and their languages. A fully decolonial methodology is not possible without being able to conduct interviews in Guatemalan indigenous languages. Decolonising research aims to avoid analyses based on "colonial power-knowledge" or racial assumptions (Mora 2017:43). Conducting research in a postcolonial society presents challenges but adhering to a decolonial methodology is necessary. As a Western outsider looking in, social research of people in non-Western societies requires a continual non-ethnocentric mindset. This research does not conduct analyses or gather data "through imperial eyes" or through a racist, Westernised view of the world where indigenous groups and people are represented "as specimens, not as humans" (Smith 2012:58-59). Decolonial methodology is more aligned with post-structural or premodern paradigms, where people live according to differing sets of manners, beliefs, behaviours, and ideas not developed from a Westernised history (Smith 2012:169).

For example, it is important to note that over the course of history, the practice of naming territories, land and languages is a legacy of colonial domination (Smith 2012:53-54; Thomas 2000:4). This is a salient point for conducting research in Guatemala. Many indigenous people in Guatemala present such information based on where they or their family (parents and grandparents) have lived, and their birthplace may not align historically with their actual cultural group and language. If the researcher, during interviews, pressed participants to align their stories with Westernised concepts, it could suggest that the researcher distrusts claims of legitimacy. In the current study, interviewees tended to use general land area names instead of mentioning specific locations, and they did not necessarily claim indigenous identity.

On a smaller scale, a researcher's manner of interacting with interviewees, and people in the community generally, is critical. Smith (2012:124) presented guidelines for Western-oriented researchers. What is required is holistic attention on the part of the researcher as being "the other". Researchers must show respect for the community. Smith (2012:124) asserted that a researcher should be honest and present oneself authentically, should listen and watch before speaking and should be conscious of actions and personal space; in other

words, “do not trample over” anyone (Smith 2012:124). The researcher must understand cultural competency in a group setting and be aware of spaces and places significant to those whose home it is, where the researcher has placed themself (Smith 2012:52-55, 128-129). It is important that researchers do not flaunt their educational level or knowledge (Smith 2012:124). These principles were practiced when the researcher conducted interviews.

4.2.2 Decolonial method and Rancière

A decolonial methodology complements analyses which use a Rancièrian lens. A recurring theme in colonialised societies is that indigenous people are not considered fully human, having endured atrocities and marginalisation (Smith 2012:26-27). Rancière’s (1999:16, 72) concepts surrounding issues of hierarchical social status point to ways to break the hold of such systems. Decolonial methodology works to put the previously colonised society on an equal footing with past colonisers (Smith 2012:27-29).

The colonialists wrote history and wrote to talk about their successes (their raping, murdering, and looting the colonised). The history before the colonialist, the true achievements of the natives, has successfully been erased (Fanon 1963:79-80). History is a form of power (Smith 2012:35). Rancière asserts that the writing of history (i.e., the system of documentation and interpretation of the past) affects both the future and the well-being of society (Rancière 1994:8). This chapter argues that a decolonial methodology aligns with this paradigm where the history of colonialism in Guatemala is shown to continue in the form of mineral extraction and as restricted autonomy. The idea is that the coloniser has had the ability to write history and extrapolate the future of indigenous communities (Smith 2012:30-31). The Westernised view is that indigenous accounts are not valuable as historical material and are dismissed. There is also the idea that development has been pushed on indigenous people, or that history is, in reality, a history of development. In short, the historical record is incomplete (Smith 2012:31-34). Rancière (1989: xi) addressed these issues in *Proletarian Nights*; when discussing his research method of studying workers in nineteenth century France, he stated:

> [I had to] break with the habits of social science, for which these personal accounts, fictions, or discourses are no more than the confused products of a process that social science alone is in a position to understand. Their words had to be removed from their status as evidence or symptoms of a social reality to show them as writing and thinking at work on the construction of a different social world. That is why this book renounced any explanatory distance. It instead sought to create the sensitive fabric required to make this upturning of the order that keeps times and discourses in their

> place resound in our own present. That is why several theorists and historians deemed it to be literature. (Rancière 1989: xi)

Rancière's conceptualisation of Westernised history aligns with the use of a decolonial methodology. Data generation focused on the history of the words of the informants, on their interpretation of past social economic events in the community (Rancière 1994). Western sciences present history in terms of classification systems of people in a hierarchal order (Rancière 1994; Smith 2012:44-45).

To employ a decolonial method, Nolin and Stephens (2010:266) used the "testimonio" (a witness's statement) to empower silenced voices. Testimonies allow indigenous people to tell the stories of past injustices to the international community (Liebmann & Rizvi 2008:91-107, 117-120; Smith 2012:36). Samuel Steinberg (2007) wrote a review essay, *Resistances of Latin Americanism*, which connects Rancière's concept of the political platform to the testimonio. Steinberg (2007:266) found that the testimonio can be a form of resistance, where the subject stages a political act to be seen and heard. In connecting Rancière to testimonios, Steinberg argued that the act of giving a testimonio is a political platform – it is a "space of disagreement" (2007:266). Smith (2012:35) argued, like Rancière (1999: viii), that the courts and the justice system have never been in favour of indigenous people and that in contested history, the Western ideal has always seemed to triumph. The justice system is the police order's platform (Rancière 1999: viii).

Viewing the mining protests through the lens of Rancière, and being mindful of Guatemala's particular circumstances, can present insights about resistance patterns. Studying tactics of resistance, such as the use of language, images, physical space, and a posturing of agency, are key to Rancière's concepts and theory of power. This research offers insights as to what may work and what may not work for Guatemalans who resist mining. However, an important note to remember is not to create a formula that will work across all cultures. For finding Rancière's creation of politics, the actions of equality, "is not to dictate to the people where their interests lie or how their struggle is to occur. Rather, it is to engage in struggle alongside them, intellectually as well as politically" (May 2010:78).

Another colonial assumption is that a researcher or a study's findings should work to emancipate the subject (Smith 2012:167). Decolonial methodology, as well as Rancière's (1991:20, 35) theory of resistance, posits that one cannot emancipate another – only self-emancipation can occur. Outsiders cannot uplift a community. It is up to the people in that community to help and encourage others. Decolonial research intends to do no harm, provide

tools if needed and not attempt to be a saviour (Smith 2012:62-63, 167). In Rancière's (2012) study of workers and workers' protests in nineteenth century France, when workers protested, instead of asserting their demands, they protested to show that they had already claimed all the demands for themselves – they were simply asserting themselves as equals to the general public:

> For the workers of the 1830s, the question was not to demand the impossible, but to realize it themselves, to take back the time that was refused them by educating their perceptions and their thought in order to free themselves in the very exercise of everyday work, or by winning from nightly rest the time to discuss, write, compose verses, or develop philosophies. (Rancière 2012: ix)

4.3 Interpretation

The researcher identified patterns in Rancière's discussions of equality, power and social change which seem salient and applicable in instances of power inequality. The research looks at multinational metal extractive industries in Guatemala and the resistance by surrounding communities.

Each protest event covered by the media was systemically analysed based on the researcher's interpretation of Rancière's concepts and listed by the researcher. The information is presented in section 5.3.3.

The determination of a protest's success rests in achieving social change, which should demonstrate inherent equality. Claiming space, being seen, and heard, claiming a new identity, and making a whole system change its demands are key to creating politics. A whole system shift needs to occur, where protestors can be treated as equal to all citizens (Rancière 1999:31-32).

4.3.1 How to identify the police order

Since a police order enforces social ordering and power relationships (Rancière 1999:29), the researcher presented mines as police order entities. The researcher also continuously made sure that the mining company, as a police order entity, was not a wholly negative entity but a neutral entity (as a mine is merely a company, not a charity) by taking a reflexive role in the research (Project Planner 2017:2).

Protests take place in two different types of communities surrounding a mine: those which receive social benefits from a mine and those which do not receive benefits. As these two groups could be found to be in contention with each other, the researcher looked at the social order. Any justification for inequality between groups of people indicates the presence

of the police order. These are principal factors in evaluating the different levels of the police order.

4.3.1.1 Levels

As there are three different system levels of the police order – archipolitics, parapolitics and metapolitics (Rancière 1999:65, 68-69, 73-74, 85) – towns and mines were studied and labelled according to their level. Labelling focused on the social orders where everyone is counted and dissent is irrelevant; in other words, where all needs are met by society, thereby eliminating dissent. When labelling, the researcher also considered any signs that people thought that they have or had control over their livelihood, such as having their vote for or against a mine counted and recorded. Another focus of labelling was determining whether any corporate or government propaganda had been used to create fear to control rural towns.

Identifying which system level, the town or mine belongs to means analysing the response system of government officials, the Policía Nacional Civil (*National Civil Police*; PNC) force or mining officials to see how they handled dissent by the residents, where "dissent" means protesting or conducting consultas. Studying the maintenance of the police order involves looking at ways inequality is expressed in the community. The researcher noted systems of policing to discern instances where it was countered.

4.3.1.2 Consensus

As the concept of *consensus* (Rancière 2010a:129-132) focuses on the use of language to limit outrage and dissent by explaining to the public how to behave, this concept was used to best analyse the data by critically questioning the reasoning behind the mining companies' actions. For example, to find consensus, one could ask: What is the justification used by the mining officials to create passivity among the public? What do the mining officials say to the public?

4.3.1.3 The state

The state's relationship with the mine also indicates the level of the police order. Who provided the facts, statistics, and numbers to justify the mines' continued operation? What is the story the government and the mining companies tell regarding the metal extractive industry in Guatemala? What is the response to the indigenous people who do not want the mine in operation because of water and land contamination from mining waste? The mine

and the government might have their own statistics and findings to back up these claims, but where does the truth rest? This aspect of analysing the police order level is concerned with the manipulation of numbers, which constitutes attempts to turn false claims into understood facts (Rancière 1999:18, 112). These questions are relevant to the main research problem since they reveal the companies' responses to the protestors.

4.3.1.4 Police platform

The police order directs dissenters to voice their concerns, both privately and officially (such as in a courtroom), based on the state's Constitution or the mine's own rules. This could be in the form of writing a letter to mining officials or making a statement under oath in a court of law. These are called "theatres of dispute", and when they are hidden from the public eye (not televised), they are the platform of the police order (Rancière 1999:31, 62, 136-137), as the police order can already be seen and heard and already possesses the power of speech. The police order is seen in terms of labelling groups of people and emphasising how labels mark the power dynamics of the social hierarchy. The kinds of terms used – such as "rioters", "terrorists" or "protestors" – show the hierarchical power system of the rural community and the mine. Pro-mining parties or entities might be more likely to use "terrorist" than "rioter", as the former has greater weight; paying close attention to language can reveal a shift in social perception. These terms represent the police order's status quo of public opinion.

4.3.1.5 Institutionalisation

The police order institutionalises communities by creating new systems of control, such as hospitals, schools, and daily social activities (Rancière 1999:32-33). The researcher set out to see if the mine worked to institutionalise activities in the local communities. The researcher wanted to see if and how communal social behaviour changed since the mines began operating. Through interviews, this research gained insights into the daily lives of people living in a mining town, such as where they bought their groceries (any mining company-owned grocery store), where they sent their children to school (which was built by a mining company) and what social programmes or health clinics/hospitals (created by a mining company) were available to and used by the local community. Most importantly, the researcher wanted to know if these institutions improved social resources for the community or harmed the community, for example, if only certain members of the community could access these institutions, potentially creating conflict within the community.

4.3.2 How to identify politics

Rancière articulated what achieves politics and equality and how in each situation the actions to create equality will look different for everyone. Specific actions can be observed when protestors try to break apart existing power relationships within a system (Rancière 1999:42). The researcher looked at protest design and any crafted language to determine if the mining resisters created politics or only reinforced the police order. Such actions included claiming a political platform which allows visibility where one does not belong socially, using a strong slogan or chants to challenge assigned inferior positions, declaring a new identity alongside an old identity via speech (for instance, an identity where one is equal in society) or displaying imagery including signs, banners, graffiti, or dress to assert inherent equality.

4.3.2.1 Ten Theses on Politics

Since all of Rancière's (2010:19, 27, 29-31; 34-37, 39, 41, 44) ten theses on politics must be met to be able to find politics, the researcher analysed protest events to determine which elements achieved politics and which came close to achieving politics. Some elements of politics were difficult to analyse, such as element four, which concerns democracy; the researcher tried to assess whether the community surrounding the mine had democratic principles (establishing equality within the community), such as conducting consultas (where everyone's opinion matters), or if the mine conducted a vote instead of the community. As another example, Rancière's seventh point addresses the artificiality of the police order. Politics was viewed as being created when a protest event demonstrated the equality of people; that is, when the protest revealed how unnatural and unnecessary the police order is.

4.3.2.2 Identity

Slogans and imagery play strong roles in creating a new identity alongside an older identity for marginalised people (Rancière 1999:30). If protestors can make themselves seen using additional social markers, such as being land-owning and politically aware protestors instead of being labelled with false prejudices, they will be closer to creating politics. For Rancière, it was the marginalised, the workers, who "were the revolution, both discreet and radical, . . . [who] wrenched themselves out of an identity formed by domination and asserted themselves as inhabitants with full rights of a common world" (2012: ix). Politics occurs

when the action of resisting is a demand to be viewed as equal to the rest of society rather than a request for rights for only a certain group (Rancière 1999: viii-ix, 32).

4.3.2.3 The political platform: Being seen and heard, having speech

The political platform comprises the protestors' newly created physical location for dissent. For example, by examining language according to Rancière's (1999:52-54) thinking, one can take from his concept of politics the idea of a platform, a staging of politics where inherent equality is seen. Keywords which describe the location of the event, such as "tents", "platforms", "entrance of mine" and "roadblocks", represent the Rancièrian (1999:52) concept of the political platform. These keywords were among the words searched in the media. Being seen can involve the protestors' location(s) as well as the use of banners, handheld signs or even the use of public radio. If protests occurred inside the walls of the mine, not just at the entrance, during working hours, then the disruption would not be seen by the public (or the media) and the event would be silenced by the mine managers; therefore, politics would not be created. The concepts of *voice* and *speech* concern the protestors' slogans or chants used during any event of resistance that are seen by the public or at least recorded. It is important that the protestors are seen by the public and have time to be heard by the public for politics to be created (Rancière 1999:30).

4.3.2.4 Public opinion

The "emancipated spectator" refers to the enlightened opinion of the public; once the groups falsely labelled "inferior" gain new identities (which accompany their previous identities), the public will view the "inferior" groups' grievances and social ideas as their own (Rancière 1999:53). Gauging the public's opinion of the mining protests was accomplished by screening for keywords, loaded terms and shifts in terminology. Newspapers presented accounts of events, and comments made (either online or in print) were invaluable in disclosing the attitudes of a demographic.

4.3.2.5 Universal equality and intelligence

It is important, if politics is to be created, for protests to reflect equality, including equality in intellect, not just a new identity (Rancière 1999:34-35). Satisfying this equality clause is the message that the "emancipated spectator" receives from the protestors; in other words, the audience should believe that the grievances of the protestors are their own grievances as well. Equality is visible when indigenous people are viewed as articulate,

political, and land-owning Guatemalan citizens. The researcher looked for resistance in slogan use, collective chanting, speeches, graffiti, body language, signs, and symbolic acts to demonstrate anti-mining sentiments.

The researcher looked for indications that a greater portion of society began viewing the anti-mining movement's concerns as its own. Comments related to articles in the media, statements from government and company officials and limited personal interviews were analysed.

If the public would view the local protests as a national concern worthy of support, it would indicate a change in the status quo. Specifically, resistance based on equality is the act of having the anti-mining resistance become a national concern, not only a community's affair. The researcher interpreted the concept of creating politics to mean that participants in the anti-mining movement should be accepted as citizens who raise legitimate national concerns.

4.3.3 Conceptual list

This conceptual list focuses on the major concepts of Rancière's political theory. The events analysed are viewed through the lens of each of these headings.

(a) Politics (equality) or Police (inequality) in general
(b) Space claimed or taken away
(c) Seen or unseen
(d) Heard or unheard
(e) Speech or voice
(f) New identity or stereotype-ridden identity
(g) Lasting equality or continued inequality

Rancière has discussed in various texts how to interpret equality and power dynamics using his concepts. Each protest moment was systemically analysed based on the researcher's interpretation of Rancière's concepts. The list below identifies which Rancièrian concept was at play during a particular protest event. The list allows protest events covered by the media to be assessed. The researcher attempted to identify when an element of politics had emerged in a protest (labelled as "result" in the list) upon closely reading interview transcripts and media accounts.

The concepts of *politics* and *police* represent the types of Rancièrian concepts the resistance achieved, or failed to achieve, as well as why the resistance experienced this

outcome. These concepts represent whether the resistance event produced a breakthrough to politics or an enforcement of the police order.

The concept of *space* refers to where the resisters positioned themselves to protest relative to mining or government officials. "Space" can also refer (if the event reinforced the police order) to the PNC's or the mining officials' physical area of control or how they positioned themselves against the protestors or resisters. The enforcement body could take away the resisters' space – their autonomy. When the police order forms physical bodies to control groups of people, this is called the *petty police* (Rancière 1999:28). Also, the location of a protest indicates a non-incremental improvement in the circumstances, the shifting of a whole system until protestors are treated or viewed as equal to all citizens.

The terms *seen, heard* and *speech* relate to Rancière's concepts which must be checked off before resisters can achieve politics; otherwise, they are simply reinforcing the police order. If any of these terms (*unseen, unheard* and *voice*) are checked for the police order, then the event reinforced the police order. If all of these terms are checked off, then the police force is weak, since a more forceful police order means a weaker one; this will be noted and fully explained in the "results" column. "It is the weakness and not the strength of this order in certain states that inflates the petty police to the point of putting it in charge of the whole set of police functions" (Rancière 1999:28).

Some of these concepts overlap to some degree but understanding the concepts as separate can reveal the power in use. For example, using a "space claimed" (a public platform where the resisters are not allowed, having been deemed "inferior") to become visible to the wider public, to be *seen*, means that protestors are closer to creating politics (Rancière 1999:38-39). Claiming a space (such as a roadway or public land space) and being seen (being visible to the public) are two concepts that can overlap.

If the protestors can create a new positive identity to lay over negative stereotypes, for example, via certain chants, labelling themselves as a certain group or using imagery, they are closer to creating politics. The "identity" concept, in the case of a police order, can explain how the police order damages the reputations of the resisters (by reinforcing stereotypes though the media; Rancière 1999:36-37).

Determining whether a protest moment was successful in achieving a degree of politics rests on a discussion of lasting equality. The concept of "equality" implies that a resistance movement has caused society as a whole to view specific issues as being relevant to them too – when protestors are viewed as equal to a larger society. For example, clean water is a universal issue and can be used to create a shared grievance. Equality overlaps with

creating politics. Lasting equality means that future results will be in the resister's favour – the lasting creation of an equal society.

4.4 Data collection

Sources of data included interviews and content analysis, as these sources best gauged the public's perception of the mining conflict. Information about the mining resistance was collected from both past and current resistance events, and the time frame for researching print and media sources was 2016–2019. Earlier events were analysed if they were referenced in this set of sources. Data collection for interviews occurred during this same period, from 2016–2019.

All data from the research went through a triangulation process of data analysis and evaluation. Triangulation is the act of using several methods of data collection (such as interviews, observations, and media content) to measure the same hypothesis (Frankfort-Nachmias & Nachmias 2008:188). This allowed negative cases to be acquired for further analysis. A type of semiotics (the study of signs) called *semantics* (the use of signs and symbols and their meanings; Audi 1995:799) was part of the analysis of the resistance which revealed changes in views in the media according to the language used. To eliminate confusion, the researcher differentiated between who was speaking for an organisation and who was speaking as an individual for both print and media sources.

4.4.1 Sampling techniques

The goal of sampling was to obtain a general viewpoint of the mining conflict and how it has affected Guatemalans' lives. Subjects were not randomly selected; they were selected for interviews through a mix of convenience and snowball sampling. As it would have been considered impolite for the researcher to ask for consent outright without a formal introduction, most interviews were requested and planned at least a year ahead of the actual interview.

4.5 Interviews

The researcher conducted interviews (in Spanish) with residents living in the communities surrounding the mines and outsiders who had lived in the area during the development or operation of the mine. Interviews in Spanish also included members of the public who lived outside the mine but had heard of the issues pertaining to the mine through personal connections or media accounts.

On 7 May 2016, the researcher consulted, by phone, Castillo, an attorney who is knowledgeable about Guatemalan civil rights. Castillo stated that though the Guatemalan Constitution gives indigenous people legal rights and equality before the law, the law is practically ignored. Rural indigenous communities create their own justice system, and national and local law enforcement do not intervene (Castillo personal communication 7 May 2016).

The researcher also consulted, in person, Judith Maxwell, an anthropology professor at Tulane University (New Orleans, Louisiana) who teaches Guatemalan indigenous languages and cultural studies at Casa Herrera. The meeting on 17 July 2017 at Casa Herrera in Antigua (part of University of Texas at Austin), Guatemala, was about best practices when interviewing indigenous people in Guatemala (Maxwell 2017:17 July). The researcher met Maxwell while attending the Guatemalan Scholars Conference held in Antigua, Guatemala, on 13–14 July 2017. After hearing Maxwell's presentation on indigenous legal rights, dress and language, the researcher approached her for permission to meet.

Maxwell (2017:17 July) stated that it is important for the researcher to be completely honest about the research and discuss any safety issues. Maxwell (2017:17 July) covered several points related to social and cultural issues when conducting interviews, such as anonymity, social status, and gender issues.

She noted that some indigenous people would agree to be recorded while others might not. She mentioned that some indigenous people may be wary of having their identity taken away by a stranger who might misuse their words on paper. Maxwell (2017:17 July) also stated that some people may not be able to sign their name or wish to hold a pen, even to write an "X" as a signature, so oral consent would have to be accepted in these cases. Some might also ask that their name be used publicly despite the risks, and this would be appropriate, as "respecting their wishes, and giving people credit when they ask for it, is critical" (Maxwell 2017:17 July).

Maxwell (2017:17 July) also revealed that being married with children helps a researcher gain trust in a rural community and bringing children along for the interview keeps tensions and nervousness down. The researcher only interviewed women alone and when interviewing men, the researcher had another person (either a male or female) witnessing the interview in the same room.

Basic guidelines for conducting interviews included: do not approach people (let them come to you); be respectful of elders; do not smile too much; be calm and professional without acting like a government official; do not touch anyone; and only interview people of

the same gender as the researcher (or have another person present during the interview who is the same gender as the interviewee). It is important to not interview pregnant women if the researcher has light-coloured eyes because some interviewees might hold the belief that light-coloured eyes can harm a pregnancy. Similarly, it is believed that light eyes which look into children's eyes could hurt the child's physical and mental health. It is important generally that a foreigner does not pay too much attention to children due to fears of kidnapping (Maxwell 2017: July 17).

Mariana Mora (2017), a decolonial researcher, described the difficulties of conducting interviews with tight-knit communities who have been misrepresented by the national and international communities. Mora (2017:7) conducted research in nuanced ways to enable interviewees to discuss topics and issues outside any formal lists of questions. This showed respect for the speaker and recognised the person's experiences and views. Mora (2017:8-9) argued that the researcher should not be neutrally positioned on a controversial topic when interviewing indigenous groups, which might be viewed as suspicious among the community.

This study consisted of natural conversation and open-ended semi-structured personal interviews. Interviews were collected according to convenience and snowball techniques, and interviews involved activists, mining officials, politicians, residents, and members of the public. Interviews were conducted both in private homes and in public spaces. A Spanish/English interpreter, A. Corado, was present for the interviews. Corado was an interpreter and driver for ten years for a medical organisation working in Guatemala that sent medical teams from the United States and set up medical clinics in rural areas in Guatemala. The use of an interpreter ensured that there would be no confusion about the questions asked or the corresponding responses.

4.5.1 Reason for the interviews

Interviews are appropriate for the collection of rich and detailed data. Interviews allow subjects to provide detailed and nuanced responses. The data derived from interviews helped the researcher juxtapose that information with the information given to the public through the news media and other accounts. Some interviewees mentioned information which contradicted news sources, while some interviewees confirmed facts from newspapers and NGO reports. All conflicting accounts were addressed in the analysis, and all accounts were independently assessed.

Interviews provided detailed reports from the people directly involved in the extractive industry and in protests. Interviewees gave the researcher an idea of how the

people living near the mine, as well as the public in general, perceived what they knew or heard about the controversy surrounding the mine. From this, the researcher could better understand the activity or effectiveness of the resistance movement (or a particular protest) as well as the public's views of it. However, as the interviews were all conducted in Spanish, the colonial language of Guatemala, it would have been invaluable if the researcher was able to conduct some of these interviews in the native language of the interviewee to avoid a colonial bias.

Personal narratives are a key element of decolonial methodology. Narratives, where the interviewee speaks without interruption for the whole interview, are an alternative to the standard question-and-answer format (Smith 2012:144). To warrant a call of agency to the interviewee, the following questions were asked: What needs to be done to fix this conflict? What does the mine (officials and workers) need to do? And what do the protestors need to do? The interviews (and the statements from the indigenous community and the public) were the main components of this research (Kanagala 2018: video). The researcher worked to study with the participants rather than study the participants themselves (Bhattacharya 2018: video).

This research assumes that the community's actions and slogans were not influenced by factors outside the community. The researcher also assumed that the participants were agentic (Bhattacharya 2018: video). In transcribing participants' responses, the focus was on issues of identity and expressions of empowerment or disempowerment. The researcher analysed the subjects' views of their own actions of resistance and how they thought society viewed these actions.

Participants identified as either indigenous or non-indigenous – interviews allow direct self-identification, whereas the media often assigns identification. There are three main ways for indigenous people to self-identify. One way is using the legal census, by checking off the box for "Other". This first form of identity, the census, identifies individuals according to their relation to inhabitants of the land before colonial settlers arrived based on a UN report (UN & Martinez 1987:7, 11). A second way to self-identify is to present markers such as clothing, language, place of birth and shared history. This second form is used by indigenous leaders who represent their tribe or global indigenous groups (Bruchac et al 2010:34-37). This second form seeks international recognition, where "their cultural markers gain self-conscious significance the more they are diminished" (Bruchac et al 2010:37).

