

Mining Policy and Subnational Tensions: A New Stage in The Cycle of Environmental Conflict in Twenty-First Century Argentina.

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Abstract

This case study analyzes processes of contentious action in rejection of so-called “mega-mining” deployed on a subnational scale in Argentina from 2019-2021. These processes respond to a new stage in the cycle of social conflict over environmental issues in twenty-first century Argentina. This stage is configured through citizen resistance in different provinces with repertoires of convergent struggle, particularly against state mining policy. This renewed policy promoted by the national government in coordination with provincial governments and transnational corporations takes place in a context of socio-economic, environmental and health crises exacerbated by the outbreak of the COVID-19 pandemic. Based on a technocratic vision of society-nature articulations that clash with aspects of the current environmental legal system in Argentina, this model generates multiterritorial tensions (political, social, and cultural) in diverse subnational areas. The objective of the article is to understand the transformations of the actor dynamics around state mining policy in this context, including diverse and complex civil-social and political-institutional strategies.

Keywords: environmental conflict; Argentina; Chubut; subnational politics; mining policy

Resumen

Mediante un estudio de caso se analizan los procesos de acción contenciosa en rechazo a la llamada “megaminería” desplegados en la escala subnacional en Argentina durante el período 2019-2021. Estos responden a una nueva etapa del ciclo de conflicto social de contenido ambiental en la Argentina del siglo XXI. Esta etapa se configura a través de las resistencias ciudadanas en diferentes provincias con repertorios de lucha convergentes, en particular, frente a la política estatal minera. Esta renovada política promovida por el Gobierno Nacional en articulación con gobiernos provinciales y empresas transnacionales se da en un marco de crisis socioeconómica, ambiental y sanitaria agudizadas tras la irrupción de la pandemia por COVID-19. Este modelo se sostiene en una visión tecnocrática de las articulaciones sociedad-naturaleza que entraría en colisión con aspectos del sistema jurídico ambiental vigente en la Argentina y en tensiones multiterritoriales (político, sociales y culturales) en ámbitos subnacionales. El objetivo del trabajo es comprender las transformaciones de la dinámica actoral en torno a la política estatal minera en el contexto señalado que incluye una diversidad y complejidad de estrategias civil-sociales y político-institucionales.

Palabras clave: conflicto ambiental; Argentina; Chubut; política subnacional; política minera

1. Introduction

This article addresses a series of social conflicts about environmental issues (or environmental conflicts) that took place in different provinces of Argentina between December 2019 and December 2021. [1] It focuses on environmental

conflicts sparked by citizen resistance to state mining policy. The national government, in agreement with governments of different provinces and in coordination with transnational investment companies, implemented a renewed mining policy to expand or enhance this extractive industrial activity. This occurred within the

framework of a socio-economic, environmental and health crisis reconfigured by the outbreak of the COVID-19 pandemic.

It should be noted that Argentina has a federal and republican structure of government in which the provinces are constitutionally autonomous units. Therefore, there is an overlap of political communities attached to political-institutional regimes of different levels in the same territory. In terms of environmental governance, this means that the National Government must manage affairs together with the Provincial Governments. In addition, the indigenous communities that inhabit the territories have a constitutionally recognized involvement in the matter.

Imbricated within the political-legal concept of territory understood within this study, the critical theory of space provides additional perspectives. In the words of Henri Lefebvre (219-229), territory is the *product and producer of the social*. Considering the approach to the social production of space, the spatial implications of extractivism are key to understanding environmental conflicts. *Multi-territoriality* is involved in the intersection between scale, power, and agency. That is, the actors linked to the disputed territory interact with different degrees of conflict due to the appropriation of *geographical-social space* at different scales.

The objective of the work is to understand the actor dynamics around state mining policy in this particular context, including diverse and complex civil-social and political-institutional strategies. These include the intersection of social protest, demands for compliance with the electoral mandate, and the use of constitutional mechanisms of citizen participation through legislation and juridification of said demands.

The research here takes Argentina as a case study (period 2019-2021), focusing on different provincial conflict scenarios. The analysis focuses mainly on the contentious process of the Chubut province, given its organizational level, veto capacity and the sedimentation of collective action in relation to environmental issues. The environmental conflicts that arose in the provinces of Mendoza, Río Negro and Andalgala (in the province of Catamarca) were also addressed as subunits of the Argentine case to show the diversity and complexity mentioned

with respect to the strategies deployed by the actors at a subnational scale.

The “National Mining Development Plan” was relaunched following the inauguration of the new governmental authorities (municipal, provincial, and national) in December 2019 in Argentina. This state policy was developed under a new Peronist/Kirchnerist national government in different provinces with subnational governments of various political parties, and with varying degrees of conflict. [2] Since 2003, metal mining in the province of San Juan has been implemented on a large scale with social resistance, with low veto capacity over the projects, and low degrees of acceptability among the citizens of San Juan. This “San Juan” model has been driven by staff and politician-technicians who were incorporated into the mining area of the national cabinet.

In Mendoza and Chubut, citizens organized assemblies and protests against proposed government legislation to allow metal mining in these provinces. These were massive actions, and the assemblies gained veto capacity over mining policy in the period studied.

In Chubut it led to the rearticulation of the contentious actor called *Unión de Asambleas de Comunidades del Chubut* (the Union of Community Assemblies of Chubut, or UACCh, by its Spanish initials). [3] This promoted a heterogeneous collective action that included the presentation of a bill by popular initiative opposed to the one presented by the provincial executive of mining zoning. [4] They also presented actions to the judiciary to stop the provincial government’s project from being debated by the executive.

Inspired by the process of resistance deployed in Mendoza and Chubut, in Río Negro the assemblies of Curru Leufu campaigned for a constitutionally recognized mechanism of citizen participation, known as popular initiative, to repeal the current mining law. In Andalgala, in Catamarca province, the El Algarrobo Assembly spearheaded a process of social resistance to the advancement of a new mining project nearby. In turn, the assemblies in these places developed an organic articulation with each other that allowed them to exchange knowledge and experience while generating mutual support networks.

