

**Ajedrez ambiental**  
Manejo de recursos naturales,  
comunidades, conflictos  
y cooperación

Joseph S. Weiss y Teodoro Bustamante, editores

# Ajedrez ambiental

## Manejo de recursos naturales, comunidades, conflictos y cooperación



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# Community engagement of corporations and social movements: towards new models for participatory deliberative spaces

Isabelle Anguelovski\*

## Abstract

Corporate social responsibility generally refers to the efforts of businesses to improve their social and environmental performance. In general, these approaches tend to be driven by the creation and application of universal standards, write-up of codes of conducts, or publication of reports by corporations on their activities. However, in highly controversial and volatile instances, companies attempt to engage communities and nongovernmental organizations (NGOs) through deliberative processes. Despite the goal of achieving consensus among stakeholders, these dialogues do not always fulfill their promise. This paper uses the case of the dialogue processes between BHP Billiton Inc. and indigenous communities around the Tintaya mine in Peru to understand why local residents resisted deliberative spaces created to address their concerns and improve corporate practices. Through interviews and focus groups with protesters, I show that resistance was not intended to undermine deliberation, but rather, foster greater openness and understanding among the corporation and local residents. Findings suggest that an iterative relationship between dialogue and resistance can improve intercultural relations and mitigate power differentials.

Keywords: resource extraction, mining, corporate social responsibility, community relations, multiparty dialogue, deliberative democracy.

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## Introduction

Indigenous peoples are among the most affected by the destructive impact of oil, gas, and mining extraction. Companies often enter indigenous communities without their permission and start their operations with little care for environmental resources, social structures, and economic development. Commonly referred to as corporate social responsibility (CSR), businesses have resorted to a range of responses to answer communities' concerns. At present, one of the most promising has been multiparty deliberative spaces, engaging community members, NGOs, state representatives, and corporate executives in dialogue processes. However, despite these efforts, communities still offer resistance to companies.

In Peru, in December 2000, the mining company BHP Billiton agreed to participate in such a dialogue at the Tintaya Copper Mine to solve the grievances of local indigenous communities. Unlike other conflicts where parties do not come together, the Tintaya Dialogue Table was touted as a model of participatory community engagement of corporations. Furthermore, through the 2003 Tintaya Framework Agreement, BHP agreed to contribute 3% of its revenues to the development of the region and implement the agreement through a deliberative dialogue. However in 2005, 2,500 indigenous peoples attacked the mine.

This mobilization showed how corporate responsibility, consensus building and confrontation can inter-relate in the same political space. Research on corporate social responsibility suggests that community engagement initiatives of corporations often fail because of the lack of engagement with affected people, their failure to address questions of legitimacy, and the absence of development programs (Blowfield and Frynas, 2005; Frynas, 2005; Newell, 2005). Furthermore, scholars of democratic theory (Young, 2001) suggest that activists resist deliberative processes, such as the dialogue in Tintaya, because of the incapacity of such processes to eradicate structural inequalities. Protests are meant to signify disapproval of the deliberative process itself. However, limited attention has been given to understanding activists' rationale in organizing mobilizations against companies promoting deliberation.

This paper uses the case of the Tintaya dialogue processes and the 2005 mobilization to understand why community members resist deliberative spaces created to address their concerns. I show that, contrary to previous research (Young, 2001), activists did not attempt to overthrow multiparty deliberative democracy processes but rather improve them by engaging in direct action with the company and demanding a different structure for dialogue.

## Democratic theory within Corporate Social Responsibility

Corporate Social Responsibility (CSR) is understood as the range of voluntary corporate practices that improve the workplace or benefit societies in ways that go above and beyond legal requirements for companies (Vogel, 2005) in environmental, socio-economic, or human or labor rights aspects. In particular, corporations have set up community relations offices to respond to societal concerns about their operations' impact.