The third form of self-identification allows participants to write their own answers (Bruchac et al 2010:34-37). This research uses this third form of self-identification (Bruchac

et al 2010:37). This path views indigenous identity from a non-essentialist view, according to a "hybridity of identity" (Liebmann & Rizvi 2010:106). Self-identification is a way for an academic to collaborate with a community, specifically, the indigenous community, when conducting research (Smith 1999:186-187).

The researcher used gatekeepers with no stake in the mining conflict to acquire information about how to best access participants who would willingly offer information about the social context of the mining industry's presence. The researcher relied on Isabel (the contact for an indigenous resident from Marlin mine) and Catalino (the contact for San Rafael mine workers) to help with introductions and to ensure that individuals offered informed consent. Isabel self-identifies as an indigenous woman from the Coban region of Guatemala, and she is fluent in the indigenous language Q'eqchi' as well as Spanish and English. Catalino is from Santa Lucia, Esquina department, self-identifies as non-indigenous and is fluent in Spanish and English.

4.5.2 General questions

From 2016 to 2019, the researcher followed a particular interview pattern when traveling to Guatemala on a yearly basis. Every year for four years, the researcher arrived in Guatemala in May and stayed until August. The researcher used the first two weeks of May to become oriented with the immediate situation involving the relationship between protestors and mining companies by watching the news and reading newspapers. This was done to assess possible security issues to modify plans if needed. In the third week of May, the researcher conducted one interview to further assess the security situation. In the following weeks, the researcher conducted interviews roughly every other day; this allowed sufficient time for transcribing after interviewing. This pattern was repeated for June, July, and part of August. The remainder of August was reserved for possible follow-ups. Each year, the researcher assessed the situation and proceeded with this general interview protocol.

All interviewees signed a letter of consent before the interview was conducted. Interviewees were asked beforehand if they wanted their name to be used; if they declined to use their real name, then an arbitrary number or an ambiguous identifier was assigned. The ambiguous identifier was also used in notetaking during the interview. Occasionally, personal notes of other identifiable descriptions were used but were only viewed by the researcher and were stored in a locked safe. Interviews were audio recorded only if allowed by the participant. Participants were informed beforehand that they had the right to withdraw from the study at any time and that their interview material would not be used.

Immediately after an interview, the researcher wrote a detailed description of the interview. Each interview lasted between 20 and 120 minutes. Interviews accommodated the participants' time constraints and availability.

To try and get as close to the main research problem as possible, the researcher focused on several questions during interviews, but the main research problem was this: How do anti-mining protestors achieve or fail to achieve politics, a point where inequality is seen as a false construct?

Meta interview topics included the effects of the mining industry's presence on family and friends, the mining industry's effects on the community, the role of the resistance movement, if any, pertaining to mining activity, the strategies used in resistance, the role of leadership in the movement and perceived changes. Other meta questions included the following: What do you do to avoid the mine? What could the mine do to make you enjoy living in its presence? These questions get to the heart of the issue of the police order's power. If the subject replied that they try to walk away from the mine, avoid turning their head in its direction or avoid the workers/officers/guards, then they actively resist the mine. In other words, they are trying to avoid the police order.

The question set was formal, as this topic is sensitive and many of the questions can have double meanings. The researcher used the question set as a general list for open-ended questioning. Following the decolonial methodology approach, the researcher was open to responses in the interview which were not topics included in the question set, as directing the conversation back to the question set could create a loss of vital information and a loss of rapport (Mora 2017:7). Indeed, in the experience of the researcher, turning the conversation back to the question set would have meant silencing the speaker.

4.5.3 The question set

The question set and pre-interview questions are in English and in Spanish. Not all questions were asked of every interviewee, and the questions were not necessarily asked in the order that they appear in the appendix. Rancière's (2010:19, 27, 29-31; 34-37, 39, 41, 44) "Ten Theses on Politics" was used in the conceptual list for the occurrence of politics and noted in the results where one element was found to be either weaker or stronger than the other. The researcher used the questionnaire to attempt to capture certain factors. The goal was to identify when a resister claimed a new identity (and one which asserted equality with the rest of society) and created a new platform.

Some informants were supportive of the mining operations, and some were not. Most of the informants, both male and female, were between the ages of 30 and 50 with some identifying as indigenous. Some of the informants lived near a mining company and some were active protestors.

4.6 Media sources

Several media sources were analysed and are listed in this section. However, the reasons for these types of sources will be addressed in the following subsection, 5.6.1, followed by the mines used in the study for evaluation in 5.6.2.

Beginning in October 2015, textual content was collected and logged. The content was reviewed as it was published. Sources included Guatemalan daily national newspapers (with newspaper sources including *Prensa Libre*, *El Periodico* and *La Hora*), NGO reports and trade journal reports. These collections appeared either online or in print.

Newspaper articles were analysed for information pertaining to mining, protests, resistance and counteractions from mining companies and court cases. Opinion pieces were also included which contained nuanced information about the mining situation.

NGO publications included *El Quetzal* (published by the Guatemalan Human Rights Commission), reports from *Human Rights Watch* (part of the UN, specifically, Guatemala's Human Rights Commission) and *Rights Action* and *Mining Watch Canada* (Canadian organisations which report on the extractive industry in Guatemala). Other NGO publications included *ReVista* (Harvard Review of Latin America) and *Cultural Survival* (for indigenous rights around the world).

Trade journals included *Mining Weekly*, *Motley Fool* and *Mining.com*, which cover investor news regarding mining operations around the world and in Guatemala. Court cases pertaining to mining in Guatemala were tagged as well as new mining companies in Guatemala that were newly operational or preparing to sell.

Search terms included *mina* (mine), *minero* (miner) and *mineria* (mining). The researcher used these keywords to search news sites and NGO publications which addressed Guatemala. The researcher also formatted an email alert for Google News for "Guatemala mining" and "Guatemalan mining". There were often different results for each search term, as Google Alerts often only presented articles with titles exactly matching the search terms. Thus, these two search terms, "Guatemala mining" and "Guatemalan mining", resulted in different articles. However, when searching these Google Alert terms, the results were the same between the terms and yielded the same articles. The reason for this could be that the

terms “Guatemala mine” and “Guatemalan mine” usually presented news for one type of mine for that day, whereas “Guatemalan mining” is a more general term that covers the mining industry in Guatemala, and “Guatemalan mine” focuses on one mine.

4.6.1 Rationale when selecting media sources

The media both reflects and shapes public opinion. Media accounts are evidence of protests’ impact on public opinion, both in revealing a baseline of attitudes about protestors and revealing possible shifts in public attitudes. Media sources helped the researcher discern what images of protestors and what overall message is presented by the media to the public about the conflict (Frankfort-Nachmias & Nachmias 2008:296-297). General messages from the media to the public could be that mining is good for the economic health of the country but that protestors do not understand this fact. The media could also report on protestors’ effectiveness on halting mining in their communities. The researcher scanned the content to discern how media reports analysed the resistance movement.

Statements from mining officials, community leaders, activists and the public provided virtually unfiltered text which the researcher could comment upon. Multiple text sources permitted the cross-referencing of public/private comments for a single event (or person or organisational entity) to reveal the inequality and tensions at play. The researcher collected these media content sources to the point of saturation.

Most Guatemalan newspaper articles tended to be pro-government and pro-development or would take a neutral stance on local mining issues, though some regular columnists, such as Magali Rey Rosa for *Prensa Libre* and Irmalicia Velásquez Nimatuj and María Aguilar for *El Periodico*, regularly wrote reports on anti-mining groups. Generally, newspaper reports were unbiased, informed the public and provided the majority of content for this analysis. The comment sections of news stories published online were also scanned for evidence of social attitudes towards the resistance to see if any patterns emerged. Trade journals in general were biased with a pro-mining perspective, but most of the reporting tended to be more informative and detailed concerning the business practices of the mining companies, which newspaper reports did not cover.

4.6.2 Mines studied

Metal mining companies in Guatemala with substantial reports in the media regarding resistance to them are listed here. These mines were covered in both national and

international newspapers because of significant community resistance and civic and corporate responses.

- Fenix Nickel Project (also called the “El Estor Mine”) was a Hudbay Minerals corporation that was bought in 2011 by a Swiss and Russian owned mine, Solway Group, for USD 170 million (McCrae 2011:1). Solway’s Compañia Guatemalteca de Niquel (CGN) mine began mining operations in 2014. The mine is in the El Estor region of the department of Isabel and produced “over 1,000 metric tons of nickel in ferronickel each month” (Solway Group Fenix Project Guatemala 2021:1). Fenix/CGN paid under USD 2 million in tax in its first four years of operating in Guatemala, and while it was stated that the mine would pay 15% in royalties tax, this was never implemented (Garside 2019:1). The company had 1,936 employees and hundreds of Guatemalan contractors (Solway Group Fenix Project Guatemala 2021:1). In 2020 it was suspended by the Constitutional Court.
- Marlin mine, a Montana Exploradora de Guatemala company, was a Canadian mine owned by Goldcorp. Marlin mine is in the Sipacapa region of the San Marcos department. Marlin mine began operating in 2005 and ended operations in May 2017, but Cerro Blanco (Goldcorp’s other mine which was shut down due to the contamination of water that runs into El Salvador) plans to begin new operations in 2021 (Saywell 2018:1). Newmont Mining Corp. bought Marlin mine for USD 10 billion in 2019 (Jamasmie 2019:1). The reported profits in 2013 were USD 447 million, and the operation produced 202,200 ounces of gold (Wooding 2015:1). The majority of the workforce, 95%, was from Guatemala, and no more than 10% of the workforce was from outside the country. In 2011, Marlin mine had a total of “2,300 people with a payroll in 2011 totaling over $23.1 million. Approximately 70% of employees are Mayan indigenous residents of San Miguel Ixtahuacán and Sipacapa and 98% are from Guatemala” (Market Watch 2011:1). In 2016 the mine had 1,355 workers from San Miguel and Sipacapa. The total workforce at the mine was 1,440 employees. The population of San Miguel and Sipacapa combined is 4,300 (Garcia 2016:1).
- The Escobal Mine was part of the San Rafael corporation and began operations in 2014. It was an American-owned mine through Tahoe Resources. The Escobal Mine is in the San Rafael La Flores region of the Santa Rosa department and produced 21.2

million ounces of silver in concentrate in 2016. Also, in that same year, "Minera San Rafael employed 1,030 people at the mine. Approximately 97% of these are Guatemalan and nearly half of them come from the Santa Rosa region" (Mining-Technology.com 16 January 2018:1). The mine was suspended on 5 July 2017, and Tahoe Resources was bought by Pan American for USD 1 billion a year later; however, Tahoe was able to keep some shareholding profits (Jamasmie 2018:1). "Pan American noted its investors will own about three-fourths of the merged firm, while Tahoe shareholders will hold the rest and may elect to receive USD 3.40 in cash or 0.2403 Pan American share for each Tahoe share held" (Jamasmie 2018:1).

- El Tambor mine, owned by Radius Gold (in partnership with KCA, which owned 51% in 2009; Radius Gold 6 October 2009:1), began development in 2004, started operations in 2012 and was suspended in 2016 (Radius Gold 11 May 2016:1). The mine produced 150 tonnes per day of gold and silver (52,500 tonnes a year; Radius Gold 27 February 2012:1). It is not known if any local community members ever worked at the mine. Volcanic Gold Mines bought El Tambor mine on 1 June 2020 (Radius Gold 1 June 2020:1).

Reports and press releases from the mining companies themselves were assumed to be their direct statements to the public with the goal of presenting a particular image of the company. The researcher documented all mining company reports for these mines as well as the descriptions and language used by NGOs and in news reports.

4.7 Issues of trustworthiness

The researcher noted ongoing changes so the study would be as dependable and reliable as possible. Interview subjects were from a variety of social groups to improve dependability. Groups included mining officials, politicians, local people, and the public. All interviewees were asked questions which revolved around the issue of identity and the perceptions of the mining conflict, including issues of equality.

It was not possible to conduct interviews to the point of saturation, though this was possible for the content analysis. This method is as conformable ("objective") as possible, as anyone who might conduct this research would achieve similar results. Recorded interviews were transcribed from Spanish to English and are conformable at least to such an extent. Content analysis is the most conformable, as the content had already been written and was not subject solely to the researcher's interpretation. The researcher continued checking media

sources to be as current as possible and to check for new data which might contradict any previous findings.

Regarding issues of trustworthiness, this study is credible, as the researcher recorded what was heard and observed in the interviews and presents the material as it was given (Denzin & Lincoln 2000:881). The research is transparent, as interpretations occurred after the process of transcribing and represent the researcher's own interpretations.

The data collected is open for inspection to double-check the researcher's interpretations of the data (Gillham 2000:78). Cross-checks were periodically performed throughout the research process through "member-checks". This means that unbiased outsiders, including G. Castillo, Juris Doctor degree, and G. Graves, Appalachian coal mining scholar with a PhD history, read through interview transcripts with all identifiable information inked out or deleted to protect the confidentiality of the interviewees (Denzin & Lincoln 2000:393).

Omissions of any quotations are explained and justified by the researcher as stand-alone quotations (Gillham 2000:78). These types of quotations are detailed in endnotes in the following analysis chapter.

The research is generalisable as its goal was to gather information on the best strategies and approaches for subordinate groups to effectively resist oppressive sources of power. Specifically, the researcher examined how Guatemalan indigenous people facing social barriers can gain political leverage against multinational corporations. The research is transferable (has external validity) as it focuses on marginalised groups resisting multinational corporations through the lens of Rancière's concept of creating politics using "thick description" (Lincoln & Guba 1985:125; Denzin & Lincoln 2000:21). *Thick description* means recording highly detailed information that may or may not be initially necessary but is later evaluated for possible use for enhancement of the analysis (Lincoln & Guba 1985:125; Denzin & Lincoln 2000:21).

4.8 Safeguards

The researcher took several steps to ensure all participants' (and non-participants') right to privacy throughout the research process and after publication. The researcher informed the participants of the risks and dangers resulting from their participation in the research project (Frankfort-Nachmias & Nachmias 2008:76-78). All subjects interviewed were 18 years of age or older. Subjects could not be "fully informed", as the researcher cannot predict all possible risks and details of the research until finalised, but were

"reasonably informed" of the intent and purposes of the research, as much as the researcher knew to explain before an interview was conducted (Frankfort-Nachmias & Nachmias 2008:75). Subjects were informed that their participation in the research was voluntary, including throughout the interview and the research process (Frankfort-Nachmias & Nachmias 2008:74).

The topic of metal extraction is controversial. For some participants, the risks may have been too high and may even have outweighed any benefits. The risks included an outsider or outside group being able to identify the subject by the date of interview, age range, gender, or voice (if the recordings were made public by the terms of publication of the University of South Africa). Risks to participants could include threats to their physical and psychological well-being as well as the loss of social status in their communities.

Some interviewees declined to write either their name or an "X" on the permission document but orally agreed to be interviewed and recorded. All the interviewees decided when and where to be interviewed and whether they wanted the interview to be recorded. The participants were informed of their right to privacy both during and after the interview. Sensitive information (such as income, sexual orientation, or religion) of participants was never noted, recorded, or disseminated by the researcher. After a subject consented to be interviewed, the subject was informed before the interview that they could stop and decline to answer any question at any time. After the interview, the subject was again informed that they could withdraw their participation at any time before publication. The researcher would delete all notes taken regarding the interview and any related recorded information on the subject. The subject was informed that if they wanted to be anonymous, the only identifying description of them would be their gender and approximate age (e.g., 20s, 30s). Before a recorded interview, the researcher asked subjects to avoid identifying other people during the interview too specifically. Further, if interviewees talked about other people they knew, all identifying descriptions were edited out from the transcripts.

4.9 Conclusion

The methodology did not incorporate any data involving social media, including from Facebook, Twitter, or YouTube, as there was insufficient time and resources to verify these posts and it would have been difficult to credit the creator of the video or photo, the poster of the media and any people in the video or photo. Another research study concerning the social media aspect of the mining conflict could be conducted to show first-hand accounts of resistance events, as long as the posts could be verified. Unfortunately, the inclusion of media

posts is beyond the scope of this research.

Chapter Five: Findings

5.1 Introduction

These findings illustrate a strong opposition presence to the metal mining industry – where protestors want the mining companies to provide the whole community with jobs (if unable to be self-sustaining on their land) or resources (schools and hospitals) or to be ousted altogether – and present the industry's response to its opposition. This analysis of protestors' behaviours, slogans and images is rooted in Rancière's theory of resistance. This study specifically examines how the rural indigenous people of Guatemala, with their social barriers, can gain political leverage against multinational corporations. The goal is to find instances when resistance tactics shifted preconceived ideas of inequality to include an awareness of respect and equality on the part of the larger Guatemalan society (such as achieving a reaction from the Guatemalan courts resulting in the suspension of a mining operation). The anti-mining movement would have to somehow show that the mining company was out of its depth working on their land in an environment such as Guatemala and that the company did not belong there. This research uses a Rancièrian approach to better understand how protestors can gain traction in a variety of contexts and venues using a variety of actions.

Sections 6.2 to 6.7 describe the concept of the police order, the levels of the order, how policing operates on a false consensus with the masses, the interrelation between the police order and the mine, the police order's platform for allowing for dissent and how institutions become the police order in the case of the extraction industry in Guatemala. These sections focus on the mining companies' behaviours and their connection to the police order's tactics. The subsequent sections discuss resisters trying to break out of the police order to create a new identity and the difficulty of addressing a wrong. The three different policing levels that mining companies use to retain their power – archipolitics, parapolitics and metapolitics, with archipolitics and parapolitics being the most common methods – are woven throughout the sections when analysing the police order.

Sections 6.8 to 6.13 analyse several examples over time, presenting the tools needed and the processes to be followed for resistance groups to oust a mining company. The sections and subsections to follow analyse the following topics: protest events, the acts of countering or reinforcing the police order's tactics and the moments which potentially create

politics. Rancière's "Ten Theses on Politics" defines the role of politics, and this analysis describes (in no particular order) how one can see politics being created; all ten theses are requirements for politics to be created. Then Rancière's method of research to find hidden meanings and logic is addressed in terms of the power dynamics of the mining company and its resistance. The last section, 6.14, summarises these findings and concludes with a discussion of the process to equality for each of the four mines and their respective protest movements.

5.2 The police order and the mining companies' responses

The four mining companies used various reactionary police order methods for dealing with the creation of politics. These forms included using the same language as the mining protestors but imposing different meanings (Barnett 2010:23; Disruptmining 2018:1), the use of passive-aggressive language to assert power, such as presenting themselves as always within their legal rights (Goldcorp Human Rights Assessment 2010), the use of the civil police force to maintain control, for example, to keep protestors from entering into a social space where they do not belong (Petit 2017:1; *Prensa Libre* 25 October 2012:1), pressuring the government and the judicial system (Brown 2019:1; Gándara 2018:1; Herrera 2018:1), controlling the media's message (Diario La Hora 2017:1; Petit 2017:1; *Prensa Comunitaria* 2019:1) and crafting misinformation to promote confusion or fear in the local community (X personal communication 26 July 2016; *Prensa Libre* paid advertisement 2016:35; Rees 2012:1).

A mining company typically hires local employees to pacify the community, and they support only one or a few communities to make them feel fully supported. Local employees are the first to be let go if the company is downsizing or is in suspension (G.S. personal communication 8 March 2017). Mining companies get their workers to protest a mine's closure, pressure the courts in the form of newspaper announcements and influence the federal government to impose a state of siege in areas of mining resistance (Cardona 2015:1). These are signs that the status quo has been affected which show that the police order has been weakened.

5.3 Disagreement as renaming

People who believe in the police order system obey the system. The mining officials put in the effort to convince the locals to believe in the police order system. The protestors use the same language and the same arguments as the mining companies and are entirely

aware of the environmental and social consequences of a mine. The concept of Thesis One is for protestors to create their own space and terminology; the residents near the Marlin mine call the mine "La Roca" (*The Rock*; X personal communication 26 July 2016). Some living near the area do not refer to the mine as "Marlin mine" or even recognise the name "Marlin", so in referring to the mine as The Rock, they are naming their opposition. A rock perhaps symbolises a strong entity that will not go away, break, or be overpowered despite any efforts to do so.

An example of the police order renaming their own actions is Goldcorp's slogan "Disrupt Mining", which demonstrates the mining company's worldview, which is entirely different from the protestors' views. "Disrupt Mining" (not related to Rancière's term *disruption*) is a phrase used by Goldcorp in an effort to change how mining is conducted to make it more efficient, so metals can be extracted at faster rates, but not necessarily in more environmentally friendly ways (Disruptmining 2018:1). Goldcorp developed a competition around the term "Disrupt Mining", and the competition was to find innovative ways with increased automation to extract minerals in the most efficient way possible. This is a way to make the life cycle of a mine more institutionalised. The aggregate of this information communicates that the mining companies adopted the same tactics used by the resisters. For example, Goldcorp used the language of "Disrupt Mining" as a catchphrase (Disruptmining 2018:1), which demonstrates Rancière's (1999) tactic of disagreement. The mine used the term to name their competition panel of innovators to see how the mine could become more efficient in the future; both parties, the mine, and the protestors, used the same phrase, "disrupt mining", but with different meanings. The protestors would interpret the term "disrupt mining" as interrupting, not *improving*, the operation of the mine. For example, to disrupt mining, protestors could try to stop the electricity that powers the mine (sdonline 2011:1; Urkidi 2011:566; Yagenova & Garcia 2009:40). Marlin mine views the term "disruption" as changing the ways that mining is conducted, to drastically change it so mining is more effective, making extraction quicker and cheaper (Cision 4 March 2019:1). If the mine could more quickly extract natural materials, then they would have less chance of dealing with risks such as residents' dissent.

The company portrayed itself as civil and understanding; the police order works to show that resistance is not necessary or might even be counterproductive. The use of language by Goldcorp's Marlin mine is starkly different from the language of the resistance movement. What is not spoken reveals the language barrier – Goldcorp never alludes to nor addresses the issues of resistance, murder, or intimidation that the protestors so desperately

want to be addressed. Neither does the government address these issues. The protestors are just making "noise" (Rancière 1999:1) in the eyes of the corporation. Goldcorp pretends not to understand protestors, and mining companies use the same words as protestors although endowed with different meanings.

Tahoe's San Rafael mine has used actions to protest in front of the Guatemalan Constitutional Court. The mining company co-opted the art of protesting in front of the Constitutional Court. The anti-mining movement first began putting up makeshift tents in front of the Constitutional Court for several months at a time beginning in 2016, taking shifts as the community needed to work to support their families. Then the San Rafael mining company began paying their own protestors to put up tents in front of the Constitutional Court ("Guatemala" personal communication 26 July 2016).

The CGN mine stated in *Prensa Libre* that their company was protesting in solidarity alongside the pro-mining protestors outside the Constitutional Court building (Gándara 2019:1). The researcher's sense, from personally observing (22 July 2019) such an event, is that it appeared to be a kind of "rent-a-crowd" scenario; some of the people, who were not holding signs (and who stated that they were mine workers) and who were wearing sunglasses while standing to the side, looked like the mine's security personnel protecting the pro-mining protestors (personal observation 22 July 2019: in front of Constitutional Court pro-mining protest). These signs represented the police order's protests following years of the anti-mining movement's protests. These people stated that the Constitutional Court kept them from working and earning a living (Gándara 2019:1).

From the resisters' viewpoints, the mine showed up and completely took over their lives. A woman reported that the residents in the area viewed the mine as an entity taking over their livelihood, that their opinions did not matter and that there were no benefits for them (Crawford personal communication 16 June 2016). If residents were to find work at the mine, then they may see a benefit in having the mine there; however, mines do not operate forever. Communities that have come to accept a mine, or have become dependent on a mine for work and for running health clinics, will have to deal with the ramifications of those losses. According to Crawford, the local people saw the mining company as saying "here we come to take away everything you have . . . police do not help people here . . . a few men in a vehicle tied people to a tree" as a punishment for not selling their land (Crawford personal communication 16 June 2016). Gregoria Perez, a 46-year-old resident, said that the mine never offered to buy her land but that "here I was born; I live here; I will die here" (*Prensa Libre* 8 May 2017:8). Perez said, "[h]ere there were mountains, but now they do not exist"

(*Prensa Libre* 8 May 2017:9). Aniceto Lopez, another resident, stated to *Prensa Libre* that the company would buy people's land but pay different prices – at first, they would pay a little, then much more, to entice people who were reluctant to sell to them. This created a conflict within the community. However, some people complained that they were never paid for the land and that the company told them to buy land somewhere else, effectively dismissing their claims. This is another case of the illogic underlying violence, where the police order shows that there is no need for elites to assert power or prove their dominance (Rancière 1991:33, 47).

The media can also act as the police order in terms of renaming the conflict. On 10 January 2013, *Prensa Libre* reported that 200 people gathered in front of the CGN mine in El Estor "to apply for jobs, but company representatives said they could not hire them all" (Perdomo et al 2013:1). Mining companies, in general, do not produce many jobs, and most or all of the high-skilled jobs were given to workers from outside the community; this created a continued crisis and conflict in the community (N.S. personal communication 11 June 2017). On average, mine workers are able to work at a mine for five years, and they work, on average, 55 hours per week (Basu & Hu 2010:10). Local communities were not offered any jobs, but before the mine had been built, locals thought that the mine would bring economic prosperity to their community (Crawford personal communication 16 June 2016). The press reported that the group was a mob ("la turba") rather than protestors. The report also stated that a gang ("pandilleros") destroyed an entrance gate and looted and set fire to a fuel tank installed in the Fundación Raxche' office of the mine (Perdomo & Marroquin 2013:1). However, the anti-mining movement was not a mob, as a mob implies a spontaneous riot or thugs in the street, not politically active protestors. A mob signifies "frenzied behavior" (Bogardus 1931:259). Rioting (violence and the destruction of property in the streets) results from a spontaneous moment where a social movement could begin to form, not a fully formed movement (Tarrow 1994:5). The community formed a group to target a specific office in the mining building. This was a planned event, which only a social movement could do and risk being caught. The fact is that "people do not risk their skins or sacrifice their time to social movement activities unless they think they have good reason to do so" (Tarrow 1994:5). In using the same language but endowing it with different meanings, thereby masking reality (Rancière 1999:16), the mining officials' speech is understood by protestors, and the protestors understand that they are supposed to obey the mine. However, the mining officials pretend not to understand the protestors. The reasoning behind this is that if the protestors understand the mining officials, then the protestors are of equal intelligence as the

mining officials. It is the mining officials who are lying when they claim that they do not understand the protestors when, in fact, they do.