The research findings indicate a modularization of the environmental conflict during the stage of the cycle analyzed. The modular choices are characterized by citizen decision-making involvement. Thus, environmental conflicts were presented as areas of democratic expansion (Merlinsky, *Toda* 21) that gave dynamics to subnational politics. Likewise, this process presented multiscale political-institutional effects (local, provincial, and national). The Argentine case is an example of the production of territories involved in environmental conflicts over the advancement of the frontier of extractivist metal mining. These complex multidimensional processes show that management of natural resources and the environment is eminently political, with moments of open conflict and others contained by political institutional forms.

This case study, constructed from the sub-units of Mendoza, Chubut, Río Negro, and Catamarca, is especially relevant to understanding existing heterogeneities around environmental conflicts, both nationally and across Latin America. In Argentina, unlike other Latin American countries, the first large-scale metal mining project was developed in 1997. In 2002-2003 the first citizen assembly organization emerged in the city of Esquel, Chubut, which had the power to veto mining and reached the first provincial law prohibiting the use of toxic substances associated with the activity. The "Esquel effect" (Svampa and Antonelli 125-129) had a lasting influence on the configuration of the environmental conflict cycle in twenty-first century Argentina.

In summary, the Argentine case has implications for the general theme and for the study of different experiences since the beginning of this cycle, constituting a significant case of nexus between extractivism, environmental conflict and territorial tensions.

The question that arises is how social resistance and citizen strategies to reject mining policy at a subnational scale produce territories in this new stage of the environmental conflict cycle in twenty-first century Argentina.

2. Methods

A qualitative research design was conducted

using the single-type and embedded case study strategy (Yin 165-185). The methodological strategy constructed aims to describe the Argentine case in a contextually situated manner. The narrative approach was used to determine the contents and limits of the case study in terms of scale, territorial inscription, profiles of the participating actors, patterns of collective action, juridification and institutional registration of the demands (Merlinsky, *Cartografías* 65).

As for the methodology used here, this work is based on techniques for making records of local and national media; observation of assemblies and forums transmitted through digital channels; analysis of bills developed by provincial executives and popular initiatives and videos of provincial legislative sessions during the study period; presentations and judicial measures related to the subnational cases during the study period; digital documents of the assemblies and the contentious actors studied, and letters and documents of national, provincial and municipal governments, political parties, ecclesiastical institutions, the institutions of the science and technology, and the indigenous communities settled in the territories where there were disputes about permitting mining activity.

The construction of the Argentine case study through provincial or local subunits allows the analysis of several contentious processes that are concentrated in this unit. It offers different spatio-temporal intensities and the configuration of different arenas of conflict at different scales. Given the political-institutional and socio-territorial features of the processes and agency, the analysis is carried out from a subnational perspective, considering the dynamics of local and provincial actors and the multiscale tension in which they are embedded.

As environmental conflicts are usually characterized by local communities' rejection of a transnational project in their local area, the interaction between scales is considered. Argentina's legal system has incorporated environmental protections since 1994, when the most recent constitution was passed. The General Environment Law 25675 was passed in 2002, and further protections were incorporated into the 2014 reform of the Civil and Commercial Code. Together with the provincial constitutions,

these provide a normative plexus of consolidated environmental values. Provincial governments have power over the use of natural resources and the environment while the national government controls the minimum budgets for these. In addition, indigenous people in Argentina have constitutionally protected rights with respect to participation in natural resource management concurrently with the provinces. This is considered here, since some of the mining projects are in territories georeferenced as belonging to institutionally recognized indigenous communities.

In summary, regarding method, the Argentine case was constructed by selecting subnational processes that were productive to compare. The crucial operations carried out were linked to the search for oppositions and productive dimensions to describe the subunits of the case. Also, events were identified that connect a series of general phenomena that can be extrapolated to other realities. The proposal here is to provide the Argentine case as an analog case (Becker 73-102) of the productivity of environmental conflict in a pandemic context. Through the logic of analogies (Becker 73-102) this specific case can be used as a model for reasoning other cases.

3. Environmental Conflict in Argentina from a Subnational Perspective (period: 2019-2021)

In December 2019, Alberto Fernández and Cristina Fernández de Kirchner won the national elections with the Kirchnerist coalition, *Frente de Todos*, and emerged as president and vice president, respectively. From their inauguration, a process of relaunching the country's mining policy began. This was expressed in the formation of the national cabinet in sectorial matters.

In the Fernández government, the will to move forward with the National Mining Plan resulted in former San Juan provincial government officials with links to mining being incorporated into the Secretariat of Mining of the Nation and its dependencies in the Ministry of Production. Mining Secretary, Alberto Hensel, was the Minister of Mining of San Juan from 2015-2019.

The president of the *Justicialista* party (PJ),

the main party in *Frente de Todos*, was José Luis Gioja until March 2021. [5] Under his provincial government large-scale mining developed in San Juan province. Since 2003, the main Argentine activity of the emblematic mining company, Barrick Gold, has been in the mountain and periglacial area of San Juan. [6]

The "San Juan model" refers to the implementation of a policy to foster metal mining in San Juan. First passed during the Gioja government in 2003, the policy remains in place today. Social resistance did not reach veto capacity over mining projects and policies and degrees of citizen acceptability of this extractive industrial policy were reached. [7] San Juan became the maximum exponent of "new mining" in Argentina (Christel, *Resistencias Sociales* 13).

As a framework, it is worth noting that metal mining is currently under way in Catamarca, San Juan, Santa Cruz, and Jujuy and there are a total of 59 projects in different stages in these provinces plus Neuquén, Chubut, Salta, Río Negro, and Mendoza, in coordination with transnational companies. Salta, Jujuy, and Catamarca are in the "lithium triangle," a region encompassing parts of Bolivia, Argentina and Chile that contains approximately 50% of the world's reserves of this strategic mineral. Rocks and industrial minerals are also mined in the country's 23 provinces (Ministerio).