Oil and mining companies show more resistance and failure than other industries to work with communities where they operate (Evans, *et.al.*, 2002; Mulligan, 1999; Frynas, 2005). Populations affected by foreign investment practices are not often identified as legitimate stakeholders and therefore lack sufficient influence within government policy-making. A further criticism towards CSR relates to the capacity of NGOs, with which companies often interact to understand communities' concerns, as adequate intermediaries for the representation of local groups' (Newell, 2005). Communities have felt that NGOs are not accountable, as these organizations have a specific idea of what capacity-building should involve (Brown, 2001). Recent CSR programs have also shown the difficulty to respect intracommunity accountability (Newell, 2005): As not every member of a community can participate in a dialogue processes, hierarchies in a community will mean that some issues of greater importance to specific groups are not taken up by civil society organizations (Blowfield and Frynas, 2005). Last, corporate initiatives in communities have not paid enough attention to structural poverty

(Blowfield and Frynas, 2005; Frynas, 2005)-CSR being more about performance enhancement and image than local development.

Recently, one approach that companies have tried to respond to such criticism has been broad multiparty, consensus-based, deliberative processes. Consensus-based multiparty dialogues –with the idea that decision-making agencies need to involve people impacted by their decisions– have shown to produce joint learning, intellectual and social capital, new ways for all stakeholders to understand and reframe their identity, spin-off partnership, better understanding of community concerns and increased mobilization of players towards sustainable agreements (Carpenter, 1999; Innes, 2004; Susskind, 1999, 2000a, 2000b) Deliberation is meant to enable all stakeholders to democratically express and debate over the impact of a corporation's operations.

Defenders of deliberative democracy believe that citizens formulate impartial judgments about the best ways to achieve the common good without the influence of their personal preferences (Freeman, 2000). An important detail is that deliberative democrats have distanced themselves from the model of participatory democracy –the widespread participation of citizens in collective decision-making processes on issues that affect them (Cohen, 1989; Mansbridge, 1995; Bohman, 1996; Warren, 1996).

Despite existing successes from consensus building processes using deliberation, critics have been raised about deliberation pointing out its incapacity to eradicate structural inequalities as deliberative procedures are not public, accountable, and inclusive (Young, 2001). Therefore, activists may reject deliberate democracy in favor of critical oppositional activity to further democracy. Recurrent criticism against CSR and towards innovative approaches –multiparty deliberative processes– leads us to think that communities resist corporations because dialogue does not respond to their demands and fails to address structural inequalities.

However, previous research has not attempted to assess whether deliberative processes, such as Tintaya in Peru, are working, and bring in communities' voice. Organizing a direct action against a company is not a benign fact, especially in a country like Peru where (1) movements have historically met the resistance of armed forces and (2) having companies, NGOs and communities working closely is a rather unique opportunity.

## Methodology

To understand why community activists resist deliberative spaces created to address their concerns, I chose the dialogue processes between the mining company BHP Billiton and communities around the Tintaya Copper Mine, Peru. Those were a unique attempt in Latin America to solve a long term conflict between corporations and communities through well-structured and supported multiparty deliberation processes, which encountered community protests in May 2005. I conducted fourteen interviews and two focus groups with activists to assess their perceptions of the dialogues and agreements in Tintaya and their experience of the protests. Selection was based on snowball sampling through the referrals of local NGOs and social organizations. I also conducted interviews of observers of the protests. Interviews and focus groups were transcribed and coded both line by line and conceptually, using qualitative software and analyzed through grounded theory techniques (Glaser and Strauss, 1967).

## Planning, consensus building, and mobilization in Espinar

### *The Tintaya dialogue processes*

The Tintaya Copper Mine is located in the Peruvian Southern Andes in the Espinar province (Exhibit A) and was bought by Australia-based BHP Billiton in 1996. At the end of the 1990s, concerns about the operations in Tintaya started to mount against BHP about former expropriations, environmental impacts and human rights abuses (De Echave, Keenan, Romero, and Tapia, 2005).

In February 2002, after several years of resistance, BHP accepted to address community grievances and participate in a dialogue called the Tintaya Dialogue Table with members selected by a neutral facilitator trusted by all: BHP Billiton staff, elected leaders and interested citizens from five communities, CONACAMI (National Coordinating Body for Communities Affected by Mining), CooperAcción (Peruvian NGO), Oxfam and the local government.

Several principles, rules, and procedures were implemented: participation for concerned communities who self-identified as the greatest victims, consensus based decisions to ensure trust building, joint fact finding, and confidentiality of meetings.<sup>1</sup> Major concerns were participation and community mistrust –apparently reduced thanks to two BHP community relations executives committed to the Dialogue Table.

