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THE POLITICS OF RESPONSIBILITY: STATES, RIGHTS AND DIALOGUE IN MINING GOVERNANCE

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A dissertation submitted in satisfaction of the requirements for the degree of
Doctor in Philosophy in Management

Under supervision of:
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*“The philosophers have only interpreted the world, in various ways; the point, however,
is to change it.”*

Marx, Theses on Feuerbach (1845)

*To my grandfather for asking difficult societal questions when I was a teenager,
and to my mum for teaching kindness, perseverance, and how to be a good human being.*

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Copenhagen, 16th of June 2021

Johanna

ABSTRACT

This PhD thesis examines the boundaries of deliberation and how rights and responsibilities are divided between corporations, nation states, and civil society. As globalisation has integrated economies, and accelerated information exchange, it has also arguably restructured the division of responsibilities between state, market and society. In this world of continuously negotiated public and private interests, and multi-layered governance, how are hegemonies built, maintained or contested? Natural resource governance in general and mining conflicts in particular offer a fruitful context in which to explore governance and conflict dynamics in management research as they link the often overlooked role of the state within the discussion on corporate–civil society relations.

Drawing from political theory and political ecology literatures this research contributes to our understanding of governance gaps and the political role of corporations. It describes the political complexities that underlie state – corporate interactions, and the possibilities and shortcomings of private governance in replacing public forms of governance. The research unearths how different historico-political trajectories influence governance regimes, and how governance mechanisms emerge in different spheres of statehood – namely political, administrative and judicial. Furthermore, the research contributes to deliberative management literature by discussing the challenges in securing the basic tenets of participation and equality, and allowing for contestation, dissensus and conflict as part of the process.

The research is based on a qualitative case study approach, and data include semi-structured in-depth interviews, participant observation, and textual materials. The two case countries, Finland and Chile, represent polar types in mining governance, which enables theory building based on their similarities and differences.

The three articles of the PhD thesis examine different aspects of the governance interactions between public and private actors. The first paper investigates the differences of civil society actors as rightsholders and stakeholders in public and private governance, and how those roles, in turn, influence governance outcomes.

The second paper discusses the various roles of statehood in multi-stakeholder governance, and how governments deploy these new governance regimes for their political purposes. Advancing prior research on layered governance and public–private interactions, this paper demonstrates how the expectations and roles of the state transfer into multi-stakeholder initiatives. Thus, it is not only the government that steer the initiatives directly or indirectly, but the embeddedness of administrative and judicial spheres in MSIs that impact these governance constellations.

The third paper examines the case of Anglo American’s mining project Sakatti in northern Finland through an ethnographic approach. It takes a micro-level perspective and examines the power of place and place-based identities in corporate–community dialogue. Local values, meanings and knowledge are connected to persuasion and control through dialogue, and place is actively mobilised as a resource by both the company, and those who are opposed to the mining project. Place-basedness becomes an important frame for managing dissensus, contesting hegemony and silencing resistance.

Together all these articles contribute to the theorisation of the business–society interface and the broader discussion on the role of the state in assigning and sharing corporate responsibilities.

1. INTRODUCTION

When interests collide who decides the best way forward? This PhD thesis examines the boundaries of deliberation, and how rights and responsibilities are divided between corporations, nation states, and civil society in cases of competing interests over natural resource extraction. As globalisation has integrated economies, and accelerated information exchange, it has also arguably restructured the division of responsibilities between state, market and society. Different coalitions and constellations have emerged to substitute or complement traditional state governance where it lacks the will or power to do so. Indeed, management and organisations studies' (MOS) research on business and society relations describe the so-called governance gap – limited jurisdiction of the nation state in a globalised world (Kourula, Moon, Salles-Djelic, & Wickert, 2019) – as a rationale for various types of private governance formulations.

Yet history has shown the persistence of the nation state, and the power that resides with it. Most of our world is still organised in these territorial power structures. The past year of the Covid-19 pandemic has crystallised not only how vulnerable our modern societies are, but also how nation states still play a very relevant role in constituting and constraining our freedoms as citizens, and as organisations. Borders have been closed, businesses shut and people ordered to stay home. Until very recently this type of explicit use of state power was thought almost impossible, at least in the European context.

These recent events have underscored the rationale for this PhD thesis in understanding also the more subtle ways in which governments and nation states continue to be meaningful for organisations in general, and corporate social responsibility (CSR) in particular. This emergent field of research has grown during the last decade and public actors have made their way back to the analyses in MOS: not only as a framework in which action happens (Campbell, 2007) or something to be influenced by corporations (den Hond, Rehbein, de Bakker, & Lankveld, 2014), but also governments as deliberate drivers of CSR (Albareda, Lozano, Tencati, Midttun, & Perrini, 2008; Boghossian & Marques, 2019; Giamporcaro, Gond, & O'Sullivan, 2020; Gond, Kang, & Moon, 2011), and private governance as embedded in society (Matten & Moon, 2008, 2020). My thesis contributes to this line of research by examining the public–private governance interactions, how judicial and historico-political contexts influence private governance, and delineates the boundaries of deliberation in these different governance processes.

The aim of this thesis is two-fold. First, it examines the multitude of actors and mechanisms of statehood, and how states operate in the realm of corporate responsibility, and the reconfigurations of power. I argue that an understanding of the state–CSR interface requires examining the multiple sites and spheres of statehood. The actors, aims and spheres of influence vary at the local, regional, national and international levels. Furthermore, the classic separation of powers within the nation state into legislative, executive and judicial levels implies that we need to examine state–CSR interactions in the political, administrative and judicial spheres. Most of the research thus far has concentrated at government level, i.e. the political sphere. Hence, we know little how national or regional administration practices influence CSR or indeed what is the relationship between national legislation and CSR.

The second aim is to go deeper into those interactions and analyse the negotiation over rights and responsibilities, and the boundaries of the deliberation, between these actors. More importantly, I investigate these boundaries in the context of natural resource governance and particularly mining conflicts. Finding the right balance of natural resources usage is one of the great challenges of our time. Our current lifestyles have led to unprecedented climate change, biodiversity loss and the sixth mass extinction. Furthermore, finding a balance between the natural resources needed for the upkeep of society and the maintenance of a habitable planet is not only a global challenge but a local one as well. Resource extraction does not happen in empty spaces, but often – and to an increasing extent – in places with histories, meanings and values for people and other species.

“We have to be able to live here!” sighed a man after a heated conversation about the future of his local community and whether it should support the suggested mining project. He was in favour of it, and could see that the jobs and economic development it had to offer would secure local future living possibilities. The opponents agreed with his wording: *“Yes, exactly! We have to be able to live here!”* But, for them the ability to live was related to preserving the flora and fauna of the area and a habitable planet through the fight against climate change and biodiversity loss. Illustrating the often contradictory aims and values around extraction, which places pressure on deliberative practices, and provides a possibility to “test” the limits of deliberative management¹ theory. The three articles of this PhD thesis concentrate on the different spheres and perspectives of this

¹ Deliberative management is a term used by Sabadoz and Singer (2017) to denote the translation of deliberative democratic theory into management studies and especially to private governance.

triangle of actors: state, industry, and civil society. Drawing from political ecology literature, I highlight the role of nature and places in these power configurations. Nature as a natural resource often constitutes the existing power relations (Bridge, 2013; Robbins, 2008), but places and place-based identities can also be used for the contestation of those relations (Escobar, 1999).

The first paper investigates mining governance at the national level, by focusing on understanding how administrative and judicial practices influence the inclusion and participation of civil society in state–business interactions. It traces the historical change in the distribution of rights by companies and different civil society members, and examines how those changes have affected stakeholder engagement in mining governance. It contributes to the stakeholder engagement literature by theorising upon the difference of rightsholding and stakeholding for inclusion and participation in governance processes and the role of state for provision of rights.

The second paper discusses the various roles of statehood in multi-stakeholder governance, and how governments deploy these new governance regimes to protect nationally important industries. Advancing on prior research on layered governance and public–private interactions (Cashore, Knudsen, Moon, & van der Ven, 2021; Giamporcaro et al., 2020), this paper demonstrates how states influence multi-stakeholder initiatives. Thus, it is not only the government that steer the initiatives directly or indirectly, but also the embeddedness of administrative and judicial spheres that impact the governance constellations.

The third paper examines the case of Anglo American’s mining project, Sakatti, in northern Finland through an ethnographic approach. It takes a micro-level perspective and examines the power of place and place-based identities in corporate–community dialogue. Local values, meanings and knowledge are connected to the persuasion and control through dialogue, and place is actively mobilised as a resource by both the company and those who resist the mining project. Place-basedness becomes an important frame and proximity is a decisive factor for managing dissensus, contesting hegemony and silencing resistance.

Natural resource governance is an especially suitable context for examining public–private governance interactions as resource extraction is indeed a location-based activity, thus multinationals cannot shop around between jurisdictions as easily as, for example, in the supply chains of apparel manufacturing. Extraction is also dominated by powerful multinationals with

firms like BPH Billington and Anglo American being among the world's largest companies². Indeed, while being location-based and therefore bound by local regulations, the strength and variation – as well as the susceptibility to regulatory capture – of different jurisdictions and territories varies. The highly intrusive nature of mining activity causes strong conflictive tendencies, which in turn create the need for dialogue, mediation and participatory governance systems. However, despite the industry's efforts to gain social acceptance through different CSR measures and stakeholder engagement, conflicts between the communities and companies continue to be rife (Banerjee, 2018). It is in this context that my questions on division of rights and responsibilities become meaningful.

The unusual and long journey of my PhD – that included changing the institution, the faculty and country of residence – is also reflected in the organisation of this thesis. An outline of the work follows. Next, I will discuss my position as a researcher in social sciences and, in particular, MOS. Thereafter, I elaborate on my positioning in the governance and CSR literatures, and briefly outline my contributions. In the third chapter, I discuss the cases, methodology and data in more detail, and the fourth chapter elaborates the conclusions with a reflection on the contributions. Finally, chapter five introduces the three articles that follow in chapters six, seven and eight.

1.1 MOVING INTO A FIELD

Coming from the fields of anthropology and critical development studies, I was used to taking things like the centrality of state as a source of legitimate power, contextuality of knowledge and subjectivity of the researcher for granted. Although, I still ascribe to the same social constructivist and post-structural ontological and epistemological position, research in MOS has broadened my understanding of the different ways of thinking about knowledge, science and positionality.

I remember in the very first CSR-related courses that I took at Hanken School of Economics in Helsinki, one of our readings was Scherer and Palazzo's (2011) article on the new role of corporations in a globalised world. As someone with a political science background and one who

² Being among the top 300 companies in 2020 in Forbes listing
<https://www.forbes.com/global2000/#7620dad4335d>

had lived in a Nordic welfare society most of her life, reading about political CSR was perplexing. Here was a bold claim that as nation states are not doing what they are supposed to, corporations should take up their roles and civil society should hold them accountable. From where I came, in an academic sense, the governance issue did not concern so much the state but the neo-colonial political economy and multinational companies (MNCs) shrinking the states' role and ability in the Global South (Mawdsley, Murray, Overton, Scheyvens, & Banks, 2018). Obviously there were corrupted ruling elites, weak and bad governance (as opposed to the good governance demanded by the United Nations (UN) and other development actors), and instability and inequality making governing difficult in developing countries. But no one spoke of giving the corporations the driver's seat; that would have been like the fox guarding the henhouse. They might be good for a lot of things but it's just not in their nature, i.e. organisational capacity, to provide for public goods. At least this is what I thought.

The Scherer and Palazzo article was intriguing and was an inspiration to begin exploring the state–business – or business in society – relations further. The academic conversations around political CSR have been influential, to the point of making a paradigmatic shift in understanding CSR as a political phenomenon imbued with power relations, both within the political economy it operates (Banerjee, 2018), and within organisations (Spence & Vallentin, 2019). The critique of political CSR has led us back to political philosophy and the questions of how we should organise society (Edward & Willmott, 2011; Sorsa & Fougère, 2020), what kind of agency can we expect from different actors, or what are the boundaries of different organisations and governance systems. In the thesis, I aim to bring out more nuanced accounts of not only how business influences society or public policies influence business, but rather the interactions between these two.

The second thing that I brought with me from my previous academic home was the understanding of the contextual and constructed nature of knowledge. In the classic division by Burrell and Morgan (1979) I would stand somewhere nearby the radical humanist corner which embodies an understanding that the nature of science is subjective, and that the direction of society is towards change. My approach can be defined as post-structuralist, meaning that it is “ontologically relativist, epistemologically relationist, and methodologically reflexive” (Hassard & Wolfram Cox, 2013, p. 1709). To put it differently, ontological relativism accepts that there are pluralistic

perceptions of reality including the existence of multiple life worlds and knowledge systems³. Relational epistemology signifies that the knowledge we can attain as researchers is always partial and partly influenced by us. Methodologically this post-structuralist approach means acknowledging the relationship between power and knowledge, the problematics of the representation of others' knowledge in research, as well as an ethical and anti-essentialist stance of the researcher (Calás & Smircich, 1999). Which, in turn, requires reflexivity and acceptance that legitimate knowledge can only be written in small stories or modest narratives (Calás & Smircich, 1999, p. 651), i.e. appreciating and appraising the context and contextuality of knowledge instead of grand narratives. I will reflect in the Methods section the tension between contextuality and generalisations as well as the necessity for reflexivity as a researcher. The articles of this thesis reflect a gradual move from generalised rules as objects of study, through the power and politics in governance regimes, to contextualised subjectivities and place-based realities.

The third reflection relates to the idea and praxis of development. The early days of CSR as philanthropy resembled the development cooperation projects financed by non-governmental organisations (NGOs) and states in that both were aiming to balance inequality through support for projects enhancing social good while maintaining the existing structures of inequality. The dynamics and problematics – ad hoc projects driven by western views rather than local needs and a strong donor–beneficiary division – were the same in both. Also, some of the NGO projects were directly financed by corporations and reported under CSR. In examining the conflicts and discontents of resource extraction, I found again the discourse of development: the same dynamics that I had examined in my undergraduate studies, the dominance of “progress and economic growth as development” paradigm in legitimating grand scale investments. Interestingly, this was not the only discourse used in the Global South (Chile⁴) but also in Finland, where it is the peripheral regions in the east and north where most of the extraction happens. This reminds me of the centre–periphery logic of the dependency school in development, introduced by Andre Gunder Frank in the mid-1970s, in which the accumulation of capital and the production of capital as well as the discontents of that accumulation fall at different ends of those geographical spectrums. For

³ For example, Arturo Escobar (1999) and other Latin American scholars use the term “pluriverse” to denote the parallel systems of knowledges and life worlds.

⁴ Chile is not a developing country but OECD member since 2005, however, it is highly unequal and wealth of the country concentrated in particular areas of the capital, whereas lot of rural communities are very poor without access to basic services.

example, in writing about the history of “development”, Rist notes how the hegemony of development rests on the dual illusion of the construction of something that is labelled underdeveloped and the belief in the compatibility of a growth paradigm and finite resources (Rist, 2014, p. 270). This paradox is visible not only in the Global South but to an increasing extent also in the Global North.

1.2 BEING IN THE FIELD – FRAMING THE RESEARCH

Corporate social responsibility has been used to signify multiple things from purely voluntary philanthropy, in the past, to more mandated and strategic forms of CSR during the last decade (Matten & Moon, 2020). It can be called an umbrella term which denotes the corporate impact on society beyond the immediate business rationale: and includes the deliberate and unintentional, and the positive and negative consequences. Following Gond and Matten (2007), I perceive CSR to be a sociological concept meaning that it is a phenomena that describes relationships and interactions between groups. Their framework, adapted from Burrell and Morgan (1979), of the business–society interface maps CSR research according to the epistemological and methodological inclination, from subjective to objective, and an ontological understanding of society either towards stability (regulation) or change (conflict). My conceptualisation of CSR in this thesis falls into the categories of CSR as a power relationship, and CSR as a cultural product (Gond & Matten, 2007) in that I understand CSR to be an arena of negotiation concerning the division of responsibilities by different societal actors. And that arena is contextually bound to what is negotiated and the socio-political history of the situation, and values, norms and expectations differ from one context to another.

In the field of MOS and CSR research, with the primary interest in politics and power negotiations, I take a critical perspective towards the status quo to unearth the hegemonic power relations that maintain and reproduce it. I take the Gramscian hegemony theory as a point of departure for understanding power relations, with the aim of deconstructing and denaturalising hegemony as truth (Fournier & Grey, 2000). As versed by Chomsky and Foucault on the role of critical perspective and the necessity of denaturalisation: “The real political task in society such as ours is

to criticize the workings of institutions that appear to be both neutral and independent, to criticize and attack them in such a manner that the political violence that has always exercised itself obscurely through them will be unmasked, so that one can fight against them” (Chomsky & Foucault, 2015, p. 41).