5.3.1 Terminology

Mining companies used the same terminology as the protestors – "illegal", "consent", "environment" and "violations" – but imposed different meanings on the terms. Mining company officials used certain terms in their press releases and to the media. The protestors had their protest signs and at times the opportunity to state their grievances to the media.

5.3.1.1 "Illegal"

A mining official for CGN stated in April 2009 that "an agreement was signed to facilitate a voluntary return of illegal immigrants to their homes in the nearby town of Las Nubes" (Petit 2017:1). However, the anti-mining movement stated that the mining company's operation was illegal (teleSUR Prensa Comunitaria 28 February 2018:1). In this "disagreement" between the mining company and the people who lived in those homes, both parties, the mining officials, and the resisters, used the same language: "illegal". Both the mining company officials and the residents of mining towns have different views of the same issue; what is deemed illegal by one party is legal to the other.

Goldcorp was aware of their mistake of ignoring the community, of "not paying enough attention" (Goldcorp Human Rights Assessment 2010:57), so they made promises in their own publication to do better when listening to the community. However, some residents who know only some Spanish know the mine as "La Roca" and were afraid to say where they live (X personal communication 26 July 2016).

5.3.1.2 "Consent"

The mining manager of GoldCorp's Marlin mine, Alfredo Galves, said that "here in the communities people speak two languages, to learn English would be easy and could facilitate call centres" (*Prensa Libre* 8 May 2017:9). The Marlin mine shows evidence (based on their own studies and published in their own human rights assessment) that the company is helping the environment but not the community. There remains a division in the community, and even some of the local mineworkers protest the mine. In January 2013, in San Marcos, 40 employees protested at the Marlin mine worksite. They had been laid off for refusing to sign a labour agreement which the company had not allowed them to read. The workers threatened company office staff, and security was called in to quell the conflict (*Prensa Libre* 10 January

2013:1). This is the illogic, the falsity, of the police order; the enforcement of the police order means disallowing disorder (Rancière 1999:42).

Goldcorp's human rights assessment (Goldcorp's own publication) from 30 June 2010 noted their commitment to implement best business practices and respect human rights (Barnett 2010:23). They noted that in terms of gaining indigenous people's consent, "the State's duty to consult under the International Labour Organization (ILO) 169 does not provide indigenous peoples with a veto power" (Goldcorp Human Rights Assessment 2010:50). Gaining consent from an indigenous community carried no weight, as the community's verdict would not affect the company's decision to mine.

Thesis Seven demonstrates that politics is the opposite of the police order (Rancière 2010b:36). The resisters directly counter the mining company to force the company to speak with them as equals. For instance, on 7 September 2018, the Ministry of Energy and Mines (MEM) worked to set up a community consulta (Bolaños 7 September 2018:1) even though the MEM is not part of the community. However, the MEM represents the police order, and the community would not trust the results if the MEM were to manage the consulta. According to the MEM, the mine acquired mining licences in 2013, but no records show that any consulta was preformed or that any indigenous people lived near the mine (Bolaños 2018:1). Protester Luis Fernando García Monroy said "[w]e have been left out of the consultation process . . . The company wants to promote a different kind of consultation" led by the government (Wooding 2019:1). Mining companies are not being truthful. For the mining protestors, consultas are binding voting mechanisms. When the mining protestors used consultas, they created their own voting mechanism (by open vote tallies in one room, rather than by the Westernised ballot of secret voting; Volpe & Rosa 2011:118), and they express *speech* though a self-created political platform. "It is knowing whether the common language in which they are exposing a wrong is indeed a common language" (Rancière 1999:50). When communities vote on their own terms via consultas, they are creating their own platform. The common language here is the establishment of equality through the creation of politics: "We [as protestors] say on the contrary that there is a single language common to us and that consequently we understand you even if you don't want us to. In a word, we understand that you are lying by denying there is a common language" (Rancière 1999:46).

5.3.1.3 "Environmental Sustainability" and "violations"

Mining companies have *speech*, which allows them to produce press releases at any time, whereas the protestors cannot. The mining companies, compared to the resisters, have resources (financial and other forms of influence) to use the press to propagate their views. Mining industries believe that "human rights violations" refers to environmental disasters in the area and the use of too much water (Goldcorp Human Rights Assessment 2010:57). Marlin mine used water from the Río Tzalá and the Quivichil Creek and discharged tailings into the Río Cuilco (Basu & Hu 2010:4).

The protestors viewed the term "violations" as meaning abuse, scare tactics, rape, and murder (Volpe & Rosa 2011); "environmental disasters", on the other hand, would fall under the term "environmental violations" and is considered distinct from "violations", according to protestors (Howell & Christopherson 2009:1). The company always adopted an empiricist view of the situation. Mining companies vaguely stated that they complied with strict rules and regulations of their own accord: "Goldcorp has taken extra precautions beyond that which is legally required, by self-imposing additional stringent standards at the Marlin project" (Howell & Christopherson 2009:1).

Guatemala is an attractive country for mining companies because it has no water regulation laws and has few other enforceable industry regulations (Uytewaal 2016:12-13). In December 2011, the Inter-American Commission on Human Rights (IACHR) and the Guatemalan government lifted any restrictions imposed upon the Marlin mine regarding water contamination. It was stated that it was not possible to prove that the local water sources had been contaminated by the mine, citing water samples taken (Market Watch 2011:1). However, Physicians for Human Rights in 2010 found elevated levels of lead in blood samples taken from local residents who lived closest to the mine compared with residents who lived farther away (Basu & Hu 2010:10). Water beneath the mine, where the mine discharged waste into Quivichil Creek and the Río Tzalá, which flow into the Río Cuilco, showed higher levels of metal contamination (higher than the United States' benchmark for contamination) than other water sources surrounding the mine. Metal contaminants included aluminium, manganese (which affects the central nervous system in humans) and cobalt (which affects the respiratory system in humans; Basu & Hu 2010:13-14).

Goldcorp's Marlin mine closed on 31 May 2017, having "exhausted the extraction of all valuable metals" (Goldcorp 2017:1). They also stated that their reasons for closing were the drop in gold prices on the international market and the lack of social and political stability in the country (*El Economista* 2015:1).

The company did not address the community's concerns that wells had gone dry since the mine began operations. The company, as the police order, set the narrative. According to Mario Marroquín, President of Marlin mine:

> At the outset, they were pretty much manipulated into believing that we were to destroy the whole environment and they will suffer a lot of diseases and illnesses, and that has not been the case . . . The best proof is that now the communities do not have particular worries about health or environment. Their worries are about income generation and job opportunities. (*Prensa Libre* 10 January 2013)

He stated that the Marlin mine had nothing to do with the local water contamination: "the conclusion is that water sources and springs may be contaminated mostly by bacterial cultures . . . it's because of the way people handle their own health hygiene" (Wooding 2015:1). This is the police order's rhetoric. In 2012, the mine openly admitted to using the local wells since the potable water from the local community was not clean (Goldcorp Myths 2012:2).

The government had always provided the mine with free and unlimited access to local water sources (Volpe & Rosa 2011:50) while residents had to commodify toxic water. *Prensa Libre* ran a full-page advertisement which claimed that the Marlin mine would finance a project to bring clean water to the people of San Miguel Ixtachuacán in San Marcos and that the project would be implemented on 30 August 2016 (*Prensa Libre* paid advertisement 2016:35). To the researcher's knowledge, no news articles regarding this project followed this advertisement, which suggests that there was a lack of interest in following through with this project or that it never began.

Once the mine began operations, rumours circulated that the local water source was poisoning farm animals near the mine and that children contracted skin rashes after playing in the river; many people became sick (X personal communication 26 July 2016). The police order claimed to be cleaning the water; however, if the mining operations were not negatively affecting the local water source, then there would be no need for the company to rectify this issue of contaminated water.

In 2011, the community surrounding the Marlin mine reported that the mine was contaminating the local water source. The community reported skin rashes on children (Macleod 2016: 91; Zeceña 2011:1). However, "[t]he government conducted a study and confirmed that the mine was not responsible" (Zeceña 2011:1). Guatemala does not have any water regulation laws in place. The mine built a health clinic in the community (Zeceña

2011:1; Marroquín 2011:1), so it is unknown whether any illnesses were reported to the clinic which stemmed from local water contamination since the mine controlled the collection and dissemination of information. A personal interviewee stated that the health clinics built by the mine were used only by the mine workers and their families; no one else in the community could use them (N.S. personal communication 11 June 2017).

On 28 February 2011, the Frente de Defensa Miguelense (San Miguel Ixtahuacán Defense Front) movement published a list of demands for Guatemala:

> To demand the government of Guatemala to suspend the mine, respect for the physical integrity of the community. We ask the international community for its timely support to this dreadful violation of human rights. (Goldcorp Out 2011:1; Schertow 2011:1)

On 13 April 2015, the mine's general manager was arrested for knowingly contaminating the water source in 2012. The report mentions the discolouration of the local river and states that the water was not fit for agricultural use or human or farm animal consumption. This was the first time that an employee of the mine in Guatemala was arrested for water contamination (Cardona 2015:1).

On 15 July 2015, the Guatemalan court suspended the operation of the El Tambor mine after finding that the mine had not been granted proper consent from the local community and after finding inconsistencies with the Environmental Impact Assessment report. However, the mine refused to comply and continued to operate. In January 2016, resisters protested outside the Constitutional Court in Guatemala City to demand that the court "confirm legal closure of the mine" (El Quetzal Winter 2015/2016:4). Regardless, the El Tambor mine continued to operate. On 22 February 2019, congressman Amílcar Pop denounced several mining companies that had neither complied with the environmental regulations nor respected the local consultas. Pop said:

> We saw with great concern the opacity of the Ministry of Environment and the inability of denunciation of the Office of Human Rights; in addition, their criminalization of leaders and leaders of Palajunoj Valley and the impunity of these companies who have trafficked licenses illegally [means that we will ensure their suspension]. (Longo 2019:1)

Prensa Libre reported on 30 July 2010 that the Guatemalan government decided to suspend the mine in accordance with the UN's IACHR recommendation which was based on an environmental impact assessment from Physicians for Human Rights. The following year, on 20 May 2011, 18 indigenous communities near the mine protested the mine, as the report

from Physicians for Human Rights regarding the contamination and pollution from the mine stated that Goldcorp denied producing pollution (Market Watch 2011:1; Zeceña, L.D. 2011:1).

In 2010, the environmental impact assessment stated in its findings that "[t]here is no evidence that there has been any infringement of the right to water by Montana" and that any reported environmental damage was non-existent (Goldcorp Human Rights Assessment 2010:73). However, studies of Río Cuilco, which was used by the mine for discharge, were not in the assessment: "Communities in the lower watershed, further downstream of the mine's facilities, are not part of the organization" (Goldcorp Human Rights Assessment 2010:67). The environmental impact assessment repeatedly stated that Goldcorp failed to communicate with the local people, which is why the local communities were suspicious. "Corporations would have us believe that dozens of critical observers, analysts, thinkers, experts, and witnesses to the activities of the Canadian establishment [Goldcorp] throughout the world are all aligned in the same conspiracy" (Deneault & Sacher 2012:4). The human rights assessment was produced by Goldcorp and is therefore biased.

Goldcorp's president at the time, Chuck Jeannes, stated that the Marlin mine, among others, operated according to the same set of environmental regulations and respect for human rights as in Canada and the US. He stated, "[w]e rely on the evidence of the Government of Guatemala to reach our conclusions that our activities in the mine do not release any harmful substance. We rely on our own tests" to test for environmental impacts (Hamilton 2011:1). Jeannes denied that the water quality had changed since the start of the mine's operation (Hamilton 2011:1). The company pretended that the issue of transparency did not exist. This is the police order's role: to imply that the status quo they impose is natural.

5.4 The bureaucratic process

A comment which followed this incident pointed out the challenges in understanding the dynamics of the police order. One peaceful anti-mining protester said, "we believe that the peaceful struggle has always been protected by the institutions" (*Prensa Libre* 25 October 2012). This is a pervasive neoliberal assumption; protestors cannot protest if they must accommodate liberal institutions.

On 1 January 2005, local groups could not get the Guatemalan government to support them in ousting the Marlin mine (Volpe & Rosa 2011:88). They contacted the WBG's Compliance Advisor/Ombudsman to report that they had not been consulted by the company

before it determined that the community consented to having a mine operating in their town; they further argued that the mine had not satisfied the social contract law of gaining consent from the community (CAO 2009:1). The WBG did not respond, and there was no dialogue with the mining company (Volpe & Rosa 2011:88). The indigenous people jumped through the police order's bureaucratic hoops only to be ignored. The platform of the police order is long and tedious, and participants are often met with silence and suppression.

The first protest of the Marlin mine occurred on 11 January 2005 (sdonline 2011:1). Residents clashed with the mine's management and local security as tensions had been building. From June 2005, the "court from San Marcos department ruled that the actions of the Sipacapa municipality violated the rights of the mining company. Later, Guatemala's Constitutional Court ruled that the referendum was unconstitutional, which means that popular consultations cannot be binding" (sdonline 2011:1). These practices are institutionalised and practiced in a liberal democracy, where everyone is allotted a space for dissent, but only the police order creates this space, and the rules are implemented on their terms.

5.4.1 Judicial system

One of the police order's platforms is the judicial system. The judicial system is not effective for resisters because it is an institutionalised entity, and according to the theory of the police order, this type of system favours the dominant class. However, some of the findings regarding the Constitutional Court and mining companies in Guatemala present another story, as the Constitutional Court has sometimes ruled in favour of the anti-mining movements.

It takes several years for these cases to be settled, and in the meantime, the local people suffer. When a mine is suspended while a legal case is pending, conflict tends to erupt between the pro-mining group on one side (mineworkers and their families and friends) and the anti-mining group on the other (those who do not benefit from the mine or who are adversely affected by the mine).

Three lawsuits were filed against Hudbay (now the Fenix mine, owned by CGN): Margarita Caal v. Hudbay Minerals Inc., January 2007; Angelica Choc v. Hudbay Minerals Inc., September 2009; German Chub Choc v. Hudbay Minerals Inc., September 2009. The first was Caal v. Hudbay regarding gang rapes in the Lote Ocho area on 17 January 2007. There are two cases that stem from events on 27 September 2009, which are Angelica Choc v. Hudbay, concerning the killing of Adolfo Ich Chamán, and German Chub Choc v. Hudbay,

pertaining to the shooting of the German Chub Choc. These cases are being tried in Canada, as it was determined that it would be too dangerous for the plaintiffs if the case was conducted using Guatemala's judicial branch. The Canadian-based anti-mining NGO helping them is Rights Action, and this NGO has worked with the La Puya protestors by reporting daily updates in their newsletters and helping anti-mining activists get the funds needed to go to court (Daley 2016:1; Klippensteins et al 2020:1).

The mine works hard to gain support and control in every way possible (Pedersen 2014b:1). The mine presents people who refuse to sell their land as criminals because the mining officials know that these landowners do not have easy access to lawyers and have little influence over the judicial system. When the anti-mining movement uses the police order's platform (the judicial system), the resisters must endlessly play the institution's game. However, it is essential to note that mining companies are not likely to be suspended without a court order. After years of opposition to mining in Guatemala, the CEOs of these mining companies have not stopped their mines from operating without being directed to do so by the Constitutional Court.

On 18 June 2014, the Canadian Press reported that seven local indigenous protestors were shot and injured in April 2013 in front of the mine entrance. In 2016 the protestors sued the mining company, not in the Guatemalan court system but in the Canadian court system (Gordon & Webber 2016:95-96). The protestors used the court system to work for them, contrary to Rancière's theory of the police order; persistence is key to stopping a mine's operation.

Asking the police order to allow indigenous groups to have human rights and to uphold those rights reflects the politics of neoliberalist interest groups and the acceptance of the police order hierarchy. It is the act of asking that is counterproductive and only reinforces the police order. The term "consensus" refers to the use of language to limit outrage and dissent by carefully explaining to the public how to behave by telling them what is (and what is not) socially acceptable.

Often protestors do not question or draw attention to the system which constitutes the status quo – in other words, they do not challenge the police order. Aggrieved people can unintentionally find themselves part of the police order. If indigenous people accept the status quo, then they are reinforcing the police order.

In another court case, on 30 July 2019, Tahoe, bought by Pan American on 22 February 2019, published a press release which stated that on 27 April 2013, Alberto Rotondo shot at protestors and injured four individuals: Adolfo Agustín García, Luis

Fernando García Monroy, Wilmer Francisco Pérez Martínez and Misael Eberto Martínez Sasvín. Pan American said that even though their company was not part of the incident, they condemned all types of violence; they also formally apologised to the victims by settling the case brought to the Canadian civil court. The statement read: "Pan American, on behalf of Tahoe, apologizes to the victims and to the community" (Pan American press release 30 July 2019:1-2).

Pan American said that since the court case ended, "[t]he conclusion of the case does not affect the ability of the protestors to exercise their legal rights of protest related to the mine in the future" (Stutt 2019:1). Pan American thus "allowed" the resisters to protest them with this statement, but this fails to acknowledge that Guatemalan citizens have been protesting and receiving international attention for their protests of mining industries since 2005.

The Guatemalan judicial courts do not generally favour anti-mining protestors, but the court system in Canada worked in favour of the protestors. The protestors first filed a lawsuit in the court of Guatemala, which was ignored, and then the protestors refiled in the Canadian courts through the Canadian organisation called Rights Action. The protestors won their litigation in court, drawing international attention to their cause and embarrassing the company. Tahoe quickly sold the mine to Pan American for USD 1.07 billion in 2018 (Jamasmie 2018:1).

Pan American quickly settled the case and wrote a press release to assert that they were the good guys who would clean up Tahoe's mess. It is important to note that mining companies often change their names when they want to create a new public relations image and are quick to put the blame on their predecessors (Deneault & Scher 2012:120). In the case of Pan American, they stated that the shooting of protestors outside the mine by the security guards (on 27 April 2013) had nothing to do with Pan American because the incident occurred before the company acquired Tahoe (Cision 30 July 2019). C. Kevin McArthur and Charles A. Jeannes were appointed to the Pan American Board after Tahoe Resources was bought by Pan American. Tahoe's board of directors worked for the new company following the takeover, operating the same mine but with a new name. "Tahoe was entitled to nominate two of its directors to join Pan American's Board of Directors. Tahoe has nominated Messrs. C. Kevin McArthur and Charles A. Jeannes" (Pan American news release 22 February 2019). It is unclear whether the Pan American directors changed the security personnel that formally worked for Tahoe. These are only incremental changes; thus, the protestors did not create politics in court.

The police order's narrative is that the judicial system works for all individuals equally. However, Guatemala is not a safe environment to conduct a hearing for local activists (Baytoday 2017:1; News1130 2017:1). A judicial court platform hearing could hinder the anti-mining movement. The police order's institutional judicial platform has confirmed that the judicial system does not support the rural poor. The "Guatemalan courts found the public consultations valid but not binding, stating mining ultimately fell under the jurisdiction of the state, and not under the control of the municipality" (Wooding 2015:1). The aim of the police order is for protestors to drop the fight and settle for token changes instead of "allowing" protestors to challenge how the system operates. The judicial courts suppress the forms of democracy presented by communities because the judicial system feels threatened, as in the case of the "Soy Xinka" ruling, which stated that the Xinka did not exist (Gándara 2018:1; Herrera 2018:1; Muñoz et al 2018:1).

5.4.1.1 The "Soy Xinka" case

In general, the "Soy Xinka" name is problematic as it taps into the "us versus them" dichotomy and excludes others from participating in the movement. It is based on identity politics (Rancière 2010a:12-13,59-60; 1999:36-37; 1992:101), which reinforces rather than challenges the police order. The Soy Xinka movement was popular (most reported on in the newspapers than any other mining protest movements) in 2017 and 2018, but in 2019, they weakened. In 2018 the Constitutional Court asked, "Are there any Xinka communities living near the mine?" which directly weakened their movement – the Soy Xinka movement had to fight merely to exist.

The following examples present a police order institution's decision-making process on whether a group should be deemed either a subordinate identity or non-existent. Nothing could be more antithetical to Rancière's theory (2010a:6-7, 13, 19; 1999:36-37). On the issue of identity, the Guatemalan Constitutional Court ruled that a study must verify whether indigenous people live near the mine, and if it is found that there is no indigenous community, then the mine would not need to be approved by the local communities. This illustrates the issue of people being viewed as unimportant. The police order always attempts to count people according to the people's designated roles and rankings in society. "Near" is a vague geographical term which the media reports failed to define in terms of exact kilometres.

This is not the first time Guatemalan law has tried to take land from indigenous groups. On 13 October 1876, President Justo Rufino Barrios Auyón issued Legislative

Decree 165, which effectively claimed that the indigenous people of San Pedro de Sacatepéques were ladino and would by law have to dress in Western styles and speak Spanish (TeretaCoz 2008:35; Gardner & Richards 2017:446). This decree is called a "whitening decree", to strip away community lands from indigenous groups. "These whitening decrees were designed to racialize indigenous populations to erase Maya territories and privatize the land. If there are no Indians, there are no comunes de indios" (Castro & Pico 2017:795).

The police order suppresses dissent (Rancière 1992:11), and the state has the power to say whether (and where) a group exists. While the town of San Rafael, which was deemed the town closest to the mine, is deserted (personal observation 8 March 2017), if no indigenous people or any legitimate residents were to be found in the closest mining town, then there would have been no one to oppose the mine.

When a mine dismisses dissent by denying the existence of people, they are behaving in the manner of a police order. The action of the police order is an attempt to claim that everyone who needs to be counted has been or will be counted. The mine does worse than dehumanise a social group – the mine denies that group's very existence. Protesting based on a single maligned identity plays into the deception of the police order. The protest group needs a new identity (which complements their previous identity) so as to be less exclusive. Inclusive identities include being indigenous landowners, indigenous farmers, or local indigenous government officials. In keeping with the status quo, the mine can continue to harm the environment, dismiss local dissent, and control community politics.

The courts hired three researchers from the University of San Carlos, in Guatemala City, to do field research to find out if indigenous people resided in the communities closest to the mine. According to Muñoz:

> several students [carried] out anthropological studies, [collected] information on the extension of exploration and mining exploitation licenses, as well as [analysed] the existence of indigenous peoples in the municipality of San Rafael Las Flores, Santa Rosa. (Muñoz et al 2018:1)

The Constitutional Court set a deadline of 48 hours to conduct the study and 15 days to submit the findings. The study from the University of San Carlos concluded that there were no indigenous people residing in the closest mining town (Gándara 2018:1; Herrera 2018:1; Muñoz et al 2018:1).

On 11 July 2017, Ron Clayton, President, and CEO of San Rafael mine, stated in an interview with *Prensa Libre* that he was confident with the court's ruling regarding its findings that there were no Xinka in the community, adding, "[t]here must be a strong rule of law so that, once authorized a license is respected and can operate without incurring additional legal expenses and failures" (Morales 2017:1).

On 6 September 2017, protestors asked for clarification on the Constitutional Court ruling that no Xinka were living near the mine (Bolaños 6 September 2018:1): "The state hides its inequality under the blanket of law and order and statistics" (Rancière 1999:112). If there were no indigenous people, then the issue of the mine obtaining a social licence would be moot. The state is "bowing to commercial necessity" in the name of equality (Rancière 1999:112). The Xinka case failed Rancière's third thesis of politics, where politics means breaking up status quo rules and established hierarchical groups. An example of reinforcing the status quo and failing to break up the hierarchical groups is when the Xinka lost ground in their fight to stop the San Rafael mine from operating. Since the court ruled that there were no indigenous people, the mine did not have to ask for permission from the locals to operate. Resisters of the San Rafael mine responded to the court by asking for a more detailed explanation. Their lawyer stated to the media that the court would respond to their request in a month (Bolaños 6 September 2018:1). Asking to explain the ruling further caused the protestors to fall into an identity trap and further reinforce the police order; the prejudice that all indigenous people are illiterate had been established. The act of not understanding only reinstated this prejudice and suggested that the mining officials could not talk to the locals because the locals would not understand; in other words, the dominant class pretended that the subordinate classes could not understand them, thereby establishing the rule of the police order (Rancière 1999:46-47).

On 23 March 2018, *Prensa Libre* ran an article which presented the indigenous community's response to the Constitutional Court ruling and stated that "they do not expect all of us only to wear indigenous clothes" (Gándara 2018:1). This statement reviles the idea that indigenous people always have to prove themselves to the spectator and show that they are truly indigenous. This statement highlights the absurdity of the police order (Rancière 2010a:59-60, 1999:28). The state directly controls the identities of its people and changes these identities according to its agenda. In this case, the identity in question simply does not exist, as the Constitutional Court stated that there was no concrete definition of "indigenous". This is the fight between the state (including the Constitutional Court), which wants to define the indigenous people, and the indigenous people, who want to define themselves, rather than

endure a conflict due to the state deciding whether indigenous people exist. Indigenous identity fails as an isolated defence because prejudice is attached. Here, being indigenous means that the individual lacks privilege; the state, as history has shown, permits discrimination as the status quo. The counting of people based on a person's value to society is at the core of both the police order (Rancière 1999:28) and the mining industry.