Despite the apparent goodwill of NGOs and corporations to build a sustainable future for Tintaya, in May 2003, 1,000 Espinar inhabitants stormed the mine site, claiming they had not been adequately consulted about the construction of a tailings dam in 2002 and asking for the write-up of a Framework Agreement benefiting the whole Province. To fulfill these demands, BHP signed the Framework Agreement in September 2003 with a fund to which three percent of the mine's income (before interest and taxes) would go or, alternatively, \$1.5 million. A multiparty Concertation Committee was to propose development projects executed by a multiparty Management Committee. Both Committees attempted to encourage community members' participation through a dialogue. In parallel, the Dialogue Table members reached an agreement in December 2004 in which BHP committed to a sustainable development fund, environmental protection, recognition of human rights violations, compensation for land expropriated, land transfer to communities, and development projects. Here, as well, the agreement was implemented by a wide range of actors.

### The social mobilization of May 2005

By May 2005, BHP felt that it had improved its relations with communities. However, on Monday May 23, 2005, 500 people from the provincial capital Espinar gathered at the mine. The next day, 2,000 to 10,000 people attacked the mine.<sup>2</sup> On June 9, talks began with BHP and, during the summer of 2005, BHP agreed to contribute \$2 million for a new hos-

1 Adapted from Kasturi, R.V., B. Barton, R. Reficco (2006).

2 The media reported 2,000 whereas the social leaders 10,000 participants.

pital. However, in June 2006, BHP sold the mine to Xstrata Copper, apparently to focus on fewer and bigger operations. Since then, rumors of new protests arise regularly despite Xstrata's commitment to fulfill existing agreements.

### Activists' stories on mobilization

Company executives, NGOs, and external observers have maintained that the mobilization of May 2005 was unexpected because of the commitment of all parties to the dialogues. This section attempts to show how a protest can escalate and dialogue processes encounter resistance of civil society actors.

### Demand for dialogue as framework for the expression of grievances

Inhabitants who participated in the 2005 mobilization had concrete material grievances against BHP. Activists resented the slow implementation of the Framework Agreement, contentious points in the text, and continued environmental pollution. By the spring of 2005, the partial or unequal attribution of new land or infrastructure projects had led to a division between "marginalized" and "privileged" people. This, in turn, gave community members the impression that traditional holistic structures of communities and relations of community members were being dismantled. Feelings of inequity and were directly connected to impressions that the dialogues marginalized some community members.

In their stories, activists put an emphasis on their desire to peacefully dialogue with the company beyond expressing demands. They had a common goal: the access to a large direct dialogue with the company about a desired reformulation of the 2003 Framework Agreement. It was the wait and the feelings of deceit by the company that led to the mine takeover? –not the grievances themselves. Their objective was to set rules, agenda, and dates for a dialogue together with the company: "The mine



said: ‘yes, well come, we’ll talk.’ So the people went for that, to talk, to get an answer. And this is what provoked people– that the mine prepared its bombs and that they brought a quantity of policemen.”

Activists maintain that mining executives had the obligation to listen to the population: for them, mobilizing at the mine and asking for response is part of a healthy democratic process. Before the protests, the population had an impression of being “insulted” by the mine, which they considered had not responded to the environmental concerns of the population or provided the promised number of jobs. People maintain they were denied the possibility of a real dialogue with the mine on these themes: “This is why the blockage was announced. There was the announcement that the people would go on May 21 to demand that the mining company sit down at the table to discuss the Framework Agreement”.

In summary, concrete community concerns were embedded into a demand for dialogue, mutual listening with the mining company, and hopes of building a new deliberation space.

### **Concurrent definitions of dialogue and conflicting spaces for participation**

In 2005, activists had in mind the participation of a large and varied number of population members through an organized open dialogue and deliberation with mine executives. In fact, activists maintain that their goal was to change dialogue mechanisms and improve or replace the Committees created to implement the Framework Agreement. For the activists, proposing a new deliberation framework was a right of the population in a democracy against authoritarian public authorities and a foreign-owned mine.