Metal mining policy has been a state policy in Argentina since the 1990s and in the period under study it gained new governmental momentum from the incorporation of an experienced provincial political and political-technical elite into national management. In turn, this policy is embodied in the territories by provincial governments of different political parties. In some cases, this involves repealing existing provincial laws. [8] In turn, there were different degrees of rejection promoted by circumstantial coalitions of various subnational political, state, and social actors with a variable scope of modularization of demand in citizens that makes it difficult to achieve the social license for activity in different provincial territories.

The mining policy proposed by the national government encountered normative, social, and political limits in the provinces. Mendoza was

the first episode of conflict in the new stage of Argentina's environmental conflict cycle that began in December 2019. Mendoza's governor, Rodolfo Suárez (of the main opposition coalition, *Juntos por el Cambio*), sent a bill to enable metal mining to the legislature, in line with the sectoral policy of the government of the Argentine nation. This implied derogating from the 2007 provincial Law 7722 which prohibited the use of chemical substances in mineral extraction processes. This law was achieved by popular mobilization and citizen political participation.

The social protest in Mendoza against the modification of the law banning the use of chemical substances in mineral extraction was transversal to the different social layers of the citizenship and reached a high intensity for a brief period. Massive citizen demonstrations were organized through a series of assemblies to oppose the enactment of the new law.

Mendoza is characterized by wine production and in January and February traditional harvest festivals are held across the province. It is one of the most important national holidays in the country. The demonstrations against the mining law were juxtaposed with the planning of this event, raising questions about whether it would go ahead. The citizens, some local governments and the harvest queens spoke out under the slogan: "without water there is no harvest." There were roadblocks and "banderazos" (protests with Argentine flags) in rejection of the legislative modification, making the conflict visible at national level ("Peligra"). This contentious process had a high impact and was called the "Nuevo Mendozazo" in allusion to the historic *pueblada* of 1972. [9]

However, the law sent by the executive was approved in both chambers, which included the vote of the opposition. [10] In view of the social protest, the governor called for a round of dialogue before putting the new law into effect. Faced with popular pressure and the national escalation of the conflict, the governor vetoed the law – which he himself had promoted – a few days later (Lag).

In turn, the governor of Chubut made an announcement similar to that of his counterpart Mendoza but did not send the mining zoning law to the legislature until November 2020.

The UACCh declared itself on maximum alert, held demonstrations and initiated a state of permanent assembly in the different towns of the province against the government initiative. The environmental conflicts raised in Mendoza and Chubut around mining policy had an impact on other scales (other provinces and the nation) during the period studied.

After the outbreak of the pandemic, in March 2020 the national executive decreed the suspension of non-essential face-to-face activities. The decree of Social, Preventive and Mandatory Isolation (ASPO by its Spanish initials) and, later, Social, Preventive and Mandatory Distancing (DISPO by its Spanish initials) affected the activities of social and union protest in Argentina. [11] The cycle of contentious action for environmental issues studied here was suspended or in a state of latency during the ASPO.

In the case of Andalgalá, Catamarca, the protest actions that achieved national reach began in April 2021, promoted by the El Algarrobo assembly and self-convened neighbors in rejection of the progress of the Agua Rica project 25 kilometers from the town. [12] On April 8-9, neighbors held a sit-in in front of the mining company's warehouse in the town. This was guarded by the provincial police. On April 10, the "Caminata por la Vida (Walk for Life) no. 583" was held, which had a high attendance. [13] That day, the mining company's warehouse and the local PJ party office were set on fire in the center of the city. Days later, 12 assemblymen were arbitrarily detained for two weeks. In this context, the conflict took on national significance. Human rights organizations spoke out [14] given the criminalization of the protest and the National Secretary of Human Rights, Horacio Pietragalla, intervened (Colectivo 31-42; Piscetta).

The aforementioned assembly has been promoting protest actions since 2009, such as blockades to interrupt supplies to the mining site, "caminatas por la vida," information camps, judicial actions, and the use of constitutional mechanisms to create local laws that protect the environment, among others. Furthermore, the mining activity is developed in a periglacial environment so the operation is said to have violated the Preservation of Glaciers Law.

In the case of Río Negro, the main actions promoted by the assemblies of Curru Leufu were the presentation of a bill to the legislature through popular initiative, petitions, forums and informational material, judicial protection from the uranium extraction project (Amarillo Grande) and demonstrations in some localities in rejection of projects in the southern region of the province. The Mapuche-Tehuelche communities that inhabit the area where the mining projects are located also demonstrated. They alleged that various mining projects were moving forward without respecting the right to prior, free, and informed consultation established

by the Constitution of the Argentine Nation and international treaties that the country adheres to (mainly, Convention 169 of the International Labour Organization, ILO). This position was institutionally endorsed by the parliament of the Mapuche-Tehuelche People and by the Council for the Development of Indigenous Communities, CODECI, of the provincial executive.

To organize and summarize the main dimensions of the subunits that make up the Argentine case, a comparative table of provincial environmental conflicts during the period studied is provided (Table 1).