Indigenous people demonstrate autonomy when they identify as sovereign, educated, modern indigenous people who are open to change and to the future, which shows that they can collectively oust a mining company. This is a result of politics occurring, a brilliant response to a dehumanising court ruling and the obscenity of the counting of persons. One might argue that this is a small victory because, of course, the Constitutional Court ruling is paramount, but on the contrary, this is not an isolated or minuscule event. The seemingly most straightforward victory, if presented well, can alter systems of power: "The political begins when one is no longer the representative of a particular local, religious, or social community" (Rancière 2014:73).

The dispute of counting the Xinka as an indigenous group, regardless of whether there were Xinka in the area surrounding the San Rafael mine, shows the police order's attempt at institutionalising groups into an established and dictated hierarchy. This case represents the reactive police order. The Xinka had no say in how they were presented to the Constitutional Court nor any choice in being counted as an entity in order to oppose the San Rafael mine.

In 2017 the mine sent a note to the Constitutional Court to request that they speed up the process of deciding whether the mine should be allowed to operate or whether it must shut down. The mine was the one asking the court if there were any indigenous people living in the area. The media reported that according to "experts", there would be a series of conflicts in the surrounding communities if the Constitutional Court did not decide whether the San Rafael mine could continue operations. Tahoe has consistently stated "that there were no Xinka people left in the communities surrounding the mine who would require any consultation" (Brown 2019:1). The court found that no known indigenous groups were living near the San Rafael mine; therefore, the mine did not have to gain the community's support, and all consulta decisions were thrown out, as the people who participated in the consultas were not indigenous.

It is in the power of the state to decide who is to be counted; the state does the counting, not the individuals (Rancière 1999:22). This is an example of the state or the Constitutional Court not counting certain people solely so that the San Rafael mine could continue legally operating. The Constitutional Court acknowledged three facts: first, that the

Xinka indigenous group lived in the community nearest to the mine; second, that the Xinka claimed that they did not grant permission for San Rafael to operate (which indicates that the mine was operating illegally under the ILO); and, finally, that the mine ignored the Xinka's consulta results, which refused to grant permission for the mine to operate. When the Constitutional Court stated that the Xinka did not live in proximity to the mine, then all three facts could be legally thrown out. The purpose of this case was to deny the Xinka the right to an "image in society" (Rancière 2010a:51). This case denied the Xinka's right to exist and their right to belong to humanity, erasing any traces of their existence.

This institutionalisation of the police order degrades only the most vulnerable which ensures that the world operates on a false sense of equality which benefits the police order (Rancière 1999:5, 62). The police order chooses whom to count in society and whom not to count (Chambers 2013:43-44; Rancière 1999:22, 28; Rancière 2000:59-60). The ILO is a police order institution, and the ILO 196 ratification is not a sufficient declaration of indigenous rights because it constitutes part of the police order. The police-created space was made available to the indigenous people, but the people were not heard, and the police order did not follow through with the people's concerns because the Mayan people have no right to political speech according to the police order. The police order is always poised to oppose resisters. The "Soy Xinka" (*I am Xinka*) movement has struggled to maintain its power since the Constitutional Court's ruling. It has become a never-ending struggle for those who are considered non-existent; it is a challenge for uncounted groups to be counted.

5.5 The language of the police order

Mining officials have the power to report every incident and to have these reports believed without the need for an investigation; this is another way for mining companies to control the narrative. Tahoe workers protested the suspension order by the court in June 2017. Tahoe behaved like the resisters; in co-opting, they were reactionary. Their protest signs read, "No more lies, stop blocking the mine" and "Us Guatemalans need work, stop blocking the mine" (Bolaños 3 July 2018:1; *El Periodico* 6 July 2017:1). The workers easily protested as "Guatemalan citizens" and received seemingly continuous news media attention. They received speech. If the anti-mining protestors directly countered the police order, they would have had to work to silence the mining company and show that the mining company did not understand the way of life in Guatemala. The indigenous people are the intended targets of the so-called lies. The police order pretended to be the victim, but the police order was heard and believed because the mineworkers had speech.

An article from *El Periodico* stated that the Guatemalan Constitutional Court was upset because San Rafael paid a mining company to publish articles in *Prensa Libre* and *El Periodico* to describe how the mine's closure hurt the Guatemalan economy (*El Periodico* 4 July 2018:1). The Fenix CGN mine directed their aggression at the Constitutional Court using the public platform of the media. This suggests that the mine controls the media and has the power of speech. For an example, an advertisement for the San Rafael mine was broadcast over the Guatemala City radio station "Tropicana" 104.9FM at 10:00 a.m. on 13 July 2017 when an older man said that he was able to travel to the US illegally when he was 21 but would call home to Guatemala from the United States to talk to his son. His son asked him for advice regarding working at the mine which was being constructed; the father packed up and returned home to Guatemala to live with his family near the San Rafael mine. At the time of the radio broadcast, the older man was working for the mine and was making enough money to live comfortably – it was better for him to return to Guatemala and make a good living than to risk his life by living illegally in the United States (radio 13 July 2017 10:00 a.m.). This was broadcast on the radio while the mining operations were under suspension by the Constitutional Court. The San Rafael Mine has been suspended since June 2017.

On 22 July 2019, mine workers from CGN mine protested in front of the Constitutional Court. Their placards read: "Because I work at CGN I can feed my family", "You need to hear us", "Let's not argue", "At El Estor we are all working people", "Let us work, do not slow down development! El Estor", "More than 3,000 workers in Riesgo El Estor Izabal", "El Estor shows a yes for mining", "I am a miner from the area of El Estor representing CGN" and "CGN equals development for El Estor Izabal" (personal observation in front of Constitutional Court pro-mining protest 22 July 2019). These messages on placards represent the pro-development narrative of the mining company.

A press release on CGN's website from 26 July 2019 stated the following:

> More than 20 communities from El Estor and neighboring villages in the Izabal province declared their full support of the Fénix project in front of the judges. The representatives of the province's business community, CGN's trade union, the mayor of El Estor, and representatives of fishermen's' [sic] trade union, all present in the courtroom, also expressed their support of Fénix, emphasizing CGN's role in securing the local populations' social and financial stability. (Solway Press Release 2019:1)

Press releases such as this one present an alternative reality where all residents' lives have improved with the development and operation of the mining company. This police order regime presented itself according to parapolitics, which attempts to suppress political dissent

by trying to prove to the masses that there is nothing to fight against, that the regime of the police order has everything under control – there is no reason to resist.

On 5 August 2019, *Prensa Libre* ran a full-page protest announcement for the Fenix mine. It read:

> I am Pedro Caal, thank God I am from Estor. I worked in Exmibal mine so that I could give my children an education and now they have work . . . Thank God there is work at the company, where are people going to work? In the past there was no work, now there is work with the CGN mine and thank God the mine gives people work. Now there is a health centre; there are schools and a hospital. We do not want the CGN company to leave, and it is an excellent thing that it is operating. (Announcement 2019:13)

Announcements and advertisements of this kind are meant to suppress political dissent, and this type of power usage is considered parapolitics. *Prensa Libre's* total sales averages at least 130,000 USD per year. Each newspaper sells for three Quetzals (0.39 USD). Readership consists of educated, urban, middle-to-upper-class clientele. The newspaper is pro-industry and development with some of the columnists being pro-labour, but they are restricted (A.S. personal communication 26 July 2016). The mine does this to paint a picture different from reality; residents impacted by the mine have at least experienced unpredictable lives, with no job security as contract workers and due to layoffs as well as the short lifespan of a mine, and at worst have been threatened or killed. For instance, on 24 July 2019, CGN paid for a full-page advertisement to the Constitutional Court by the Mayor of El Estor in support of the CGN mine. The page listed all the projects the company had invested in, stating, "[t]he communities have enjoyed diverse social benefits of infrastructure and development that without the private initiatives from the company no government could have achieved" (*Prensa Libre* advertisement 2019:11). Newspaper advertisements are tailored for the urban reader to talk to people they know about mining opportunities and to get educated readers to support the company. National newspapers, such as *Prensa Libre*, do not circulate in rural areas of Guatemala (Open Society Foundation 2013:27).

5.5.1 Dissent is controlled

The San Rafael mine engages in archipolitics because it attempts to account for all groups and discredits any dissent as unnecessary. For instance, the town closest to the mine, San Rafael, was virtually deserted. The town had a vacant, white, one-room school with large black lettering over the roof which read "Mineria de San Rafael" (*San Rafael Mine*; personal

observation 8 March 2017). An interviewee stated that the San Rafael mine built the school only for show, as it was too small to be functional or to actually benefit the town's population; the school was built only for the children of mining employees (N.S. personal communication 11 June 2017). The central park included a beautiful new playground for children, though no children were present. Next to the playground was a newly built, large, intimidating, grey police station which more closely resembled a castle than a police station. The town seemed deserted. Compared to other small towns in Guatemala, including the ones next to this town, San Rafael had no residents; the place seemed vacant except for approximately 25 people (who likely would not have identified as indigenous) observed during a four-hour visit (personal observation 8 March 2017). The mine maximised placidity to improve its economic return by helping only the closest community, and only one community, rather than all surrounding communities.

Across 2012 and 2013, a total of seven people were murdered, 29 people were injured and 50 residents were arrested due to the controversy surrounding the San Rafael mine (Imai et al 2016:14; Pedersen 2018:140). The mine dismissed accusations of violence in the community and worked to undermine dissent. The mine tried to prove that it was the only decisive entity in the area (not the government or the local police force) and that it was the only entity which could save the community from itself, economically. People who protested the mine neither worked for nor benefitted from the mine. The new playground in the town's central park, which was paid for by the mine, was not open to the public (G.Z. personal communication 8 March 2017). The playground structure looked completed, though no children were seen (personal observation 8 March 2017). "For the community, they have training facilities for teaching people how to cook, learn English and electoral training. The mine has made swimming pools and other parks for the children of mine workers" (G.Z. personal communication 8 March 2017).

An interviewee said that the houses in town were more costly to purchase because of the mine and that it was safe to live in the town because the mine invested in the town's security; banks and houses were being built for the mineworkers. The interviewee added that the water supply was low, so expensive explosives were continually put in the wells to start the water flowing again (G.Z. personal communication 8 March 2017). The UN Human Rights Index for measuring the quality of life in Guatemala for Xinka households living near the San Rafael mine found the following:

The Committee is concerned that the identity and culture of the Xinka people are

> under threat and that this has been exacerbated by the denial of the right to prior consultation in relation to the operations of the San Rafael mining company in the territory traditionally occupied by the Xinka (arts. 2, 5 and 7) [and] recommends that the State party take the necessary steps to protect and preserve the cultural identity of indigenous peoples, in particular the Xinka, by fostering an enabling environment for them in which they can preserve, develop, express and share their identity, history, culture, languages, traditions and customs. (Universal Human Rights Index 2019:6)

The recommendation from the UN demonstrates that the Xinka people are living in a worse situation due to the operation of the mine. In 2014 to 2015, 12.5% of residents in the Santa Rosa department (where the mining town of San Rafael is located) were in severe poverty due to inadequate shelter, missing walls, roofs or flooring and inadequate sanitation opportunities, and 16.5% were vulnerable (OPHI 2019:9). The San Rafael mine was hostile to the livelihood of the Xinka. In the department of Santa Rosa, 80% of the population did not have access to safe drinking water in 2014 and 2015 (OPHI 2019:8, 10). The Xinka were water insecure.

The consensus from the mining industry seemed to be that there was no reason for any dissent. For instance, Brent Bergeron, Executive Vice-President of Corporate Affairs and Sustainability at Goldcorp, said:

> We try to be respectful of [the anti-mining movement's] opinion, but we also work with the people who are the elected officials in those areas to try to make sure that the information that we provide to them is provided to everybody in the community. (Wooding 2015:1)

Responses like this demean the resisters because mining officials do not think that residents are educated enough to discuss mining issues. Mining officials never state what the resisters are chanting or what they are trying to convey. The power of the police order is presented in the assertion that the resisters have no right to speak because they are not articulate enough to demonstrate wrongdoings. This is the art of silencing the movement.

People living close to the mine stated that they could not say anything negative about the mine because any dissent against the mine meant risking their lives. The mine officials did not respect the community and ignored the locals. "If a person looks for a job and gets hired, but then the mine does not like them, the mine will fire them and then kill them" (X personal communication 26 July 2016). The interviewee used a hand to mime a gun to the head – mineworkers cannot talk about their jobs or they will be shot. The interviewee said that people do not talk about the mine and admitted to avoiding discussions of the mine even in the home with family members. The interviewee said that people are scared of being shot

by the mine's security officials (X personal communication 26 July 2016). Guatemala in general is an ideal country to "commit a murder, because you will almost certainly get away with it", stated a UN Special Rapporteur on extrajudicial killings (Painter 2007:1). Over the course of the 12-year conflict, mine opponents have been shot, imprisoned, and even killed (Brown 2019:1). Mining officials do not communicate with the local communities (Crawford personal communication 16 June 2016) because doing so would make the people think that they could understand the company's language, thereby exposing the inherent equality between the mining officials and the protestors.

5.5.2 Misinformation

Marlin mine uses parapolitics to lie to the community, to keep up appearances. The mining industry presents itself as an entirely ethically functioning endeavour; the company seems to run into significant problems only in satisfying the social contract. The idea of a social contract that an extractive industry must achieve and present for international standards is false; it is mere staging. The social contract is used for the spectator, as it is simply what the mine says it is.

Any prospective mine has to satisfy a social contract before development, according to the ILO convention set out by the UN, which states that indigenous communities must give their consent in the sale of land to outsiders (Urkidi 2011:572). Guatemala signed ILO Convention 169 (1989) on 5 June 1996 (ILO Guatemala 1996:C169). The Marlin mine bought the land without the formal consent of the community and ignored collective titles. Residents were unaware that a mining company was buying land in the area (Urkidi 2011:573). Indigenous land titles were respected by neither the mining company (Urkidi 2011:566) nor the government. Article 67 of the Guatemalan Constitution states:

> The lands of the cooperatives, native communities, or any other forms of communal possession or collective of agrarian ownership, as well as the family heritage and popular housing will enjoy the special protection of the State, preferential credit, and technical assistance, which may guarantee their ownership and development in order to ensure an improved quality of life to all inhabitants. The indigenous communities and others which may own land that historically belongs to them and which they have traditionally administered in special form will maintain that system. (Constitution 31 May 1985 [Amended 17 November 1993]: Article 67)

Though the mining companies put effort into buying land from residents, they also forced and intimidated residents into leaving their land if they refused to sell. Consultas continued to

take place, but they were ignored by both the companies and the government. The government gained money directly from the mining sector and local job availability. Prior to 2015 the mining sector contributed 2% to the GDP. However, after 2015 the state imposed a 10% royalties tax hike (Ramírez 2015:1). Mario Orellana, of the Union of Extractive Industries, stated that after the hike, "5% will go directly to the State, 4% to the community where the project is located and 1% to neighboring towns" (Ramírez 2015:1).

To meet the requirements of their social contract, Marlin mine misrepresented itself to the community before its operation commenced. The company arranged a computer on a desk so townspeople could go to the local town hall during the day to view a CD-ROM which consisted of a 1,000-page document. The document was written in Spanish, as there is no standard written alphabet for Mam, the local indigenous language (Dougherty 2011:12-13; Minority Rights Group International 2009). However, an audio recording in Mam and other indigenous languages would help break down barriers and help the community decide if they would accept the mine in their community. The company thought they did enough by presenting the material in Spanish, the colonial language of Guatemala. When the community failed to bring up concerns within 30 days of the CD-ROM being available for the town hall's computers, the firm interpreted this as permission from the indigenous community to operate in the area (Dougherty 2011:12-13). By officially providing the information to the people, stating that they gave this information to the public, but in a deliberately inconvenient way and also knowing that the general public cannot read the material or know how to access the material, the company reinforced the unequal status quo of oppression.

Among the indigenous community, education levels are dire, as out of every ten indigenous children in Guatemala, six complete primary school, two go to secondary school and only one goes to university (UN Education Guatemala 2020:1). The literacy rate among adults between 2002 and 2007 was 63% for women and 75% for men, not accounting for rural indigenous populations (UN Literacy Guatemala 2008:1). Guatemala's 2019 Human Development Index (HDI) is 0.663 which factors income plus education level and longevity. Guatemala is considered to have a medium-range HDI level on a global scale, along with El Salvador and Honduras; however, Costa Rica is ranked 62, a very high HDI level, and Norway has the highest rating (HDR 2019:343, 345). Nonetheless, these indices are only aggregates for the entire population of a country. It would be useful to have an index that distinguishes economic and educational levels between Guatemalan indigenous populations in rural areas to urban areas in Guatemala. In the case of the Mam indigenous community in rural areas these numbers might be more dire.

Another instance of parapolitics propaganda occurred in 2012. In a *Prensa Libre* report from October 2012, Andrew Castle, president of the Coordinating Committee of Agricultural, Commercial, Industrial, and Financial Associations (a Guatemalan trade group), encouraged international investors to invest in Guatemala. In an interview, Castle was asked the following about the protests: "What are your impressions of the events?" He responded that he was "sorry for the loss of respect for the law and the loss of respect for authority. You cannot justify measures that are outside the law" (*Prensa Libre* 25 October 2012).

A CEO of Tahoe Resources stated in *Mining Weekly*:

> NGOs put fear into people, telling them that mining companies will only destroy and cause damage . . . but the people against mining projects aren't locals. Many of them are bussed in and paid to protest for the day, and they do not have a stake in the community. It looks great for the press, but it's not real. (Rees 2012:1)

The CEO seemed unsettled because of the protests but nonetheless justified his company's position. Those who can denounce what is "not real" have the power of speech (Rancière 1999:53). The hierarchy pretends that they are ignorant of what equality means.

Another example of parapolitics would be when a mining company knowingly lies to the public. A CGN website press release dated 18 June 2019, in response to a *Guardian* report about the mine's offences, stated "[w]e never intimidate any media and have never tried to silence any reporting on our activities . . . In particular, we cannot be accountable for the deadly incident mentioned in the materials" (Solway 2019:1). However, after protests on 27 May 2019 (where one protester, Carlos Maaz Coc, was killed by a police officer), Solway "pressed the public prosecutor to take legal action against the demonstrators. Arrest warrants were issued for two indigenous journalists working for Prensa Comunitaria, Carlos Choc and Jerson Xitumul" (Garside 2019:1). Furthermore, it is not uncommon for Guatemalan journalists to be threatened and killed. In 2016, Guatemalan interior minister Mauricio López Bonilla stated that journalists had been killed due to personal vendettas, not for the content of their articles (RSF 2016:1).

5.6 Mistrust

Mining officials actively ignored the resisters and seemed not to understand their grievances. When the Marlin mine began operations, the military was brought in to protect the mine and the mining equipment; they also sowed mistrust among indigenous groups (Volpe & Rosa 2011:86). "The mine built a medical clinic, but it does not contain medicine",

said Gregoria Perez. She added that the community experienced cracks in houses and floors (*Prensa Libre* 8 May 2017:9). The mining companies should pay additional funds to the community, said Aniceto Lopez (*Prensa Libre* 8 May 2017:10). Lopez said that the mine put money into the industry to help the community by investing in textiles and in a dairy farm (*Prensa Libre* 8 May 2017:10-11). Maudilia Mejia, an anti-mining activist, said that the mine brought good work and pay, as there was no work before the mine arrived, and that there were now big houses and good hotels; however, the people who worked at the mine who used up their money on alcohol are in the same, if not a worse, economic situation that they were in before they had sold their land (*Prensa Libre* 8 May 2017:10-11).

The upper-level managers of the mine never went to the mine or the mining towns, as they stayed in their offices in Guatemala City; local people called them the "Altos" (*higher-ups*). The Altos never talked to the residents or the lower-level paid workers. The upper mining managers did not live in town – only the lower-level supervisors lived there. One interviewee was unsure of where the upper management lived (G.Z. personal communication 8 March 2017).

The mining company gifted the community economic infrastructure, such as schools and health clinics, and gave money directly to the mayor and to some residents, but these new facilities were for the mineworkers and their families, not for the whole community. This is a common complaint among the part of the community which is not part of the company workforce. The company's narrative was that they had been established to help the whole community (as they received tax breaks from the government) despite being a profit-seeking enterprise. The San Rafael mine hired 1,100 workers, though it is not clear if this number reflects hires from the local communities or from Guatemala City (*Prensa Libre* 2017:1). The CGN mine stated in its press release in 2017 that it employs 1,770 workers and specified that it hires "hundreds of local contractors" (Solway Press Release 2017:1). Marlin mine hired 1,193 employees as of December 2009 and reported that 14% were from the Sipacapa area, 44% were from San Miguel, 40% were from elsewhere in Guatemala and 2% were from outside the country (Marlin Mine Annual Monitoring Report 2009:7). This resulted in a divided and conflict-ridden community, with the workers and their families pitted against those not supported by the mine (G.Z. personal communication 26 July 2016). Marlin mine was the biggest profit-producing mining company in Guatemala in 2016. It was reported that Marlin mine gave a one-time payment of 1,000 GTQ to each person that lived near the mine in Santa Rosa (according to the mine's definition of "near") while the mayor received 33,000 GTQ a month (A.S. personal communication 26 July 2016).

Rancière's fourth thesis on politics states that democracy is the best form for a regime to create equality among its people (Rancière 2010b:31). There is no democracy or any transparency in a mining community, only mistrust.

For instance, many locals believed that the Marlin mine illegally opened underground tunnels through land that the mine had not purchased and that the tunnels were unregulated by the government (Volpe & Rosa 2011:56). These tunnels would collapse if rain were to get inside them (A.S. personal communication 26 July 2016). An interviewee who worked for the San Rafael mine said that the mine had underground tunnels spanning about 400 metres (900 feet). These tunnels are unregulated. The company did not have permission to mine beyond the boundaries stipulated in its mining licence, but the mine was built underground regardless and could extend beyond the licence agreement (N.S. personal communication 11 June 2017).

An interviewee stated that the mine began operations in 2007 but was suspended in 2017, so it operated below full capacity using only a skeleton crew (G.S. personal communication 8 March 2017). Even though the mine was supposed to be suspended by the court, it still operated, though under the radar (N.S. personal communication 11 June 2017).

A helicopter would fly to and from the mine carrying a large box (personal observation 8 March 2017). One interviewee stated that the helicopter carried fuel to the mine so that it could operate, since the mine could not use the roads because of protestors (G.Z. personal communication 8 March 2017). Another interviewee stated that the helicopter was helping the mine operate under the radar (N.S. personal communication 11 June 2017). On 9 October 2017, *Prensa Libre* reported that protestors shot at a helicopter that was bringing supplies to the San Rafael mine (*Prensa Libre* 9 October 2017:1).

Before the mine's suspension, "the mine had a machine the mineworkers used, and the brakes failed, and a miner died. Someone fell in a well, and there have been many more accidents that I know of" (G.S. personal communication 8 March 2017). If the mine tracks the deaths which occur at the mine, then it can choose to keep the numbers low, or the mine could simply avoid counting the deaths at all. This creates a police order which decides whose lives are dismissed and whose lives are counted. The police order actively conceals evidence of the absurdity of their domination (Rancière 1999:28-29, 112). The mine would be considered a dangerous place if workers were reported to be dying regularly. Article 125 of Guatemala's Constitution states that "[t]he technical and rational exploitation of hydrocarbons, minerals, and other non-renewable natural resources is declared to be of public utility and need. The State will establish and propitiate its own conditions for their

exploration, exploitation, and commercialization" (Constitución Política de la República de Guatemala 1985:32).

Further, Article 102, called "Minimal Social Rights of Labor Legislation", describes the rights held by workers according to the Constitution; however, section "P" of Article 102 states that in the case of death on the job, the family of the deceased should be compensated by the employer one month's wages for every year the employee worked unless covered by social security (Constitución Política de la República de Guatemala 1985:24-27). The mine does not report accidents or deaths, being a police order entity.

Many people in the community would ask for work, and a person's level of education would determine what job they might get; San Rafael mine sought to hire contractors (G.S. personal communication 8 March 2017). San Rafael mine did not offer the community secure full-time work with benefits (a pension scheme), and the mine deliberately obfuscated this reality. Any miners hired as subcontractors, not by the mine itself, would not get benefits; only miners hired by the mine received benefits. The only people who worked in the office were the ones directly hired by the mine, and the other workers were subcontractors. Since the mine was not operating, the mine kept three employees per week at the lab and waited for the courts to allow their full operation. Some workers received their vacation time early. These miners had full benefits and made up the skeleton staff (G.S. personal communication 8 March 2017).

One interviewee who worked for the mine said "I do not get any benefits from the mine. I sell my items, and I get paid for them" (G.S. personal communication 8 March 2017). The interviewee stopped working at the mine when it was suspended in 2017 (G.S. personal communication 8 March 2017).

5.7 Community conflict to maintain control of space

The government enacted a police order at the metapolitical level because of its support for the mining company. On 4 October 2019, there was a state of siege – a heavy military presence intended to monitor and limit residents' movements during the day and to ensure strict curfews in the evening – of El Estor signed by Guatemalan President Jimmy Morales to last 30 days. The state of siege was mandated in the interest of curbing drug cartels but was also implemented in areas with anti-mining unrest; the state of siege was also intended to limit anti-mining protests (Cuffe 2019:1). This is a police order tactic, a show of force. A state of siege brings fear to communities and turns communities into dangerous zones. This order issued by the government allowed the state police and the military to

increase the presence of security personnel around the mining area of Santa Maria Xalapan (near the El Escobal mine), causing suspicion and apprehension among the residents (Polanco 2014:93; Radar 2013:1). This type of police order regime constitutes metapolitics.

The mining company demonstrated the weakness of the police order with this event, revealing a critical insight into how the police order functions with regard to the falsity of equality, even to the point of absurdity. On 25 October 2012, in San Pedro Ayampuc, *Prensa Libre* reported that 200 FEP (Special Forces Personnel) came to a local meeting about conducting a future consulta related to the Escobal mine (Cardona 2012:1). The report noted that this behaviour prompted the government to put Special Forces on the scene to prevent rioting at the mine, which had occurred a few weeks earlier and resulted in three workers being injured and mining property being destroyed. Having 200 Special Forces troops at the scene for "a handful of committee members" (*Prensa Libre* 25 October 2012:1) was absurd and showed that the government was worried. The police order had been disrupted and revealed its falsity. The number of officers relative to the number of locals peacefully congregated revealed a critical insight into how the police order functions with regard to the falsity of inequality.