There were five major determinants for demanding a larger popular participation. First, activists emphasize their mistrust towards the capacity of social leaders to resist possible co-optation by the mine. The mobilization was a mechanism to strengthen the voice of independent leaders and the civil society. Second, entering into a large participative dialogue

avoids being labeled as an “agitator” or “complainer” by the company, which endangers the ability of a person to get a job at the mine: “They pretend in public saying that their doors are open. ‘Come to dialogue and ask. We’ll give you any support.’ But support is only for a few. The people who demand they are worse off. They are marked”.

Third, the mistrust towards dialogue in smaller settings is related to the context of the write-up of the Framework Agreement in 2003. During the summer 2003, commissions and workshops were organized to write an agreement –with the support of the mayor of Espinar and the company– but were rejected by a large part of the population and some social organizations as being divisive and a loss of time. Fourth, the demand for participation seemed the continuation of a process started before May 2005 when public meetings were organized to reformulate the Framework Agreement and plan the mobilization at the mine. Suggestions from the population were then integrated into a new reformulation document. The value that activists give to people united in assembly is essential in explaining demands for improved participation as indigenous peoples hold that popular assemblies are ultimately the space that gives legitimacy to decisions. Finally, activists wanted more communities to be represented in a new form of dialogue: “The Dialogue Table is with the affected communities, but this is not all of them and you need to involve everybody. Those don’t talk about the necessities of the people; they only talk about small things that can benefit them”.

With regard, more specifically, to the activists from the Dialogue Table communities, they expressed disappointment about the perceived failure of participation, information sharing and communication mechanisms of the Dialogue Table. For them, it was a secretive mechanism with meetings occurring in closed offices doors inside the mine.

Interviewees present the mining company’s vision for a dialogue as very different from theirs: a dialogue space with selective and structured participation. During the 2005 mobilization, for apparent security reasons, the company asked people to choose representatives to discuss people’s demands in closed settings at the mine offices as they feared a direct confrontation with the population. After the activists’ refusal, executives agreed to start a discussion outside in view of the people but not directly

at the gate. In front of these hesitations, the population showed increased impatience:

“People asked for a dialogue there on their side. But the company said no: for security reasons, they wanted a commission to go and sit in its comfortable offices. After so much insistence, the company said that the dialogue could be at the view of the people, but at 100m. [...] People wanted to directly listen to the version of company and did not want the leadership to see itself broken by the company”.

Social leaders declare that BHP believed that a permanent dialogue had been working well and they were surprised by the 2005 mobilization. However, activists consider that executives had multiple occasions to join dialogue settings created by the population, but refused to. Protesters resent BHP for attempting to impose its definition and structure of dialogue and provoking people’s exasperation:

“They [the mine executives] had this anecdotic plan: we give you a deadline of 15 minutes, 20 minutes. It was already more than 1pm. In a final moment, they said “we want you to give us 20 minutes of time to think to about whether we go or not to the place we mentioned”. And then the patience collapsed and people entered”.

#### **“Dialogue with dignity”: towards an accountable deliberative democracy**

Activists’ attempts to change dialogue mechanisms in Tintaya serve the important function of democratizing the public space and improving the accountability of companies’ community engagement programs. The model of “accountable democracy” (Paley, 2004) could be applied to Tintaya as the goal of the protesters in 2005 was to further deliberative democracy and achieve an “accountable deliberative democracy” in corporations, which I define as corporations held accountable for giving culturally-appropriate spaces to citizens’ opinions in decision-making processes and implementing programs reflecting their concerns. Activists

wanted to obtain responses to dialogue demands on the reformulation of the Framework Agreement and start planning improved mechanisms for greater participation, which the participants call “dialogue with dignity”:

“On the third day, we attempted to achieve a negotiation. We had put dates for dialogue, but they were not even respected. [...] Dialogue got opened through the pressure. That is why we say: through the pressure of the people, we will oblige them to pay attention and start a dialogue with dignity. If things are done passively with documents, people don’t pay attention to you”.