Writing about governing or governance is essentially to write about power. Who has the power to make and enforce decisions, how is that power constituted historically, socially and politically, and how is it maintained or contested? The question of legitimate power and authority in organising society has been a central interest to political theorists throughout centuries. For example, Weber’s (1968) theorisations between types of authorities (based on bureaucracy, patriarchy, the individual) and their respective source of legitimacy (rationality, tradition, charisma) has been very influential not only in sociology but also in management studies (Greenwood & Lawrence, 2005). For Weber, bureaucratic authority based on legal-rational authority in the form of laws, rules and instrumental rationality was the current – and implicitly best – form of organising society through the nation state. In the first article state power and the changes in governing practices over mining licenses are examined as a change in this bureaucratic legal-rationality, which influences the inclusion and participation of third parties.

In this thesis I use a Gramscian conceptualisation of power. That means understanding power as a societal force which includes political, ideological and material practices constituting and reproducing the hegemonic power, which in turn can be used as an instrument of governing (Gramsci, 1971). State power is a form of “domination with consent” that is embedded in the social, cultural and economic elites that form a hegemonic power nexus (Gramsci, 1971). The cases of this thesis illustrate this hegemonic power in the context of extraction: the close relations of industry leaders and political decision-makers, the protection of nationally important industries, as well as the “business-friendly” approach to mining conflict governance influence the conflict’s dynamics and outcomes. In the third paper, I develop this notion of hegemony contra counter-hegemony, and demonstrate how material and ideological forces are played out in the local context. Proximity, often attached to small business stakeholder relations (Lähdesmäki, Siltaoja, & Spence, 2017), becomes a divisive factor in legitimation/de-legitimation of different groups, both hegemonic and counter-hegemonic actors, within the conflict.

Governing is also always about politics and political acts (Graz, 2021). In this thesis I conceptualise politics and political through the post-Gramscian perspective by Laclau & Mouffe (1985) who saw human life as full of conflicting and contradicting aims, as antagonisms that inform the political. While antagonisms refer to the idea of enemies to be destroyed, agonism represent the so called legitimate adversaries. Thus, to secure the order in the society, the aim of politics is to turn the antagonistic relations into agonisms. Politics and political discourses are the most important structuring factors of society: “political articulations determine how we act and think and thereby how we create society” (Jorgensen & Phillips, 2002, p. 34). Therefore, the aim for research is to understand and explain the hegemonic struggles by analysing these discourses - how these come about, are challenged and overlap (Palonen, 2006). From this point of view, governing and governance can be understood as part of the hegemonic structures that steer society and which are contingent and challenged, and thus whose position needs to be reproduced. For example, consensus in the radical democratic view of Laclau and Mouffe (1985) is always a product of hegemony and therefore can never be complete, as there will always be different opinions, views, ideologies and power that are enacted and voiced – or silenced. This is illustrated by the political decisions over mining as there are always differing interests that compete and those decisions that are made reflect the hegemonic power positions. Therefore, what is interesting to investigate is what kind of interests there are, how are these voiced and aligned with each other, and what kind of (discursive) strategies are used to advance certain ideas and governance structures. If political and politics are inherently about the use of power in societal realms, governance structures are the concrete reflection of hegemonic power constellations. Thus, both power and politics define particular governance formulations.

1.3 RESEARCH QUESTIONS

To offer more nuanced knowledge of the business–society interface the overarching research question of this thesis is: *How do public and private actors negotiate rights and responsibilities (in mining governance), and how do the interactions between these actors influence the accountability and enforceability of the governance regimes?* To interrogate this question I examine three different empirical realities and data sets with more precise research questions.

The topic of the first paper is about how public and private interactions in regulation influence the participation and inclusion of civil society members in decision-making processes, and how this has changed historically. Based on archival data, official documents and supporting interviews I examine the mining licensing processes, participation and division of responsibilities in them by asking: *How does the source of stakeholder inclusion influences quality of participation over time? And secondly, how does the quality of participation influence decision-making?*

The second paper centres around governance interactions in two multi-stakeholder initiatives (MSIs) in sustainable mining that were launched by the governments in Chile and Finland. It examines how embeddedness and government strategies influence the development and outcomes of private governance. Delving into longitudinal interview data, this comparative case study asks: *How the roles and expectations towards the state are transferred into MSI when states are active part of the configuration?*

The third paper proceeds from (inter)national dynamics to a locality and examines negotiation between local people and a company in the particular mining project of Anglo American in northern Finland. Based on participant observation and interviews, the paper asks: *How is the place and the place-basedness mobilised in the struggles over natural resource extraction?*

2. THEORETICAL FOUNDATIONS

In this section I briefly outline the main concepts and literatures relevant for this thesis, and thereafter discuss the methodology before introducing the three articles.

2.1 POWER TO GOVERN IN POST-WESTPHALIAN ORDER

For decades, power and authority mostly referred to the political power held by governments and ruling elites. However, by the early 1990s with the dismantling of block politics, the rise of an information society and economic globalisation, this type of governing power partly transferred to regional, intergovernmental and non-governmental (private and societal) actors. The new governance paradigm – referring to the management of relational power between state, civil society and private market – and the idea of transnational governance systems gained popularity in research (Djelic & Sahlin-Andersson, 2006; Newman, 2001). Both the governance and regulation approaches abandoned the trinity of state–market–civil society divide as foundational, and sought to find new avenues to direct societal decision-making either at global or local levels (Jessop, 1995). Since then, several scholars have emphasised the power of markets and multinational actors, or the neo-liberalisation of the state, as contributing to the loss of power by nation states (Kjaer & Vetterlein, 2018; Utting & Marques, 2009). On the other hand, other scholars consider nation states as still having the capacity to exert power while often lacking the willingness to do so due to neoliberal political ideologies (Newell, 2008). Furthermore, states still are the foundational framework in which private or multi-stakeholder governance models operate (Mayntz, 2003), and state power might be essential for the effectiveness of private regulation (Marques, 2014). Thus, the question is not necessarily about the loss of state power but the change in its form – from direct to indirect influence and from mandating to facilitative policies (Henriksen & Ponte, 2018; Knudsen & Moon, 2017b). This rearrangement of power has happened partly within the state, i.e. while policies might have got more lenient towards companies, the power of the courts has become more prominent (Levi-Faur, 2012). This is a move that is extremely visible in many Latin American mining conflicts, where failing state policies have driven communities to

seek protection of their rights through national and international courts (A. Bebbington & Bury, 2013; Haarstad, 2012).

This proliferation of governance fields and actors inevitably led to the diversification of what exactly is meant by the concept itself. Governance has been referred to as moving away from hierarchy towards partnerships, as blurring the boundaries between private and public spheres, as the introduction of networks in policy development, the changing role of government from regulator to enabler, and a move from state-level to either global or local forms of governing and voluntary self-regulation models (Newman, 2001). In this thesis I have used a very broad understanding of governance as a collective regulation of societal issues” (Mayntz, 2003, p. 6). To put it differently, governance is a process through which societal issues are decided upon, and that in itself functions as an institution infused with competing powers and shifting boundaries. This definition enables the analysis of different forms of governance as configurations of power and authority, and an examination of the mechanism to exercise that power. It also allows for a consideration of the different levels of analysis (local, regional, national, trans- or international) and an exploration of the practices that maintain and enforce these particular governance forms. Governance and regulation are here understood to be broadly referring to similar activity whereby regulation usually denotes the particular actors and methods (regulators and techniques), and governance refers to the principles behind regulation and a systemic level power division (Steurer, 2013).

2.2 THE EVOLVING ROLE OF THE STATE IN CSR

Corporations have always been embedded in the socio-political reality of their operations (Djelic & Quack, 2018), but for a long time the nation state was not interesting for MOS research. The era of economic globalisation brought new actors and new modes in governance, and research attempted to understand their significance, impact and legitimacy (Mena & Palazzo, 2012; Rasche, de Bakker, & Moon, 2013). However, these “new governance tools” have been increasingly adopted also by governments, who now can apply more subtler steering through agenda-setting, partnerships or orchestrating voluntary governance through intermediaries (Abbott, Levi-faur, & Snidal, 2017; Eberlein, 2019; Giamporcaro et al., 2020). Recent research has attempted to improve

our understanding of the interactions between these public and private actors in governance, and the consequences there of (Cashore et al., 2021; Kourula et al., 2019). This thesis contributes to this line of research, and particularly offers new insights into the contextualised state–CSR interactions.

The omission of public actors in CSR research was for a long time partly a definitional issue. Corporate social responsibility was defined as voluntary, something beyond compliance, which was discretionary to companies and excluded governments and law (Knudsen & Moon, 2017b). However, during the recent decade the scope of CSR has broadened to include strategic action driven by external pressures, and compliance with both voluntary and mandatory regulation (Matten & Moon, 2020). Below I will review briefly the literature on state–CSR interaction, from the early enhancement to the more critical perspectives, and finally the interactions between the public and private actors in reallocating responsibilities.

2.2.1 States as enablers for CSR

The initial interest in the role of the state concentrated mainly on exploring the ways in which governments can enhance responsible corporate behaviour through different policy tools (Albareda et al., 2008; Fox, Ward, & Howard, 2002; Steurer, 2009), and how these corporate responsibilities are embedded in the institutional environment or “the national governance system” of each country (Gond et al., 2011; Knudsen & Moon, 2017a). Most of these studies mapped different European approaches (Albareda et al., 2008; Knudsen, Moon, & Slager, 2015), or indeed the difference between the US-style explicit CSR and the European tradition of implicit CSR (Matten & Moon, 2008). The policy instruments for governing CSR found in this research included different legal, economic or informational and partnership measures (Steurer, 2009). Governments can, for example, have legal requirements for CSR reporting, they can incentivise companies through tax breaks and endorsement, or build partnerships with industries to enhance CSR (Bäckstrand, 2008; Gond et al., 2011; Steurer, 2009). Whereas the partnerships and endorsements support the traditional view of the voluntary nature of CSR, the research on mandating CSR is

more recent, and partly reflects the phenomena of increasing regulations on human rights and environmental due diligence⁵.

All of these early government policies to enhance CSR include only those policies and activities that are explicitly stated as CSR, excluding for example labour or environmental policies that pose requirements for companies. This follows the narrow definition of CSR as the particular realm of mainly voluntary responsibilities. The early research on state–CSR relations also conceptualises CSR mostly as a positive phenomenon or a desirable end, thus examining these responsibility enhancing policies from an efficiency perspective (for more recent accounts see, for example, (Schneider & Scherer, 2019)). Interestingly, most of the early studies on domestic policy choices base their mapping on Fox et al.’s (2002) policy tool framework, which is a World Bank report on CSR as a policy choice for developing countries that would enable economic growth and investments while it also addresses some social and environmental concerns. Consequently, none of the early research considers the possible negative consequences of these joint efforts to improve CSR like dilution of hard law, or responsibility altogether.

Some of the early studies in CSR–state relations also explored the motivations for states to participate in CSR through these different policies. The support for these voluntary efforts can complement or substitute hard law, and legitimise government policies in the eyes of industry (Moon, 2002). This economic motivation in the form of creating business opportunities or a business friendly environment (soft law CSR instead of stringent regulation) is one of the incentives for governments to drive CSR forward (Fox et al., 2002). The second is the effort to constrain the negative social and environmental impacts of internationalised business. Third, these CSR initiatives relate often to Sustainable Development Goals (SDGs) and hence offer a good fit with the idea of partnership and voluntariness (Mawdsley et al., 2018). Fourth, it can be a political response to CSR as governments want to be involved (Steurer, 2013). Finally, CSR provides a tool to constrain activism and protect nationally important industries (Boghossian & Marques, 2019). As I discuss in the second paper, states might resort to promoting CSR and voluntary

⁵ See for, example, the European Coalition for Corporate Justice (ECCJ) note on the recent development of Human Rights and Environmental Due Diligence (HREDD) regulations in Europe <https://corporatejustice.org/evidence-for-mhredd-january-2021-.pdf>

governance as a measure to balance the dual pressures from industry and civil society and, when they do so, it has consequences for the governance initiative.

2.2.2 Critical view on state–CSR relations

There is a difference if we talk about small businesses and their CSR (Spence, 2014), the externalities and responsibilities of multinationals created by governance gaps (Scherer & Palazzo, 2011), or CSR as an effort to address the systemic failures of the current political economy (Banerjee, 2008). In a similar way, nation states differ in their ability to govern, their position in the global value chains and in the global political economy (Marques & Eberlein, 2020). We do not expect that Bangladesh or Ethiopia have the same power as the US or France. However, while the normative need for CSR is legitimated with reference to weak countries like Ethiopia, the empirical research on CSR is carried out mostly in strong states like the US (Kourula et al., 2019). The literature on state–CSR relations in reference to governance gaps seems to be ambiguous. On the one hand, it is claimed that (political) CSR is needed to substitute the non-existent or neoliberal state (Scherer & Palazzo, 2007, 2011; Scherer, Rasche, Palazzo, & Spicer, 2016), and on the other hand the empirical research posits that CSR works best in the realm of strong statehood (Bartley, 2011; Gulbrandsen, 2014).

The critical tradition on state–business relations has examined CSR as the node for an elite hegemony that comprises both industry and political leaders (Cisneros & Christel, 2014; Conde & Le Billon, 2017). For example, Cisneros & Christel (2014) found that the governments of Argentina and Ecuador actively supported CSR practices that reproduced neoliberal logics, asymmetrical power relations and supported corporate interest over community interest in the extractive sector. Furthermore, Utting and Marques (2009) have emphasised the importance of understanding the power relations between different actors, and especially corporate dominance in framing the agenda for CSR in the developing country context. An illustration of this is offered by Dinah Rajak (2008) in the South African mining context whereby the state’s market-based view on development provides a dominant space for corporations in defining the development agenda through the use of CSR discourse. Especially in resource extraction, states might act as enablers of exploitation through the use of “legitimate” violence and the active deployment of CSR discourse (Banerjee, 2011). Thus, the state enacts as an accomplice of business in creating

detrimental environmental and social consequences through pro-industrial policies and fails to protect its citizens and nature (Helwege, 2015).

Maher and co-authors (2019) point out that the state has multiple actors, spheres and discourses through which it exercises power and participates actively in governance in interaction with or without the private sector (Maher, Valenzuela, & Böhm, 2019). Thus, “the state has not disappeared but turned ambiguous and dispersed” (Maher et al., 2019, p. 1188) where it can also avoid responsibility, promote pro-industrial perspectives or withdraw from conflicts by advancing voluntary regulation. This darker side of state–CSR relations has been examined for example by Boghossian and Marques (2019), who note how states can deliberately use MSIs to limit political opportunities for radical activist groups. Consequently, not only do these softer governance forms restrict the possibilities for opposition, but the MSIs serve to transfer responsibilities from the state to these initiatives, making states less susceptible for rights claims and less accountable for the outcomes (i.e. governing the corporate externalities). The delegation of responsibilities leads to a dilution of accountability, which in the worst case can lead to dissipation of responsibility altogether as in the case of the Marikana massacre in South Africa. As Hamann (2019) explains, the sharing of responsibility through these softer governance agreements between state authority and company created a situation better described as governance void and disappearance of responsibility. The dynamics between public and private governance do not have prescribed outcomes. It depends on the historical power relations, resources among the parties, and the socio-political institutions of the context as to what forms and outcomes the interaction might have. As I elaborate in the second article when governments initiate private governance forms like MSIs they become an integral part of that constellation through political orchestration, administrative mimicking and expectations of guaranteeing a judicial type of impartiality. These layered transfers of state roles and expectations into MSI, influences the stability of the MSI when state actors decide to withdraw from the governance constellation.

Nation states are also the locations in which transnational governance takes place, as noted by Graz: “the power of the state at the point of implementation, far from being transcended, is routinely accommodated in the construction of compliance” (2021, p. 5). Thus, it is not only the responsibilities that are contextual but also that the implementation of the multi-stakeholder standards often take national forms, i.e. transnational standards and certificates produced by multi-

stakeholder initiatives are interpreted and applied in national contexts (Bartley, 2021; Graz, 2021). It depends on how good a fit the soft law is with the domestic regulation, whether it is adapted to or repurposed as a useful policy tool, or whether it is rejected as a move to meddle in domestic decision-making (Bartley, 2021; Marques & Eberlein, 2020). Also, domestic interests influence these interpretations and soft-steering can be used to protect nationally important industries from activism (Boghossian & Marques, 2019), and weak civil society seems to undermine the scope of private regulation in favour of industrial and political elites (Bartley, 2021). It seems CSR and private governance can align themselves with state interests instead of filling the governance gap. This poses serious questions on the legitimacy of the MSIs and other forms of private regulations if they, instead of providing improvement, become accomplices to state violations of human, land and labour rights.

2.2.3 Narrowing the governance gap through public–private interaction

Apart from the domestic policies to enhance CSR through transparency and reporting, governments and other state actors can influence corporate responsibility through home state regulations, trade and other international agreements, and by participating in private governance partnerships (Knudsen & Moon, 2017a). Home state regulation refers to mandated due diligence and other measures whereby companies' activities abroad are regulated in their home countries. These include, for example, the French Corporate Duty of Vigilance Law, the UK Modern Slavery Act, and Danish due diligence requirements. Also in February 2021, the German parliament accepted the initiative on mandatory human rights due diligence, and the EU parliament as well as multiple European countries have similar ongoing initiatives (ECCJ, 2021). This is what Matten and Moon (Matten & Moon, 2020) call “implicitization”, a process where previously explicit and voluntary regulation transfers into an expectation to be mandated through laws by society.