The PNC force did not intend to question the protestors' political acts; the police force only wished to block all politics from occurring. Their presence kept the public from believing that there was a viable political movement, one where the community opposed the mining, and suggested that they were working together effectively. The indigenous people were going to occupy a space that they were not supposed to use because it would demonstrate belonging to a political group (namely, an anti-mining movement), so the Special Forces prevented the meeting. The Special Forces team feared the resisters' power – especially their power to decide whether the mine should continue to operate.

The San Rafael community consulta was one of the largest community-led consultas, and as many as 500 members of the petty police force showed up to stop the community meeting (*Prensa Libre* 25 October 2012). This is the response of a police order. The community demonstrated that they were intelligent political actors who could set up their own voting system and vote as Guatemalan citizens, and the falsity of the police order was revealed when the protestors created politics. The police order keeps people from being seen; thus, the weakness of the police order was revealed in this incident. Politics was achieved because the police order became *dis*ordered, as the police order demonstrated its absurdity.

Outright violence from the San Rafael mine (Cardona 2015:1) also demonstrated the police order's weakness. On 18 March 2013, Exaltación Marcos Ucelo was found dead after

being beaten; he had been kidnapped earlier along with other Xinka mining resisters (Wilson 30 March 2013:1). The CEO of Tahoe Resources responded:

> The insinuation that our employees or contractors were somehow involved in the very unfortunate death of Marcos Ucelo is a complete fabrication. We urge the authorities to fully investigate these criminal activities as well as the past attacks that have been made against our project. (Wilson 22 March 2013:1)

In April 2013, Tahoe's chief commander of security "gave orders to open fire on protestors who had been blockading the road near the mine", telling the forces to "kill those sons of bitches" (Clarke 2014:5). Six protestors were injured, and vehicles were set on fire. President Otto Pérez Molina declared a state of siege for 30 days (Clarke 2014:6). The San Rafael mine was not looking to reach an agreement; officials wanted only to be obeyed. The comments made by the mining official implied that the protestors should simply obey or die.

The mining company pretended not to understand where the violence was coming from. On 18 January 2017, Laura Leonor Vásquez Pineda was killed after being shot in the head in her store; she had spent time in jail during a state of siege in 2013. She used to be part of the anti-mining resistance group, but after she was jailed, she left the movement; the crime report stated that she did not get along with several members of the community (Movimientom4.org 2017:1; Oliva 2017:1).

Both the anti-mining protestors and the mining officials claimed that an outside group was responsible for the most violent disturbances. Neither group assumed responsibility, and the mining company was usually quick to say that the local communities were not at fault for the worst incidents; the mining company often stated that it was the fault of outside communities. The protestors stated that it was the mine's secret security personnel. It is known that extractive industries hire ex-military personnel to control communities surrounding mines (Quedaza 2013:1). The extractive industry views discontent according to a list of costs and benefits and considers unrest a common annoyance, believing that anti-mining protestors should be dealt with quickly. However, residents perceived that the "community conflict" was inflated by the company: "We denounce the horrific practices of the mining company to manipulate its workers and put them in confrontation with communities" (Goldcorp Out 2011:1; Schertow 2011:1).

5.8 Politics

A partially successful outcome occurs when a protest disrupts the status quo, displaying a role different from what is expected of protestors (in this case, indigenous people). The disordering of the police order happens when others view an existing group in a different light. The protestors in mining communities are identified by society only as "indigenous" – not as Guatemalan citizens or even as workers, only as indigenous/community workers. They are considered indigenous, but this does not account for them as articulate citizens. With any instance of disordering or disrupting the police order, a protest can show the community that there are many ways of viewing the existing groups which comprise the status quo. When this happens, there is a break from the status quo. This paper mentions numerous examples of protests, but it was rare for any of the protests to achieve politics.

There are different forms of resistance tactics that the four anti-mining movements used. One form was the refusal to sell one's own property. Others included holding community consultation (consultas), creating a voting block (*Prensa Libre* 25 October 2012:1), blocking roadways, also called *disruption* (Petit 2017:1), holding signs and creating chants, publicly or secretly damaging company property (such as cutting electrical cable lines to the mine; sdonline 2011:1; Urkidi 2011:566; Yagenova & Garcia 2009:40), refusing to talk to the oppressor, making demands and creating new spaces in which to protest (Pedersen 2018:322, 2014a:195).

5.9 Politics making the police order weak

Thesis ten asserts that a police order's platform does not favour resisters (Rancière 2010a:129-132, 2010b:43-44). When people refused to sell their land to the mine, the mine's security repeatedly responded with violence. On 8 January 2007, 450 police officers and 250 army soldiers removed people living around the mine site and burned down their homes (Petit 2017:1). In a second raid on 17 January 2007, security officials working for the mine raped 11 women who refused to leave their homes (Petit 2017:1).

Protests continued in the area. Tensions in the El Estor area over pollution and subsequent community conflict sparked two protests: one roadblock and one march. The protests lasted 12 days and resulted from a meeting with mining officials on 28 May 2017 which did not go well (El Periodico 27 May 2017:1; Petit 2017:1; *Prensa Libre* 14 May 2017:1; Stewart 28 May 2017:1). When the community realised that they were not being seen or heard, they walked out of the meeting in protest. The meeting had been set up by the mining officials, which is an example of the platform being institutionalised (Rancière

1999:5, 62). The resisters went to the streets and blocked the road, and they identified as protestors rather than as negotiators. To create politics, one must use "arguments aiming to prove that those demanding equality have a perfect right to it, that they participate in a common world where they can prove their case" (Rancière 1992:49).

The community began discussing their distrust of the water source and the suspected dangers of the local water source turning red (Stewart 28 May 2017:1). In May 2017, the mining company set up a meeting with the community to talk about the contamination of the lake. On 11 May 2017, tensions rose in the area after the mining officials told the community that the mine was not responsible for the pollution and that the mine would not close. The mayor of the town had to move to the city, as the tensions in the community affected his safety once the mining officials had stated the issue to the protestors (Patzan 2017:1). According to the mayor, his neighbours wanted to lynch him because the mine continued to be suspended and could not operate (*Prensa Libre* 12 May 2017:33).

On 14 May 2017, the public relations manager for the mining company stated that the community continued to support the mine:

> We as a company do not have any type of impact on the lake. We have made analyses and studies of the water and shared it with the authorities, and they do see that there are sometimes changes in color in some areas, [and] we are willing to talk. (Gándara 2019:1, Stewart 2017:1)

On the same day, *Prensa Libre* showed a picture of a peaceful protest and stated that the protestors favoured peace in their communities. Protestors blocked the road to the mine's entrance and to a town where most of the mine workers resided. The report stated that there were two protests, one which aggressively blocked the road to accuse the mine of contaminating the water and another which marched for peace. *Prensa Libre* reported that the protestors opposed the mining company and that the residents of El Estor "marched yesterday in favor of peace" (*Prensa Libre* 14 May 2017:1).

The mining company did not want to hear the demands of the community to clean up the lake, and one protester said that "instead of supporting the people, the authorities have moved away and fled" and that "[t]here is no drinking water and we have no money to buy it; it is sad that our natural resources are running out and the authorities do nothing" (Stewart 28 May 2017:1).

A few days before the protest, many people reported being followed by the police; then, during the protest, a security patrol officer shot at protestors. There were 500 police

troops stationed there (*El Periodico* 27 May 2017:1; Petit 2017:1; *Prensa Libre* 14 May 2017:1; Stewart 28 May 2017:1). On 28 May 2017, protestors blocked the main road used by the mine, and the police responded by firing guns and teargas, killing one protester, Carlos Maaz Coc (Petit 2017:1).

The Fenix mine used to be owned by Hudbay Minerals and was called EXMIBAL in 2005; in 2009, Sky Resources owned a portion of the mine, and then in 2011, the mine was owned by Solway and was called "La Compañía Guatemalteca de Níqnel" (CGN) or "El Estor mine" (Solano 2017:1). The FENAPESCA movement, which comprised fishermen fighting for clean water, used the slogan "Si al Agua, Si a la Vida" (*Yes to water, yes to life*) to protest the CGN mine. The movement began in 1996 to protect the local fishermen's operation through keeping the natural waterways clean by monitoring the wellbeing of the lake and its fish (FENAPESCA 2019). As the mine's waste killed the fish, the fishermen became unable to operate. The protest movement against the mining company began in 2017 when the fishermen reported that Lake Izabal had turned red due to the mine discarding its waste directly into the lake (Petit 2017:1; Pacheco et al 2018:1).

On 29 May 2017, two days after killing a FENAPESCA protester, CGN published a press release on its website which mentioned a death. The CGN clarified the protestors' grievances regarding the pollution by confirming that the local water source was contaminated but claimed that it was not the fault of the mining company: "The Company's contribution to the water pollution is minimal . . . After analysing evidence presented by the research the ministerial committee concluded that CGN/Pronico cannot be held responsible for water quality change" (Solway Press Release 2017:1). The press release from May 2017 stated that "[t]he fishermen never came to the meeting and therefore the negotiations were impossible to continue" (Solway Press Release 2017:1). CGN concluded the following:

> CGN/Pronico hereby clarifies that the Company was not a part of the armed conflict between the police forces and a group of protestors and therefore cannot by any means be held responsible for the consequences of criminal acts that took place. (Solway Press Release 2017:1)

On 10 April 2017, the security chief of the mine was acquitted of all past charges (Pacheco et al 2018:1; Solano 2017:1). The mine's security chief had been charged in 2012 with murder and the shooting of a protester. A resister of the CGN mine in El Estor responded to the release of the security chief of CGN, "there is no justice system for indigenous people. I feel insulted. There is no justice in Guatemala for us indigenous people"

(Petit 2017:1). The institutional judicial systems do not operate in favour of the resisters (Rancière 1999:97), who are, in this case, the indigenous people.

When mining officials arranged a meeting to discuss mining issues with protestors, the protestors were using the police order's platform. Since dissent cannot be effectively settled in a court of law, with litigators or through discussion (Rancière 1999:39), the protestors were forced to use their own means of dissent.

On 6 June 2017, *Prensa Libre* reported that fishermen prevented a peaceful meeting before protest broke out (Stewart 28 May 2017:1). The PNC stated that the protestors refused to negotiate, walked out, and started a protest (Diario La Hora 2017:1). The mining company's press release confirmed that protestors refused to peacefully talk with the mining officials (Solway Press Release 2017:1). This press release represents the police order's manipulation of the narrative.

5.10 Identity

Thesis five asserts that one's identity must be reconsidered as part of protest; here, protestors might move from being uncounted to being counted as landowners. The Marlin mine began operations in 2005 to extract gold and silver in Sipacapa. Montana began construction in 2003 and began extracting gold and silver in 2005 under the name *Montana Explorer Marlin* (Goldcorp bought Glamis Gold in 2006). Goldcorp's Marlin mine closed on 31 May 2017, and officials stated that the mine had exhausted the extraction of all valuable metals (Goldcorp 2017:1). The *Sipakapa no se Vende* movement from Sipacapa and the *Frente de Defensa Miguelense* movement from San Miguelense were both affected by the Marlin mine. In response, a grassroots movement ("Frente de Defensa Miguelense" – *In front line defence of the Miguelense people*) developed in the area to form their own consultas to close the Marlin mine.

Their slogan was "Sipakapa no se Vende" (*Sipacapa is not for sale*). This slogan does not use identity politics but references the idea of equality. The slogan "Sipakapa no se Vende" shows that the people are acting according to their roles as landowners, not as Mayan people. Because of the prejudices of society, the police order does not think of indigenous people as landowners. This slogan creates politics by disrupting the police order and creates a new way of viewing the existing social order, one which opposes the view that indigenous people do not own land.

The protestors can use terminology to cast them into new roles not previously acknowledged by the established hierarchy. The indigenous community can "speak as

political actors" – as Guatemalan citizens (Chambers 2012:120) – and no longer be heard as merely babbling by the police order, as possessing only *voice* and not *speech*. When a group or an individual uses self-identifying terminology or plays a new role that is not "suited" for their assigned place in society, they are disrupting the police order (Chambers 2012:104). This is an act of showing that they are equal.

In response to the Marlin mine buying land from the locals, Juan Montorroso, a council member of the Pueblos of San Marcos, stated at a meeting in the community that "Sipacapa is a community with a great deal of dignity, and I think at the end of the day, they will reaffirm to Latin America and the world that dignity is not for sale" (Barnett 2010:27).

The "Sipakapa no se Vende" slogan creates politics because it does not imply a small request; it does not ask passively or appeal to an identity issue. However, based on Rancière's concept of *speech*, it might have been stronger to use the slogan "¡Guatemala no se Vende!" (*Guatemala is not for sale!*) because then any Guatemalan could belong to this resistance, and the slogan would peg extractive industries as harmful to all of Guatemala, not merely to a single area of Guatemala.

When the Sipacapa community stated, "we will not sell our land", they demonstrated that they were middle-class political landowners. With this statement, they were not apolitical, poor indigenous people with *voice* but people creating *speech* to be heard by the dominant classes. This assertive *speech* "we will not sell our land" is a demonstration of equality, using one's own power.

This slogan creates politics by disrupting the police order and creates a new way to view the existing social order which differs from the view that the indigenous people are poor, rural, and live on communal land given to them by the government (Fisher & Brown 1996). The anti-mining movement's actions are based on refusing to sell privately owned land. In June 2009, local mining protestors in Sipacapa set fire to a truck and drill rig owned by Goldcorp, sending the message that the corporation had no legal right or permission to work on privately owned land (Hill 2014:1). The Guatemalan government did not let the people vote either for or against the expansion of the Marlin mine in Sipacapa (Barnett 2010:1).

According to Rancière's second thesis on politics, protestors need to resist "outside their expected role in society" (Rancière 2010b:27). The La Puya movement demonstrated that they were made up of many different indigenous and non-indigenous groups assimilated into one group – they were locals resisting the mining company (Pedersen 2014:27). As no single group existed before, this movement combined two communities which surrounded the

mine site to create a protest movement. The protestors changed their identities, and the act of coming together demonstrated to the mining companies and the public at large the formation of a new group.

5.11 Public opinion of the emancipated spectator

The refusal to sell one's land is an act of resistance, a reaction to the mine's burning down homes and terrorising the community, which are acts of oppression by the police order. The unnecessary use of force reveals the police order's weakness (Chamber 2012:71; Rancière 1999:28).

The police order reacts out of fear of losing control and refusing to sell land caused the police order to overreact. The mine hoped it could pay off residents, but when residents stated that they owned the land and that the land was not for sale, violence occurred once the residents were seen as land-owning Guatemalan sovereign beings as opposed to landless beings. The Guatemalan government and the mining companies would have liked to override the ownership of land, and many mining companies do not even hold land titles for their property – in other words, it is not public knowledge where their property starts or ends (N.S. personal communication 11 June 2017). Families in these communities are always proud to pass land ownership to their children and grandchildren. The children that grew up in the areas before the development of the mining company have a sense of loss of beauty and nature that once was (Macleod 2016: 89). Land is a part of their identity, where they grew up, where their family has lived for generations. Being able to pass land down to the next generation, creates a sense of accomplishment in life (Macleod 2016: 91). Rancière (1999: 30-32) states that oppressors view the oppressed as mere noise. Indigenous beliefs of respecting and protecting the land, Mother Earth (Fischer & Brown 1996:77) is viewed as mere noise by the oppressors. This is evident when the mining company just paid off dissenters who complain about the presence of the mine (Davis 2014: 2).

According to the mining company, the residents who have "no right to be counted as speaking beings make themselves of some account, setting up a community by the fact of placing in common a wrong" (Rancière 1999:27). A typical wrong, in this case, is having one's land taken away. The act of not selling what one may or may not own (the possession of a title) is not the issue: it is the resistance.

5.11.1 Platform for politics

The La Puya movement demonstrated how to create an anti-mining platform for politics and how to oust a mine, namely, the El Tambor mine. La Puya is a movement and a newly created place in an area where a rural road passes through to connect two small towns (Pedersen 2014:201). “The emergence of a place such as La Puya suggests community members are attempting to reclaim space from the mining company through ownership of place” (Pedersen 2014:202).

On 8 May 2012, the PNC set up a roadblock, and the PNC, with support from the mine, found the addresses of activist leaders and harassed them outside their homes. After the PNC and the mine supporters left the leaders’ houses, the activist leaders left their homes to rally the community into protest (Pedersen 2014:198).

The resistance movement enacted a two-year roadblock, obstructed the side of the road, and protested traffic from 2 March 2012 to 23 May 2014. The locals made a makeshift tent “city” along the highway to block the mining industry’s trucks, preventing the mine from operating (GHRC 2016:1). These tent “cities” on the side of the road were the protestors’ platform which the mining company could not control (Rancière 1999:1-3, 2010b:59-60).

Mining companies usually have more than one name and often change ownership and names over the years. On 31 August 2012, the El Tambor mine, then owned by Radius Gold, was sold to KCA, and became the EXMINGUA mine (Pedersen 2014a:199). In December 2012, protestors laid down on the roadway and held up flowers to block mining equipment from passing through; police and private security shot tear gas in an attempt to disperse them (Clarke 2014:4). This narrative exemplifies Rancière’s insights on the use of fear to uphold the police order (Rancière 2010b:27). The protestors presented themselves as rational political beings by lying down passively, singing hymns, and presenting flowers to the PNC.

The La Puya movement abandoned the use of consultas as an act of resistance (Pedersen 2014a:197). Home-grown community consultas were usually the first resistance tools used by the locals, and the community determined whether mining projects benefitted the community in the long term. When the local people realised that their community votes were dismissed, ignored, and falsified, the anti-mining movement began. Instead of community consultas, the resisters used another political platform of their own making: makeshift live-in tents established in front of the entrance of the mine. Applying the concept of political platforms presents this in a different light. This Rancièrian concept clearly explains that the use of consultas could reinforce the police order.

The La Puya movement was not associated with any indigenous identity or any area; the group was united through two small towns near the area, and members came from

different indigenous groups or identified as mestizo. This satisfies the exclusion issue Rancière takes with identity politics, where showing support for one's own identity only reinforces the police order. The police order designates groups as part of a hierarchy, which plays into the same system as an us-versus-them dyad. However, the La Puya movement did not practice identity politics.

The La Puya movement demanded the full termination of the El Tambor mine (Pedersen 2014a:197). Protest framing is crucial for changing how society views itself and divides its citizens. The movement created politics because protestors did not ask for rights or for recognition, neither did they ask for incremental change, but they included everyone to join the movement. The movement became larger over time consisting of not just indigenous people from neighbouring communities, but "like mined people" from other communities throughout Guatemala (Pederson 2014a:201). This is the process of creating equality. They created politics by demanding a complete overhaul of the system (Rancière 1999:32).

When mine supporters yelled at the members of the La Puya anti-mining movement, the protestors started singing hymns to calm the tension created by the PNC and local mine supporters (Pedersen 2014a:203). This report of the protestors can be compared to Rancière's (1999:23-25) account of the plebs' tale by Pierre-Simon Ballanche (1829:94) in that they spoke their own language; they demonstrated that they were peaceful protestors and knew what they were doing as political beings. By speaking their own language – singing hymns – the protestors demonstrated that they also had speech and could ignore the police order's speech.

The community presented its own ideas of "space, place and landscape" (Pedersen 2014:195). Disadvantaged groups can present themselves in public spaces, spaces where groups are not meant to be seen or heard. The speaker for a political platform must speak and behave as if the current injustice is absurd and must present a change which would improve equality and justice as the only natural response (Rancière 2010a:59-60, 1999:28). The political platform must be acted upon by the leader as if equality has always existed (Rancière 1999:52).

5.11.2 "Voice" versus "speech"

The dominant class is heard (Rancière 1999:1), which is why there are virtually no barriers for them to express dissent, which enables their issues to be righted as quickly as possible. The system is set up by and for the dominant class. Government institutions and the

media are most often built and maintained by the elite class as long as the upper class can benefit from these institutions.

For instance, on 12 June 2013, ten members of La Puya were invited to meet and talk with the President of Guatemala, Otto Pérez Molina, at the Presidential Palace in Guatemala City. Supporters of the movement arrived in buses with their signs and banners outside the Presidential Palace. The director of MEM, Erick Archila, the interior Minister, Mauricio Lopex Bonilla, and the mine representatives of KCA intended to speak as well. Pedersen (2014:199) reported that the ten La Puya representatives (who were not aware that the mining officials would be there) asked the mine officials to leave, as "the conversation was with the government, not the company" (NISGUA 2013:1; Pedersen 2014:199).

Protester leader Yolanda "Yoli" Ogueli Veliz "refused to speak with KCA executives", stating that "this decision can only be made by the government of Guatemala and therefore cannot be discussed with KCA" (Clarke 2014:7). The La Puya movement "requested that MEM revoke the El Tambor license based on a poorly conducted environmental impact assessment (EIA) and lack of consultation prior to granting the license" (Pedersen 2014:200-201). La Puya was the first anti-mining movement to be asked to meet with the president for dialogue (Pedersen 2014:199). It seemed to be a political platform which would serve the resistance movement, but it served only the police order; it was a false platform. The La Puya movement reclaimed its space, its political platform, only by refusing to converse with the mining officials in a confrontational manner. One cannot create politics if the oppressor is not included in the message of equality; being confrontational does not help one gain equality and only harmed the resisters' cause (Lie & Rancière 2006:3). A month after the meeting, shots were fired outside of Yolanda Oqueli's home (frontlinedefenders.org 2014:1).

A year earlier, on 13 June 2012, Yolanda Oqueli was shot by two masked gunmen as she was leaving the area of La Puya. She was an activist leader of Frente Norte del Área Metropolitana (*North Metropolitan Peoples in Resistance Front*). In March of 2012 she set up a makeshift tent at the entrance to El Tambor mine in protest (frontlinedefenders.org 2014:1). She was shot at three times in her car by two gunmen on a motorcycle in 2012. She did survive (Gordon & Webber 2016:105-106; Pedersen 2014:198).

The mine refused to obey the Constitutional Court, and the Constitutional Court did not acknowledge the attempted killing of community leader Yolanda Oqueli in 2012 (El Quetzal Winter 2015/2016:4). It is unclear what the Constitutional Court could legally do if a mine continued to operate or how the resisters could make the Constitutional Court

acknowledge the attack on Yolanda Oqueli. Gaining acknowledgement provides a justification for ousting the mining company. If the mining company was making death threats and following through with their threats, then the mining company would be a threat to the livelihood of the community. The mine did not even provide secure employment. Many of the local workers were contract workers who did not receive the same benefits and protections as the employed workers (G.S. personal communication 8 March 2017).

La Puya is one of the most vigorous movements even though it lost power after meeting with the president at the Presidential Place (NISGUA 2013:1; Pedersen 2014a:199). Although the La Puya resistance movement conferred in the Presidential Palace, this did not constitute a new political platform, as this venue had not been chosen by the resistance movement. The president invited La Puya; thus, it was a platform controlled by the police order. It would have further weakened the protest movement if they had conversed with the mining officials. Conversing with mining officials via a police order platform would have restricted their speech too much. The issue is that they were tricked into thinking that they would talk only with the president. What made their case sustainable was how they continued to protest in front of the mine and controlled the roadway, especially when combined with their well-versed slogans. What mattered for this movement was who controlled the space. The mine's response was to try to control the space by holding a surprise meeting at the Presidential Palace – a space controlled by the police order. In March 2013, the President of the National Dialogue Organization said that in terms of the protestors' dissent, their "expression is valid as long as they respect the rights of others" (Barreto 2013:1). The protestors' speech was repeatedly ignored. The mining officials, via the media, created an alternative reality (Lie & Rancière 2006:2).

The protestors gained power on 23 May 2014 when a violent confrontation with the PNC in front of the mine led to a new form of resistance. Many protestors and PNC were taken to the hospital. The spokesperson for the El Tambor mine, Dennis Colindres, stated that "the protestors will not talk, and they continue to maintain a radical position" and that "[b]ecause of misinformation there is discontent and they refuse to see the benefits of the mine" (Lara 2014:1). This statement shows that the resisters were not effectively conveying their public platform, their *speech*, to their enemy and any spectators. The mine responded by pretending not to understand the resisters. The resisters refused to hold any more consultas; instead, they lived in permanent tents outside the mine and sang to peacefully protest using their own language (Pedersen 2014a:197, 203).

5.11.3 "Unseen" and "seen"

Thesis eight addresses the importance of being seen despite the police order's commands to "[m]ove along! There's nothing to see here!" (Rancière 2010b:37). The police order ensured that the anti-mining movement's sentiments were unseen on 13 June 2008, when Goldcorp's Marlin mine ran a high-voltage cable through the town and through indigenous people's backyards. The cable was placed in these areas so that the mining site could supply power to the Marlin mine. Seven local indigenous Mam women, including Crisanta Perez, were indicted for criminal charges because the high-voltage cable running through Perez's backyard was cut and tampered with on her property. The Mam women stated that the wire posed health risks to their children playing in their backyards, citing a loud buzzing which emanated from the wire (sdonline 2011:1; Urkidi 2011:566; Yagenova & Garcia 2009:4). Perez was exiled (Volpe & Rosa 2011:126). In 2007, the women were charged with "aggravated usurpation, coercion, and conspiracy to commit a crime" (Yagenova & Garcia 2009:4). The Mam women were brought to court by the company and have since served jail time (Reuters 2009:1; Urkidi 2011:566).

The cable created a political opportunity for the indigenous community, and for indigenous women in particular, to protest and engage in disruptive behaviour. Since the local rural community did not have access to the formal political arena for creating politics, they had to resist in their own way, using their own platform. In this case, the platform was their backyards. This is a demonstration of equality without being seen in action, as only the after-effects are seen.