Table 1. Comparative Table of Environmental Conflicts in the Argentine

Province	Mining regulatory framework	Location of the conflict	Period	Contentious Actor	Actions	Degree of massiveness	Veto power
Mendoza	<i>Restrictive/Regulationist</i> (Law 7722/2007)	<i>Extended</i> (Capital, San Carlos, General Alvear, Rivadavia, San Rafael, Tunuyán and Tupungato with national impact)	<i>Short and intense</i> (December 2019)	Asamblea Popular por el Agua de Mendoza and self-convened neighbors	Mass demonstrations called "Mendozazo"	<i>High</i>	<i>High</i>
Chubut	<i>Restrictive/Regulationist</i> (Law 5001/2003)	<i>Extended</i> (throughout the provincial territory with national impact)	<i>Prolonged and intense</i> (December 2019/ December 2021)	UACCh, Mapuche-Tehuelche communities and self-convened neighbors	Mass demonstrations called "Chubutazo", permanent mobilization and direct actions, Popular Initiative, and legal actions	<i>Medium and High</i>	<i>High</i>
Río Negro	<i>Enabling/Deregulationist</i> (Law 4738/2011 that repealed Law 3981/2005)	<i>Bounded</i> (Bariloche, Cipolletti, Viedma and Región Sur)	<i>Prolonged and low intensity</i> (February 2020/ July 2021)	Assemblies of Curru Leufu and Mapuche-Tehuelche communities	Popular initiative, legal actions, and local demonstrations	<i>Low</i>	<i>Low</i>
Catamarca	<i>Enabling/Deregulationist</i> (Law 5682/2020 updating laws 1871/1959 and 2233/1967)	<i>Extended</i> (Andalgalá with national impact)	<i>Short and intense</i> (April 2021/ May 2021)	Assembly El Algarrobo and self-convened neighbors	Demonstrations and direct actions at local level	<i>Medium and Low</i>	<i>Low</i>

Provinces (December 2019-December 2021).
Source: compiled by the author.

As a result of the previous social resistance efforts, Mendoza and Chubut have laws that prohibit open-pit mining and the use of chemical substances in mineral extraction processes. At that stage of the cycle of environmental conflict in Argentina, Río Negro (like other provinces that replicated Chubut's experience) achieved a *restrictive or regulationist* mining framework (Table 1) in 2005 from which the legislature derogated in 2011 within the framework of provincial impact protests. On the other hand, Catamarca has had a mining regulatory plexus of an *enabling* (with respect to metal mining) and *deregulationist* (regarding environmental protection) type since 1959. This provided the framework for the first experience of open pit mining after national regulatory clearance in 1993. In 1997 the exploitation of the Bajo de la Alumbrera mine began.

The location of the conflict (Table 1) in some cases is of an *extended* variety. That is, the demand transcends the local territory where resistance to the project or policy is configured, extending to a large part of the provincial territory, and even has impacts in other provinces, sometimes reaching national visibility. In the subunits surveyed, this happened for different reasons: a) criminalization of social protest (in the cases of Chubut and Catamarca) that sparked awareness among the public due to complaints received by various human rights organizations; (b) concurrent national events (in the cases of Chubut and Mendoza) and (c) claims of constitutionally protected indigenous communities (Chubut). In other cases, the location is limited to local spaces and the claims of the indigenous communities were made by institutional spaces of the provincial government (Río Negro).

Regarding the degree of massiveness and veto capacity of environmental conflicts in rejection of mining policy during the period analyzed, heterogeneous balances were observed: Chubut and Mendoza presented a *high* degree in both dimensions and in Río Negro and Catamarca, a low degree was observed in both cases (Table 1). This corresponds, on the one hand, to the historical evolution of the contentious process and, on the other, to the institutional tools in force.

As mentioned, Mendoza and Chubut, unlike Catamarca and Río Negro, have laws in place that regulate mining. These were achieved during the cycle of environmental conflict opened in 2002 that has been characterized by a mobilizing socio-legal quality. That is, in this new stage there is a growing juridification intertwined with a politicization of the environmental issue supported by a robust regulatory framework.

Enabling large-scale metal mining would therefore require the derogation of laws created in response to citizen demands and the creation of regulations that would have to pass through the legislature. Besides, these new regulations may not comply with minimum budgets, or the principles of environmental policy protected in environmental law. This produces widespread voter rejection with the potential to affect political preferences. Provincial political elites are therefore less likely to carry out initiatives at odds with the environmental regulatory framework. In addition, such measures are not contemplated in their electoral platforms and run contrary to the demands of their voters.

3.1 The Environmental Conflict in Chubut as a Subunit of the Argentine Case

One of the subunits of the Argentine environmental cycle is the emblematic case of contentious process in Chubut. In 2002 the citizens of Chubut, especially in the mountain city of Esquel, began a series of protests to stop transnational company Meridian Gold's Cordón Esquel project from exploiting a metal deposit near the town. A self-convened neighbors' assembly was formed, which adopted the slogan "No to the mine." As a result of the collective action, the government of Chubut called a referendum in which 81% of the population voted against the project. Although the poll was optional, participation reached 75%. Finally, in April 2003, Law 5001 prohibiting metal mining activity was passed as a way of ending the conflict in the face of the upcoming provincial elections.

This process of vetoing mining via citizen resistance was pioneering in the region. The "Esquel effect" opened a cycle of environmental conflict in Argentina that, in the context of a

pandemic, presents a new moment or stage.

Once the national and provincial authorities came to power in December 2019 [15], the governor, Mariano Arcioni, announced a productive development plan that included mining the plateau in the departments of Gastre and Telsen (“Arcioni”). [16] It also modified the Ministry of Hydrocarbons and created the Undersecretariat of Mining. This plan was launched in agreement with the national government. According to its promoters, the goal was to diversify the provincial economic matrix and generate foreign exchange. The government announced its policy at a time when the province was in crisis: the state was in debt, public sector salaries had not been paid, and there were widespread disputes with trade unions.

Faced with the government announcement, the UACCh declared itself in a state of maximum alert and resumed protest actions. The scenario in Chubut and Mendoza was analogous in that the first step to relaunching mining policy in these territories was the the revocation of provincial

laws. Within the framework of the social distance measures decreed by DISPO, the assemblies launched a campaign to collect signatures for a popular initiative that would strengthen the regulatory framework of the pioneering provincial law. Between October and November 2020, the electoral tribunal of Chubut certified 30,916 signatures endorsing the popular initiative.

On November 20, 2020, hours before the provincial judiciary referred the popular initiative project to the legislature, the provincial executive presented the mining zoning project contrary to the spirit of the one promoted by the UACCh. Both were referred to the Economic Development, Natural Resources and Environment Commission for a ruling. On November 24, a massive march and a provincial environmental strike were called. The demand was: “Approval without modifications of the second popular initiative and rejection of the mining zoning bill promoted by the provincial government.” In this context, two assembly members were arrested.