However, the assumption that “hard law” is always better does not necessarily hold. As LeBaron and Rühmkorf (2017) point out home state legislation varies a lot in stringency, quality and implementation. Similarly to soft law, the effectiveness of the regulation depends upon the accountability and liability measures written in. Comparing the UK Modern Slavery Act and the UK Bribery Act, they conclude that “legislation that establishes criminal corporate liability and imposes due diligence requirements on companies has spurred deeper changes to corporate practices than transparency legislation” (LeBaron & Rühmkorf, 2017, p. 23). In this case, it is the

Bribery Act that has led a transformation in business behaviour whereas the Modern Slavery Act has only provided meagre changes. There seems to be a tendency to use a softer mechanism with less accountability when it comes to social and environmental issues, whereas economic and corporate governance are often mandated through stricter laws. Thus, even when mandating CSR, states uphold the primacy of economic matters over environmental and social ones.

Apart from policies and laws, governments can impact CSR through trade agreements, and other international agreements. For example, Schrempf-Stirling (2016) points out how many of international treaties, described often as belonging to the CSR realm (like those of the UN Guiding Principles on Business and Human Rights or the Extractive Industries Transparency Initiative), are based on state governing power. Furthermore, Knudsen & Moon (2017b) emphasise how states can, through domestic CSR policies, influence the corporate behaviour abroad by setting standards as part of trade agreements. Of course, this ability is relational to the power and position of that country but, for example, Sauer and Hiete (2019) note how the Dodd Frank Act resulted in the creation of a voluntary certificate by producers to be accepted in the US and European markets. Thus, hard law in one place (usually an important market) can create soft law measures elsewhere (Reinecke & Ansari, 2016). Notwithstanding, the Dodd Frank Act has been criticised for the same vague requirements for “transparency reporting” as the UK Modern Slavery Act, leading to technical fixes and circumventing the foundational problems (Le Billon & Spiegel, 2021).

These public–private interactions in global governance have been conceptualised as transnational (Bäckstrand, 2008), network (Klijn & Koppenjan, 2012), multi-level (Bache, Bartle, & Flinders, 2016) and hybrid governance (Cashore et al., 2021). They all note how all private governance is partially embedded in public governing and institutions, which influences, for example, the configurations, efficiency and enforcement of these private forms (Bartley, 2011; R. M. Locke, Rissing, & Pal, 2013; Toffel, Short, & Ouellet, 2015). The interactions between the public and private actors are layered, and governments can use delegated rowing and micro-steering on top of more traditional regulatory steering (Giamporcaro et al., 2020). Furthermore, these public and private governance forms can be competitive, complementary and coexisting (Cashore et al., 2021). The dynamics of the interactions can change over time and competitive forms can become more complementary or vice versa. The second article contributes to this line of literature by

examining the embedded and changing forms of public–private interactions and how these influence the outcomes of the governance constellations.

Lastly, recent research on the state, politics and CSR has begun to investigate the relationship between human and labour rights, and democratic decision-making. Concentrating on the factors alongside the actors in governance, this research has partly been driven by the need to respond to the accountability deficits of the voluntary regulation. The findings underscore how particular principles like rule of law (Sallai & Schnyder, 2020), rights protection and mobilisation (Maher, Monciardini, & Böhm, 2020) and principles of democratic decision-making are crucial in securing participation and legitimacy of different governance systems. For example, Reinecke and Donaghey (2020) note how workplace democracy and the idea of processual rights are important factors for securing participation in workplace dialogue. The first article of the thesis contributes to this discussion combining the public–private interaction and the rights and participation approaches. It demonstrates how the changing interactions influence the ability of different groups to claim and mobilise rights, and how recognition by law does not guarantee the realisation of the rights but secures a preferential position as a stakeholder.

2.3 THE POLITICAL ECOLOGY OF EXTRACTION – FROM GLOBAL TO LOCAL DYNAMICS

As explained in the Introduction, natural resource extraction is often highly conflictive due to competing and incompatible land uses. The extraction locations have multiple meanings and values that are often contradictory. The field of political ecology is specialised in examining the relationship between nature and society as a reciprocal relationship imbued with conflicting aims and power relations. It ascribes to critical social theory and a post-positivist perception of nature and knowledge production (Bridge, McCarthy, & Perreault, 2015). For this thesis, the political ecology understanding of the connectedness of nature and politics is central. Particularly I draw on the idea of “political natures”, referring to the relationship in which the natural environment influences political projects and vice versa (Robertson, 2015): and how that relationship constitutes economic and political power (Bridge et al., 2015). This relationship is predominantly visible in

mining, where ore deposits have the potential to simultaneously bring wealth to some and destroy the futures of others, and where existing regimes of extraction are displayed as necessary developments without alternatives.

Political ecology literature also highlights the various ways in which governments and state actors contribute to the conflict dynamics and outcomes. States are embodiments of political processes and practices imbued with power (Loftus, 2018), and resource extraction itself is a social negotiation within those processes and practices (Bakker & Bridge, 2008). States are often the mediators between global economic power relations and local natures and societies (Watts, 2005), whereby they can act as “rentier states” or an “environment-making” state (Loftus, 2018) instead of protecting citizens’ rights. State actors can escalate mining conflicts by aligning powers with elites, criminalising counter-movements, introducing pro-industrial politics, and failing to secure civil society participation in governing processes (Conde & Le Billon, 2017). This type of politics marginalises communities and increases distrust among the people (ibid.). Thus, when aligning the objectives too closely with industry, states lose their political legitimacy and become not only actors in, but drivers of, conflicts. This dynamic between global economic powers and domestic interest illustrates the kind of “dual role” of state where it on the one hand tries to attract foreign investment needed to succeed in a capitalist political economy, and on the other hand, needs to maintain some level of political legitimacy and stability. As Bridge (2004) notes the interest of the state to gain economic benefits in the form of royalty payments and taxes from mining companies, aligns them with mining companies’ interest. However, there are also interests, like those of resource conservation, non-mining land use and environmental protection that need to be accounted for (Bridge, 2004, p. 237). These conflict dynamics and the need to legitimate different political decisions, as well as the negotiations or struggles leading up to those decisions, were the topics I wanted to understand better when starting this PhD. Therefore all three articles contribute to this division of responsibilities between the state, industry and civil society either as an outcome of changing governance mechanisms (first paper), negotiation and balancing act between different governance mechanisms (second paper), or as the ongoing legitimacy struggles within the governance system (third paper).

There are three important takeaways from the political ecology literature for this thesis. Firstly, when analysing the state one needs to consider not only the power relations within the state–

industry relation but also *the multiple layers of public authority*. It is not only state-level government that has a role to play in different governance formulations, but also regional and local authorities, and international and interstate agreements through these different scales of environmental governance. Furthermore, these layers may have opposing objectives and bring different dynamics to conflicts where local claims confront national industrial strategies (Haarstad & Campero, 2012). The second notion has to do with the *relationship between law-based governing and the possibilities of voluntary governance modes*. The recent research on political ecology contends that improved legislation that secures to some extent local participation in the form of different Environmental Impact Assessment (EIA) and Free and Prior Informed Consent (FPIC) consultation processes offers new political spaces for civil society actors (Guzmán-Gallegos, 2012). To what extent these spaces can be used to contest corporate (and state) powers depends on the particular political and social configuration and context (ibid.) as the strength and ability of local resistance groups is embedded in the historico-political context of the region and its place-based identities (Conde & Le Billon, 2017). Thirdly, an important dimension offered by political ecology is *the power struggles and their symbolic, discursive and material dimensions*; how is it that modernity not only colonises minds in the form of seeing nature as a resource but actively co-opts language, as the concept of sustainability, to establish moral authority and delegitimise opposition (Bridge & McManus, 2000)? Therefore, it is important to, not only expose the dominant hegemonic discourses but also trace the colonial links with ecology and development, which “allows for a retrieval of peasant and indigenous discourses on nature, land use, and ecological regulation and management” (Peet & Watts, 1993, p. 248). These hegemonic (and counter-hegemonic) discursive practices become visible at moments of conflict, when legitimations and justification for chosen actions and policies are called for (Laclau & Mouffe, 1985). It is in the third paper that I develop the idea of place and proximity as decisive features in (de)legitimizing practices.

3. DESIGN AND METHODS

Researchers need to figure out their assumptions about the nature of social reality and what it means to be human (ontology) and the nature and purpose of knowledge (epistemology) before deciding which research methods might be appropriate (Cunliffe, 2011, p. 649)

3.1 THE EMPIRICAL CONTEXT

Finnish Lapland is my place of birth and it is a vast area of about 100 000 square kilometres, a habitat of approximately 170 000 people and 200 000 reindeer. The northern part of Lapland is also the homeland of indigenous Sami people. The north of Finland has been a resource reserve for rulers since the 16th century, and it is currently an area of interest for multiple mining companies. The resource rush and mining boom of the early 2000s highlighted the conflicting tensions around natural resource governance. The number of conflicts increased parallel to new operations worldwide, especially in Latin America (A. Bebbington & Bury, 2013) and also to a degree in Arctic areas (Klare, 2012). This change, emerging from intensified extraction, has been extremely visible in Finnish Lapland. During the 1990s when I was growing up, there were no mining operations if not counting artisanal mining. Old deposits were mined and had shut down ten years previously. However, at the beginning of the new millennium plenty of new exploration began, a number of new projects were planned, and enthusiasm for mining as the future for Lapland spread in statements by businesses and authorities. Obviously, the most ambitious visions turned out to be only hopes with the passing of the peak prices, but the “boom” did result in five new mines and the same amount of ongoing mining projects. These operations, although welcomed by most of the population, also stirred up some serious opposition. Consequently, today there are three ongoing conflict cases and some smaller disputes related to mining in Lapland. Most of these relate to irreconcilable land use, i.e. mining versus tourism, nature protection and reindeer herding. In this sense, the global dynamics of resource booms and their discontents, “hit close to home” and provided my initial interest to this research topic.

The mining industry in general is capital intensive, disruptive and dominated by forty global mining companies: the top ten includes actors like Glencore, Vale, BHP Billington and Anglo

American. The revenue of the industry was approximate 700 billion US dollars in 2019⁶. It is also a highly conflictive industry, with over 600 filed cases in the Environmental Justice Atlas⁷. The violence, manipulation and dominance of extractive companies over people and the environment has also been well established by academic research (Banerjee, 2011, 2014, 2018; Maher, 2018). Consequently, mining was one of the first sectors to adopt voluntary codes to address environmental and social externalities (Roussey, Balas, & Palpacuer, 2019). Currently there are more than twenty different MSIs functioning within mining (Sauer & Hiete, 2019). Among these are, for example, the Extractive Industries Transparency Initiative (EITI), the Kimberly Process (for sustainable diamond production), the Initiative for Responsible Mining Assurance (IRMA), Bettercoal, and the International Council for Mining and Metals (ICMM) Sustainable Development Framework. Most of these initiatives relate to precious metals such as gold, silver and diamonds, or products that receive a lot of NGO attention for their climate impact such as coal and aluminium (ibid.). Although some of these initiatives imply all mining, products like nickel or copper are almost invisible in this governance form. Interestingly, while there are no international laws regulating mining some regional regulation can function as a driver for voluntary standards elsewhere. The two case contexts of this thesis are Finland and Chile, while the papers one and three are built on the material collected in Finland, the paper two is a comparison between the two institutional contexts.

3.2 METHODOLOGY

Qualitative research and empirical knowledge can inspire and offer most interesting theoretical insights (Eisenhardt & Grabner, 2007; Siggelkow, 2007). Yet, qualitative methods in MOS still seem to prompt suspicion over the rigour and replicability of the research (Jarzabkowski, Langley, & Nigam, 2021). This, in turn, has led to over-usage of templates to legitimate research with “quants by-proxy style” analytical models. Recently, scholars have advocated for a more nuanced understanding of both qualitative research and rigour as a reflective and iterative process of reasoning (Harley & Cornelissen, 2020; Jarzabkowski et al., 2021), which includes “creative

⁶ <https://www.statista.com/topics/1143/mining>

⁷ <https://ejatlas.org>

leaps” (Langley, 1999, p. 691). Indeed, the rules and templates are a point of departure but not the actual analysis of the research. They might provide academic credibility and confidence, but they are just a starting point that cannot replace the “creative hunches founded in rich data and careful analysis” (Jarzabkowski et al., 2021, p. 71). It’s not about imagining results rather that heuristics turn our attention to particular issues emerging from the data, often already during our time in the field. There might be something that is counter-intuitive to our prior knowledge or the theories we have read, or indeed something surprising that guides our interest. In my fieldwork there were a lot of these moments that made me pause and note there’s something interesting happening. For example, the unexpected similarities between the political responses in the two case countries, the notions of awareness of people as a driver for conflicts, or indeed how in addition to the communities, the company also actively mobilises place. Also, during the analytical phase the reasons why we originally clamped some topics together originated from knowledge from the field.

This thesis uses an inductive case study approach. Case studies are rich empirical descriptions of phenomena based on multiple data sources (Yin, 1994), yet they are not “natural” but selected and edited versions of reality (Lund, 2014). According to Siggelkow (2007), case studies can offer motivation for the research questions, inspiration for new ideas, and an illustration of theoretical contributions. Indeed, the growth of mining conflicts and their consequences for human life and future, was the original motive for me to ask what is being done to preserve the rights of the people, and who is taking the responsibility in fitting together these often contradictory interests. My empirical observations on mining conflicts seemed to be counter-intuitive to the theoretical literature on consensus-based decision-making. Thus, it prompted me to explore further what and how is negotiated and to what ends in these conflicting situations. It seemed that what began as an effort for relieving conflicts and finding consensus-based improvements to the situation, ended up either excluding or advancing the conflicts.

Building theory inductively from empirical case(s) often yields the most interesting results (Eisenhardt & Grabner, 2007). In this thesis, I use both the multiple case study and single case study approaches. The single case study is the context of both Articles One and Three. In the first

case, the historical development of mining governance in Finland and its influence on inclusive and participatory practices represents a revelatory case study (Yin, 1994). The historical change from a closed-economy with state-owned mining companies to an open market with mainly private operators offers exceptionally good empirical material to examine both the public actor influence stakeholder theory, and the rightsholder perspective on participatory practices. The second single case study is in the third article, which revolves around one particular mining project and offers a deep-dive into the dialogue practices on the ground. Here the access and ability to follow the interactions between the company and the locals enables theory building that brings a new understanding of how place and place-basedness is mobilised in power struggles.

The second article takes the multiple case approach. Indeed multiple case studies can often result in more robust theory and enable a broader exploration (Eisenhardt & Grabner, 2007). To examine the influence of governments and the embeddedness of private governance patterns, the paper builds on the polar types research design (Eisenhardt, 2021; Eisenhardt & Grabner, 2007); or what Flyvbjerg calls “a maximum variation approach” whereby choosing two cases that are very different can produce information about the significance of the circumstances (2006, p. 230). The chosen cases of Finland and Chile, represent institutionally historico-political extremes yet share similarities in terms of their development of the industry, their preferential position and their state-owned companies.

3.3 THE DATA

The researcher selects the boundaries of the phenomena in case studies, by choosing informants and emphases in the knowledge they provide (Lund, 2014). This is depicted as a logical story behind research papers, but in reality it is often messy and guided by chance, luck and access. I was indeed very lucky to have interviewees who helped me along the way, and the snowball method worked on my very first field trip to Chile back in 2015 and thereafter. Case building takes time and rests on multiple data sources. The different data sets for the three papers were gathered during five years (2015-2020). While each paper has different approach, research question and

dataset, all of them are partially informed by the overall PhD research and knowledge accumulation of the field and phenomena.

The main part of the qualitative data gathered during the PhD have been through research interviews, and participant observation. Notwithstanding reports, policies and media articles have been integral part in building the cases and connecting the interview data to the particular question of each paper. Overall, I have done about one hundred semi-constructed interviews during my PhD of which some were more useful as background data or as an introduction to a new field. Approximately 70 interviews were analysed as the data of the three research papers represented in this PhD thesis. Interviews do not produce information as objective truths, rather they are situated accounts by the interviewees, and need to be analysed as part of that context (Alvesson, 2003). Furthermore, the interviewer is part of that process of production of answers, and therefore needs to be reflexive to capture the intended or unintended impacts (ibid). For example, what is asked and how, in what kind of situation, and how does the interviewee interpret the expectations and position of the researchers or the level of comfortability of the topic, all affect what is captured as 'data' in the interview. I have tried to overcome some of these issue by being open and explicit about the objectives of the research, by providing information beforehand and securing consent from the interviewees. I have also offered a possibility for the participants to see the final output. In terms of analysis, I have not relied on any single source but secured the credibility of the analysis and interpretation through crystallization through multiple sources (Tracy, 2010). This has meant also critically evaluating the 'data' received and search for alternative interpretations and different angles to the data (Alvesson, 2003). To ensure the quality of the qualitative research, I have tried to be as transparent and clear as I can about the analysis methods and use of data in each of the papers (Jarzabkowski et al., 2021) and in each of them I have deployed an iterative process whereby coding of the data is partly informed by theories and active back-and-forth going between the two (K. Locke, Feldman, & Golden-Biddle, 2020).