This instance of cutting the cable in backyards occurred in a curtained, private area, but it caused an immediate disturbance, helping the resistance become visible. The seven women involved explained their actions to the media as disliking the sound emitted by the cables and stated that the cables presented a danger to their children playing outside (sdonline 2011:1; Urkidi 2011:566; Yagenova & Garcia 2009:4). The home can be a political platform as much as a roadway (Rancière 1999:41-42): "In this way the bringing into relationship of two unconnected things becomes the measure of what is incommensurable between two orders" (Rancière 1999:42). However, the home is an unseen political platform whereas a public roadway is one which is seen. Being women and being at home, protecting their children, is just as relatable for the public as being landowners. They did not resist based on identities, such as being women, mothers or indigenous. They used their current identity and developed a new identity through the creation of politics. Social constructs from a single identity hurt the subordinate classes and only reinforce the police order (Rancière 1999:5).

Adding an identity that is on a higher social level is achieved through equality, since everyone is equal. Cutting the cable which ran through their backyards showed that they asserted their sense of indigenous peoples' ownership of the land. Cutting the cable made them indigenous landowners. Not having just one identity but two, the latter identity showed their equality, their commonality, with other Guatemalans. The act of cutting the cable and shutting down the mine granted the women the power to make the resistance shift from unseen to seen: "It is the political relationship that makes it possible to conceive of the subject of politics" (Rancière 2010b:27). The immediate cost of cutting those cables shut down the whole mining operation and thus demonstrated the people's power to stop the mine. The mine could not function without electricity, so cutting the electricity running to the mine made the local anti-mining sentiment visible.

According to thesis nine, everyone has the power to create change, even if just one individual creates politics (Rancière 2010b:40-41, 52). One incident in San Rafael revealed that everyone has the same intelligence and can act politically. In 2011, Amnesty International reported on 78-year-old Clodoveo Rodríguez's dispute with the mining company over land. Several people from around the world sent letters of support for Rodríguez to the Guatemalan authorities. The mine quickly responded by installing a well so Rodríguez could access water, though he has said that "it does not flow well like it used to" (Gordon & Webber 2016:105).

Rodríguez said that he had been using a small opening through two adjoining fences to access a well, and the mine had covered the gap with wire mesh. He also claimed that his father built a well, but the mine destroyed it. He had to pull the fence to be able to access his well. The mine responded that it had not blocked the passage and that the well was never on Rodríguez's property. The mine also said that Rodríguez had already sold the land to them more than a year ago. The MEM clarified that the mine had no legal claim to Rodríguez's land and that the mine's other property claims in the area were also problematic (*Prensa Libre* 11 March 2012:1; Gordon & Webber 2016:105). Rodríguez was able to have *speech*, which led to a significant development in the grievances over land ownership.

This individual created a political platform which consisted of his land and his house. "The call for equality never makes itself heard without defining its own space" (Rancière 1992:50). Rodríguez was not part of any protest movement, and he had only his land as an inheritance, yet he was part of the resistance. However, the mine's operation was unimpeded.

5.12 Equality and intelligence

Locals were first told that the land in the area was being bought for a large orchard plantation and that it was being purchased by a wealthy ladino Guatemalan from the capital. When the mine began operating in early 2004, the residents began protesting (Volpe & Rosa 2011:78). As over 90% of the population of the Sipacapa and Mam indigenous groups living in Sipacapa and San Miguel Ixtahuacán were illiterate (Volpe & Rosa 2011:26) and spoke limited amounts of Spanish, the mining companies did not converse with the local community or distribute information about the mine. This lack of communication between the mine and the community is considered rude behaviour on the part of the mine. The quality of interaction between a community and a mining company is paramount to show respect and to gain trust (Smith 2012:137). The mine's behaviour (not speaking at all with the community) demonstrated the officials' views that the residents did not understand them, that residents could only either work for them (obey) or else stay silent.

5.13 Rancière's logic

This paper presents several examples of protests, but it is rare for a protest to fully achieve politics. One of the first highly televised protests in Guatemala was the march from Coban to the capital, Guatemala City, on 19 March 2012. This single event presented one of the new united resistances against the extractive industry; the march was organised by Comité de Unidad Campesino (CUC; *Committee for Peasant Unity*). The leaders of CUC issued a press statement under the title "Reiterations of Longstanding Grievances" which listed six specific demands (Cultural Survival 2012:1). The grievances were lengthy and vague, and it was merely requested that these terms be accepted. The grievances requested "at least a plot of land to provide for fishermen and their families [and the] cancellation of the concessions for mining [and the] approval of the bills in Congress benefiting poor and indigenous communities" (Cultural Survival 2012:1; WordPress 2012:1). These grievances hurt the CUC's movement because protestors cannot receive justice or benefits from the police order – they must strive to change the whole system of inequality (Rancière 1999:5, 32). After this one event, anti-mining protestors never joined as one entity again and each movement protested only one mine.

"In Guatemala, so far nothing has worked: requests to the executive, peaceful demonstrations, complaints and reports through legal channels, and road blockades; but nothing has succeeded in stopping this new attack on the rights of the indigenous peoples" (Volpe & Rosa 2011:112). The police order masks racism and promotes the idea that not everyone is the same, that not everyone has the same intellect.

5.14 Conclusion

This research is not focused on whether a mining company has created economic development for the betterment of the country, or even whether the operations of any of the mining companies benefitted their communities; the issue at hand concerns the primary tools a local poor rural community can use to stop or oust mining operations, in particular, the operation of multinational corporate entities. These tools demonstrate not only the creation of politics at an event but also persistent equality.

The Soy Xinka movement lost power in 2019 when additional workers began protesting in favour of the San Rafael mine for it to resume operations. The Soy Xinka movement was based purely on identity, using the vague identity of "fishermen" to protest the CGN mine; Sipacapa and La Puya are locations, not identities. Of these latter two movements, only La Puya had a location purely fabricated by protestors. They both shirked identity and actively, not passively, demanded change. Their messages were clear – they were single issues and were not vague. However, only La Puya had universal membership. Since anyone could be a member of La Puya, protestors' prejudice-latent identities were lost, and their new identity was simply the La Puya resistance. This benefitted the movement because protestors were not restricted to a specific and exclusive identity.

As of 2019, three mines had been suspended by the Constitutional Court. The first was the El Tambor mine (Diaro La Hora 2016:1), which was initially suspended in November 2015 by the Supreme Court, suspended again – "definitively" – in 2016 and then suspended a third time in July 2017 when the Constitutional Court confirmed its decision, since the mine had ignored the court's prior rulings. In San Rafael, the Escobal mine was suspended in June 2017, and the Fenix (CGN) mine was suspended in July 2019. In 2018, KCA, an investor in EXMINGUA (the El Tambor mine), sued the Guatemalan government because the Constitutional Court had suspended the mine's operation (Bolaños 29 August 2019:1).

La Puya was one of the most influential protest movements and was the first to set an example. The final mine, the Marlin mine, closed – according to its own plans – in May 2017. It is unclear whether this scheduled date for the mine's closure was influenced by the protestors. The Marlin mine was more vocal than the others in creating so-called dialogue and worked harder to gain the public's trust using the media. The Marlin mine had a secure police order which was able to create disagreement through the use of the language of sustainability, environment, safety and "Disrupt Mining". As Rancière claims, "there is never

such a thing as a good regime", and the same can be said of a mining company – mines require "the perpetual work of self-correction" as the only way to be considered a suitable entity (Rancière 1992:42).

According to Rancière (1999:97), the judicial system works against resisters, although, according to these research findings, the courts slowly began to rule against the mining companies in mid-2017 (Bolaños 29 August 2019:1). These findings suggest that persistence in protesting and conducting protests in one's own space can work in favour of protestors when protestors show that they are equals. The mining companies studied, as of 2021, have either been terminated or have been suspended by the Guatemalan Constitutional Court. However, the Constitutional Court has not gone so far as to ban metal mining in Guatemala, although this could be in Guatemala's future – like El Salvador, which banned metal mining on 29 March 2017 (Lakhani 2017).

Chapter Six: Conclusion

6.1 Introduction

This research gathers and presents information on the best strategies and approaches for resisters and other "subordinate" groups to more effectively resist and protest in a variety of contexts. This research involved closely examining media accounts of resistance and interviews about the mining conflict in Guatemala over the course of six years and uncovered some instances of Jacques Rancière's concept of creating *politics* – in other words, when resisters broke the police order's status quo. Many resistances failed to break through the police order. The purpose of this research was to apply Rancière's concepts to moments in social reality to better understand the complex social reality of resisting power structures.

In most incidences, filing lawsuits caused the Guatemalan Constitutional Court to suspend the mining companies because of ongoing lawsuits. The Fenix (CGN) mine has three ongoing lawsuits (Margarita Caal v. Hudbay Minerals Inc., January 2007; Angelica Choc v. Hudbay Minerals Inc., September 2009; German Chub Choc v. Hudbay Minerals Inc., September 2009). One lawsuit against Goldcorp was filed in December 2009 by an NGO (FREDEMI coalition v. Goldcorp), but the lawsuit was finalised, and Goldcorp continued operating. One lawsuit has been directed at Tahoe (San Rafael mine) for their security officers shooting at protestors (Garcia v. Tahoe Resources Inc., November 2015). One lawsuit was filed against the El Tambor mine, in July 2015, and the mine has been suspended since. Counter to Rancière's theory (1999:57), the judicial system has worked in favour of the protestors, as they successfully filed suit against the mining companies through the Constitutional Court.

The resistance shifted preconceived ideas of inequality to foster an awareness of respect and equality in Guatemalan society. This study found other instances of resistance that were not successful and were even counterproductive; one such instance was the "Soy Xinka" (*I am Xinka*) movement, which led to a court determination that the Xinka people did not exist – they were unseen and uncounted by the police order. The Xinka brought their case to court, stating that the mine did not ask for their permission to operate in their community; however, the court not only ruled against the Xinka but also declared that the Xinka people did not exist in the area of the mine's operation. The Xinka people's actions were counterproductive to their cause because after hearing the ruling, the protestors stated to the

media that they wanted to ask the court for clarification. This hindered their efforts, as they were asking for small incentives (thereby enforcing the police order) when they should have focused on their greater concern of ousting the mine, as the La Puya movement did.

This concluding chapter, Chapter Six, summarises the police order's methods used by the mining industry to oppose anti-mining movements. Section 7.2 details how the industry has methodically altered the reality of power dynamics by creating a false narrative. Sections 7.3 to 7.8 present the step-by-step process of the anti-mining movement's actions and describes both what they achieved and what they did not accomplish. The section 7.9 focuses on describing how future research can determine the limits of this research, the boundaries for applying these findings to other cultures and the conflicts in the study of resistance movements faced by the extractive industry. This research may benefit future resistance movements (as well as studies of those resistance movements) as it gathers and presents information on the most effective strategies used by subordinate groups to resist police order power structures on their own terms. Then the concluding section, 7.10 follows.

Some theoretical aspects of Rancière's work are implied in this movement, as both Rancière's work and the resistance movement lay bare universal human equality, a concept which exists beyond specific social constructs. Human equality is universal, but societies are varied. However, Rancière's theory of identity celebrates individuality and finding one's own label. Traditional societies base their identities on family and community ties (Giddens 1990:37-40) such as rural Guatemala. This means that Rancière's northern political-social theory has been applied to study a society in the global south to better understand how modern societies have profited from pre-modern societies through colonialism, where pre-modern societies have been hindered by loss of capital (Meghji 2021:45, 52). The act of trying to erase a society's culture, as the Spanish did to the Maya through their acts in 1562 of burning Mayan hieroglyphic texts and enforcing linguistic, religious, and forced labour practices, raises the question of whether an indigenous Guatemalan society, in losing pieces of its history, can be effectively studied using a political theory based on Western philosophy (Meghji 2021:29-30). The answer is that it can be applied, but only until a certain point. Rancière's concepts can only account for pure actions of resistance against a dominant power structure, not for how resisters feel in terms of changing their identity. The resisters were able to make change without Rancière's theory of identity.

6.2 The extractive industry's tactics (the police order)

The police order enforces the power dynamic between protestors and the extractive mining industry; the mines and the mining resistance have an asymmetrical relationship. When the resistance creates politics, they demonstrate a symmetrical relationship with the mining industry. The anti-mining movement revealed the mines' distorted façades. The police order behaves according to its own interests and must invent its own narrative. The informants that were supportive of mining operations were either directly employed by a mining company or had a family member who was employed by a mine. However, most interviewees wanted to remain anonymous at all times and conduct the interview by conversation or open ended-question, not a question-and-answer set. In response to the resistance movement, the mining companies in Guatemala imitated the resistance movement's tactics by distorting the image of the anti-mining movement through shaming and public relations techniques which included protesting in front of the Guatemalan Constitutional Court with signs and tents, publishing press releases and pressuring judges to rule in their favour.

6.3 The resistance (working to create politics)

Creating politics means creating a new identity to gain a broader perception of social equality; Rancière focused on downplaying existing identities by instead emphasising new identities. Indigenous protestors who protested as Guatemalan landowners, such as the "Sipakapa no se Vende" movement, dropped the issue of the community's identity as indigenous Mam and instead claimed the identity of landowners (as the Sipacapa movement did). In other examples, protestors proclaimed themselves to be mothers (e.g., the Sipacapa movement), protestors (e.g., the La Puya movement) or fishermen (e.g., the FENAPESCA movement). Despite the reclaiming of identity, there were only a few examples of protestors breaking through to create politics, and the failure of the "Soy Xinka" movement to express a new and non-prejudicial identity resulted in the declaration that the Xinka people did not exist.

But who are the Xinka? According to Rancière (1999), one must downplay one's identity. Thus, a more productive slogan according to Rancière might be "Soy Xinka de San Rafael" meaning that one is from an indigenous group – Xinka – and from the town of San Rafael. The Xinka used an identity based on location (but not from a newly created space, as done by La Puya), and Rancière's theories do not account for the history of their location and its importance. This fact plays into the preconceptions that pre-colonial landscapes are inferior and unseen.

For this study, which focuses on using a decolonial research method, the researcher could not downplay identity as Rancière does; rather, the researcher emphasised that adding a new identity to an original identity, rather than replacing the old identity with a new one, helps to achieve politics. One could interpret Rancière as stating that identities (especially ones that are laden with prejudices) are inconsequential, but this risks the theory being irrelevant to traditional and modern societies and relevant only for post-modern societies.

Simply making up an identity is not possible; it is not easy to claim a new identity in either a traditional or a modern society. Thus, focusing on adding an identity makes the theory more versatile. Rancière does not consider that people may feel uncomfortable emphasising an identity that their parents did not claim, such as focusing on being Guatemalan, politically active, a landowning citizen or a potential stock owner of a company operating in the community rather than identifying as an indigenous Guatemalan working on communal land left to them by their family. Both of these identities are equally powerful; however, according to Rancière, the former is more important. Rancière (1991) states that only an individual can emancipate the self through education – it cannot be done for them. This is also an important aspect for decoloniality, where the colonialised write about their experiences of the coloniser (Said 1993:317). Rebranding or achieving political gain by finding oneself a new identity based on interest and consumption of resources is easily achievable in a post-modern world (Giddens 1990:37-39; May & Cooper 1995:80). However, by rejecting their own ancestry, an indigenous person in rural Guatemala risks losing their self-worth and their sense of self.

6.4 CGN's Fenix mine's corporate policing

CGN's Fenix mine was granted a licence in 2016, and the mine was suspended in 2019. The mineworkers protested in front of the Constitutional Court as San Rafael mine. Goldcorp mineworkers did not protest in front of the Constitutional Court. CGN focused on running print ads and controlling the media and radio advertisements; they arranged meetings with protestors but refused to make any of the changes demanded by the protestors. CGN also wrote and distributed a press release which stated that the protestors refused to talk with them. By marginalising protestors, the mining company changed the narrative from CGN being unwanted to CGN creating jobs and developing innovation for Guatemala.

6.4.1 "Si la agua, si la vida" (FENAPESCA)

This movement focused more on protesting the Fenix/CGN's company's narrative. Each protest concerned specific incidents – for example, the company refusing to acknowledge the killing of a protester or the contamination of local water. The movement did not gain much attention, as it was always stuck reacting to the mining company's actions. Protestors identified as fishermen protesting the contamination of their water source, and they focused on the condition that the mine must clean the local water for the mine to be allowed to operate. These are token changes; this was not creating politics, and impossible for them to gain equality (Rancière 1999:32).

6.5 Goldcorp's Marlin mine's corporate policing tactics

It is clear that the police order can co-opt the language used in activists' framing of a situation. For example, Marlin mine's "Disrupt Mining" competition panel was intended for the company to improve its public relations image regarding sustainability. However, Marlin mine's usage of the word "sustainability" refers to efficiency in terms of money, not in terms of the environment (Disruptmining 2018:1); the mine's success was due to their co-opting the resisters' language to make it seem as though the company was on the protestors' side. The competition to find new talent in mining innovation to become more efficacious in extracting metals occurred in 2017 and part of 2019. The mine was never suspended, and it only ended operations in May 2017 once its mining was complete.

6.5.1 "Sipakapa no se Vende" (Sipacapa movement)

The Sipacapa movement had one incident when the resistance identified themselves as landowners and in another instance as protective mothers. This movement was not successful despite a strong slogan which would have otherwise created politics (since the public could back the new, strong identity as landowners and the movement's inclusive grievance). Even though seven indigenous Mam mothers cut power cables in their backyards to protect their children from playing around them, the resistance was not successful in the end. Protesting (using traditional marching with picket signs) has not worked (Volpe & Rosa 2011:112). From protests in 2004 until the mine's closing in May 2017, and despite their politicised slogan, which should have led this group to be more successful at creating politics, the protestors ultimately were not able to gain traction against the mine and, despite encouraging the public's support, failed to create politics. The researcher found that Goldcorp's co-opting of resistance tactics blunted the protest movement. The Sipacapa movement had the most difficult time in creating politics, gaining equality.

However, it was the Mam mothers who made the most disruption by their way of creating politics. They went beyond the protest march and too direct action in cutting those cables in their backyards. The seven resisters who represented concerned mothers were unseen when they cut dangerous cables that provided electricity to the mine. The cable running through their backyards created a political opportunity for indigenous women to protest and engage in disruptive behaviour. In 2007, they were found guilty of destruction of company property (Yagenova & Garcia 2007:4). The Mam women were brought to court by the company and have since served jail time (Urkidi 2011:566). In this event, the lower courts ruled against the protestors; this coincides with Rancière's (1999:57) theory of the judicial system reinforcing the police order.

6.6 El Tambor mine's corporate policing tactics

El Tambor mine has not been able to operate continuously, as the resistance has persistently caused disturbances and consistently demonstrated their desire to abolish the mine since its establishment in 2012. The La Puya movement was able to achieve this – the El Tambor mine, as of 2021, is suspended and has been suspended since 2016 (Bolaños 15 December 2018:1). The La Puya movement received more press than did the mine, as the mine lacked tactics. The mine responded by issuing a lawsuit against the Guatemalan government for USD 315 million; however, the mine has remained suspended and cannot operate (More 2020:1).

6.6.1 La Puya

The La Puya protestors "persist despite mining company threats" (Moore 2020:1). The La Puya movement has persisted from the start in insisting that they want the mine out. They protested using their own methods of protest, and this movement was the most successful of the resistance movements in this study at disrupting and ceasing a mine's operations. To create politics, the whole system must change; it is not enough that small labour issues are resolved, or small benefits awarded. They achieved this, and they achieved equality. Unless the entire system is reworked, protestors will likely continue fighting for small changes and will be stuck merely responding to the police order's next move.

For example, if protestors challenged the mining company by arguing for the right to be consulted and for their results to be recognised, then the protestors' cause could be compromised, and the police order reinforced. However, these moves could also create politics, as the protestors' demonstrations would suggest that the best way to prove the

immorality of a company (and its operations) is to formally refuse consent in terms of the ILO's interpretation (Bolanos & Sam 2017:1).

The La Puya movement stopped conducting community consultations ("consultas") (Pedersen 2014a:197) because the meetings were not in their self-interest, as the mining company ignored them. Thus, instead, they placed tents outside the entryway to the mine and never left, creating their own occupied space (Pedersen 2014a:190). The La Puya movement was the most successful at staying on target to stop the mine from operating; it took four years, with protests beginning in 2012 (setting up tents and blocking roadways), for the mine to be officially suspended in 2016, and as of 2021, the mine remains inactive (Bolaños 26 June 2020:1). They also protested based on not just their identity being indigenous but also being united by being Guatemalans against a mining company. These different protest tactics created equality.

6.7 Tahoe's San Rafael mine's corporate policing tactics

San Rafael, the town where Tahoe Resources executes its mining, is deserted; the company poured money into the town, building a one-room schoolhouse for the employees' children, a new playground and a grandiose police station resembling a castle. However, no children were in school, and no children were on the playground. Around 25 locals were spotted during a walk around town. These qualities do not reflect the look or the actions of a typical Guatemalan town of this size (personal observation 3 August 2017). The residents (with no ties to the mining company) did not feel welcome to use the facilities built by the mine. The mining enterprise presents the narrative of a police order, pretending to be a social welfare provision organisation for the local community; however, it is a profit-seeking corporation. These local people were frightened by the heightened security in the town, as the people were seen as obstacles to progress and development. Development demonstrates a power apparatus that divides people into groups as either developed or undeveloped (Escobar 1995:10). Indigenous people are continuously typecasted as being anti-development. However, many indigenous Mayan people consider development positively if undertaken to coexist in harmony with the planet Earth known as, Mother Earth (Fischer & Brown 1996: 77).

Further research should observe why people left the town. Before the court was asked whether indigenous people existed, the town closest to the mine was San Rafael, and it was empty of people; however, the neighbouring town, which was five minutes away, had bumper-to-bumper traffic. The San Rafael mine might have emptied the town so that it could

then argue in court that no indigenous people were living in the San Rafael community. It was the mining company that asked the Constitutional Court whether any indigenous people were living in the town – inhabitants who would have been Xinka indigenous people who opposed the mine. Questions arise regarding the town's apparent vacancy and the court's subsequent ruling that no indigenous people were occupying the area.

This embodies the concept of the unseen. The police order works to make visible what they believe should be seen, and they decide what is to be counted, what is visible to the public. To the mine, this means mine workers and their supporters being seen, regardless of anyone claiming indigenous ancestry. Anyone living in the town is likely not to claim any indigenous ancestry if they are mine workers or mine supporters, as having indigenous ancestry would be viewed negatively by the mine. A deserted town likely would not have enough community support for anyone to claim indigenous identity. The concept most challenging to find evidence for, by definition, is Rancière's (2010b:37) theory of being unseen.

6.7.1 Soy Xinka

The slogan "Soy Xinka" (*I am Xinka*) was partially successful, as it played into current stereotypes, did not create a new identity for protestors and alienated the resisters in their grievances; however, this group was able to have a mining operation (the San Rafael mine) suspended.

The movement lost momentum in 2019 after asking the Constitutional Court for further clarification on its ruling that the Xinka people did not exist; by asking for a better understanding, the movement accepted the ruling, hurting their cause. In creating politics, asking for favours, benefits, or a better understanding play into negative stereotypes of the indigenous people as subordinates. According to Rancière, playing into identities tainted with pejorative views reinforces the police order; nevertheless, the Xinka became a well-known anti-mining protest group that successfully suspended the mine indefinitely. Rancière's theory would suggest failure, but the protestors' persistence overrode the supposed outcome.

The identity of indigenous Xinka has a negative stereotype because of the cognitive model of colonialism. Colonial perceptions tend to group so-called inferior races into one large homogenous group, such as being indigenous or black (instead of identifying different cultures; Quijano 2000:552, 554). Rancière's (1992:48; 1999:36) theory of identity also aligns with this racist colonial paradigm. Certain identities are presented as carrying a negative connotation in society, and Rancière's advice to avoid identity politics reinforces the

stereotype and negatively reflects on his theories. The question remains if they have created politics, lasting equality that they would be able to resist again against another mine.

6.8 Further research and questions

This research does not address the question of why the court system in Guatemala only sometimes worked for the anti-mining protestors. According to Rancière (1999:57), the judicial system does not work for under-served groups in society, although this was not the case for the mining resistance groups in terms of the suspension of mining operations.

If mining companies quickly extracted raw material, enabling them to come and then leave in a matter of a few years, would the courts, then, be too slow to suspend the mining companies? Would resistance be as effective? The Cerro Blanco mine in Guatemala has an expected lifespan of eight years, from 2017 to 2025 (Bluestone Resources 2020:1), and the mine has not experienced the same media attention as the other mines in this research. Three mines studied here did not give projections of their operations; however, the fourth mine, Goldcorp's Marlin mine, gave a projected end date of May 2017, and it began operations in 2005 (Tahoe Resources' San Rafael mine began in 2014). Projecting a short-term operational life for a mine could make it look better to investors, as with Goldcorp, compared to mines suspended by the courts. Furthermore, would the anti-mining movement, as a whole, have experienced greater success if the separate movements had combined forces and resisted as one party rather than as distinct entities with separate instances of similar issues? An ancillary question arises: What is the expected response to the court's ruling in favour of the anti-mining movement's claims?

6.8.1 Applicability of these resistance tactics

Using Rancière's concepts as a lens for researching power dynamics and equality helps one find a better way of resisting a dominating power. For example, it can be concluded that, for a resistance to be effective in creating politics, protestors should utilise a space where they do not belong (such as major entryways or roadways, makeshift tents, or local meetings), have a slogan that creates a new positive identity (as opposed to an identity coated in prejudices) and be persistent. This case study conflicts with Rancière's theory of the court system favouring the police order because this analysis has found that the court system did eventually work for the anti-mining movement in Guatemala. However, the court system was slow, and the key to the eventual success of the judicial system was the resistance movement's persistence over several years (from 2004 to 2017) across the four anti-mining

movements. These resistance tactics have proven to be successful and can also work in other countries where large corporate powers are suffocating local communities and the locals employed by these entities.

If protestors directly challenge the role of the police order, then they will have to work to silence a mining company and show that it does not understand the ways of life in Guatemala. The anti-mining movement would have to show that a mining company is out of its depth to work in a highly cultural environment such as Guatemala and that mining companies do not belong there. This strategy was utilised by the La Puya movement when they claimed the mining land as their land (even though it was outside of their community) and refused to move.