The provincial executive’s bill and the popular initiative were sent to the legislature of Chubut

Table 2. Bills to Regulate Mining in Chubut Presented in the Legislature (24.11.2020).

	Bill 128/20 “Mining Zoning Law”	Bill 129/20 “2nd Popular Initiative”
Presentation in the Legislature	Project of the Provincial Executive with the agreement of ministers	President of the Tribunal Electoral Provincial presents UACCh project
Project name	Sustainable metalliferous mining industrial development in the province of Chubut	Popular Initiative. Bill to establish parameters of environmental sustainability in mining operations
Constitutional and legal framework	Original domain of the Provincial Government over natural resources (art.124 CN and Law 24585, National Mining Code), Law 5001	Popular Initiative (art. 263 CP), Law 24051, Hazardous Waste
Framework of mining activity	The present bill establishing mining zoning, Law XI No. 35, Environmental Code of the Province of Chubut, and Law 24585	This bill establishes the scope of the National Mining Code and Law 25675, General Law on the Environment in the territory of Chubut
Object	Mining zoning of the departments of Gastre and Telsen	Prohibit throughout the territory of the province metal mining with any polluting, toxic or dangerous chemical substance according to Law 24051 and in accordance with the spirit of law of 5001
Basis	1) National mining law 2) Constitutional law of the provinces on the use of natural resources 3) Mining zoning within the framework of Law 5001	1) Environmental that has as background law 5001 2) Constitutional mechanisms of participatory democracy 3) Rights of indigenous peoples (art.75 inc.17 CN and art.34 CP and Convention 169, ILO)

Source: compiled by the author.

(bills 128/20 “Sustainable metal mining industrial development of the province of Chubut” and 129/20 “Popular Initiative. Bill to establish parameters of environmental sustainability in mining operations”) and led to tensions over which project would be approved. Given the popular pressure, by May 2021 the legislators had not managed to issue an opinion on the projects. The positioning in favor or against mining generated breaks between the legislative blocs of the ruling party and the two political coalitions of the opposition with representation in the Chamber (*Frente de Todos* and *Juntos por el Cambio*). The *Juntos por el Cambio* bloc was dissolved. In short, the environmental issue represented a political-territorial split for all the political organizations with parliamentary representation.

The bill sent by the Provincial Executive aimed to permit mining on the central and northern plateau (replenishing the strategy of double territorial status) while the popular initiative project aimed to prohibit large-scale metal mining in the province (Table 2).

As seen in table 2, the projects are opposed in their objectives, scope and prerogatives and are based on different regulations. Both claim to comply with the spirit of the law of 5001 (the executive intends to carry out the zoning, which was never executed and whose established deadlines had passed, and the popular initiative promotes expanding the restrictions on the use of chemicals and protection of aquifers). Likewise, in both projects there are prominent meanings of the word “sustainable”. This denotes the inscription of the debate within the “sustainable model” of the consolidated environmental field (Azuela 1-537). The executive’s project focuses on the regulation of mining activity within the legal framework of the activity in force at national level but neglects the participation of citizens and of indigenous peoples which gives sustenance to the project promoted by the UACCh.

The citizens of Chubut, mostly opposed to metal exploitation since 2002, experienced this process as an “electoral scam”. That is, the mining issue was not one of the proposals of the electoral campaign and, particularly, the governor in his previous mandate had held an anti-mining stance. Arcioni, as successor of the

late governor and territorial leader Mario Das Neves, stood in line with the people of Chubut against large-scale mining until he was re-elected.

Between December 2020 and May 2021, mobilizations were held in favor of opening the debate on mining promoted by unionized workers, mayors, mining chambers and some citizens of towns of the plateau area. In February 2021, the government resumed the initiative and called various social and political actors to informative meetings on the pro-government project. It was launched as a form of debate on the mining issue but without incorporating the arguments put forward in the popular initiative. He unsuccessfully called for legislative sessions to deal with the 128/20 project.

In parallel, the assemblies of the UACCh were mobilized and, in this context, they chose to pursue different forms of struggle. The forms of protest included a wide repertoire that was organized throughout the territory in the form of assemblies: marches in cities across the province on the fourth of each month in commemoration of the original struggle of Esquel, “Mesetazo” (popular protests in the areas of the plateau affected by the mining zoning), open letters to the governor, the president of the legislature and bishops of the area, mobilizations in other localities, horseback riding, and forums on open radio, among others. Increasingly, the national media covered the local conflict over the advance of “mega-mining” (Tronfi). From the disturbances for the presidential visit during a series of disastrous wildfires in the Andean region of Río Negro and Chubut, the protest against “mega-mining” gained high visibility (“Ataque”).

Members of the assemblies called this cycle of environmental protests “ChubutAGUAzo.” [17] They demanded compliance with the electoral mandate to limit the province’s “extractivist profile,” as well as appealing to the constitutional resources of semi-direct democracy and juridification of the demand.

There was judicialization of the treatment of the 128/20 project based on various presentations made by assemblymen and by Mapuche-Tehuelche communities. Besides the aborted legislative sessions because of popular

pressure, it is also worth mentioning the debates within the academic and professional institutions established in the territory in favor of and against metal mining and the production of documents and public positions on the issue during the period.

Finally, on May 5th, 2021, a majority opinion of the legislative commission was reached rejecting bill 129/20. In a remote session the next day, in the context of a 24-hour strike, mobilizations and a vigil until the treatment of the project, legislators voted to reject project 129/20. By 13 votes (official and allies fruit of the ruptures of the legislative blocks indicated), 12 votes (legislators of the *Frente de Todos* and a split from the ruling bloc of Peronist extraction) and two abstentions (radical legislators of the *Juntos por el Cambio* bloc) (“En votación”) the popular initiative was rejected. In response, protesters blocked roads for a week. Provincial police cleared a part of the blockades, and more assemblymen were arrested.