Having two case countries and three contexts has meant I have gathered data both in Finland and in Chile. This has also meant that some of the data gathered is in Finnish, some in Spanish and some in English. As I myself speak all of the three languages I have not used translators nor interpreters. However, some of the data both in Finnish and in Spanish were transcribed by native speakers. While the interview invitation in Finland were only sent in Finnish (my native language)

the invitation emails in Chile were sent both in Spanish and English to avoid any confusions. Also, the letter was checked by native Spanish speaker to avoid any mistakes. The actual data gathering in three different languages did not pose any obstacles, as the people interviewed were not pertaining in vulnerable groups but were company managers, ministry officials, NGO leaders or academics, and they were given a chance to choose the language they were most comfortable with.

The analysis phase proved to be more challenging to operate with different languages. To ensure both quality of the original data and commensurability of data analysis, I did the in vivo coding in original language of the data, followed by second round of coding when the first order codes were abstracted by the in vivo codes, followed by the axial coding and abductive analysis in English language. Of course, the cultural meanings imbued in the language can be tricky to translate and I tried to overcome any lost meanings when translating the quotations from both Finnish and Spanish into English by considering few alternative ways in which to translate the meaning of what interviewee was saying by going back to the original interview, not just the quotation, and following the best meaning instead of word-to-word transcription. Some of the cultural translation was enabled by the fact that I was fluent in Spanish and spent about three months altogether in Chile, and I have used English as first language at work and everyday living for past five years.

While the detailed list of data and analysis is presented as part of each article, below I give an overview of the data used in each of the articles.

The first article investigates the mining permitting system in the Finnish context where I have analysed official permit documents through archival and online data, connected legal decisions by courts, as well as some supporting media data and interviews in tracing the historical development of inclusion and participation of third parties in these permit processes, and how they influence business–society relations.

For the second article, data gathering started back in 2015 and was finished by summer 2019, thus it rests on longitudinal data mostly based on two interview rounds in the two case countries. It follows two cases of state-induced multi-stakeholder initiatives in Finland and in Chile, which aim to improve the sustainability of the mining industry in the respective countries. The data includes

58 semi-structured in-depth interviews lasting 1–1.5 hours, and governmental policy documents as well as guidelines and other documents created by initiatives.

In the third article, I take an ethnographic approach and the data was gathered through participatory observation of stakeholder meetings live and online (due to Covid restrictions) and semi-structured interviews with participants. The ethnographic method enables describing and interpreting shared values and beliefs in a particular context, and it is particularly suitable for CSR research as it can uncover both symbolic and actual meanings of everyday practices (Bass & Milosevic, 2016). Indeed, it is the underlying values and meanings of the location, i.e. place, of the CSR practices that I aim to examine and unearth. Although, the fieldwork lasted only about one month at a time, my cultural familiarity of the place, as well as a shared dialect, has enabled access to and understanding of contextualised meanings.

3.4 RESEARCH ETHICS

The knowledge gathered during the fieldwork is an important source of credibility and accountability for a research. All research requires sincerity, respect and honesty in terms of research design, how data is gathered and used in analysis. However, in qualitative research and particularly interviews and participant observation ethical considerations become essential. Tracy (2010) suggests that there are four different types of ethics involved in qualitative research: procedural, situational, relational and exiting ethics. In my research the procedural ethics means firstly, that I have explained honestly the aim of the research and gained consent from the interviewees in advance; secondly, it has meant protecting the identity of the informants through anonymization and protecting the information gained with passwords, anonymization and also not sharing the original data with anyone. Thirdly, the procedural and exiting ethics of the research have included a possibility for the interviewees withdraw their information, and also access to the final output of the research. The situational ethics denote the contextuality of the research and ethical considerations (Tracy, 2010), while the interviews both in Finland and in Chile were most part done in previously agreed and confidential situations the fieldwork at Sodankylä and particularly participant observation required a lot more reactive responses. For example, I realised during the first participant observation that the participants thought I was one of the

consultant/researchers hired by the company which then prompted me to alter my own presentation in order to secure the integrity and quality of the following research interviews. Situational ethics also include considerations to the people observed and interviewed in small community contexts, and for me meant that I would not openly disclose whom I had interviewed.

As for the relational ethics, this signifies the thoughtful self-reflexivity about the reciprocal relationship between me as a researcher and ‘the field’. As a researcher I am embedded in the world in which I research, and I shape and am shaped by my research context. Firstly, I had to consider how I am perceived by the people and how that might affect their responses, secondly, careful consideration of how and what I ask in order not to prompt answers I expect, and not misusing the trust built in the interview situation i.e. considering what was said and intended in that particular situation. Methodologically, this subjectivist – or social constructivist – approach means double hermeneutics in a sense that my research is an interpretation of others’ interpretations of the world, thus it is always partial and limited. However, the aim is to understand how people, organisations and institutions “constitute and are constituted by their surroundings” (Cunliffe, 2011, p. 661), thus it requires understanding of the relational and situated being of people. Self-reflexivity requires also an understanding related to how we use the data in the analysis phase and how, not only the ontological and epistemological disposition, but also researcher’s prior knowledge – or what Alvesson and Sandberg (2021) call “pre-understanding” – influences what we see in the field, and how we interpret it. As Hamann and co-authors (2020) note our disposition towards the world as academics is partly predicated by our scholarly histories, and therefore we need to acknowledge that. In this research that has meant emphasis on the power and politics of how things have evolved and examining the more conflictual - or antagonist - relations than search for seemingly consensual outcomes. This does not mean the latter do not exist, but rather my focus and framing as well as the data gathered relate to the former.

4. CONCLUSIONS & CONTRIBUTIONS

The aim of this thesis has been to understand how responsibilities are negotiated between state, business and civil society actors at the business–society interface. At the beginning I introduced the overall question of this thesis: *How do public and private actors negotiate rights and responsibilities (in mining governance), and how do the interactions between these actors influence the accountability and enforceability of the governance regimes?*

To answer this question all three articles delve into the division of responsibilities between the state, industry and civil society. In the first article, the negotiation is a complex process where rightsholding is a significant asset for inclusion, and state actors hold strong positions not only as decision-makers but also as rights givers. The legalisation of the process improves accountability but only for some actors (rightsholders). In the second article, the MSI becomes the arena for negotiating responsibilities, and at the same time serves as a mechanism for redirecting pressures from state actors in conflict situations. The short-lived history of the initiatives demonstrates the weaknesses of governance constellations whereby the commitment of leading participants is low and the state facilitation phase is followed by withdrawal. In the last article, I develop a model where place-connections a central feature in defining legitimacy, action and non-action in natural resource struggles through social and ecological embeddedness. In sum, the three papers examine different aspects of the governance interactions between public and private actors.

The articles in this thesis contribute to our understanding of how public actors define, partly organise and promote corporate responsibilities on the one hand, and the possibilities and shortcoming of private governance in replacing public forms of governing on the other hand. At large, all of the articles underscore how governance - be it public, private or a mix - is always both contextualised and embedded. Previously, Matten & Moon (2008, 2020) have shown, through institutional analysis, how CSR is highly embedded in the national business systems which informs the expectations and norms for corporate action. However, I show based on my thesis findings that all forms of public and private governance are both contextual and embedded in legal, cultural and industrial environments.

4.1 EMBEDDED GOVERNANCE IN CONTEXT

My motivation to understand better the public-private governance interactions comes from the acknowledgement of the global governance gaps. While I am critical of business corporations taking on role of the state but see possibilities in their role as service provider or corporate citizen with political agenda. Importantly, in an effort to close the grey zones of global governance gaps, we need to understand better why those exist in the first place and what they consist of. Therefore, we also need to understand what governments do in relation to CSR and how states as broader set of actors interact with private entities to create soft or hard law measures governing business responsibilities.

Exploring that interaction has been the core of my PhD thesis. All governance forms be they local or global, are embedded in the contexts that they should rule. Even global standards are implemented in locations according to local customs and norms, and their effectiveness is partially bounded by the rules, laws and norms of the place. Focusing on the state-CSR interaction, I have identified three forms of embedded governance: the influence of the non-CSR policies on business-society relations and responsibilities, transference of roles and expectations of public actors to private ones in public-private governance forms, and legal actions through rights-giving and rights-protection defining boundaries of governance constellations.

The first one of these I call the *implicit steering of CSR*. This refers to the public policies and processes which govern business–society relations yet which are not explicitly CSR policies: based on the Matten and Moon (2008) definition of implicit CSR as expectations and norms guiding business behaviour but emphasising the legal aspects. The case of participatory mining licensing (Article 1) is a good example of this type of process that implicitly steers CSR by influencing corporate stakeholder relations, the boundaries of corporate agency, and what is defined as acceptable corporate behaviour.

The second one highlights how the often overlooked features in public governing – the local level decision-making, administrative processes and court rulings – are a significant source of decision-making power in defining corporate responsibilities. While laws are drafted by political decision-making, the interpretation and implementation is often carried out by local agencies and court

decisions. Research until now has mostly examined the governmental agency in relation to CSR, my thesis points out also that the other dimensions of statehood should be accounted for. To this end, my findings especially in Article Two elaborate on the difference between the catalytic role of governments for MSIs and the wider embeddedness directing the organisational processes and outcomes. Furthermore, it is not only governments and their political influencing mechanisms, but also the administrative and judicial spheres which contribute to the expectation for and processes of private governance. While previous literature has acknowledged this socio-political embeddedness of private regulation exists (Djelic & Quack, 2018), my research explains how it influences the private constellations through the three mechanisms of *layered transfers*: political orchestration by governments, performance of the administrative principles, and the expectations for the judicial role in balancing the interests. This embeddedness also influences the type and scope of the MSI through the interpretation of the regulatory void, which the MSI is designed to fill and the power relations in designing it.

Third one elaborates how *rights-giving* and *rights protection* can be a mechanism to steer CSR. Indeed, in addition to mandating, facilitation, and partnering, by giving rights to different groups influences their position as a participant in governance processes or a stakeholder in corporate decision-making. As illustrated in both Articles One and Three, certain groups are considered more than others based on their legal position as a rightsholder when harm or impacts of business activity are defined and compensated.

4.2 CONCEPTUAL FRAMEWORK OF THE THESIS

I began this thesis by delineating the differences and connections between power, politics and governance. Here, I will first explain the conceptual framework of this thesis to highlight the overall contribution of my research to the political perspectives on CSR/business and society relations, and thereafter will explain the contributions to the literature public-private governance interactions.

Figure 1 is a conceptual map of the thesis which explains the approaches and literatures which I have used and contribute to, as well as how I define and conceptualise *Responsibility* (as CSR).

As explained in the beginning I conceptualise CSR as sociological concept meaning it describe a relationship between people which navigates towards change and is culturally bound. Here I introduce four different factors which impacts the content of that relationship.

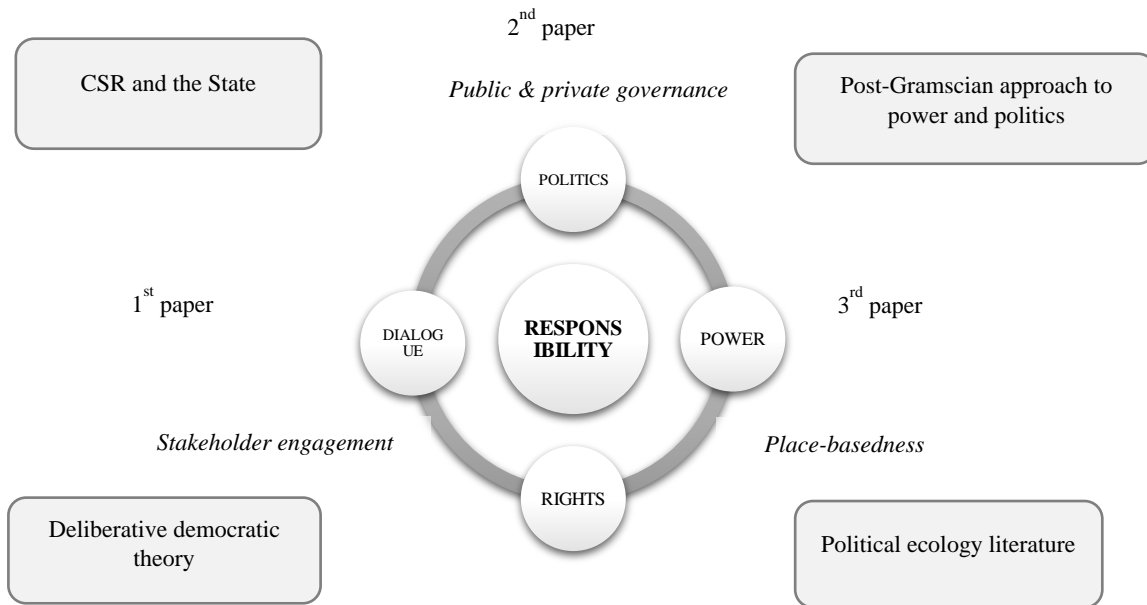


Figure 1. Conceptual framework of the thesis

Firstly, I use the post-Gramscian definition of *Politics* as arena where antagonisms (enemies to be destroyed) are turned into agonisms (legitimate adversaries) to secure the order of the society (i.e. hegemony). But I do refer it also as the end result of political decision-making in the form of ‘mining politics’ for example. CSR as politics means it is an arena where responsibilities are negotiated as part of broader hegemonic struggles. Secondly, also my conceptualisation of *Power* follows Gramscian perspective of societal force including political, ideological and material practises which constitutes and reproduces hegemonic power. State is a hegemonic power-nexus and an instrument to govern. Both power and politics define particular governance formulations. Be they voluntary, binding or hybrid constellations. If political and politics are inherently about the use of power in societal realms, governance structures are the concrete reflection of hegemonic power constellations.

Dialogue is often used in the negotiation of responsibilities on particular case or field, like in this case as negotiating the voluntary guidelines for sustainable mining, or as stakeholder dialogue

carried out by companies. In deliberative theory dialogue is a process for collective will-formation aiming for consensual outcome. However, the recent pragmatic turn has emphasised the need to allow for different interests and agonistic relations, and therefore dialogue resembles negotiating different interests, thus moving from deliberative politics towards agonistic politics.

Rights, as human rights - but also indigenous rights, labour rights, rights to land - are part of the liberal political tradition. From post-Gramscian perspective they are a result of hegemonic politics that decide whose rights are protected and whose are not, and hegemony can explain why for example property rights are stronger than cultural rights. But at the same time, rights are resources and as such important factor for environmental and social justice, and recently also part of the mandated CSR through new laws on Human Rights Due Diligence. Rights are legally grounded, and therefore also defensible within and outside of national jurisdictions, thus as I explain later rights can also be a power resource for stakeholders.

In combining these different concepts from different political traditions, it is useful to borrow Sorsa & Fougère's (2020) conceptualisation of different political ontologies in relation to CSR research and what politics is about. While in the liberal tradition politics is about regulations done through 'official' policies, in republican tradition politics is about legitimacy of the decisions arrived through communication at civic domain. The agonistic tradition, represented by the post-Gramscian approach, concentrates on the qualifications and conditions when and how topics are politicised, what kind of politicking is happening and what are the power politics within (Sorsa & Fougère, 2020). To delineate the political ontologies of the three articles in the thesis, the first article takes pragmatic view of CSR in examining how rights as part of liberal tradition influence the participatory principles of deliberative practises. In the second article the locus of CSR is in the multi-stakeholder initiatives and while broader approach of the paper follows post-Gramscian view of politics in that MSI are created to (re)legitimised the hegemony of extraction, and politicking as different possibilities to solve mining conflicts - or indeed de-politization as underlying mechanism of MSI. The main argument around institutional embeddedness of private governance and how that transfers expectations and roles from public to private actors is based on more republican perception of politics. Finally, the third paper mobilises the post-Gramscian political ontology to explore how the place is politicized in the power struggles over the contradictory land uses.

These different frameworks are mobilised in this thesis to explain the different ways in which public and private actors are entangled in governing responsibilities of business to wider society. Through direct and indirect legal measures, through socio-political embeddedness, through governmental policies and actions, through soft-law configurations, and through local and regional level decision-making and implementation of different governance regimes. All of these can be examined as political things or as an end result of political struggles. In this thesis I have mobilised both views, not as ontological stance of the research or researcher but more as end result of inductive research approach.

I will elaborate the more precise contributions of this thesis to different fields of management and organisation studies below, and thereafter will discuss also the implications of my findings to the political theories of deliberative democracy and Gramscian theory of hegemony thereafter.