If the protestors reinforce the role of the police order, they might either silence each other or project the role that they are helpless; playing these prejudiced roles risks reinforcing the police order (Rancière 1999:63, 83), as the Soy Xinka movement did when they asked for clarification on the ruling that no Xinka indigenous groups resided in the San Rafael mining community. The Xinka demanded clarification in an effort to refute the ruling. It is unknown whether the court responded to the Xinka.

6.8.2 Guides to resistance

It is useful to apply Rancière's ideas to case studies where the focus of power is corporate (as this study does), governmental or social to gauge the relevance of these concepts. However, one should avoid institutionalising these concepts in terms of being euro-centric, which is another form of colonialism. The La Puya movement protested for years against the El Tambor mine in a varied, persistent manner (institutionalising the resistance while relying on the judicial system, waiting years for the Constitutional Court to suspend the mining operation) and filed minimal lawsuits against the mine.

Rancière (1999) was right to advise caution if protestors should attempt to use institutions – that is, if they should be used at all due to the high potential of reinforcing the police order. In one sense, it appears that the Constitutional Court did rule on the side of the mining companies; however, it would be naïve to assume that the justices' ruling was only related to the hardships endured by the residents, as international pressures and inter-political stability were also at play. It is important to note that the La Puya movement did not *practically* depend on the judicial system – they were successful because they used their own ways of protesting as a unit.

Anti-mining groups are strategic in their resistance and understand how these large corporations work to devise ways to combat them. Contributions of this research include finding resistance tactics and understanding the tactics of the mining companies to control the narratives. Anti-mining groups needed confidence to stop the mines, as persistence proved vital. The indigenous people are subjected to colonial forms of domination in Guatemala, but in the mining community, the indigenous people are faced with post-colonial forms of domination in terms of corporate exploitation. It is easier for the mining company to exploit indigenous people if the people are already marginalised.

6.9 Limitations of the findings

These findings are limited because it remains unknown whether having several anti-mining movements simultaneously resisting different mining corporations had a domino effect, where if the Constitutional Court suspended one mining operation, then others would likely be suspended as well. Also, Guatemala has a large indigenous population and a strong indigenous culture; this case study may not be as applicable to other cultures and communities in other countries.

This case study could be applied to other countries, but care must be taken to account for differences in culture, history and declared constitutional rights. For instance, in Chile in the early 1930s, lower-income mine workers (who became the new middle class through wage labour) successfully negotiated terms of exploitation in the mining sector (Quijano 2000:563), but Guatemala has not experienced similar success.

Another limitation is that one mine, Bluestone's Cerro Blanco (a Goldcorp-related mine), was not analysed. Development began in 2007 and the mine's operation was suspended in 2013, before this study began (Ooskanews.com 2013:1). The mine ended its operations because it contaminated a river, thereby affecting the water quality in El Salvador (Valladares 2010:1). This caused El Salvador to ban all metal mining in the country in March 2017 (Lakhani 2017:1). Though outside the geographical and temporal scope of the present study, it would have been useful to see how El Salvadorians were able to pressure their government to intervene and halt the Cerro Blanco mining operations in Guatemala.

6.10 In conclusion

The La Puya movement found lasting equality. Politics was created by the movement, la Puya. La Puya did not exclude other identities. Creating equality within a movement means ethnic identities need to be replaced with a universal commitment that includes everyone. The

"Soy Xinca" movement did achieve their end result in suspending the mine and was able to create politics in some instances. However, it is unlikely that they have created lasting equality. Both the "Si la agua, si la vida" and "Sipakapa no se Vende" movements asked for token changes and were unable to create politics. If the Sipakapa movement had worked to support the Mam mothers in cutting more cables, they might have had more of a lasting disruption resulting in lasting equality.

In the police order's narrative, mining represents development and opportunities for an impoverished society. Corporate power is made more effective by the state "extending their officialdom to the local community" and by "encouraging the creation of police forces that were subordinate to the government rather than to individual patrons" (Tilly 1985:175). Indigenous people do not want government protection because it would entail giving up their culture; they would still be considered less than second-class citizens. Tilly (1985) stated that businesses sell protection at the expense of the subject. This is how the indigenous people view the state – as a monopolistic and coercive entity which is always at odds with the wishes of the people. The indigenous people are still struggling for equality as corporations are taking their livelihood, much like colonisers:

> Whatever these traditional ways might have been, and without idealizing them, it is true that massive poverty in the modern sense appeared only when the spread of the market economy broke down community ties and deprived millions of people from access to land, water, and other resources. (Escobar 1995:22)

The anti-mining movement's persistence was key to making change. "The corporate response has been either silence or the usual denials claiming that detailed reports are biased and fancifully imagined" (Deneault & Sacher 2012:4). The corporate institutions will be bought by other corporate institutions, but the communities will remain and will never forget the past (Smith 2012:147). However, the long-term goal is to recognise universal equality as the foundation of social change. Persistent resistance and strategic action can take more traditional forms, such as marching with picket signs, but embracing identity and forming a resistance around the shared elements of resisters' identities are arguably what drives efforts to dismantle false structures of power.

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Appendices

8.1 Appendix A: List of Interviews and Selected Transcripts

List of Interviews:

1. **A.S., radio newscaster of Guatemala City**
2. *Corado*, NGO driver and interpreter
3. O.Z., Guatemalan resident Zone 1 Guatemala City observed the anti-mining protests in front of the CC July 2016 and 2017
4. A.Z., Guatemalan resident Zone 1 Guatemala City observed the anti-mining protests in front of the CC July 2016 and 2017
5. ***Crawford*, resident of Coban who travels with residents from mining communities on the local city bus and converses with them.**
6. **G.Z., former San Rafael mineworker**
7. *Castillo* (telephone interview) Guatemalan attorney
8. ***G.S.*, former San Rafael mineworker**
9. **"*Guatemala"/Anonymous*, San Rafael mine Xinca indigenous protester in makeshift tent in front of the Constitutional Court**
10. **N.S., professor at State University**
11. **"*X"/Anonymous*, female indigenous Mam resident near Marlin mine**

Selected Transcripts:

A.S., radio newscaster of Guatemala City (fieldnotes of interview, unrecorded) 07/26/ 2016

(Keywords: Dangerous work, tunnels, protest, community division, suspension of mining)

GoldCorp, Marlin mine passes tunnels through to areas that go beyond the jurisdiction and these tunnels collapse whenever there is a hard rain in the area. The media only reports where they mention the benefits for the community, no government in the executive office has the ability to stop mining production. Marlin mine is not going to close. The Guatemala government gets around 1 million to 30 million USD from Gold Corp. The Santa Rosa community gets around Quetzals for every person, onetime payment. However, 33,000 Quetzals a month is reserved by the Maynor of the community from the mining company. The mining company knows who all the members are of the government and who they need to pay. Marlin mine is the biggest, you cannot talk to them, they only pay the highest level of government to get what they need passed. El Tambor mine personal (miners and the police) have a confrontation with the La Puya movement. The court has stopped the mine and the news says it is good, the real problem is the economy, but also the company, El Tambor does not give enough to the government in Guatemala, only 5% and taking 95% for company profit. So maybe if it was more 50% 50% the local community and the government will agree, and the mine would continue operating.

Crawford 10 June 2016 Interview Conducted: 9:50 PM

(Keywords: Infrastructure, violence, imitation, communication, government distrust; land)

00:00:13
*Interviewer: S*o, first is what about the morning and…. what else?

00:00:38
Interviewee: So, since the mines came there were probably five little taxies, tuc tucs that were never here before and now microbuses about just in every direction. Where is everything coming through the bend? Where every so often in this freaking town now we have the way to go, and it was is not like that before. I think so seriously. Because this is gas station in the Northern Part, so now be able to make up plus the road. In changing directions. Ok, they want to work, and that is why they were here and all that is going to the north and for hope.

00:02:17
Interviewer: You were there near the mine?

00:02:21
Interviewee: I don't know that it was the north end and at the time strangers like strangers like that is the local community people. Who are going to exploit their land and take that was there are here. I am I think you really with mining. Because they understand. What they were trying to do. You know how they are doing from what you hear. People talk about the situation at the time years ago. Something that they think I have control over.

00:03:33
Interviewer: So, they would say anything about working at the mine?

00:03:43
*Interviewee: N*o, no, no, I am contacted by women. Oh. Okay. Oh. Okay.

00:03:56
Interviewer: Okay.

00:04:01
Interviewee: Okay.

00:04:02
Interviewer: Okay.so what did they say?

00:04:06
Interviewee: I just like that was. Really? Nothing. Nothing for the community to complain about their work. They saw me that I was from up north and they sort of told me their problems, like I was from their own community.

00:04:41
Interviewer: Oh yeah?

00:04:43
Interviewee: Yes, because I was from the West. Like the mining people. There is a lot of people that do not want too about it. There are attacks on people from the police station. But it was more like the things that people will tell me as we were as we were traveling together. Like what was on their mind. And I think the time with a gringa they will tell you, you know? It was not like please tell me. What can I do about the subject?

00:06:13
Interviewer: Really? Now.

00:06:15
Interviewee: They all think it is something that the government is doing with the United States with my organization.

00:06:39
Interviewer: Is that right?

00:06:49
Interviewee: I think that they thought it was their chance. Because I think that there is not a lot of communication, and the people feel like the government ignores them. Is what they think that I have everything. I think that is a big part of telling me. Ok, so for them the mining company went to the government to take away their land and its feeling more like the state. And so now somebody is now coming for you and now there is this is our land, and this is what you are going to give me like the west like here we are coming, and we want to give you jobs. It was the west taken everything away. Everything you have.

00:07:53
Interviewer: Of course.

00:07:58
Interviewee: The people never talk about that. It is like you know with the mine now people have lights.

00:08:36
Interviewer: Really? Lights in the streets?

00:08:39
Interviewee: Lights everywhere.

00:08:55
Interviewer: Oh good.

00:08:55
*Interviewee: S*o, there was a situation I remember hearing about, and it was pretty extreme. But I think it is kind of how it is here. Because even that there is a police station now to help people here, the people came to me and said that it was the mine. And the people who are known to be strong like it was a few strong men that were tied up to trees and left there. The women were all fine. But it' s just scary. They [the mine] did not take the right proper steps to converse with the people and so I think I was like a retaliation attack; I do not know. And I completely understand thinking about the history of this company.

00:10:24
Interviewer: Yes.

00:10:32
Interviewee: Besides the people are not going to care. I mean I remember is there were not any schools. And if there was a kid that drowned in the water area, there was no place to go, no development. It was a bad situation.

00:11:29
Interviewer: I see.

00:11:31
Interviewee: I mean, how do you react to that story?

00:11:51
Interviewer: Right.

00:11:54
*Interviewee: You k*now? I do not know.

00:12:07
*Interviewee: That is the s*ituation right now.

00:12:22
Interviewee: I mean what must the people think to tell me because I do not know how to fix the situation I do not work in that area, you know? I do NGO work.

00:13:03
Interviewer: Of course.

G.Z., former San Rafael mineworker 11:50 AM 9 July 2017

(Key words: Tunnels, contract workers, intimidation, tunnels, community division, dangerous work, infrastructure, protest)

00:00:00
Interviewer: (Anonymous Interpreter for Researcher)

00:00:02
Interviewer: I saw a few strangers because of the police fallacy passing by, does San Rafael send anyone to jail? Or just the police. But no, there is no conflict here? There was a lot of militaries here. A lot of militaries came out.

00:00:24
Interviewee: They are even forced to participate.

00:00:26
Interviewer: Right?

00:00:27
Interviewee: But I was 18 years old. Many hid because, yeah.

00:00:31
Interviewer: They took them and.

00:00:35
Interviewee. Yes,

00:00:44
Interviewee: Well, see yes. The pitching was the most and because of how hard many people died, many people and many more people. Huehuetenango One part of the other part was in Joan, in La Paz. They were always near the border with the Mexicans, where they were exterminated. He was quiche of many villages and that never judged them well. They found one or two, a few of the Black sergeants, but they never made it to command. It seems to me that there has been a boom that has made him bustle, right? And right now, they have already declared him incompetent? No, they weren't going to take him. Now are they going to get that son of a bitch? Mejía The loot no, there

are some who are in Venezuela, no, it is that they are not, they have already died. I don't know what the law is like there but under the magnifying glass.

00:02:04
Interviewer: The mine states that they pay a lot.

00:02:18
Interviewee: Because this level of education they have to have to work in the mine is different. Different if for example there are people to follow behind you, there are people from the countryside a little careful, it depends on a lot. There are people from the countryside, but there are people from the office, there are geologists who earn well, but it depends.

00:02:49
Interviewer: Oh.

00:02:51
Interviewer: Type of business, type where office, people where more?

00:02:56
Interviewee: And who can read.

00:03:03
Interviewee: There are people, for example, I know people who work in the laboratory right there, analyzing everything else.

00:03:11
Interviewee: If they are from here, Guatemala or here. Here it is.

00:03:16
Interviewer: Yes.

00:03:20
Interviewee: Yes. For people who cannot read.

00:03:29
Interviewer: One more of the people who manage the blogs that enter the tunnel to get material our travers of all picks up, of the most delicate jobs, the people who are drilling inside the mountain tunnel, I tell them not to say so.

00:03:54
Interviewee: You know.

00:03:55
Interviewer: If the mine.

00:03:56
Interviewee: Low does not rise us.

00:03:58
Interviewer: No underground work?

00:04:00
Interviewee: No.

00:04:00
Interviewee: Not low, that's why I can explain it to you.

00:04:05
Interviewee: You will pass by the shore. Didn't see it?

00:04:07
Interviewer: No, no, no, no, no, no.

00:04:08
Interviewee: They entered.

00:04:11
Interviewer: the school?

00:04:12
Interviewee: No.

00:04:13
Interviewer: I did not see.

00:04:13
Interviewee: That's where you crossed forward, it is.

00:04:16
Interviewer: Like two blocks away and right now we don't go out, that's where it goes.

00:04:19
Interviewee: Good. Ah yes.

00:04:21
Interviewee: By another way they go out there. Then even in El Llanito you look a little at the structure. It's a field that's up here. Ah yes, there you can, in case you want to take photos, here you can see from afar you can see, although well, almost.

00:04:39
Interviewee: There are tunnels down there; it is very cumbersome.

00:04:46
Interviewer: That collapses.

00:04:47
Interviewer When?

00:04:48
Interviewee: That hasn't happened yet, but there's a lot, a lot of it that goes like that. Zigzag is impossible. So that's the reason for it not to break.

00:05:06
Interviewee: To Collapse?

00:05:07
Interviewer: I don't know. I can't explain it. If the 12 kilometers they are entitled to go down, they go. That is possible. Because they are looking for the mineral. Well and the tunnel yes, the tunnel is deep.

00:05:24
Interviewee: So, they further down if they can?

00:05:28
Interviewee: There is talk of 500 meters more or less. If they are going to go.

00:05:53
Interviewer: Believed to be more silver?

00:05:56
Interviewee: Yes.

00:05:57
Interviewee: I have one Silver. And a little gold. But there is a lot of zinc there.

00:06:04
Interviewer: Oh.

00:06:08
Interviewee: This is the Morse Silver.

00:06:17
Interviewer: Wow. That's silver.

00:06:19
*Interviewee: Yes s*ilver.

00:06:21
Interviewer: A lot. Wow. I can take pictures? Is It ok. It weighs a lot.

00:06:27
Interviewee: Weighs a lot. Yes, but that has no money. It has no silver. It has led. It's nothing.

00:06:36
Interviewer: Materials from this?

00:06:38
Interviewee: Splitter table. They disintegrate them with machines.

00:06:48
Interviewer: How long of that process?

00:06:50
Interviewee: Oh, I don't know. I do not know.

00:07:13
Interviewee: See I look mixed here. It is white silver.

00:07:25
*Interviewer: T*he color of the silver. Ok.

00:07:29
Interviewer: You can take it back now. Thank you.

00:07:32
Interviewee: Each different material.

00:07:51
Interviewer: And here no oil?

Interviewee: No, not oil.

00:07:57
Interviewer: And how many trucks do you need to wash all that?

00:08:02
Interviewee: Five or six leave daily in two other batches. Like about 12 trucks a day. I have heard it and read it in the newspaper. It would be a case where they had to close the mine, but there were many sacks or boxes that were stolen.

Interviewer: How strange.

00:09:26
Interviewee: The mine helps people here a lot because of the schools.

Interviewer: How many schools?

Interviewee: What happens is that the mining company is a source of work. If the mining company were not there, many people would not have salaries that are good for us. Maybe based in the United States it is a small salary, but for here it is good, at least for the basics of the month. Yes, yes. If it weren't for the mine, what people sometimes earn here is 25 quetzals a day.

00:10:03
Interviewer: Really?

Interviewee: some earn 50.

00:10:04
Interviewer: Daily?

Interviewee: 50 in the here traveling to the city. It's hard to do. Some working for the mine half a day, earned 50 quetzals and had ten children. Eight children. If not.

00:10:42
Interviewer: So now there are chances that you will start working again there?

00:10:49
Interviewee: I don't know if it is possible. People don't have jobs. They are in protest or something. Those who are against mine. If they get angry, they do not support it. But they don't work with the mine. They don't get anything from the mine. They are anti-miners. They receive nothing from life.

00:11:14
Interviewee: But it's because they're not working there?

00:11:16
Interviewee: Or so, some because they defend their ideals and that is faithful to them. And that's okay. They defend the environment and others, possibly because they were not given the job. For example, I have tried and have not been given a job, many like me.

00:11:36
Interviewer: Yes.

00:11:37
Interviewee: Yes, aha.

00:11:39
Interviewer: And here they are taking out the material, the raw material?

Interviewee: Yes, but they are not processing it here. No, no, isn't it that there is a law that gives them a lot of taxes.

Interviewer: They cannot process it here? What happens?

00:11:59
Interviewee: There is no machinery for that here.

00:12:00
Interviewee: They do not have the necessary equipment. One and two that many people want cyanide, which is only material, or they take it out by dividing it. But here it does not allow much. It takes a lot of skills.

00:12:17
Interviewer: More specialized yes.

00:12:19
Interviewee: I know that there are many products that leave Guatemala and take it as a premium. At least the African palm oil goes first, it goes first to the boat.

00:12:35
Interviewee: So there against them they do have support and that even in school, in the national school, there my son studies, mine, the mining company always helps them at the beginning of the year. School supplies. A backpack. Giving out notebooks. They speak to each child in the school and are still treated by those who are anti-miners. I don't understand it. I don't know anything about anything. I don't know, the mine comes in, and everything falls.

00:13:17
Interviewer To be development?

00:13:23
Interviewee: It is the main one, the main school. They are improving it by royalties they get.

00:13:27
Interviewee: Yes. What happens is that you realized in the street this is cobblestones. Here all their lives they have not been qualified and that gives a different view to the other peoples. But now by. Because it's being damaged, it's getting better. But yes I use the money also from the royalties that the mine gives me, the Municipality.

00:13:45
Interviewer: Yes. But heavy trucks do not pass here.

00:13:48
Interviewee: Only on the road. To the northeast. Playground is new in itself. Is not like the middle old town. Which is the park.

00:14:13
Interviewer: Hadn't they talked about a new Royalty Law?

00:14:15
Interviewee: Yes.

00:14:16
Interviewer: This new government?

Interviewee: It's a shame.

00:14:22
Interviewee: The current mayor is dressed fine.

00:14:26
Interviewer: Because of the of the government's collections from the mining company.

00:14:33
Interviewer: Oh Yes

00:14:38
Interviewer: Yes. There's the man who makes the announcement. There's a man who has an ad saying he went to the United States. And while there he called his wife, and his wife told him about the new mining company being built in the community. He said that since she told him about mining company, he left the USA and came to work in the new company.

00:14:56
Interviewee: He is the one on TV.

00:14:58
Interviewer: And on the radio. And he came. And since then, his life has changed. But he is a worker?

Interviewee: Ah, yes? Yes. The ones you've seen in the. In the ads? Yes, they are workers.

00:15:16
Interviewee: They are very shy. But yes, I've heard a lot, really. Yes, yes. And right now, they're coming out. I don't know where they are. Some women. Women talking about that they are very worried because they already have more than a month without pay.

00:15:54
Interviewer: Well, she asks if there is any legal information.

00:15:59
Interviewee: Yes. No, I don't know much about mines.

00:16:09
Interviewer: It's interesting how the mine works, how they treat the workers, what the future of the mine is.

00:16:50
Interviewee: Yes.

00:16:52
Interviewer: Well, it's good. Well, let's start with the land where it is both at the entrance to it and the points are the tunnels.

Interviewee: If people saw, we can ask them. They were sold. Then they started to the majority. They started analyzing the sand, the stone, all that. And they saw that if there was good material over the years, it is that they have already begun to look for geologists, specialist geologists. Yes. I started carrying boxes where the samples were put, and the stone was sent to the laboratory for

analysis. Then when they had a permit from the government to be able to explode, they began to form many buildings, many, many offices, accounting, this auditorium and this laboratory. He works for me in a warehouse. It's many buildings, many, many buildings. Many have a lot of large machinery. And then this one was looking for more and more people to work with. What do you think is more than a thousand people from San Rafael, who work there.

00:18:47
Interviewee: That one for work. No, no, no.

00:18:51
Interviewer: No.

00:18:52
Interviewee: Thank you.

00:18:53
Interviewer: Not what you are asking. Yes, yes, yes, yes. Do they advertise them? No, a lot of people eat. There's an office where they fill out a form. A form and then come. Come. Yes, I am. I'm a carpenter and I go to carpentry. If I am not a man, work in the labor field. I work with hoe, machete and everything. That depends on the study, the capacity of the person. That's how he is located, he goes to the laboratory, he goes to accounting, he goes to the warehouse, he goes as a policeman of those who are in the checkpoints. Anyway, he is a driver. Yes, it's different. What you know how to do.

00:19:51
Interviewee: There are many opportunities for the family.

00:19:54
Interviewee: If you do well and then you go.

00:20:08
Interviewee: And then you need to speak Spanish. When the person accept you based on what you can do. If so. Different work. Different for different money. So, there are a lot of professionals and people there who don't, who don't know. But if the salaries go according to what the person knows how to do. Of the suppliers I am one of them. There are suppliers that the one who enters says, the one who enters the brooms, the one who puts the paints, the one who uses the chemicals. I who use wood. Those who work the iron to make the different constructions. There are contractors who have to arrive and have a lot of work because the mine pays the contractor, and the contractor looks for the workers. So now in relation to the tunnel people are the people who earn the most because it is the most dangerous place. Because of the danger. The danger of an accident. If they have bulldozers like that chitas that go into the tunnels. Some are exceptionally large tunnels. It is possibly six eight meters high. Yes, because they are not small. They are large the size of this house. The security is a lot because the big shift they are placing maya. So, I know what they call maya. Maya. Maya. With cement, with rivets in everything. Then there is no danger that it will fall. But those people pay him the best. But that if it does not have iron or wooden supports, right? The same, the same way. And it's an arc. The arc does not allow it to fall, to fall if it were such an area. But that's like a church, it's an arch. A center there is exceedingly difficult to enter because they give a lot of therapies, a lot of talk to enter. Then there's a lot to talk about that, because. Because there you could build different. There they have a nursery for children, they take care of the children, there is a lot of workers there than a lot of workers who has 20.

00:23:04
Interviewer: Child nurseries?

00:23:06
Interviewee: They are small like and there they take them in and there they take care of them. There is training for everything they are going to work, they do not have to have much preparation, not only that. You qualify, come to work tomorrow, it doesn't take several weeks to tell them what they're going to do.

00:23:34
Interviewer: So it is good for the whole family?

00:23:34
Interviewee: Great and dangers too. So far there have been no accidents only of small oversights. For example, a machine that once disconnected and passed one or two people. And if there was a person who fell into a tank, he couldn't swim. I tell you more, more, more of accidents you do not know of.. Look at the contractors, they have workers for them, but those don't belong to the mine, no, they belong to the contractor. Now, if they come, for example, you contractor. Well, I want to make offices because I'm going to put here the canteens for the police, the canteens.

00:24:38
Interviewee: Those in the tunnel, because they make the formal constructions very well done, they come and bring their people, people who know, that is, cement, iron, welding, all that. They do not belong entirely to it, only those who work in offices belong to it. There is a lot of office, a lot, a lot, a lot, a lot of growth. And each office has its boss who distributes its staff. So, to people like me who work with wood, because I only dedicate myself to woodwork. I was making tables but exceptionally large tables, with very thick wood to put in the tunnel where the workers are going to eat or things like that to place the work equipment, the machines if they are fine, if they are shelves. So, there you need everything and everything a little this yes, because. Because now they are making a like, like swimming pools where there is a lot of grass and many flowers, where the parents, the family of those who work there gives a card and can go as a tourist center. They are, yes, but with park is a park. It is a park for them, for the workers. Exactly. Well, yes.

00:26:11
Interviewer: You are in favor of this work in a village for the worker’s children and family?

00:26:18
Interviewee: Yes, but I have no benefit from it. I only have the right to sell. I just sell. They buy from me, they pay me, but I don't have any benefits. No, no, neither my family nor me. If you are a contractor, I am only a supplier. If my son works there, if he has a card where he has the right to work, a place in the capital, resorts and he is paid in the thousands.

00:27:02
Interviewer: If they closed it two months ago, then what they have done is that, for example, we are going to take the warehouse where that person has about 40 workers who are in charge of receiving all the equipment, boots, all the equipment that is used. So, since there is no movement of people working, they only grab three workers per week, three and the other very three different groups so because they can't, they can’t, they can't operate, they can't do it, they can't get a mineral or a stone, nothing.

00:27:52
Interviewer: Nothing anymore?

00:27:53
Interviewee: They are only like taking care, taking care of no more the police, those who work there. Similarly, the laboratory department where they do the analysis only 234 people work three days a week and, in the offices, where the accounting stationery is, even then they are not working even half, but they are paying him. Yes, you are getting paid. Yes, because this one has given many early vacations. Yes, yes. For example, the person had a vacation in October, they gave it to them in July, they moved the time and if there is nothing, they give them another one. They advance two months to be able to pay.