It should be added that it is in the reformist wave of the 1990s, after the democratic transition of 1983, when a series of mechanisms of semi-direct democracy were incorporated into the Constitution of the Argentine Nation and the Constitution of the Province of Chubut, among others. The national constitution established the institutions of popular initiative and popular consultation (“Constitución de la Nación Argentina”, arts. 39 and 40) and the provincial constitution, sanctioned the same year as the first, in addition to popular consultation and the popular initiative, created the Revocation of mandates (“Constitución de la Provincia del Chubut”, arts. 262, 263 and 264, respectively). It should be noted that these constitutional tools are rarely used for citizens to participate in public decision-making. This is demonstrated by the fact that since its inclusion these constitutional mechanisms have not been used at national level; in the provinces, to date, legislation has not been adopted through semi-direct democracy mechanisms and there are only cases of effective implementation at the municipal level.

In the case of Chubut, popular initiative was used twice. Promoted by the UACCh, in 2014 and 2020 the same bill was presented to the legislature through a popular initiative

to establish parameters of environmental sustainability in mining operations. The objective was to expand and update the current regulatory framework inaugurated with the pioneering law 5001. Neither attempt was successful: the bill resulting from the first popular initiative was substantially modified in its legislative treatment and the project presented through the second popular initiative was rejected.

In the case of Chubut, the constitutional instruments of semi-direct democracy were combined with two others. On the one hand, a demand to the provincial political representatives regarding the government programs voted, since they did not contemplate policies of metal mining authorization or accentuation of the extractivist profile of the provincial territory in their respective electoral platforms. On the other hand, a social mobilization with a degree of provincial organization headed by a collective contentious actor that has a memory and sedimentation of environmental protest actions of more than 40 years. [18] It also combines a socio-legal mobilization of the assemblies and the Mapuche-Tehuelche communities in articulation with the *Equipo Nacional de Pastoral Aborigen Región Sur* (ENDEPA, a Catholic institution with established church members where indigenous communities are settled), which managed to judicialize the 128/20 bill of the executive and suspend its legislative treatment through a judicial action until December 2021.

In addition to the judicial activism and collective mobilization that delayed legislative treatment of the 128/20 project, there came the impasse occasioned by the electoral schedule for the national legislative elections held in September –the simultaneous and mandatory open primaries, called PASO, and the general ones in November 2021. However, the environmental conflict impacted on the electoral performance of the parties. The ruling party, *Chubut Somos Todos*, was relegated to fourth place in a loss unprecedented since its foundation in 2014. Consequently, they lost two seats in the national congress, leaving them without political representation.

The outcome of this episode of the political contest was precipitated when the political-partisan and institutional conditions were given

to vote favorably on the mining zoning project in the Chubut legislature. On December 15th, 2021, in the face of the imminent loss of parliamentary status, bill 128/20 was approved by 14 votes in favor, 11 against and two absentees, amid demonstrations outside the legislature, in the provincial capital of Rawson. [19] The provincial police repressed demonstrators that night in Rawson and over the following days in which collective mobilizations known as the “Chubutazo” took place. In that context, dozens of people were injured, including one legislator, and more than 30 were arrested on the first day. Early the next day, the governor promulgated Law XVII No.149 through Decree 1285/21. Then, the UACCh called for demonstrations in different localities of the province and a state of permanent mobilization was established until the revocation of the law.

A *pueblada* was originated with its epicenter in Rawson. Fires broke out in the administrative block. The government house, the legislature, the superior court of justice, the public prosecutor’s office, among 16 other public departments and the newspaper *El Chubut* in Trelew were all set on fire. The massive demonstrations continued, with roadblocks on provincial and national routes, union strikes that included the blockade of port activities, mobilizations to Rawson and caravans in different localities of the province. Under popular pressure, the vice-governor and the governor announced on social media that they would send a bill to revoke mining zoning and that a provincial referendum would be called on enabling large-scale mining. Sastre called an ordinary session in the legislature virtually on December 21st, 2021, the last session before the recess, and the legislators voted to revoke the law that the governor had signed into law five days earlier.

These days had repercussions at both national and international levels. An example of this was the hacking of the website of the company Panamerican Silver, the main investor in the Navidad project for the extraction of silver in the northern central plateau of Chubut. After the Chubutazo, Panamerican Silver decided to stop its operations and left the province. The provincial justice charged 24 assemblymen from the cities of Rawson, Trelew and Puerto

Madryn for the incidents in the administrative block. The UACCh stated that this constituted a criminalization of protest and advised those citizens who had suffered institutional violence to file complaints. The UACCh also launched the third campaign to collect signatures among the voters of the province to present, for the third time, the bill by popular initiative to the legislature.

4. A New Moment in Argentina’s Twenty-first Century Cycle of Environmental Conflict

In Argentina, neoliberal reforms – with the consequent pauperization of ways of life that they brought with them – and the fragmentation of the public sphere altered the modalities of citizen intervention and broke the representative party-society bond. In the 1990s, at the subnational level, there were popular mobilizations in the form of social outbursts that led, towards the end of 2001, to a national crisis. It was an institutional breakdown in which there was a sedimentation of new forms of collective action because of a widespread social unrest combined with a crisis of governability and political leadership. In this context, the cycle of environmental conflict in twenty-first century Argentina was opened. This can be seen as a new configuration of the democratic game between scales given the interweaving of the environmental conflict into the public-political debate at the subnational level but with implications in national public policy.

As a local correlate of these new forms of collective action, social resistances were built (Walter 15-28; Svampa and Antonelli 125-129; Christel *Incidence, Social Resistance*; Gutierrez 28-508; Van Teijlingen and Dupuits 7-16) and a complexity of strategies, such as those described in the section dedicated to the case, in the face of the advances of the extractivist frontier, particularly, the expansion of large-scale metal mining. These social resistances are embodied by the citizens of different territories with different veto capacities over projects or state policies and forms of self-representation that at times overflow the channels of political-institutional representation.