4.3 CONTRIBUTIONS TO MANAGEMENT AND ORGANISATION STUDIES

The three articles of this thesis contribute to the MOS literatures on stakeholder theory, political CSR and corporate-community engagement. Firstly, the thesis contributes to stakeholder theory by showing how legal rights are decisive factor for inclusion in decision-making, and therefore how state actors can mandate those relations through rights-giving. It attributes proximity as focal element over which stakeholder legitimacy is decided i.e. by the mechanisms of place-detachment and place-attachment certain groups are legitimized while others are delegitimized. While stakeholder theory does acknowledge legal titles as important source of salience (Mitchell, Agle, & Wood, 1997), my research findings point to the broader role of public actors in mediating that salience as rights-givers but also as decision-makers.

Secondly, the thesis contributes to the literature on political CSR (Scherer & Palazzo, 2007, 2011; Scherer et al., 2016) by showing how state is a lot more versatile actor than previously acknowledged i.e. it includes governments and political systems but also legal and administrative systems, as well as regional and municipal actors, who might define and contribute to steering corporate responsibilities in different ways. Furthermore, while private actors might be able to replace some areas or tasks of public governing or service provision, there are other areas that they can seldom take over. Whereas privatised services like health care, education, or particular

product(ion) standards belong to the prior, areas such as democratic decision-making, administrative bureaucracy and the legal system are located in the latter. The principles of governance within public and private realms differ.

Researchers have also evaluated MSIs and other voluntary governance systems based on the input, throughput, output legitimacy criteria of democratic governance (Mena & Palazzo, 2012). However, I argue here is that the legitimacy of the governance mode cannot be separated from, and is partially affected by, the governing system. Indeed, as previous research has pointed out private initiatives function better in places of strong rule of law (Gulbrandsen, 2014; Sallai & Schnyder, 2020). It is the combination of the interaction between the mode of governance (for example MSI) and the governing structure (for example a nation state where it is implemented) that contributes to the legitimacy of the governance. While MNCs are global and able to surpass national legislation to an extent, when they take political roles (be it service production or rights protection) they are always located in a place and a context, which influences legitimacy. Thus, while corporations are getting more ‘political’ in multiple different ways, they do not operate in a vacuum, rather their ‘politicalness’ interacts with the polity, policies and politicking (Sorsa & Fougère, 2020) of the context. The findings of article 2 illustrate this interaction of different state actors and MSIs. The thesis also demonstrates how in the context of natural resource conflicts the principles and mechanisms of deliberative democracy are inadequate, and there are boundaries for the political CSR as deliberative governance.

Thirdly, the contribution of this thesis to management theory lies in bringing in the political ecology understanding of nature as a powerful actor in corporate–community relations, and in elaborating how place and place-basedness is mobilised to legitimise or de-legitimise different positions. While previous research has acknowledged how hegemonies are maintained and reproduced through discursive means (Levy & Egan, 2003; Levy, Reinecke, & Manning, 2016), my thesis brings a deeper understanding to how those hegemonic struggles include attempts to transform the socio-spatial reality and how companies engage in dissensus management through the use of place-based techniques. Natural resource struggles are often about past imaginary concepts, future aspirations and current livelihood struggles, therefore these opposing positions need space to breathe rather than a demand for consensus. Furthermore, the social and ecological embeddedness of the different place-positions partially influence different groups ability to resist.

While ecological embeddedness offers strong position to resist through what Lefebvre (1991) calls *savoir* (knowledge and ideology), a solid stance and knowledge of the place and ability to use that knowledge in a credible way. The social embeddedness might prevent some open resistance as in relatively small communities people tend to favour social cohesion.

4.4 CONTRIBUTIONS TO POLITICAL THEORIES

The thesis findings also contribute back to the political theory literatures of deliberative democracy and Gramscian theory of hegemony especially through the concept of *political natures*. It is based on the political ecology's understanding of the reciprocal relationship in which the natural environment influences political projects and vice versa and how that relationship constitutes economic and political power (Bridge et al., 2015). While deliberative theory rests on human communication and legitimate action, Gramscian theory of hegemony is based on social, political and ideological power. Neither of these include nature as constituting part of decision-making (either through dialogue, consent or force). The concept of political natures is also useful in grounding the governance forms (as outcomes of power and politics) and analysing the embeddedness of those forms. Below I will shortly outline the particular insights offered for both of these political theories.

Firstly, for deliberative theory the idea of political nature contributes by making power visible in the deliberations. While dialogue itself might be a useful tool to share and understand different views, the nature of the conflicts is often such that no consensus is feasible. Dialogue cannot convince people to change their minds or lose their livelihoods, as the value systems behind conflicting parties are incommensurable. The pragmatic turn in deliberative theory has led to an acceptance that the participants in deliberations are parties with different interests and therefore might not always reach a consensus. Indeed, allowing for contestation and conflict can maintain the overall deliberative project (Mansbridge et al., 2012). Thus, what successful deliberation can do is similar to what Mouffe (1999) proposes to be radical democracy, i.e. transforming antagonisms antagonistic relations into agonistic ones in which everyone "agrees to disagree". More broadly from the management theory perspective this implies that for closing or diminishing the existing governance gaps, *deliberation can only be part of the solution*. Deliberative theory

can be used as a principle for inclusion and participation, emphasising dialogue as a source of collective will-formation. However, it is not suitable for the collective decision-making in which the equality of participants has to be secured by an external authority or by other decision-making mechanisms.

Indeed, the legitimacy of the deliberative democracy project rests on the idea that free and equal citizens are able to participate in public deliberation over societal rules (Bohman, 1998; Habermas, 1994). Thus, there is a normative necessity of maintaining *procedural equality*. Traditionally, the role of the state has been to guarantee “an inclusive opinion- and will-formation in which free and equal citizens reach an understanding” (Habermas, 1994, p. 8). This requirement of external coercive power is forgotten in most of the management theory versions of deliberative decision-making. This is especially the case in situations where there is “preexisting inequality, some coercive power may also be necessary to maintain basic rights, equal opportunity, and the other conditions that help participants approach the deliberative ideal” (Mansbridge et al., 2010, p. 82). Thus, I argue that in order for deliberation to work a process of procedural justice needs to be designed as part of the models. It cannot be presented by the governance bodies themselves, but it has to be external and have partial authority over the deliberation, securing at minimum equal participation and appeals to decisions. Indeed, the more the power inequalities and different interests are taken into account, the more balancing is needed by the procedural justice processes.

Secondly, the thesis contributes to Gramscian theory of hegemony by highlighting the significance of place in resource struggles and how that enables and disables some of the counter-hegemonic contestation. My findings show how place-basedness functions through the duality of ecological and social embeddedness, which influence the ability of different groups to mobilise dissent. In between active consent and active dissent there are more covers forms of contained and passive dissent especially for groups that have strong social and ecological embeddedness to the place.

4.5 LIMITATIONS AND IMPLICATIONS FOR FUTURE RESEARCH

As with any research, this dissertation has limitations. Firstly, there are of course geographical limitations. Although, there are two case countries in Article Two, most of the thesis theorises on business–society relations in the Nordic context where the state is a strong actor providing welfare for most of its citizens. I originally intended to include a third case country, Zambia, to this study and I am sure it would have provided much more empirical and theoretical understanding of the state–CSR interface. However, given the time and scope limitations of a PhD thesis, this amplification was left for the future. Given the prominence of the idea of the governance gap as being the provider of a rationale and legitimacy for CSR and especially multi-stakeholder initiatives, it would be an important addition to this research to investigate state–CSR relations in a weaker governance context. Here I have been able to provide theorisation on how the interaction happens in a strong state context. A second obvious limitation is the national context of the research. My rationale for this is that it has allowed me to dive deep into statehood and understand not only how the historico-political context influences private governance but also how, in addition to the political governmental level, the administrative and legal spheres also interact and influence private governance. Future research could build on these notions and examine these interactions at a global level. That however, will need a larger research project to cover the similarities and differences between countries and regions.

There are four key takeaways from this thesis for future research. Firstly, when examining the governance gaps left by state actors and their possible replacing by private initiatives much more attention should be put to what exactly should be replaced, and by whom, and to what are the reasons why that gap exists. As I have noted at the beginning, there is much variance between the states' power and capacity to govern, and therefore globalisation has affected them differently. While the government might be unwilling or unable to introduce stricter policies to protect citizens and the environment, the existing legal system and courts might still function fairly well. How we conceive the best solutions, is always dependent on our definition and understanding of the problem (Blowfield, 2005b) and a too thin or economic reading of the situation might lead to technical fixes instead of providing solutions to the problems they aim to solve (Le Billon & Spiegel, 2021). Future research should investigate how companies can contribute to the social

good and provide social value beyond their immediate economic rationale, and ask: what is needed in order for business organisations to become meaningful solutions to the grand challenges we face? Also: are there some boundary conditions under which different types of organisation can add social/environmental value more than others?

Secondly, this research has highlighted the importance of rights in corporate–community relations. The recent developments in mandatory human rights due diligence laws in Europe are an interesting area to research in the future. For example, is there a difference in impacts between the voluntary and mandated CSR – either for businesses, or societal stakeholders? What the antecedents are for CSR legislation, the processes and points of convergence and divergence within civil society and corporate perspectives, and what kind of discursive struggles surround these proposals are a few interesting avenues for future research.

Thirdly, when examining the business–society interface, future research should go beyond the explicit CSR policies, and unearth how non-CSR policies steer corporate responsibilities in contexts other than mining through both direct and indirect mechanisms. Indeed, what is needed is a more holistic understanding of the policy environment. The concept of CSR has broadened from corporate philanthropy to all mandated and voluntary interactions with society and environment. Finally, increasing amounts of research are interested in grand challenges such as climate change and poverty. These are not only issues of resource scarcity or structural inequality of the political economy, they are very much integrated in the natural environment and happen in all places. So whether we examine resource struggles, adaption strategies for climate change, or possible solutions to grand challenges, people and places have to be included. Future research should investigate how land, as a place and a resource, plays a significant role in these phenomena.

4.6 NON-ACADEMIC IMPLICATIONS

As a researcher I find it indispensable to be able to contribute to the society at large with my research findings, not only to the academic discussions. This is even more pertinent given that the topic -- natural resource conflicts - has very real consequences on all parties involved and therefore any learnings I might be able to draw from this research can be valuable in real life. Given also

that due to the grand challenges of our time, like climate change, biodiversity loss and 6th mass extinction, vast areas of land are turning unusable while green transition requires more extraction. Thus ,increasing conflicts around land use and natural resource extraction. That is why building and sharing knowledge on the governance of natural resource use and ways to more just decision-making are of great importance. Below, I have addressed the practical implications of the research results for the three main actors in society, namely the state (political and public actors), businesses (mainly extractive industries), and civil society (members and groups).

The findings of this research suggest that both the stakeholder dialogue process of participation and knowledge production in environmental impact assessments should be carried out by external, and perhaps public, agencies or intermediaries who are not directly paid by companies. This would increase the impartiality of the processes, securing a non-biased information flow, and improve the sense that people can influence decision-making. Thus, the legitimacy of participatory governance would increase. Also, at the local level dialogues should be more engaging than informative, and provide anonymous feedback or voting for options. As I explain in the article Three, in small scale communities there are lot of contextual factors which can silence people. This would not solve all cultural factors that lead to its silencing but it would diminish the structural factors that cause it.

Secondly, given that rights-holding is salient mechanism for stakeholder inclusion and ability to influence decision-making (stakeholder democracy) both in the public and private participatory governance, the ministries and politicians designing for legal improvements within natural resource use, should consider in much greater detail this link between rights and participatory governance. Also, more emphasis should be put, on top of the mechanisms enhancing participation, also to the power of the participants to influence decision-making. Being heard without ability to mobilize the voice, can lead to mistrust for the system, erosion of democratic principles and misuse of power through pseudo-democratic processes. Thirdly, when cross-sector or multi-stakeholder partnerships are designed and initiated directly or indirectly by state actors, there is a danger that the ownership and commitment stay within the initiators and does not transfer to the participants as shown in the paper 2. While facilitation and financing are important tools for governments to enhance voluntary sustainability governance, the partnerships should be designed

more robust and support from public agencies/actors continue longer and be phased out gradually. Otherwise, there is a threat that they will erode or become non-functional after the initial state-supported phase.

For businesses to gain legitimacy and local acceptability they need to be consistent in their communication and document how they are integrating the views gathered during the dialogue in their decision-making i.e. how people have been able to impact/influence the projects. Furthermore, especially in natural resource use an advisory committee might be a good way forward to discuss and integrate stakeholder views in the decision-making. This could provide a forum at local level where people are able to voice more freely also hesitations - or the representatives at the committee could bring messages 'from the ground' and give the original sources anonymity. This would also improve the corporate view on what is actually happening on the ground, and help them build long lasting relations with the communities. Furthermore, when participating in cross-sector and/or multi-stakeholder partnerships, businesses should openly voice the boundaries of the decision-making they are willing to transfer to the partnership. If these governance modes are indeed initiated by state officials but meant to be continued by private actors (business and civil society alike), the efforts should be put from the beginning in designing the transfer of the responsibility, ownership and financing of the partnership to the private actors, and clear engagement should be expressed.

For civil society members and organisations there are two main implications from this research. Firstly, relating to the partnerships their value is immense for the legitimacy of the governance system and therefore organisations can and they should boldly push for their goals in the negotiations. Also, voluntary governance modes might be easier and quicker way to influence corporate behaviour and oftentimes civil society organisations hold information that the business enterprises or public officials do not have. Thus, they can position themselves as experts. Secondly, in terms of particular cases and advancing the viewpoints from the ground, a double strategy of place-based dialogue to make changes in the current situation and political activism to improve the longstanding boundaries through laws and policies seems to be most beneficial. Also, justice claims and legal processes have been quite successful strategies to advance the environmental/social claims.

5. INTRODUCTION TO THE ARTICLES

The first article examines the evolution of participatory governance in mining and how stakeholder inclusion impacts mining project development. The article is based on a historical case study of mining licensing in Finland and the data includes archival materials, official documents, media texts, and supporting interviews. The article finds that the institutional complexity of the governance processes has increased throughout time as more permits, public institutions and rightsholder groups have been introduced as part of the licensing process. Although, the inclusion of stakeholders has expanded to include virtually anyone, only those groups who hold a particular position by law are able to have meaningful participation and are included in the decisions. The findings demonstrate how, outside of CSR policies, state actors and regulation influence business–society relations by giving access to (some) people in the decision-making over the boundaries of corporate activities. We propose a rights-based approach to stakeholder engagement to secure an empowered inclusion and quality of participation.

The second article examines the state–CSR relationship through two state-initiated multi-stakeholder sustainable mining initiatives, one in Finland and the other in Chile. It aims to unearth how not only governments but also societal embeddedness influences the expectations and evolution of the MSIs, and how political cycles influence their outcomes. The paper is based on a comparative case study approach of two polar cases, and in-depth interview data. The main findings are that governments set up multi-stakeholder initiatives to ease conflictive situations with an effort to respond to civil society demands while maintaining pro-industrial policies. Secondly, when governments are founding members of the initiatives their exodus causes a significant imbalance and threatens the survival of the initiatives. Thirdly, state presence is manifested in the MSI not only at the political level of orchestration but also through mimicking the administrative structures and expectations towards its judicial role. The findings contribute to the literature on public–private governance interactions by elaborating on the changing nature of political orchestration, and the layered embeddedness of private governance.

The third article elaborates how place and place-based identities are mobilised in CSR practices. It concentrates on one case study and takes a post-Gramscian approach by analysing the hegemonic and counter-hegemonic discourses in corporate–community relations aiming to justify their positions. It is based on ethnographic participant observation and interview data. The main findings show how dialogues are social and the political processes of place-making entail hegemonic and counter-hegemonic struggles that are acted out through symbolical, material and discursive spheres of place. Place-basedness and proximity become most important signifiers through which (de)legitimisation work is carried out. The findings contribute to the discussion on the limitations of dialogue and consensus in deliberative practices by showing how a company uses multiple place-related mechanisms to maintain its hegemonic position and manage dissensus. Furthermore, the dialogue processes have structural silencing tendencies that render procedural equality impossible. Thus, what for corporate actors might seem successful participation and dialogue with the community, can be felt as a charade from the perspective of the community members.