00:28:57
Interviewer: Yes, in the. The building is of the school, that's why there is no one in it right now, when in it?

00:29:07
Interviewee: There are training centers where they give cooking, give jewelry, give bakery, that give electricity

00:29:22
Interviewer: Wow.

00:29:22
Interviewee: There are a lot of different ones, but at times everything is paralyzed right now.

00:29:32
Interviewer: not Working. Ah, yes, yes.

00:29:35
Interviewee: Yes. In the. The location of the mine is as they say. I'm happy. I'm good.

00:29:51
Interviewer: And good.

00:30:12
Interviewee: Ok, ok. Ok.

00:30:14
Interviewer: Ok.

00:30:15
Interviewee: Ok. Ok. Ah, well.

I don't know how long it is. I do not know. For working people. H doesn't have a job right now. A little nervous about time. Stop. Wait. Yes, yes, yes.

00:30:37
Interviewer: Yes, yes. Is he still there? Yes. There he is.

00:30:42
Interviewee: Yes, yes, yes.

00:30:44
Interviewer: But the question is. How long can the mine endure payment without work?

Interviewee: It is still believed. They say six months. Yes. By the end of the year. June, July. August. September. October. By November. Yes. They would start cutting people and coming back to pay. They would cut a lot of people because they are losing a lot. Lots of money. There is a lot, a lot of money. And it's almost Pfeiffer's calculation. And I don't know anything about this. Years.

00:31:31
Interviewer: Yes.

00:31:59
Interviewee: Anything else?

Interviewer: No. Thank you so much.

G.S., former San Rafael mineworker: 9th July 2017

(Keywords: Tunnels, dangerous work, the environment, control)

00:00:00
*Interviewer: W*hat oversight does the Guatemalan government have on the mine?

Interviewee: A lot, a lot they have in the control of energy and energy mines if they have safety control and since the mine is safe for them to work all that thoroughly, yes, they have such weekly supervision, they have a group of.

00:00:30
Interviewee: Today there is almost no shortage.

00:00:35
Interviewee: They have a lot, a lot of control over people who know about the environment.

Interviewer: No, do not throw chemicals or. Or yes, that's very controlled.

Interviewee: Even one of my nieces works there in an office that is very strict, and last week she told me that they had a group of people who were all day seeing that they did not work, seeing, let's say that everything was as it is called, strictly controlled inside and that in the tunnel there was nothing of.

00:01:18
Interviewer: What do you do?

00:01:20
Interviewee: The TV came. Those of the Attorney General's Office have come a lot of groups. Hello, a lot of control, I do not know if because they do not allow, they do not allow to be doing anything, but when one for example is going to enter the tunnel or a delicate job, they put a lot of helmets, ears, glasses, white suit, boots.

00:01:47
Interviewer: Rubber boots?

00:01:50
Interviewee: And they give you a lot of talk to inform them of the safety of your whole life.

Interviewer: Yes?

Interviewee: yes, that's it. I work there and if you have to walk, you have to use, right? Tennis.

00:02:05
Interviewer: Shoes on at all times?

00:02:06
Interviewee: Yes.

00:02:07
Interviewee: On the same day one makes an appointment, and they ask for his size, number that fits and size to take. They provide you with the.

00:02:16
Interviewee: Clothes. It's strict, yes, because when I don't go in, it has to be the truck, it has to have good tires, it has good lights, you wear the helmet, the glasses and the vest and the shoes, steel toe shoes, the war leader and gloves, gloves.

00:02:46
Interviewer: All those things?

00:02:48
Interviewee: That's why control is a lot. They are very demanding. If you see him there, then they don't let him in or scold him or you feel that this is how you have to do if you go well.

"Guatemala"/Anonymous, San Rafael mine Xinca indigenous protester in makeshift tent in front of the Constitutional Court (fieldnotes of interview, unrecorded)

(Key Words: Protests, counter protests, paid to protest, Intimidation, "nothing to hide")

We are a group of men about six of us that rotate every few weeks to be able to work. We cook our own food; see we have a stove in the tenet front of the CC court. We put up our own tents, we will stay here until the end the mining, we cannot live there with the mine. See you can see that after we put up our own tent that the mining company put up theirs. They are paid to stay here, they change every day or so, they have a nice tent, they have it always closed you cannot see in, see we have ours open, we have nothing to hide. They do not talk to us.

"N.S." Interview conducted on August 11th, 2017, at 10:02AM (Field notes of interview, unrecorded)

(Keywords: Protest, health issues, environment, tunnels, Intimation, community division, infrastructure, "just for show").

"The mine takes resources from the community, contaminating the rivers, the forests, they are getting rid of the trees. Jalapa Santa Rosa, the mine is supposed to be San Rafael when it just started in Santa Rosa, but how under the border line, through the border lines, there is a tunnel going through the border underneath where the mine has no jurisdiction to operate. When there is a lot of dust millions of particles the mining company is working to get the silver…Having a helicopter land at the mine site means that they are still working there, a portion of the mine is still operating…The news reports on TV about the mine at 7:00 are canceled by the government, the government does not want any study of the resources. They do not feel is beneficial…The community is sick with skin lesions and cancer with the contaminated water and soil. The University did a study on all the people and paid 1,000 Qs to test the groups and everybody…There are many negative impacts of the mine. The mine gives lots of money to the leaders and they give the money to the people in the

community near the mine…The protesters can only block the roads; they cannot block the mine entrance. To the public they cannot name relatives who is working at the mine for safety reasons…The mine knows about the corruption. One benefit now, organizations have put camps because the mine is not shut down completely…San Rafael mine built the white school[house] just for show it is too small for it to help all the children or for it to be able to be functional."

"X" Interview conducted on 10th August 2017 at 6:30PM

(Keywords: environment, protest, community division, health issues, dangerous work, violence, intimidation, impunity, no trust in government, land)

Interviewer: How far do you live from the mines?

Speaker: Three hours.

00:00:00
Interviewer: So that long?

00:00:23
Interviewee: Yes, three hours.

00:00:25
Interviewer: That's it?

00:00:27
Interviewer: Aha. Is that in the San Miguel Ex or here in San Marcos?

00:00:34
Interviewee: Yes. And what is the name? What is it called?

00:00:38
Interviewee: Yes, it is The Gold.

Interviewer: The Gold is the name?

00:00:52
Interviewee: The people here call it The Rock

00:00:57
Interviewer: And do the people say good things about it?

00:01:07
Interviewee: That there are bad things because they say the water is already contaminated. There are people who want the mine away. But no one detects the contamination. I don't know, but some say yes.

00:01:27
Interviewer: How long? Has the mine been there?

00:01:31
Interviewee: It's close to there. It's three hours. But by car I think it's a day to get there.

00:01:38
Interviewer: Ah, ok.

00:01:39
Interviewee: And the cars enter the area well, there is a road now that arrives to the area already.

00:01:45
Interviewer: Ah, yes? Aha. And how many years has the mine been there?

00:01:51
Interviewee: Like ten years or much more? Yes, yes, it's been a while. Yes, that's it.

00:02:01
Interviewer: OK. And the people?

00:02:03
Interviewee: Do they like the mine? Yes, they like the mine because they are only there. And now that when a person arrives who does not know them or gives them work just for them. Ah, yes, yes, si. I know it's that they pay well there, but only for them.

00:02:20
Interviewer: Yes, and a lot. Apart from that, are they are sometimes protesting the mine? How is that? Years of protest in the mines?

00:02:31
Interviewee: Yes, years?

00:02:32
Interviewer: Yes, years. Many.

00:02:34
Interviewee: Many years ago.

00:02:35
Interviewer: And they protest it? Work at the mine at the same time, some protest it?

00:02:43
Interviewee: Yes

00:02:46
Interviewee: Ah, yes, yes, but. Up. Oh, Well, I'm tired of living near the mines too. No? Hey.

00:03:04
Interviewer: Where are the demonstrators relative to your house?

00:03:08
Interviewer: A hours?

00:03:10
Interviewee: One hour and a half. Now it's four hours walking. Ah, yes. But for what. That is, that the river passes like this and says that this water is coming. There's everything.

00:03:25
Interviewer: What? The water is different?

00:03:30
Interviewee: It changed a little bit. Now it is darker.

00:03:35
Interviewer: The water has changed, what about the taste of the water?

00:03:39
Interviewee: I don't know that, but that if you look at it is dark.

00:03:42
Interviewer: It is best not to drink it.

00:03:44
Interviewee: Agua.

00:03:45
Interviewer: And the girls don't say no splashing in the water.

00:03:51
Interviewee: Well, some say that water no longer plays it and there are some who like to put because it is a big river and.

00:03:58
Interviewer: They are very smart too. Yes, yes, yes. But the girl had horror. They have no infections. Infections do not.

00:04:10
Interviewee: Some who get sick say those who are close to those who are.

00:04:14
Interviewer: Close and say it's water. Another thing, I don't know.

00:04:17
Interviewee: Some tell you and something, others that you don't know what it is. I think those people are the ones who have the jobs.

00:04:27
Interviewer: There.

00:04:29
Interviewee: They cannot say that the mine is the one that is polluting the water, because they themselves, they want to live. Then they can't say anything.

00:04:39
Interviewer: Ok.

00:04:40
Interviewee: Those who live a lot ahead. Of course.

00:04:44
Interviewer: The water does not the affect animals?

00:04:50
Interviewee: I do not think so.

00:04:51
Interviewer: No? Oh good.

00:04:53
Interviewee: Well. But for peoples yes.

00:04:55
Interviewer: The land is not affected from the water. And the work close to the mine is grade work

for them, with having cars. The dream to have the mine far away is from people who do not work there. And the people who have temporary work there they have the money now.

00:05:40
Interviewer: Yes.

00:05:42
Interviewer: And they are very friendly and not talking to the people. No.

00:05:45
Interviewee: Not for that reason when you get there to work, to look for work and stay there, if one day you don't want to be there anymore, you don't want to continue working anymore or get fired, then they come to kill you. There are many problems there.

00:06:02
Interviewer: Yes, and one cannot to talk to the companies?

00:06:06
Interviewee: You can tell when a person is newly hired, they will not talk with you about their work or the mine. It's like an open secret.

00:06:16
Interviewer: Oh.

00:06:17
Interviewee: If you leave, you don't want to work anymore, and you cannot go back to your village because of what will happen to you.

00:06:28
Interviewer: Yes?

00:06:29
Interviewee: That is what will happen.

00:07:09
Interviewer: It is profoundly serious, or it is dangerous? Not like it was before the mine.

00:07:24
Interviewer: And not now? Okay, okay. No not the same. No? Yes. That's ketamine. [referring to a rock that was presented by the host of the home]

00:07:50
Interviewee: Yes, this is Ketamina, but if there is whiter.

00:07:52
Interviewee: Whiter is because it is purer. The colors mean they are from distinct locations.

00:07:57
Interviewee: What happens is that. Look at this here. And starting this, this comes out and comes out a little darker. Start another one. It comes out whiter. So, I know that in this comes another darker one. And there are many people who have stayed underneath because they say it's an entrance inside and there's further down. One worker says he has seen a man fall in the pit and people have stayed underneath; they leave them there. Aha. Yes. That's what his boss says where he works, he says.

00:08:40
Interviewee: Yes.

00:08:41
Interviewee: It is safer to just quiet. Because the employers will not change?

00:08:49
Interviewer: Yes, but it is. It is harder for people. Yes, yes, yes. That and because of the water. They have to accept the water. Which it is contaminated. I consume nothing contaminated. I put on the stove for more heating. And then use.

00:09:11
*Interviewer: B*oiling only?

00:09:12
Interviewer: Yes, it is more work. Aha. Yes. But I'm not able to not want to do anything.

00:09:20
Interviewee: Yes I don't do anything anymore.

00:09:23
Interviewer: Ok. That is terrible.

00:09:26
Interviewee: Well, you get used to it.

00:09:30
Interviewer: Yes. Thank you.

00:12:40
Interviewer: Ok. Ok. It's good to see you again. It was good to do this interview, thank you.

00:15:02
Interviewee: And people get lots of jobs in the mines. For a living. If you live near them.

00:15:08
Interviewee: Rather that it is their land. It is theirs the land. And he shares it with the place that is big. The land is large.

00:15:20
Interviewer: Ah, yes?

00:15:31
Interviewee: All of them inside got killed. A cave so to speak. Yes. So, there's one that goes down and says it's very, much bigger than walking there. One day the massive thing fell on many miners. They were left underneath. If you don't do well at the top, put it up that it's like a front door and you have to walk. And one day it fell. That's what a lot of people did. They were buried. Oh, yes, yes, yes. Because that happened. I don't remember in which country years ago. You didn't see one when. When they took them out with one. Didn't he see that? No, not that. Sometimes, like about three years or four years or so. When it came, the. Everything came.

00:16:38
Interviewer: Oh, yes?

00:16:39

Interviewee: But there were some who were saved but stayed there and there, there, there they were inside the mine, but they could not get out. The mine did not get them out. Opening a hole above with one, with such a thing, with a. Let's say, like with a big iron. They opened up to that. No. They were not able to get out. But there it was about two months or three months; I think when the bolder came down.

00:17:11

Interviewer: Well. What happened to them?

00:17:40

Interviewee: Got killed.

00:20:19

Interviewee: Much pleasure. I come another day on Friday.

9.2 Appendix B: Consent form to interview (in English and in Spanish)

Letter of Introduction and Consent Form

Katherine W. Graves Ordonez

University of South Africa (UNISA)

330 East Jackson Street

Georgetown, Kentucky 40324 USA

(001) 270.799.7004

55782809@MyLife.UNISA.ac.za

Title of research study: A Rancierian Analysis of Anti-mining Resistance in Guatemala.

Template used from Cornell University (http://www.irb.cornell.edu/forms/sample.htm) and from the Institutional Review Board (IRB) (http://www.irb.cornell.edu).

You are being asked to take part in a research study. You have been selected to be interviewed by the researcher because you are considered to have valuable information/viewpoints about the role/issue of the anti-mining movement in Guatemala.

What the study is about: The purpose of this study is to evaluate how effective protest can be with the use of slogans and behavior.

This study will take proximity 30 minutes to 90 minutes, but no longer. Average time will be 60 minutes. I will try to take as little of your time as possible.

Please read this form carefully and ask any questions you may have before agreeing to take part in the study. You may withdraw from this study at any time.

What I will ask you to do: If you agree to be in this study, I will conduct an interview with you. The interview will include questions about your job, the hours you work, how much you earn, social and leisure activities, and your views of the mining industry's location.

With your permission, I would also like to tape-record the interview.

I will use data (abstract facts) that does not identify you as a participant. You will be anonymous.

After this research has been published you will receive a copy of the findings and finished work.

The future use of this information (interview) could be published, used as a database, archival research, recordings for educational purposes, and used as secondary data.

Risks and benefits:

There is the risk that you may find some of the questions about your job conditions to be sensitive. “I do not anticipate any risks to you participating in this study other than those encountered in day-to-day life” (Cornell Sample Form: http://www.irb.cornell.edu/forms/sample.htm; IRB minimal risk statement: http://www.irb.cornell.edu/forms/sample.htm).

There are no benefits to you.

Your answers will be confidential. The records of this study will be kept private. In any sort of report we make public we will not include any information that will make it possible to identify you. Research records will be kept in a locked file; only the researcher (myself) will have access to the records. If I tape-record the interview, I will destroy the tape after it has been transcribed, which I anticipate will be within two months of its taping.

Taking part is voluntary: Taking part in this study is completely voluntary. You may skip any or all questions that you do not want to answer. You may stop participating at any time. You have a right to choose whether or not to be a part of this research.

You will be giving a copy of the UNISA Policy on Research Ethics, in English and in Spanish.

You will also be giving a copy detailing information on this research, in English and in Spanish.

If you have any questions: The researcher conducting this study is Katherine W. Ordonez (KWOrdonez@Gmail.com)

If you have any questions or concerns regarding your rights as a subject in this study, you may contact the university.

You have a right to get help in cases of adverse consequences resulting from your participation in this research. You may report your concerns or complaints anonymously through UNISA Ethics Review Committee (ERC). This is an independent organization that serves as a liaison between the University and the person bringing the complaint so that anonymity can be ensured.

You will be given a copy of this form to keep for your records.

Statement of Consent: I have read the above information, and have received answers to any questions I asked. I consent to take part in the study.

Your Signature _____ Date _____

Your Name (printed) _____

I consent to be interviewed by Katherine W. Graves Ordonez.

Your Signature_____Date_____

Your Name (printed)_____

In addition to agreeing to participate, I also consent to having the interview tape-recorded.

Your Signature _____ Date
_____

Signature of person obtaining consent _____

Date _____

Printed name of person obtaining consent _____

Date _____

This consent form will be kept by the researcher for at least three years beyond the end of the study.

[Template used from Cornell University (http://www.irb.cornell.edu/forms/sample.htm) and from the Institutional Review Board (IRB) (http://www.irb.cornell.edu)].

Spanish Translation:

APÉNDICE B: CARTA DE INTRODUCCIÓN Y FORMULARIO DE CONSENTIMIENTO PARA LA ENTREVISTA Carta de Introducción y Formulario de Consentimiento Katherine W. Graves Ordóñez University of South Africa (UNISA) – Universidad de Sudáfrica (UNISA) 330 East Jackson Street Georgetown, Kentucky 40324 USA (001)270.799.7004 55782809@MyLife.UNISA.ac.za Título de la Investigación: Análisis Rancierano de la Resistencia Anti-minera en Guatemala Modelo utilizado de Cornell University (http://www.irb.cornell.edu/forms/sample.htm) y del Institutional Review Board (IRB) (http://www.irb.cornell.edu) Su participación en una investigación de estudio es solicitada. Usted ha sido seleccionado para ser entrevistado por la investigadora por ser considerado(a) poseedor(a) de valiosa información/puntos de vista relacionados con el rol/cuestión del movimiento anti-minero en Guatemala. De que trata el estudio: El objetivo de este estudio es evaluar cuán efectivo puede ser la protesta con el uso de slogans y comportamiento. Este estudio durará de 30 minutos a 90 minutos, pero no más. El tiempo

promedio será de 60 minutos. Intentaré quitarle la menor cantidad posible de su tiempo. Lo que le solicitaré que realice: Si usted consiente participar en este estudio, se le realizará una entrevista. La entrevista incluirá preguntas relacionadas con su trabajo, su horario de trabajo, ingresos; actividades sociales y de ocio y sus puntos de vista en relación a la localidad de la Industria Minera. Con su permiso, también me gustaría graban la entrevista. Utilizaré datos (hechos abstractos) que no revelarán su identidad como participante. Su aparición será anónima. Después de que ésta investigación sea publicada, usted recibirá una copia de los hallazgos y del trabajo concluido. El uso futuro de la información (entrevista) puede incluir su publicación, su utilización en base de datos y en archivos de investigación y su utilización con propósitos educativos y como fuente secundaria. Riesgos y beneficios: Existe el riesgo de que encuentre algunas de las preguntas relacionadas con su trabajo, sensibles. "No anticipo ningún riesgo por su participación en ésta entrevista, más que aquellos con los cuales pueda enfrentarse en el día-a-día" (Ejemplar de formulario Cornell: http://www.irb.conell.edu/forms/sample.htm; Declaración de Riesgo Mínimo IRB: http://www.irb.conell.edu/forms/sample.htm). No hay beneficios para usted. Sus respuestas serán confidenciales. Los resultados de ésta investigación serán privados. En caso de que la información se haga pública no se incluirá ninguna información que permita identificarlo a usted personalmente. Los resultados de la investigación se mantendrán en un archivo seguro; solamente la investigadora (yo misma) tendrá acceso a los resultados. En los casos en los cuales se realice una grabación de la entrevista, ésta será destruida una vez sea transcrita, lo cual anticipo será dentro del plazo de dos meses a partir de que sea grabada. Participación voluntaria: Su participación es completamente voluntaria. Puede omitir o saltarse cualquier pregunta que no desee contestar. Puede concluir su participación en cualquier momento. Usted tiene el derecho a decidir si quiere o no participar en ésta investigación. Se le proveerá con una copia de la Política de la Ética de Investigación de UNISA, en inglés y en español. De igual forma, se le proveerá con una copia detallando información respecto a ésta investigación, en inglés y en español. Si tiene alguna pregunta: La investigadora conduciendo éste estudio es Katherine W. Ordoñez (KWOrdonez@gmail.com). Si tiene alguna duda o preocupación relacionada con sus derechos como sujeto en este estudio, puede contactarse con la universidad. Usted tiene el derecho de recibir ayuda en el caso de que se le presenten consecuencias negativas resultado de su participación en esta investigación. Puede reportar sus preocupaciones o quejas de manera anónima a través de UNISA Ethics Review Committee (ERC) – Comité Revisor de Ética de UNISA. Ésta es una organización independiente que sirve como enlace entre la Universidad y la persona que presenta su queja asegurando así su anonimato. Se le proveerá con una copia de este formulario para que usted lo guarde. Declaración de Consentimiento: He leído la información que antecede, y recibido respuestas a las preguntas que tenía. Doy mi consentimiento expreso para formar parte de éste estudio. Su firma _____Fecha _____ Su nombre (escrito) _____ Doy mi consentimiento para ser entrevistado(a) por Katherine W. Ordoñez Su firma _____Fecha _____ Su nombre (escrito) _____ Además de dar mi consentimiento para la entrevista, doy mi consentimiento para que la entrevista pueda ser grabada. Su firma _____Fecha _____ Firma de la persona que obtiene el consentimiento

_____ Fecha _____

Nombre escrito de la persona que obtiene el consentimiento

_____

Fecha _____ Este formulario de consentimiento será guardado por la investigadora por al menos tres años contados a partir de la conclusión del estudio.

9.3 Appendix C: Question set (English)

a) Pre-Interview Questions

(A) What is your name?

(B) What is your age?

(C) What is your occupation?

(D) What is your cultural identity/ethnicity?

(E) What is your first language?

(F) What languages are you familiar with?

(G) Where are you from?

b) Main Interview Questions

1. How are the indigenous regarded in Guatemala; your department; the community?
2. How do you regard the indigenous people; your family's view?
3. Are the groups different?
4. What group do you know the most about?
5. How does the government treat indigenous people?
6. How do employers treat indigenous people?
7. Do you know if there are differences in their treatment in the city or in the countryside?
8. What is your vicinity to the mine?
9. What do you hear about them [protesters] in the news?
10. What problems do indigenous people face?
11. What strengths/weaknesses do indigenous people have?
12. What power do they have?
13. What makes a good worker (in mining; agriculture)?
14. Are there any differences between people living in the countryside and in the city?
15. Are there leaders who represent the indigenous to the government?
16. Are there leaders who represent the indigenous to their employers?
17. What would you like to say and add about how they are regarded?
18. Do you like living near the mine? Why or why not?
19. Have you found yourself involved in any demonstrations in favour of or against the mine?
20. What were the issues surrounding the demonstrations, grievances?
21. What happened?

22. Were the goals reached? Improvements?
23. Did anything surprise you during the demonstrations?
24. What needs to be done to fix this conflict?
25. What does the mine (officials and workers) need to do?
26. What do the protestors need to do?
27. What do you do to avoid the mine?
28. What could the mine do to make you enjoy living in its presence?
29. What needs to be done to fix this conflict?
30. What does the mine (officials and workers) need to do?
31. What do the protestors need to do?

9.4 Appendix D: Lista de preguntas (Español)

a) Preguntas previas a la entrevista:

(A) ¿Cuál es su nombre?

(B) ¿Qué edad tiene?

(C) ¿Cuál es su ocupación?

(D) ¿Cuál es su identidad cultural/ etnia?

(E) ¿Cuál es su lengua materna?

(F) ¿Con qué idiomas está familiarizado?

(G) ¿Dónde creció?

b) Preguntas de la entrevista:

1. ¿Cómo son considerados los indígenas en Guatemala; su departamento/comunidad?
2. ¿Cómo considera usted a los indígenas; su perspectiva familiar?
3. ¿Son los grupos diferentes?
4. ¿De qué grupo conoce más?
5. ¿Cómo trata el gobierno a las personas indígenas?
6. ¿Cómo son tratados los indígenas por los empleadores?
7. ¿Sabe usted si existe una diferencia en el trato que reciben los indígenas en la ciudad o en el interior?
8. ¿Cuál es su proximidad con la mina?
9. ¿Qué escucha usted sobre ellas [protestas] en las noticias?
10. ¿Qué problemas afrontan las personas indígenas?
11. ¿Qué fortalezas/debilidades tienen las personas indígenas?
12. ¿Qué poder tienen?
13. ¿ Qué es unos buenos trabajadores (en minería; agricultura)?
14. ¿Existe alguna diferencia entre las personas de la ciudad y los indígenas del interior?
15. ¿Existen líderes que representen a los indígenas ante el gobierno?
16. ¿Existen líderes que representen a los indígenas ante los empleadores?
17. ¿Qué le gustaría decir y agregar en relación con la forma en cual son tratados los indígenas?
18. ¿Le gusta vivir cera de mina? ¿Por qué si, o por qué no?
19. ¿Se ha encontrado a sí mismo envuelto a alguna demostración, ya sea a favor o en contra, de la mina?

20. ¿Cuáles fueron los hechos entorno a la demostración, por ejemplo, las quejas?
21. ¿Qué sucedió?
22. ¿Fueron alcanzados los objetivos? ¿Mejoras?
23. ¿Le sorprendió alguna situación durante la demostración?
24. ¿Qué hay que hacer para solucionar este conflicto?
25. ¿Qué debe hacer la mina (funcionarios y trabajadores)?
26. ¿Qué deben hacer los manifestantes?
27. ¿Qué haces para evitar la mina?
28. ¿Qué podría hacer la mina para que disfrutes vivir en su presencia?
29. ¿Qué hay que hacer para solucionar este conflicto?
30. ¿Qué debe hacer la mina (funcionarios y trabajadores)?
31. ¿Qué tienen que hacer los manifestantes?