The mobilization shows that activists attempted to bring back to the core of the dialogue process an aspect of deliberative democracy called “reasonable pluralism” (Rawls, 1993). Democratic decisions can not surge from cultural values or ideological positioning that would be common to all participants, but rather adjudicated by the mechanisms of public discussion and debate (Chambers, 2005). The demands for improved dialogue processes in Tintaya gave a space to unexpected participants into democratic practices: company executives and marginalized community members eager to gain access to restricted dialogue spaces: “Tintaya thought that because of lot of the people are cholos or indigenous or savages, if you only shoot them, they’d shut up. They found a much more solid and unified answer. ”

#### **Borders and exclusion: activists’ demands to access new deliberation spaces**

The activists’ proposal for a larger dialogue is more structurally linked to demands to access new spaces for deliberation and attempts to control borders between indigenous peoples and a dominant culture, suggesting that indigenous conceptions of communities played an important role in pushing for different models of deliberation.

Three main types of borders determine relations in or among societies and between indigenous people and a dominant culture (Wilson,

Donnan, 1998) social and symbolic boundaries, cultural boundaries, and geopolitical boundaries that define visible and tangible territories, help define the nature and limits of indigenous struggles and help them control the resources to perpetuate their way of life and identity.

In Tintaya, the existence of these borders highlights differences in the scope of political power between indigenous peoples and the dominant culture embodied by the company. First, the population experienced a physical and symbolic distance with BHP as many workers are from other regions and rarely come into the town of Espinar. Furthermore, executives seemed to only show cold politeness to community members, especially women, and rarely engage in conversations.

Distance between BHP and the population was particularly felt when examining activists' accounts of public meetings organized in 2004 and 2005 without BHP's participation: the population had its own discussion space, the Plaza de Armas and the Municipal Theater, but apparently BHP never attended gatherings despite invitations. People had to come to the mine to get answers, suggesting that (the population demands instead of formulating propositions) and that indigenous people were uprooted from their traditional meeting spaces.

Activists put a strong emphasis on their goal to engage in direct communication with BHP's general manager to access a greater level of equality with the company and reduce social and geographic borders between the mine and people. They criticize the intermediary position of sub-manager who acted as a spokesman for the manager. The police was a second intermediary, informing people about the manager's absence:

“On May 23, we went to the control area of Tintaya Marquiri to dialogue with the manager of the company. [...] We needed to insist again the next day and go back to talk with the manager because this is what we wanted. [...] I told the sub-manager: This would not have happened [...], if X had come to talk at the control gate. We would have dialogued”.

Despite the activists' goal to reduce the distance with BHP through the mobilization at the gate to the mining camp, “la garita”, was a physical and symbolic border to control access to the mine and control the rela-

tion between BHP and the population. On May, 23 and 24, 2005, activists sat for hours at the gate waiting for the manager. On May 23, the sub-manager remained at a distance behind the gate and the police, asking people to wait for the manager. On May 24, activists were seated outside the gate and suddenly saw the main manager inside the camp, standing on a hill, which led to their exasperation and the mine takeover. In summary, the May 2005 mobilization emphasized different boundaries: the gate (symbolic border), the police (physical border), and the sub-manager (cultural border). The protest was meant to redress the weaknesses of the dialogue by reducing the “distance” between the population and BHP and framing new borders and structures for debate through direct communication with the manager. Protests were an instrument for social and indigenous organizations' leaders to regain a space and reaffirm their legitimacy and their capacity to organize the population and control the space between communities and company. If indigenous peoples do achieve control over boundaries between their norms and the dominant society and access new borders for dialogue, they will likely establish equal relations with companies and accountable deliberative processes.

## Discussion and recommendations

### *Social movements and the creation of participatory deliberation spaces*

The protesters' stories in Tintaya help draw interesting relations between civic opposition to corporate practices and the creation of participatory deliberation spaces.

First, despite the affirmations of prevailing democratic theorists such as Young (2001), who assert that activists can not accept in principle and practice the idea of deliberative processes, the case of Tintaya shows that activism and deliberation can work together in solving conflicts between companies and communities. Activists had a different understanding from the company about what deliberation should entail (Appendix A). They wanted to build a new space, structure, and stage for direct dialogue

between the population and BHP's manager. They wanted a fairer, accountable and open deliberation, but not the destruction of the process.