5.1 SUMMARY OF THE ARTICLES

article	Research Question	Theoretical focus	Methods	Key findings and contributions
1	How has the inclusion and quality of participation evolved in Finnish mining licensing?	Role of rights in deliberative democracy	Historical case study based on historical institutional analysis	<p>Rightholding increases empowered inclusion and quality participation in deliberative modes of governance.</p> <p>Rights-based approach to stakeholder engagement needed</p>
2	How are the roles and expectations towards the state transferred into MSI when states are an active part of the configuration?	State embeddedness and orchestration in public–private governance	Comparative case study using grounded approach	<p>Institutional embeddedness informs the MSI design, and when the state is an integral part of the MSI, political, administrative and judicial roles are transferred to it through orchestration, enactment and expectations.</p>
3	How is place and place-basedness mobilised in the processes of managing dissensus and contesting hegemony in corporate–community relations?	Theories of place in corporate–community engagement	Single case study using ethnographic approach and narrative analysis	<p>Place-basedness and proximity the most important signifiers for legitimacy.</p> <p>Mechanisms of attachment and detachment used in (de)legitimation work. Symbolic, material and discursive mobilisations of place in natural resource struggles.</p>

6. ARTICLE 1: FROM STAKEHOLDER TO RIGHTSHOLDER – PRINCIPLES OF INCLUSION AND PARTICIPATION IN MINING GOVERNANCE

(with Andre Spicer and Ville-Pekka Sorsa)

6.1 INTRODUCTION

“One thing you have to remember is that in Sami homeland we are rightsholders not stakeholders.” Member of Sámi Parliament

Participatory governance has been a popular topic in business and society research, usually discussed in the context of stakeholder inclusion in corporate governance structures (Freeman, 1994) or “stakeholder democracy” (Moriarty, 2012, 2014), or, as inputs in different types of collaborative governance constellations such as multi-stakeholder initiatives (MSIs) (de Bakker, Rasche, & Ponte, 2019; Van Tulder, Seitanidi, Crane, & Brammer, 2016). Participatory governance has been seen as “public engagement through deliberative processes” (Fischer, 2012, p. 457) and is typically discussed in connection with theories of deliberative democracy. Normative research has highlighted the ideals of participation based on principles of deliberative democracy (Hahn & Weidtmann, 2016; Scherer & Palazzo, 2011), while empirical research on MSIs has found numerous shortcomings vis-à-vis these ideals (McCarthy, 2012; Ponte, 2014). Inadequate implementation of participatory mechanisms in MSIs has been found to result in low levels of input legitimacy and other poor outcomes (Cheyins, 2014; Elgert, 2012).

Recent literature has highlighted how we need to go beyond the managerial approach to understand and unearth the nuanced dynamics of stakeholder engagement processes (Banerjee, Maher, & Krämer, 2021). Previous research has shown that citizens, workers and customers are invited to participate in organisational activities including corporate responsibility and social licence to operate (Crane, Matten, & Moon, 2004; Edinger-Schons, Lengler-Graiff, Scheidler, Mende, & Wieseke, 2020; Scherer, Palazzo, & Matten, 2014). However, what is less known is their ability to define corporate agency or to influence in the decision-making through these engagement processes. In this paper we follow a recent call to revisit the assumptions of the unimportance of the nation state in MOS (Kourula et al., 2019) and examine how public governing contributes to

stakeholder engagement, and the quality of inclusion and participation of stakeholders to decision-making. Our more precise research question is: *How has the inclusion and quality of participation evolved in Finnish mining licensing?*

To answer this question, we conducted a historical case study – based on archival data, legal and policy documents, and supporting key interviews – and traced the influence of different participants and the changing role of state authority in the participatory governance of mining in Finland. Our analysis is focused on the changing legal aspects and governing practices. We examine especially the inclusion and access to decision-making by different groups in mining licensing. These licensing processes bind together a group of participatory elements organised both by state authorities and companies. Our empirical case study tracks changes in Finnish mining governance from the 1960s until 2020.

We find that first of all, the state plays multiple roles in participatory governance and that the institutional complexity has increased through the proliferation of public agencies and laws regulating mining. Secondly, the number of stakeholders involved in the process of granting the permits has increased particularly within the last decade through different participatory mechanisms and licensing stages. Thirdly, although the inclusion of stakeholders has expanded to include virtually anyone, the quality of the participation differs between the different types of participants as the process has created priority orders and shifted power resources between them. Fourthly, the decision-making has moved from being bureaucratic towards being more legalistic as the permits are appealed and tried in courts. Lastly, the legal status of the participants vis-à-vis the mining project increases the quality of the participation for these rightsholders.

These findings demonstrate how, outside of the explicit CSR policies, state actors and regulation influence business–society relations through giving (some) citizens access to decision-making over mining licensing. This applies to all industries which require some form of special operating permits, typical in natural resource extraction, pharmaceuticals and energy production (Corvellec, 2007). Our findings contribute to previous literature by theorising how public authorities influence the quality of stakeholder engagement and partial organisation of corporate responsibilities through rights giving. Rights are an important factor for the quality of participation in the decision-

making process and the ability to influence the outcomes. We discuss these findings in the light of deliberative democracy and argue that recognition and rights are a prerequisite for empowered inclusion and collective will-making (Warren, 2017) and we propose a rights-based approach to stakeholder engagement.

6.2 DELIBERATION, PARTICIPATION AND RIGHTS

Deliberative democracy has been explored as a possibility to enhance participation and quality of democratic institutions in political theory. There are a variety of different schools of thought, the essential principle being that decision-making, and law-making, are based on public deliberation of free and equal citizens (Bohman, 1998). As stated by Mansbridge and co-authors: “The inclusion of multiple and plural voices, interests, concerns, and claims on the basis of feasible equality is not simply an ethic added to democratic deliberation; *it is the central element of what makes deliberative democratic processes democratic*. Who gets to be at the table affects the scope and content of the deliberation” (2012, p. 12). Major shifts in public administration and management paradigms have motivated the introduction of numerous participatory features to public governance, including citizen and business consultations, service user feedback processes, public hearings, network-based policy preparation and a number of other more inclusive forms of public governance (Pollitt & Bouckaert, 2017). The new forms of participatory governance promise to widen the range of actors that have access to and participate in public governance processes, and raise their status from episodic participants to more permanent stakeholders (Fung & Wright, 2003).

Indeed, participation is one of the key features of deliberative democracy, and participatory governance can be conceptualised as “public engagement through deliberative processes” (Fischer, 2012, p. 457) or as the empirical realisation of deliberative theory. Although deliberative democracy has always intended to provide both a normative and empirical account simultaneously, for the most part the research has moved from firstly developing ideals of deliberation to thereafter exploring the practical applications (Mansbridge et al., 2012). This shift from normative ideals to practical solutions has not been without challenges. It has been argued that participation

unavoidably involves significant restrictions about who should be involved and about the space for negotiation; as well as assumptions about what the issue is at stake, and the implicit and explicit expectations about what the outcome of participation should be, and how the participants are expected to behave (Turnhout, Van Bommel, & Aarts, 2010). This typically results in the creation of different categories of citizens with different power resources in governance processes (Grant, Panagos, Hughes, & Mitchell, 2014; Kahane, Loptson, Herriman, & Hardy, 2013; Turnhout et al., 2010). Participatory governance is also often limited to policy preparation without corresponding participant access to implementation and management (Kearney, Berkes, Charles, Pinkerton, & Wiber, 2007) or policies without binding regulations (Perreault, 2015). It has been, as a result, seen to represent more de-politicising than democratising qualities (Leifsen, Sánchez-Vázquez, & Reyes, 2017). As a recent review suggests, participatory public governance tends to suffer from numerous deficiencies and rarely delivers the promises its advocates highlight (Leifsen, Gustafsson, Guzmán-Gallegos, & Schilling-Vacaflor, 2017). However, as the same review notes, participatory governance also inspires mobilisation processes beyond the immediate governance processes and creates new struggles (ibid.).

All deliberative theory emphasises the process of deliberation, which requires “legally institutionalized procedures of democratic deliberation and decision-making” (Habermas, 1994, p. 8). Traditionally, the role of the state has been to guarantee “an inclusive opinion- and will-formation in which free and equal citizens reach an understanding on which goals and norms lie in the equal interest of all” (ibid.). Importantly, national legal regimes also continue to have unique governance capacities such as the ability to protect the rights of citizens (Bartley, 2011). Citizenship is a legal status that comes with rights, whereas a stakeholder is an interest group defined by a manager (Kahane et al., 2013). For example, the Free and Prior Informed Consent, when legally binding and supported by the legal regime, is a more effective tool to secure indigenous peoples’ rights than voluntary private standards (Owen & Kemp, 2013). However, the same capacity can also be used to limit the rights of civil society actors, for example, through strategic use of private regulation initiatives (Boghossian & Marques, 2019; Cisneros & Christel, 2014). The national historical environments, for example, in the form of important industry sectors, shape both the legal structures, political paths but also expectations towards companies (Acosta & Pérezts, 2017).

Stakeholder participation has been referred to as the different ways in which people contribute to organisational decision-making. These can be managed by companies as invitations to opinions and feedback through dialogue or digital platforms (Castelló, Etter, & Årup Nielsen, 2016), or as a result of civil society activism and campaigns (de Bakker & den Hond, 2008). Quality of participation has been measured against participant beliefs on performance, responsibility and inclusion of different views; and high importance is attached to accessibility and deliberative forms of discussion that lead to collective vision (Halvorsen, 2003). Warren attaches quality to empowered inclusion: those included must be equal and “possess the powers of speaking, voting, representing, and dissenting” whereas participation as collective will-making rests on respect, reciprocity and perspective taking of participants in the negotiation and deliberation processes (2017, p. 44).

6.3 THE CASE STUDY

6.3.1 Research design

In our case study, we examine the historical development of the participatory governance of mining and its impact on business–society relations with the case of the Finnish metal mining industry. Our time horizon ranges from the introduction of Licence to Operate (LTO) in the early 1960s until the most recent cases of granting and revoking of operating licenses in the 2010s. The historical development of mining governance in Finland and its influence on inclusive and participatory practices represent a revelatory case study (Yin, 1994). Case studies are particularly suitable for theory development and illustrations of theoretical contributions (Siggelkow, 2007). Finland has been one of the key European countries of the so-called mining boom, starting around 2005 and tripling investments in exploration between 2005 and 2012 (Liikamaa, 2015). All new mines were opened by privately owned companies, which was a significant change in an industry that only two decades earlier was almost exclusively state-owned and mainly run by two companies: Outokumpu and Rautaruukki. The privatisation of the industry, major reforms of the licensing processes and the adoption of participatory governance took place within the broader shifts of Finland opening up its economy and joining the European Union. The governance system of mining has gone through a complete change during the last 30 years with significant additions to citizens’ abilities to participate. Furthermore, mining as an industry is a major source of

conflicts, which, in turn, has shifted the industry effort towards gaining local acceptance through a variety of participatory mechanisms (Prno & Slocombe, 2012). In Finland, the majority of this public and corporate driven participatory governance is done within environmental impact assessments and permitting processes, or what we can call Licence to Operate (LTO). Operating permits are common to a number of industries with extensive social and/or environmental impacts, such as the extractive industries, energy and pharmaceuticals (Corvellec, 2007). Especially in the extractive industries, mining in particular, firms must typically acquire various types of permits in order to start operations, and they are subject to constant assessment of their activities with regard to these (Naito, Remy, & Williams, 2001).

Insert Figure 1 about here

6.3.2 Data

Our analysis covers the granting and evolution of the operating permits of thirteen privately owned metal mines, ten of which are currently in operation and three bankrupt or in debt restructuring. Most of the mines received their original operating permits in the 2000s (see Table 1). The two older mines that are still operating both have long histories as part of the (now only partly) state-owned Outokumpu company. The size of the mines varies significantly. In 2019, Boliden *Kevitsa* was the biggest metals mine with 39.9 million tons of overall extraction, whereas the smallest mine Dragon Mine *Orivesi* extracted only 0.03 million tons.

The primary data used includes all the mining permit documents of the operating mines since the 1960s. This data was mainly collected from two official archives of the Finnish Chemicals and Safety Agency (FCSA, responsible for granting mining permits) in Helsinki and Rovaniemi. The archival visits by the first author were accompanied by the agency officials, who assisted in the preliminary interpretation of the documents by answering questions and clarifying usage of and references in the archival documents. The most important documents were photocopied for analysis purposes. The most recent permit decision are found on the FCSA website. The archival data collection was followed by separate interviews of the permitting officials, which centred on the legal and procedural changes, the decision-making principles, and challenges in implementing

laws. The archival visits were preceded by reading of the legal documents (laws, decrees, and government bills) related to mining laws. The data for the environmental permits and Environmental Impact Assessment (EIA) reports was gathered from the Ministry of Environment and the permitting agency's (the Regional State Administrative Agency: RSAA) websites. To amplify the understanding of the legal changes both in EIA degrees (which are national adaptations of EU's EIA directive) and the Environmental Protection Act and particular acts on natural conservation areas, governmental bills were read and both the representative of the Ministry of Environment as well as the overseeing agency, Centre for Economic Development, Transport and the Environment (CEDTE), representative was interviewed.

Insert Table 1 about here

At the end, the first author also interviewed the representatives of the Ministry of Economic Affairs and Employment, which is responsible for preparation of mining-related policies and supervision of the FCSA, on the topic of changing laws, participation and crucial periods identified in the data. Based on the reading of the government bills, a governmental inspection report and interview data we found the crucial legal decisions by Supreme Administrative Courts that had influenced the procedural practices of permitting. Also, some media reports on the controversies around mining in key Finnish media outlets was used for supporting the analysis. Finally, some interviews were carried out with the key stakeholders of the Kevitsa mine and the Sakatti mining project in the Sodankylä area, which provided further information on the licensing practices and experiences of the participants in these processes. A detailed list of data is presented below.

Insert Table 2 about here

6.3.3 Analysis

Based on our preliminary reading of the materials, we found that among all the different operating permits that mines are granted in Finland (including various building, waste and safety permits), two are key in terms of defining the contents of each company's LTO as well as involving in aspects of participatory governance. These are the *mining permits* and the *environmental permits*.

Without these two permits, a mine cannot start operations. If it loses either one, it effectively loses its capacity to operate. Both involve aspects of participatory governance in the sense that a broad *Environmental Impact Assessment* is required for mining projects before a mining company can apply for either of these two permits. Furthermore, as part of the permitting process different groups of people can participate through different mechanisms (like making statements or appeals) that will count in the final decision-making.

After this preliminary scoping, we gathered the data and organised it by using temporal bracketing (Langley, 1999). This meant creating a timeline whereby alterations in the LTO and participation were mapped to pinpoint the turnaround moments. We follow the principles of historical institutional analysis, which explains how governance regimes come about as outcomes of historical processes and political developments (Thelen, 1999). These outcomes are not clear cut nor stable, but slowly emerging and gradually changing. Yet the critical moments can offer insights into a particular issue (ibid.). For the most part, the LTO set by the the 1965 Mining Act remained unchanged until 199 when Finland joined the European Union in the subsequent year and EU-level regulations concerning environmental issues and the Degree on EIA, and hence features of participatory governance, were enforced in Finnish legislation.

The Reindeer Husbandry Act in 1990 and the Act on Sámi Parliament in 1995 gave particular participation rights to these groups in decisions concerning them, but it was only the Administrative Act of 2003 that codified wider participation rights for citizens as part of good governance. The second turnaround moment came in 2006, when new permit process guidelines were produced by the Ministry of Environment due to two significant Supreme Administrative court decisions, and simultaneously a new EIA Degree came into force. Of influence in the background were market changes, namely that after a gradual shrinking of the mining sector from 1995 onwards, the “boom” induced by a high price cycle of metals rapidly brought an influx of new actors and increasing exploration. The last significant change came in 2011 with the introduction of the new Mining Act that secured the rights of other parties and especially those of indigenous peoples, reindeer herders and municipalities. Furthermore, the Talvivaara environmental disaster that happened in 2012, despite prior public concern in the previous year,

reset a new era in Finnish mining governance especially in terms of giving emphasis to citizen concerns.

These changes have made the licensing processes as well as the actual mining permits much longer and more complex. Until 1995, the mining permits were about 3–4 pages long – the latest mining permit from 2018 for the *Hannukainen* mine is 73 pages long. The EIA documents in their current form and the environmental permits are hundreds of pages long and considerably more detailed, including, for example, clear numerical boundaries for emissions and waste handling. Also, there are plenty of different types of environmental permits that are required for different operations within the mine; one for the main operations, another for the waste basin, and third for the power lines or road building.

After tracing and analysing the governance process of different time periods (described below), our analysis moved to explore the inclusion and participation aspects in more detail. Our analysis represents interpretive analysis. In the documentary materials, we first identified in a theory-driven manner, the instances of participation and inclusion. We constructed process descriptions of the procedures for inclusion and participation, and thereafter turned our focus to the division between the abilities to participate and role of rights with a data-driven analysis of the legal decisions and interview materials. We found that “rightsholding” is a decisive feature for inclusion or participation, though in itself it does not guarantee the ability to influence the outcome. We will discuss the explanations and implications of this in the next chapters after covering the historical change.

6.3.4 Governance periods 1965–2020

Through the use of temporal bracketing and the above-mentioned turnaround moments, we build four different time periods for the change in mining governance. Table 3 summarises the main changes in governance practices from 1965 to 2020, as described below.

1965–1995 The Game of few in state-ownership

The 1965 Mining Act defined a fairly simple procedure for procuring mining permits: if the applicant fulfilled all the requirements written in the law, the exploration licence was granted

directly by the Ministry of Trade and Industry (MTI). Any Finnish legal entity (person, firm, cooperative, association, foundation, or public body) could apply for a licence, while foreign entities and some specified Finnish entities needed a separate approval from the Finnish Government. If the exploration revealed an extractable and commercially viable source for mining, the land claim permit and a permit to establish a mining company (mining permit) could be, and in practice always was, granted. The few conditions for the mining permit concerned mining techniques, safety issues, and compensation fees for the landowner. The Mining Act upheld the idea that exploiting ore deposits was in the public interest. It also reflects the institutional set-up of the time, where the state was the operator and the licensor, and for example no risk insurances were required as it would be the state who would pay if the operations were to go bankrupt (*National Audit Office 2007*, p. 32). All in all, the original act gave extraordinary rights to the mining company over landowners and other stakeholders, and while the granting, changing and extending of the LTO was determined by one law, decisions were in the hands of one ministry, and practices for revoking the licence were virtually non-existent. This division of labour between the Ministry of Commerce and Industry and the state-owned companies, whereby the former granted licences and the latter was a patron-like entity providing housing and other services to employees and the wider community, was maintained in an almost similar vein until the early 1990s.