Driven by international prices, Latin America

has experienced a reprimarization of its export-oriented economies in the twenty-first century. Within this framework, territories have been incorporated for the extractive industry with various social, political, economic, and environmental impacts. Extractivism is a complex and multidimensional phenomenon where the variation of the spatio-temporal dimension is key. Likewise, Latin American literature on extractivism has had an impact on the content of the public debate on the modalities of local-global development and the dependent role of the region (Martín 13-26).

This cycle of environmental conflict that emerged in 2002 has extended to the present day, developing similar processes in various places and provinces in rejection of different projects or state policies that involve the exploitation of the common goods of the territory. These are geolocated disputes that imply the struggle for the decision and orientation of state policies around the use of strategic natural resources, where the right to water is a central argument for social resistance in the territories. These contentious acts with different degrees of articulation are local claims and challenge subnational governments for two reasons: firstly, because the national constitution establishes that natural resources are protected by the provinces (“Constitución de la Nación Argentina”, arts. 121 and 124); and secondly, because of a territorial issue, since projects of this type have a logic of location specificity that impacts on the *socio-spatial production* of the territory and its materiality (Haesbaert 9-42). This combination makes subnational territories the space where environmental conflicts occur and provincial governments the main actor to oppose. Territories involved in mining conflicts are built on a multi-scale tension of open and contingent outcome.

The literature on subnational politics from a multiscale perspective observes the effects of geolocated socio-environmental protests on political regimes (Delamata 237-277; Torunzyk 31-175; Christel and Torunzyk 47-68). The multiscale tension is expressed in the conflictivity that combines the dimensions of power and territory. Environmental conflicts take place in each territory, but their effects

transcend it. Faced with a network of private and public, international, national, and provincial actors that aim to generate the conditions for the development of extractivist activities, there are social resistances that dispute the forms of socio-spatial production from the subnational scale.

These studies show that cycles of contentious action can partially or intermittently alter the social peace of the regime. However, they tend not to affect its structural characteristics. In terms of democratization, it should be noted that a substantial part of the social conquests or the ability to veto or delay the execution of state policies and large-scale projects with investments of transnational capital were the result of contentious collective actions.

In short, in twenty-first century Argentina there is a growing installation of the environmental issue in the public sphere that is expressed in environmental conflict, multiscale tensions and expanded political participation. These are promoted by social resistances that present different degrees of organizational articulation and veto capacity over national mining policy. This presents different temporal and spatial intensities within the studied unit. The environmental conflict is expressed in a civil and social arena; however, these affect the political-institutional, showing effects in the state as well as in the political-partisan, union, ecclesiastical and science and technical institutions.

5. Conclusion

By developing the contemporary Argentine case, this paper constitutes an empirical contribution to knowledge of the cycle of environmental conflict in the country and the region in the context of the pandemic. In methodological terms, the Argentine case is offered as an analog case since the specific case can be used as a model to reason – through the logic of analogies as Howard Becker recommends – other cases.

A methodological contribution is made to the study of environmental conflicts from the embedded case study with a perspective from the subnational scale of the conflict, considering the multiscale tension in which the process and

agency develop. A systematization of the main dimensions of the Argentine case was elaborated based on the description and comparative analysis of the selected subunits.

A new moment or stage of the cycle of environmental conflict in twenty-first century Argentina opened in 2019 due to citizen rejection of a renewed impulse of national mining policy in agreement with some provincial governments and in articulation with transnational companies in the sector. This policy aimed to achieve social license and expand extractive industrial activity. To this end, the national government adopted a model of management of the activity considered successful at the provincial level as a national state policy. This model is based on a technocratic vision of society-nature articulations which collide with aspects of the environmental legal system and the public culture around the environmental.

Since 2002, the metal mining industry has encountered brakes in several provinces because of the configuration of social resistance and a heterogeneity of citizen strategies to influence the public-political debate. This implied a democratization of the pre-established order and a growing politicization of the environmental.

In this new stage, a sedimentation of collective action is combined in a subjective way as assembly organizations anchored to cities that are activated and interact with each other and with other multilevel political, social, and state actors around environmental problems. The collective action is combined in an objectified form as *restrictive* and *regulationist* legislation of mining activity (both provincial and national) that, in nine provinces, was reached at previous moments of the cycle. Likewise, the growing activism of indigenous communities that are protected by a normative plexus that enables legal presentations and legitimizes environmental demands plays a key role.

Endnotes

[1] It alludes to the diversity and complexity of social conflicts of environmental content. They have a territorial anchorage in a historical, political, economic, and cultural context where the Society-Nature relationship has become visible as a constituent dimension of the social order. They are struggles for ways of inhabiting the environment, for

subsistence – in the sense intended by the current of environmentalism of the poor – and for the reproduction of the link between a community and its habitat (Folchi 80-99). In the terms of Antonio Azuela and Paula Musseta (191-215), the environmental dimension of conflict intersects with other dimensions that make it up, which generates specific results in the social order that vary according to the configuration of the conflict. As Gabriela Merlinsky suggests (*Una sociología reflexiva* 32), we opt for the use of the concept of environmental conflict when the actors involved in the contentious process use environmental arguments to publicize the demand.

[2] After the social, economic, and political representation crisis that Argentina experienced in the years 2001-2002 – which caused the fall of the Alianza government, the resignation of President Fernando De la Rúa (Unión Cívica Radical Party) and the assumption as provisional president of Eduardo Duhalde (Justicialista Party, PJ) – elections were called, and Néstor Kirchner (PJ) was the winner. From the broad spectrum of the Peronist movement, which has historically been represented mainly by the PJ, the national government was assumed by a subnational political elite from the Patagonian province of Santa Cruz. To date, it governs in coalition (except for the 2015-2019 period, when the country was ruled by current opposition coalition Juntos por el Cambio, known at the time as Cambiemos). Kirchnerism constituted part of Latin America's twenty first-century leftist turn, in which there was a continuity of extractivist policies (given the late and dependent typology of the state and its paradoxical role for the capitalist development of the region) and, in turn, progressive redistribution of income and expansion of citizenship rights.