Second, the position of the protesters to build a more open and participatory deliberation shows that the departure of deliberative democrats from participatory democracy and larger group deliberations (Cohen, 1989; Mansbridge, 1995; Bohman, 1996; Warren, 1996; Benhabib, 1996) entails the risk of endangering the very survival of deliberative democratic structures such as the Tintaya dialogue processes. It does seem that deliberative democrats need to address the question of what to do with demands for larger participation. In fact, the protests demonstrate the importance of amplifying democratic ambitions to be able to realize deliberative democracy.

Third, the tradition of mobilization in Tintaya since 1990 suggests that protests might be used as a reinforcement mechanism to existing deliberative frameworks. In fact, local protests have taken the form of marches, invasions at the mine, capture of workers or authorities, or sit-ins to implement promises and each movement was followed by negotiations. In May 2005, the mobilization reinforced previous "incomplete" protests to achieve dialogue with the company, and create new participation spaces. Thus, protests possibly occur in alternative cycles with deliberation and act as a catalyst for improved dialogue. This forms a possibly indefinite cycle of dialogue-protests-dialogue-protests, conveying a different interpretation to the traditional cycle of protests definition (Tarrow, 1983) – protests occur in inflationary spirals as groups enter in competition with each other.

#### *Recommendations to improve deliberative spaces in CSR initiatives*

Activists' accounts suggest that planning and implementation processes for conflict resolution and sustainable development in Tintaya should incorporate both small and large group discussions to maintain the viability of deliberative democracy practices. Alternating between these settings would ensure that discussions become accessible, both focused and

broader discussions take place, and planning processes move along (Appendix B).

Discussions could be centered at times on technical/environmental issues and also leave space for multi-cultural collaboration, requiring the support of a professional facilitator and a widely accepted leader to help move ideas into achievable projects. Careful attention should be devoted to ensuring community building and broad participation. Previous planning projects have even used task forces to conduct outreach to the wider community, discuss decision making, and review draft plans for implementation (Briggs, Miller, and Shapiro, 1996). In Tintaya, a variety of stakeholders could be identified to participate in a task force, based on their community knowledge, history of community involvement and affiliation.

This model brings back background institutions such as NGOs in improving dialogue mechanisms, strengthen local social organizations, diffuse accessible information on mining extraction and ensure quality discussions in the meetings. This follows the principles of empowered participatory democracy (Fung, 2004; Fung, Wright, Abers, 2003) by reconciling ideals of greater participation along with fair deliberation with background institutions helping to focus on tangible problems, creating deliberative development of solutions to conflicts, and making sustainable development planning become more effective.

#### **Conclusion**

This paper examined the place of deliberative processes in improving corporate responsibility practices and the potentials and limits of dialogue in community engagement initiatives of corporations. The Tintaya dialogues and mobilization shows that protesters attempted to promote their model of dialogue and improve the terms of discussion in the planning processes against a company that had its own definition of dialogue in restricted selective settings. Unlike what Young advances, activism and protests can not always be viewed against deliberation. An iterative process between the two can exist, in which one helps further the other

in situations where inter-cultural relations and power differentials are key elements in planning processes involving firms and communities in developing countries.

Deliberation with private and public actors which have drastically different cultural and socio-economic power might be jeopardized and needs to be reinforced through mobilizations that will bring its core principles to the center of the discussion. Resistance can contribute to strengthening democratic processes, making them more accountable, offering new models for participation (i.e. not just allowing activists to enter the negotiation table and to achieve BATNA-Best Alternative to Negotiated Agreements<sup>3</sup>), and ensuring their continuation.

Based on a single case study, this research requires further work to answer this important question: Under which conditions will social movements lead to dialogue? As suggested by the activists, the dialogues in Tintaya resulted in paradoxes: the dismantlement of traditional relations within communities and competition inside communities and among communities; and the weakening of social organizations. How can those unexpected consequences of dialogues be explained and avoided? In further research, it would also be important to better present the NGOs and company's voices.

In summary, the protestors' goal was to supplement the planning process and dialogues but not replace them. It is possible to envision social mobilization as a process of bricolage (Levi-Strauss, 1962) in which activists embed concrete demands into process demands to further deliberative democracy, thus increasing their chances of being answered.