1995–2005 Opening up to new actors and participants

Finland's membership to the European Union in 1995, and its preparation in the early the 1990s, together with the Act on Sámi Parliament in 1995, introduced the first changes to the procedure of granting permits and the first steps towards participatory governance. First of all, the changes made to the Mining Act in connection with EU membership broadened the group of feasible applicants to legal persons domiciled in European Economic Area countries, specified compensation requirements for land use, and made the applicants report the purpose and nature of mining operations in more technical detail⁸. Secondly, EU membership also brought new legislation on Environmental Impact Assessments (EIA) that was first codified in 1994 into the Finnish legal system, and amended in 1999 and 2006. Thirdly, the renewal of the Constitution in 2000 and the

⁸ The amendments to the Mining Act were done in 1994 (the previously mentioned removal of restriction on foreign ownership) and in 1995 and 1997 (to prevent speculation) and in 2000 (limitation on areas of exploration) (MA 1965/503, VTV 2007, 33).

new Administrative Act in 2003 changed the governing processes for mining by introducing a requirement to arrange hearings and gather statements from the concerned parties, if the intended mining area was in EU Natura protection areas or Sámi homelands. Also, the renewal of environmental law (Environment Protection Act 2000), while streamlining permitting requirements, broadened the principle of inclusion in hearings and active dialogue with citizens as part of the permitting process (HE 84/1999).

These changes in the legal framework were accompanied by affirming Supreme Court rulings. One of the most significant in terms of widening participation and the rights of others, was in the 1999 ruling (KHO1999:14) whereby the Supreme Administrative Court overturned the exploration permits given by the Ministry to Sámi and Skolt areas on the basis of the violation of indigenous rights in the Sámi homeland and a lack of dialogue with Sámis and reindeer herders prior to granting the permit. After this decision, the MTI changed the governing processes and began adding restrictions to exploration permits (National Audit Office, 2007: 45). Also, in 2005 the Supreme Administrative Court ruled (KHO 2005:42) that environmental non-governmental organisations (NGOs) have the right to make appeals on permit decisions. Based on the Administrative Act and the Constitution, they were considered a concerned party in environmental issues, and thus could make appeals.

During this period, the codified rules in the form of a legal framework for participation changed, and new permits were required. However, the mining industry itself was experiencing a downturn and, for example, state-owned Outokumpu sold all but one of its deposits in Finland and elsewhere by the end of the 1990s. The new millennium brought rapid change⁹, with new interest and exploration in Finland, mainly in the form of private and foreign companies. One of the first was Swedish Riddarhydden, whose gold mine got mining and environmental permits in 2001. As Table 3 shows, most of the mines operating in Finland have been in operation for less than 10 years.

2006–2011 Mining boom and new participatory practices

⁹ The years 2005–2012 are known as the boom or super-cycle in mining, when market prices increased five to ten-fold, creating a “resource rush”.

During 2006, the participatory governance processes were institutionalised as permitting practices. The new guidelines set by the MTI held broad participatory elements for both exploration and mining permits that included all possible people who are affected by those decisions. This change was driven by the aforementioned legislative changes – most importantly the Århus convention (122/2004) that promoted wider participation of the public in environmental legislation, the new EIA decree (713/2006) and related amendments to the EIA Act (2006/458), and Supreme Court decisions. But equally the changing public expectations, and especially the public unrest caused by uranium exploration in southern Finland, influenced the need for broader inclusion of citizens.

The new EIA procedure was a significant amendment for inclusion and participation of civil society in decision-making. The principle was to include a variety of actors in an open discussion and the EIA was to be an interactive policy tool for environmental agencies. Pölönen and co-authors note in their assessment of the system that it “created an open arena affording all actors and stakeholders a role in the planning related to projects with significant environmental impacts. -- [and] has made it possible for all members of society, regardless of formal status or role, to take part in environmental planning” (Pölönen, Hokkanen, & Jalava, 2011, p. 125). However, they do also acknowledge that there are some structural hindrances (deliberation not always having an impact on the legal permits), and the success of the process is partly dependent on the good will of the company to include everyone.

Until 2010, the main actors involved in the LTO process included the MTI (responsible for mining permits), the regional environmental agency (responsible for EIAs and environmental permits), the Administrative Courts for decisions appeals, municipalities and other state agencies, the permit-seeking company, and all those who were a concerned party in the matter (this could have included individual citizens, hobby clubs, local associations, and those whose rights were defined by other laws such as land and water rightsholders, reindeer herders or Sámi). In 2010 institutional change of environmental agencies created two separate instances, whereby one (RSAA) was in charge of granting the permits and the other (CEDTE) was responsible for overseeing both the EIA process and the environmental permits. The licensing processes became gradually more complex as the participation of civil society was broadening. The earlier changes in processes and practices of mining licensing were codified in the new Mining Act of 2011, which strengthened

the role of third parties, and especially those of the Sámi and Skolt, reindeer herders and municipalities. The act includes an obligation for the authority to weight different interests and a prohibition to “cause significant harm to public or private interests” (MA 2011, §18). For example, the Agnico Eagle (FCSA decision 23.8.2013/K7835) permit decision states obligations (permit requirements) for the company to conduct an EIA process, and negotiate between the mining official and the local reindeer-owners association to minimise the impacts on reindeer herding.

Insert Table 3 about here

The new law also introduced an institutional change for mining regulation as the permitting function was moved to the Chemicals and Safety Agency and the Ministry of Employment and Economy (formerly MTI) was left with an overall policy and supervisory role.

2011–2020 New law and legalisation of decision-making

Since the beginning of 2011, the overall permitting official has been the Safety and Chemicals Agency (FSCA) that asks for statements from different governmental actors (local municipality, regional officials) as well as other relevant stakeholders. The other permitting agencies are the Regional State Administrative Agencies (RSAA), the Centre for Economic Development, Transport and Environment (CEDTE), municipalities, rescue authorities and the State Council. The Mining Act (2011) defines 11 other laws to be taken into consideration when applying and providing the mining permit. These are the Nature Conservation Act, the Environmental Protection Act, the Act on the Protection of Wilderness Reserves, the Land Use and Building Act, the Water Act, the Reindeer Husbandry Act, the Radiation Act, the Nuclear Energy Act, the Antiquities Act, the Off-Road Traffic Act and the Dam Safety Act (MA 2011, §3).

The overall licensing process in the Finnish metals mining industry starts with an exploration phase that may require a separate legal permit (in the case of nature conservation area). The actual LTO granting process comprises three intertwined processes (see Figure 2). It begins with the EIA process that serves as a basis for the proceeding environmental permit and mining permit

applications. The LTO process includes four official participation rounds, two in connection with the EIA and one in connection with each of the two permits. In each round, the public is invited to give statements, opinions and objections. The state authority functions as a coordinator of the information flow among all actors involved in the consultation processes, and has a duty to ensure that the wider public is informed about the project and that all necessary stakeholders are heard. In principle, the state can decide who has the right to be heard (the stakeholders of the project) and how they can participate in different stages.

Before state actors can deem the consultation process sufficient and make the decision on whether to provide a permit, several rounds of statements, opinions, responses and corrections are usually required. These rounds have become more complex over time due to the proliferation of state agencies and the gradual inclusion of a wider group of stakeholders.

Insert Figure 2 about here

Although, the new Act is decidedly stricter in its requirements for mining companies, the inhibition of retroactive use of applications submitted before 29.06.2011 and the practice of a company's permit application with unfinished plans or applications, has led to a situation that all the permits given up until the end of 2019 were applied in accordance with the old Mining Act of 1965. Notwithstanding the limited use of the Mining Act, the regulations for an environmental permit and the EIA procedures have become more inclusive and some permit conditions for non-harm to third parties on the basis of the new Mining Act have been given.

6.4 FINDINGS: INCLUSION WITHOUT EMPOWERMENT

As explained above and illustrated in Table 4, the institutional complexity of the governance processes has increased. This is visible not only by the increase in the amount of permits required, but also the scope and length of the permits as well as the EIA procedure. The amount of state agencies and different stakeholders as part of the licencing process has grown steadily.

Consequently, also the time taken to process the applications has increased from one year to several, depending on how many times companies have to amend the applications and whether the decisions are appealed.

Our case shows how the state plays multiple roles in the participatory governance, and how the number of public agencies and laws regulating mining has increased over time making the permitting processes more complex. Whereas until the mid-1990s the governance process was fairly simple and a straightforward transaction between the applicant company and the granting ministry, in the current situation there is a multitude of state agencies, different permits and stakeholders engaging in this process. The historical situation was partly reinforced by the state-ownership of the mining companies, which often acted as patrons in the mining locations. In this sense the wider societal responsibilities were internalised in the state-owned, state-managed system. Currently, the division of labour within participatory governance is explicit. Within the law-implementation phase, i.e. the LTO process, there are two main state agencies that grant the permits, and a separate one that is in charge of overseeing the EIA processes and monitoring the environmental permits. There is the role of the municipality, strengthened by the latest Act, and other state agencies whose statements are treated as “valid” meaning these are always addressed in the decision-making. Finally, there are the courts that are the most important actors in the sense that not only do they make final decisions¹⁰, but the rulings the Supreme Administrative Court makes become the guidelines for future permit decisions, as confirmed by the granting agency. Therefore, also the right to appeal is an important resource for some of the participants.

Insert Table 4 about here

Furthermore, the process of granting licences has moved from purely bureaucratic decision-making to a legalistic one, as most of the permit decisions are appealed and tried in courts. As a permitting official explained in an interview, the role of the agency is to actuate the mining law and the final decisions are done in courts. If the Supreme Administrative Court decides that their

¹⁰ In addition there are the law-making procedures, which are not the scope of this paper, that follow the democratic idea of governmental initiation, to parliamentary preparation, and for final approval from the president.

interpretation of the law has been wrong, they will change their procedures. As the Mining Act and the decisions are recent, and the cases unique, the court decisions play an important part in the permitting practices. This legalisation has consequences for the inclusion and participation of stakeholders, as the legal rights become an important factor for the appeals to be successful in courts. It is usually the violations of rights that are often the reason behind decisions being sent back to the FCSA for reconsideration (see vignette for an example). For those who do not have any particular rights mentioned in the Mining Act (like landowners), or are not protected by other laws (like reindeer herders), securing interests and views to be included in the process is difficult.

6.4.1 Participation and Inclusion – the difference between stakeholders and rightsholders

Following the major shift in public administration towards including more participatory features in governance – much inspired by the deliberative democracy idea, and codified in EU regulation (for example, in the form of the EIA directive and the Århus Convention) – Finnish mining licensing has moved from zero-participation to “full participation”. There are five different forms of stakeholder participation in the overall licensing process depending on the status of the affected group or stakeholder. In the environmental impact assessments *hearings* are the key form of participation for local communities. These are mining company-led processes that involve local stakeholders in the planning phase of the project. The breadth and depth of stakeholder access depends on the company’s attitudes and often varies case by case (Pölonen et al., 2011). In principle, the final EIA reports should be jointly produced between the firm, public authorities, stakeholders and the general public, but in practice, they tend to be products of professional consultants. The principles enhance democratic principles and public participation but the incorporation into actual decision-making remains vague (Pölonen et al., 2011). In the mining permit hearings organised by officials with reindeer herders or other special rightsholders (like the Sámi), the responsibility here is for the public authorities to enable agreements that diminish the negative effects of mining for these special rightsholder groups. The mining permit processes involve three other channels of stakeholder engagement: *statements*, *objections* and *opinions*. The coordinating public authority has to acknowledge all engagements in the permit decisions.

Statements and objections warrant making an appeal, which allows stakeholders to contest the permit decision in the administrative courts.

These forms impose a certain priority order for stakeholder participation. Stakeholders who have a special status provided by other laws (e.g., the Reindeer Husbandry Act, the Act on Sámi Parliament) and other public bodies that are relevant for any related law are usually invited to produce statements and have the right to voice objections (first-tier stakeholders or “rightsholders”). The wider public can only submit opinions, which do not allow appeal procedures (second-tier stakeholders), and rarely have an influence on the decision outcome. Table 5 outlines the different actors and channels of participation, and their inclusion in the permit decision. It illustrates how municipalities, state agencies and reindeer herders as special rightsholders are the ones whose statements are incorporated into decision-making and result in permit orders. Opinions and, at times, statements by groups who do not have any particular legally protected position are not incorporated. They do not result in permit orders but are often mentioned in the reasoning as generally having been responded to either by the company or the official. This governance practice might change in the future as the latest Administrative Court ruling (20/0118/1) regarding the *Hannukainen* mining permit (see vignette) states that the reasoning is too vague and the references to company responses are not enough.

Vignette: licensing process of the Hannukainen mine

The Hannukainen mining project is situated in the municipality of Kolari, in the north-western part of Finland. The iron ore deposit is old and was extracted in the 1970s and 1980s by both state-owned companies Rautaruukki and Outokumpu (most of the Finnish mineral deposits were owned by either one prior to the 1990s). The project was bought by a Swedish company, Northland, in 2005 and they started developing the project and applied for a mining permit on 22.12.2010 (to be treated under the old 1965 Mining Act). According to the then project leader, the EIA process intended to include all possible stakeholder views, but the tourism industry, which was heavily against the mine, chose not to participate in the dialogues and left multiple statements, complaints and appeals against the project. The FCSA organised three meetings with the reindeer herders and the company, based on their legal requirement to do so (Reindeer Husbandry Act 848/1990 and the new Mining Act 2011). Based on these negotiations there were permit conditions given. Altogether, 26 organisations were invited to leave statements, and 8 groups of people left opinions (see Table 4 for details and inclusion). After the bankruptcy of Northland, a local business owner founded Hannukainen mining and bought the project. They received a mining permit in 2017. The “Save Ylläs” movement was developed to fight against the mine, and they have gathered names for public appeals and launched campaigns. They have also submitted statements and opinions to the official permit process but have not been included in the permit decision, based on no proof of harm and the company’s responses to diminish any harm caused. The northern Finland Administrative Court has overruled this permit based on an appeal from local people, and has sent it back to the FCSA for renewed processing because not all relevant stakeholders were included in the process. For example, some property owners were not asked for statements and therefore they have not been heard in a proper manner. The decision also states that some of the wording in permit orders is too vague and the FCSA has not given proper protection for others’ rights nor proper groundings for their decision (i.e. references to company responses is not enough). Also the environmental permit process is still ongoing as the application has not been adequate.

Insert Table 5 about here

The ability to *appeal* is an important power resource for stakeholders, as the mere threat of appeals incentivises firms to make pre-settlements between firms and stakeholders to avoid court cases that would lengthen the permit processes. All stakeholders that have produced statements or objections can submit appeals to the administrative courts if they consider that their views have not been heard. For example, the aforementioned court decision is based on an appeal made by six statement providers. Permits cannot be granted until all appeals have been processed. Individual citizens, including self-proclaimed stakeholders who have submitted opinions to the permit authorities, have to demonstrate a tangible stake in the mining projects as well as clear defects in the permit process in order to be allowed to submit an appeal. As noted earlier environmental

NGOs have a right to appeal as a concerned party according to the Supreme Court ruling (KHO2005:42), and this is seen as the most prominent way to influence the sustainability of these mining projects (according to an NGO representative).

Companies concentrate most of their resources on creating stakeholder relations in the pre-licence process, the social licence to operate or local acceptance is ever more important for undisrupted operations (Prno & Slocombe, 2014). Also, as noted by several interviewees, the contacts and communication with the local stakeholder groups have to be established before anything else happens. If one starts when the EIA process begins, then it is too late. In general, the idea is to include everyone, but in reality, as the Sustainable Mining Standards for mining companies in Finland, states: *“The appropriate level and type of engagement will depend on which stakeholders will primarily be affected by the potential impacts of the project and on stakeholders’ opportunities to influence decision-making (e.g. permit authorities)”* (section 4.2.1.).

Indeed, mining companies use similar types of categorisation for stakeholders voluntarily before and during the EIA process, which are defined by the official licensing processes. For example, in the recent case of an Anglo American mining project in northern Finland the company categorised five stakeholder groups: reindeer herders, landowners, local villagers, environmentalists and municipal authorities. This categorisation reflects the power resources held by rightsholders (reindeer herders, landowners, municipal authorities) and salient stakeholders (local villagers and environmentalists) who have the right to submit appeals that can prolong the processes and possibly provide access to other power resources (e.g., political power over municipal zoning). Furthermore, the law incentivises companies to agree upon conditions of acceptance with these groups beforehand, as a number of potential obstacles to permits can be overridden with pre-licence agreements.