[3] The UACCh has functioned as the supra-organizational structure of the assemblies since 2012. There are more than 40 socio-ambiental assemblies through all the territory of Chubut. These replicate the pioneering citizen assembly of Esquel. These act in a network forming a new contentious actor in the provincial territory, which conveys a citizen socio-environmental demand. They are associations or organizations in the field of collective action that are imbricated in informal networks of sociability to preserve local ways of life.

[4] Mining zoning legislation establishes a dual status in terms of mining exploitation and environmental regulation in the same provincial territory. In the case of Chubut, since 2002 the different provincial governments have been trying to enable large-scale metalliferous mining through the establishment of "mining zones" but, given popular pressure, they have not materialized.

[5] Fernández assumed the presidency of the PJ in March 2021 (the presidency of the nation and the party is usually exercised in parallel). Gioja took over the presidency of the party when Peronism became an opposition at the national level during the Cambiemos government (2015-2019), which denoted his interference at the national level.

[6] In 2010, Law 26639 of Minimum Budget Regime for the Preservation of Glaciers and the Periglacial Environment was enacted. This law prohibits mining in glacial and periglacial areas. This affected the binational project (San Juan, Argentina – Huasco, Chile) of the Barrick Gold

company called Pascua – Lama based in this type of area. In parallel, given the breaches of environmental regulations and social resistance in Chile, the project in the province of Huasco closed in 2020 through a court ruling.

[7] The protest actions began in 2004 in the capital of San Juan and spread to the towns of Jachal and Calingasta. Nonetheless, in 2005 the gold mining operation, Veladero, began by the controlling companies, Barrick Gold Corporation and Shandong Gold. Then, Gualcamayo was inaugurated in 2009 and there are currently 11 mining-metalliferous projects in different stages in the province (Ministerio de Desarrollo Productivo de la Nación).

[8] During the period 2003-2011, because of collective demonstrations at the provincial level, laws were enacted in different provinces that prohibited “mega-mining” (Chubut, Río Negro, La Rioja, Tucumán, Mendoza, La Pampa, Córdoba, San Luis, and Tierra del Fuego) framed in the General Environmental Law of 2002 and in the constitutional power that each province has over the management of natural resources and the environment. In the case of Río Negro and La Rioja, the laws were derogated.

[9] This was part of a series of puebladas (popular uprisings of cities) that took place in the country during the dictatorial government of the self-styled “Argentine Revolution” between 1969 and 1972.

[10] Mendoza, like the Nation and eight other provinces, has a bicameral Legislature where bills must be dealt with and approved by a majority (simple in this case) in the Chamber of Deputies and Senators to become law.

[11] Social protest, considering that one of its main characteristics is the presence in public space, occurs in a context of high tension due to the socioeconomic and health consequences of the pandemic. In contrast to the ASPO period (March-May) where the dynamics of social conflict decreased and forms of public irruption developed with low occupancy of public space, during the DISPO (June onwards) social protest grew and was expressed openly (Citra 22-30).

[12] The project would be exploited in an integrated way with the Bajo de la Alumbrera mining deposit, which was created in 1997 by the transnational controlling companies “Goldcorp,” “Yamana Gold,” and “Glencore” together with the interstate company Yacimiento de Agua de Dionisio, YMAD. YMAD was created by law 14771 in 1959 and is composed of the National University of Tucumán, the state of the province of Catamarca, and the national state (Gutiérrez).

[13] It is estimated that about 4,000 demonstrators participated. It must be considered that Andalgalá has a population of around 20,000 inhabitants (“Argentina”; “Andalgalá”).

[14] It should be noted that the Peace and Justice Service (SERPAJ) which has as its maximum reference the Argentine Nobel Peace Prize Laureate, Rodolfo Pérez Esquivel, is an organization that accompanies the claim of the El Algarrobo Assembly and provides legal advisory services to its members.

[15] At the provincial level, the formula Mariano Arcioni-Ricardo Sastre won the elections with a provincial alliance, Chubut al Frente, with Peronist ideology and non-party PJ members. Arcioni achieved re-election after becoming Governor in 2017 following the death of Mario Das Neves in the exercise of his third term.

[16] The provinces of Argentine Patagonia are characterized by a geographical heterogeneity that is key to understanding their social, economic, political, and cultural dynamics. Chubut has a coastal area, an Andean region and a valley where economic activities are developed linked to the exploitation of its natural resources (aluminum, oil, fishing, livestock, tourism, and wind energy production, among others). It also has an extensive plateau in the north center where the main metalliferous mining projects are concentrated in exploration and prospecting stages. There, family livestock production is developed with a population scattered in villages and small towns.

[17] This refers to the “Chubutazo” of 1990 when popular mobilizations and protests for the advance of neoliberal economic measures promoted by the national government and assumed by provincial governments of different parties, led to the resignation of the governor, Néstor Perl (PJ). On this occasion, the word “agua” (water) is highlighted since the objective of the protests is to preserve the aquifers of Chubut.

[18] The first socio-environmental assemblies of the Andean Region of Chubut and Río Negro were created in the 1980s during the democratic transition.

[19] The Legislature of Chubut is unicameral and consists of 27 seats in a single district. The seats are renewed every four years along with the election of governor and vice-governor. The vice-governor is the president of the legislature with a vote in the event of a tie. The system of distribution of seats by incomplete list ensures the majority to the party most voted, and the rest are distributed through the D’Hont formula. The composition of the chamber during the period 2019-2023 is 16 provincial deputies representing the provincial ruling party (Chubut al Frente Coalition), eight for the Frente de Todos and three for the Coalition Juntos por el Cambio. As the conflict over mining policy unfolded in the province, all parliamentary blocs split up. In 2021, the legislature was made up of seven blocs in total, given the rupture of the factions that made up the mentioned coalitions.

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