3 For a more detailed presentation of BATNA, see Fisher, R. and W. Ury (1981).

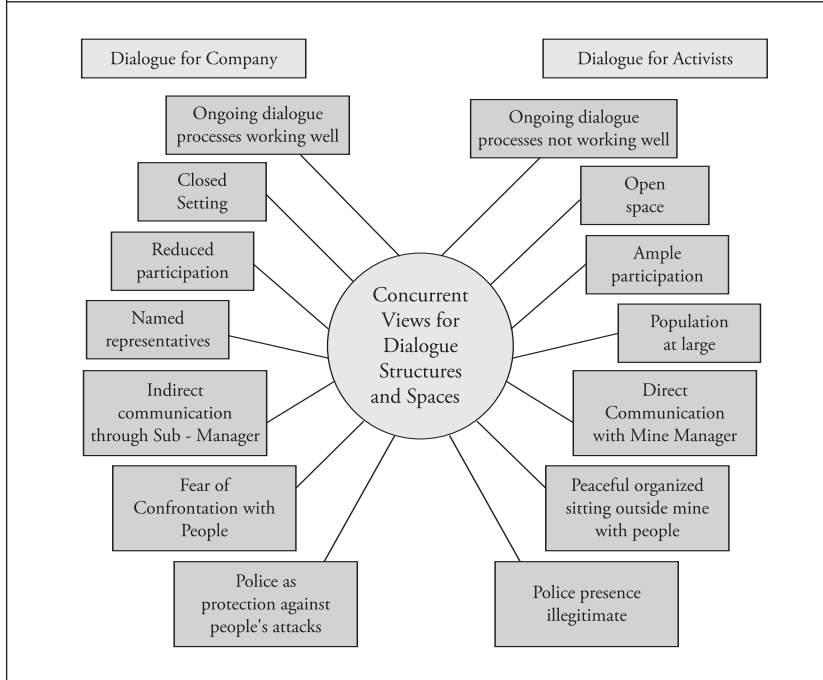
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Appendix A:  
Concurrent Structures and Spaces for Dialogue in Tintaya, May 2005



Appendix B:  
Process Design for Participatory Planning in Tintaya

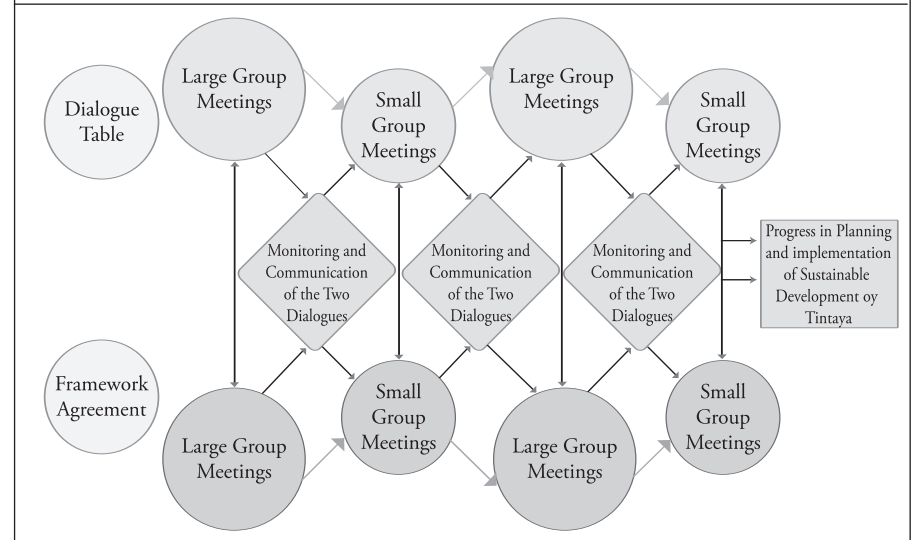


Exhibit A: Geographical Location of Tintaya



Source: Kasturi, V. Rangan, Barton Barton and Ezequiel Reficco (2006) "Corporate Responsibility and Community Engagement at the Tintaya Copper Mine (a)". *Harvard Business School Case* 506-023.

Exhibit B: Geographical Location of Tintaya