The governance process has two important elements regarding rights, inclusion and participation. Firstly, it grants rights to people and their livelihoods that are to be taken into account when decisions are made and, if not respected, people can appeal. Secondly, there are the mechanisms mentioned above that grant different kinds of access to the actual process. Some of the people’s rights are guaranteed by the Constitution and Human Rights accords. For example, the right for a

safe and sound environment, and the overall responsibility to the environment that is for all people, corporations and institutions (Constitution 1999, §20 and (Kokko, 2014). The Act on Sámi Parliament and Skolt rights prohibits the weakening of indigenous cultures, languages and livelihoods, and also gives protection to Sámi reindeer herding. For example, the Kevitsa permit decision (24.6.2014 /K7140) states an obligation for further negotiation between the mining company and reindeer herders, and the Hannukainen permit includes six different conditions on how reindeer herding needs to be taken into account and if any harm is produced that needs to be compensated (CEDTE 18.9.2017 / K8126).

The participatory processes create two classes of participants. First, they determine which of the groups (for example, landowners and reindeer herders) must be negotiated with and compensated for their losses *a priori* to the permits, and who can only voice their concerns during or after the permit process. Second, they provide different types of participants with different degrees and types of access to the governance process, determining the degree in which their approval is necessary for receiving a permit. If local governments can decide whether they allow mines to be built in the municipalities in the first place or not, other public authorities and representatives of the Sámi people will be consulted by default in the process, and they can voice relatively effective statements about the impact assessments and objections regarding operating permits. Other stakeholders like local environmental NGOs and nearby inhabitants may have access to the LTO process, but their impact is fully dependent on the discretion of public authorities.

6.5 DISCUSSION

Our longitudinal case study on participatory governance in mining found that while the processes have become institutionally more complex and stakeholder inclusion has widened to account for virtually all people, the quality of the participation differs among stakeholders and rightsholders. Only those whose rights are protected by other laws or hold a particular position such as state agency were included in the permit decision, while those citizens or organisations whose concerns are not protected by particular laws were not accounted for in the decision. Furthermore, the change from bureaucratic to judicial permit decision processes emphasises this division between

rightsholders and stakeholders as rights to appeal and legal decisions are often decided through legal standing. However, our findings also imply that rightsholding, although a prerequisite to *empowered inclusion*, might not guarantee a satisfactory realisation of those rights. As noted by Maher and co-authors (2020) the ability to mobilise rights is crucial for their realisation.

However, our findings point out the importance of legal recognition and rights for stakeholder inclusion and participation. A general concern voiced by stakeholder interviewees and previous literature (Conde, 2017) is that people are heard but not listened to in the processes. This refers to a lack in the ability to influence the outcomes of participatory governance processes. Here, our case highlights how laws and public policies play an indispensable part in securing the rights of stakeholders in a way voluntary processes cannot (Bartley, 2011). By securing the rights of the vulnerable groups, states can enhance emancipatory participation (Leifsen, Gustafsson, et al., 2017), and empower inclusion (Warren, 2017). In management literature, traditionally, a stakeholder is anyone “who can affect or is affected by the achievement of the organization’s objectives” (Freeman, 1994, p. 46). These stakeholders can be categorised through their salience (Mitchell et al., 1997) or the types of legitimacy they provide for the corporation (Suchman, 1995). However, as recent research has highlighted how the managerial bias of stakeholder theory gives dominance to corporate decision-makers over the power, legitimacy and urgency of the stakeholder (Banerjee et al., 2021), we propose here that recognition and rights are a way to balance that dominance in order to favour an empowered inclusion and provide quality participation.

Having rights protected by laws as citizens, landowners, indigenous peoples, or even as corporations, is quite a different thing. The rights cannot be bypassed by granting or not granting them a position as stakeholder. Whereas citizen is the basic unit for legitimacy source in democracy, stakeholder is the basic unit for legitimacy source in CSR. Citizens have status and rights (might be several different types) guaranteed by law, whereas the stakeholder is normally defined as an interest group and is often at the discretion of a manager (be it in a public or private organisation). Stakeholder status itself does not guarantee any special rights, if not stated by some other institution. Being one stakeholder among others, that have more powerful interests like those

of business, is seen to be a lot weaker than the status of a citizen (Adkin, Hanson, Kahane, Parkins, & Patten, 2017).

Quality here refers to meaningful participation. For the participation to be meaningful or “effective” the participants require a “capacity to halt or significantly scale back extraction” (Bowness & Hudson, 2013). Indeed, as Warren notes empowered inclusion signifies an ability to not only speak and represent but also to dissent (Warren, 2017). Otherwise, participatory processes might become a source of tyranny (Cooke & Kothari, 2001) or a process of legitimation for the powerful (Turnhout et al., 2010). In our case, the first-tier stakeholders, i.e. the rightsholders, have a rule-altering capacity whereas the second-tier stakeholder are still in a rule-directed position (van Tatenhove & Leroy, 2009). Consequently, for the second-tier participants the process might become one of co-optation by engagement (Burchell & Cook, 2013). Furthermore, the ability to appeal is a significant resource for the stakeholders as it extends the group of decision-making authorities to include judicial actors (Bowness & Hudson, 2013), and thus diminishes the possibilities for regulatory capture.

It is known that symbolic participation often leads to co-optation whereas participation based on solid rights does not (Leifsen, Gustafsson, et al., 2017). However, in this case, the problem is less about having weak rights and more about the trade-off between recognition and formal power resources. The weak status of these stakeholder groups results from the combination of having full access to LTO processes but no access to the vital power resources within the process (i.e. appeals). Participating in the pre-licensing hearings is, if not, a Catch-22 situation, at least a double-edged sword for second-tier stakeholders. In the case that they do not participate in the hearings, they are unlikely to be recognised as stakeholders who should have a legitimate say over business activities; if they do, they can become officially recognised as legitimate stakeholders but also lose the ability to question the contents of the LTO. This represents co-optation or appropriation by engagement (Burchell & Cook, 2013). Such co-optation tendencies are typical of MSIs and other voluntary stakeholder relations (ibid.).

6.5.1 *From normative theory to practical applications*

The legitimacy of the deliberative democracy project rests on the idea that free and equal citizens are able to participate in public deliberation over societal rules (Bohman, 1998; Habermas, 1994). The pragmatic shift in deliberative theory has tried to overcome some of the difficulties found when implementing the normative ideals of deliberation (Curato, Dryzek, Ercan, Hendriks, & Niemeyer, 2017; Mansbridge et al., 2010). There has been acknowledgement that instead of pure deliberation, deliberative negotiation that allows for interests to be part of the equation while maintaining reciprocal fairness (Warren, Mansbridge, & Bächtiger, 2013), or meta-consensus allowing for contestation of the deliberation (Arenas, Albareda, & Goodman, 2020), or indeed agonistic deliberation that includes conflict and adversarial relations (Brand, Blok, & Verweij, 2019) are more suitable avenues. Others are ready to abandon the whole deliberative project to enhance agonistic pluralism as a source for normative and descriptive theorisation (Dawkins, 2015; Fougère & Solitander, 2019). We are ready to accept this new pragmatism of deliberation, and indeed it might be a more suitable way to theorise about deliberation in CSR by allowing participation of “parties with interests”, and appreciating counter-hegemonic movements as significant actors securing the overall deliberative project (Mansbridge et al., 2012). However, although providing a ‘more realistic option’, it requires rethinking of the role of corporations in these constellations (Sabadoz & Singer, 2017). We argue that in order to maintain the legitimacy of the deliberative project i.e. the inclusion and equality of the participants, the emphasis on the procedural equality has to be maintained. The more the process includes differing interests, adversarial relations or indeed conflicts, the more emphasis is needed on the quality of the deliberative process to exclude coercion and manipulation.

We propose a rights-based approach to stakeholder engagement. This approach maintains the normative core of deliberative democracy with empowered inclusion and quality of participation, while taking the pragmatic view of decision-making and accepting the possibility of adversarial relations. This rights-based approach includes two features. Firstly, the *recognition* that precedes inclusion. As justice theorists (Schlosberg, 2004) and political theorists (Warren, 2017) have noted recognition is required for rights realisation and empowerment. Recognition is not only an institutional legal position, but also an ongoing process in the socio-political realm (Schlosberg,

2004) that needs to be actuated continuously as part of the stakeholder engagement. It is the first act of inclusion that builds commitment and reciprocal relations (Warren, 2017).

The second important feature is *rights protection* throughout the process of deliberation: starting with recognition, enhanced by the process of empowered inclusion and securing the quality of participation. Importantly, this requires an external authority of some sort. It might be an ombudsman-type of actor, a reference to a particular jurisdiction similar to contracts or a separate external body created by the participants. However, it needs to be there. As Mansbridge and co-authors note coercive power is needed to secure the order of the process, and especially in the situation “preexisting inequality, some coercive power may also be necessary to maintain basic rights, equal opportunity, and the other conditions that help participants approach the deliberative ideal” (Mansbridge et al., 2010, p. 82). This procedural equality and implementation of decisions has to be guaranteed by an external force (Curato et al., 2017), in order to respect the division of labour within the deliberation and enhance the democratic accountability (Hussain & Moriarty, 2016). This can be especially crucial in a situation where contradictory or competing claims are attached to the topic of deliberation. Mining is certainly one of those topics, but the same applies to any contentious issues of social and environmental impacts of business activities and global procurement (Dawkins, 2019). Indeed, as previous research has found, there are different interests vested in the deliberative processes within MSIs (Levy et al., 2016; Moog, Spicer, & Böhm, 2015), and they need to be allowed for democracy to prevail (Arenas, Albareda, et al., 2020). Therefore, what is needed is an external authority to oversee that process and secure the quality and rights of the participants.

6.6 CONCLUSIONS

Our historical case study of participatory governance in Finnish mining shows firstly the multitude of different roles of state authority, not only as a law-maker but that of a permit granting agency, overseeing agency, or as an interested party participating in the governing process. It also points out the significant role of courts as interpreters of laws, and often as the final decision-makers who influence the overall governance praxis. Secondly, the case illustrates how the changes and inclusion of not only multiple state actors, but a wide variety of citizens and interest groups, have

resulted in a complex and ongoing negotiation process with different actors for companies. Thirdly, and most importantly, the participatory processes are very inclusive by nature, but simultaneously create priority orders that shift power resources between different types of participants. Therefore, although fulfilling the inclusion principle of deliberative democracy, they fail the equality principle. This prompts us to consider the quality of the participation especially in the situation in which different – and at times contradictory – interests are involved.

This study has, of course, some limitations. First of all, rights are not the same for everyone, nor is everyone equally able to mobilise resources to protect those rights. Hence, securing rights does not mean all inequality or marginalisation would be overcome. Recognition might be partial or lacking continuous process and, therefore, favouring first-comers. Also, the ability to mobilise rights depends on their source (for example, constitution, international treaty, regional regulation): some are weaker, and some are stronger. Thus, legalisation of the decision-making processes might create a further division between stakeholder groups whose rights are protected and those whose are not. Linking transnational agreements to particular jurisdiction and arbitration methods might prove difficult in practice. Yet, the recent developments in the EU to create mandatory Human Rights Due Diligence processes is a step towards a rights-based approach in supply chain governance. Lastly, there is the danger of the legalisation of the deliberation process, which also hampers core aims of deliberation that are based on respect, reciprocity and perspective taking. It is also worth noting that we do not regard the state as being the fix for everything and we acknowledge that there are multiple interests at play within different state ministries, agencies and in law-making. Indeed, states are imbued with power struggles, prone to protect nationally important industries and decision-making bound by their historical-political contexts. However, we also contend that the multitude of state roles within governance and deliberative theory needs to be examined and respected, for the research not to produce a regulatory vacuum while trying to solve one.

We have argued that the pragmatic turn and introduction of interests although suitable as descriptive theory, requires upholding the normative principles of equality and inclusion. We find that in the transfer of deliberative theory to management research, of the central role of the state as provider of rights and authority, securing the process of deliberation, has been overlooked.

Therefore, we contend that in order to maintain the normative core of the deliberative project it requires a rights-based approach to stakeholder engagement.

Table 1. Mines operating in Finland 2018 (incl. amount of extraction and personnel)

Company	Mine	Municipality	Mining started	metals extracted	extraction total 2019	ore	waste rock	own personnel	subcontractors
Agnico Eagle Finland	Kittilä	Kittilä	2009	Au	3 258 269	1 760 391	1 497 878	486	471
Dragon mining	Jokisivu	Huittinen	2009	Au	282 028	256 199	25 829	57 (in total all 3 mines)	50 (in total all 3 mines)
Dragon mining	Orivesi	Orivesi	2007 (1994)	Au	29 601	29 547	54	included above	included above
Dragon mining	Kaapelinkulma	Valkeakoski	2019	Au	399 811	28 499	371 312	included above	included above
Otso Gold	Laiva	Raahe	2011***	Au	1 465 485	179 348	1 286 137	20-49**	n/a
Sotkamo silver Boliden Kevitsa Mining	Hopeakaivos	Sotkamo Sodankylä	2019	Zn	573 776	343 581	230 195	9	3
Boliden Kylylahti	Kevitsa	Polvijärvi	2012	Ni, Cu, PGE	39 909 667	7 681 777	32 227 890	466	400
Outokumpu Chrome	Kylylahti	Keminmaa	2013	Cu, Zn, Ni, co	680 658	680 658	0	110	102
Pyhäsalmi Mine	Kemi	a	1966	Cr	3175 741	2 415 287	760 454	216	337
Terrafame	Pyhäsalmi	Pyhäjärvi	1959	Cu, Zn, S	1 066 367	1 066 367	0	186	50
Endomines	Terrafame	Sotkamo	2007	Zn, cu, Ni	32 289 171	14 411 928	17 877 243	669	650
	Pampalo	Ilomantsi	2014	Au	0	398*	0	33	19

+ Hitura Mine & Pahtavaara both halted at the moment (since 2017)

source <https://tukes.fi/documents/5470659/6373016/Vuoriteollisuustilasto+2019/347601de-637a-7230-bf7c-0b01d0653cde/Vuoriteollisuustilasto+2019.pdf>

*extraction halted in 2018 due to low prices, talk of reopening the mine. In 2017 the amount of gold extracted was 398kg

**evaluation of official registry. This is the fourth company owning the mine and trying to get it operating

***production has been halted several times due to downturn in global prices

Table 2. List of data used

DATA TYPE	SOURCE
Laws	
Mining Act (503/1965)	finlex
Reindeer Husbandry Act (848/1990)	finlex
Act on Environmental Impact Assessment (468/1994)	finlex
Act on the Sámi Parliament (974/1995)	finlex
Conservation Act (1096/1996)	finlex
Governmental Bill ((HE 84/1999)	finlex
Environmental Protection Act (113/2000)	finlex
Administrative Act (434/2003)	finlex
Degree on Environmental Impact Assessment Procedure (713/2006)	finlex
Government Bill (HE 273/2009 vp)	finlex
Mining Act (621/2011)	finlex
Government Bill (HE 214/2013)	finlex
Environmental Protection Act (527/2014)	finlex
Environmental Protection Degree (713/2014)	finlex
Government Bill (HE 259/2016)	finlex
Permit Papers	
mining permit papers from 1950 - 1975	FCSA, Helsinki archive
mining permit papers from 1975 - 2017	FCSA, Rovaniemi archive
mining permit papers from 2011 - 2017	FCSA website
<i>includes all permit papers on following mines (reg number): Kevitsa (K7140), Suurkuusikko (K5965 & K7835), Talvivaara (K2819), Kylahti (K3593), Pyhäsalmi (K1317), Pampalo (K4847), Hitura (K1517), Laiva (K7803), Pahtavaara (K3921), Jokisivu (K7244), Orivesi (K2676), Rämepuro (K3831), Hannukainen (K8126)</i>	
Kevitsa environmental permit Nro46/09/1	RSAA website
Kevitsa extension environmental permit Nro 79/2014/1	RSAA website
Suurkuusikko environmental permit Nro 69/02/1	FCSA, Rovaniemi archive
Suurkuusikko extension environmental permit	RSAA website
Talvivaara environmental permit	RSAA website
EIA documents	
Kevitsa	MoE website
Kevitsa extension	MoE website
Kittilä	MoE website
Kittilä extension	MoE website
Talvivaara	MoE website
Court decisions	
Supreme Administrative Court ruling (KHO1999:14)	Finlex
Supreme Administrative Court ruling (KHO 2005:42)	Finlex
Supreme Administrative Court ruling (KHO 2005:83)	Finlex
Supreme Administrative Court ruling (KHO 2013:79)	Finlex
Supreme Administrative Court ruling (KHO 2013:192)	Finlex

Supreme Administrative Court ruling (KHO 2014:187)	Finlex
Interviews	
interview 1, FCSA	data recording
interview 2, FCSA	data recording
interview 1, Ministry of Trade and Employment	data recording
interview 2, Ministry of Trade and Employment	data recording
interview 1, Ministry of Environment	data recording
interview 1, CEDTE	data recording
interview 1, stakeholder group	data recording
interview 2, stakeholder group	data recording
interview 3, stakeholder group	data recording
interview 1, FCSA	data recording

Table 3. Summary of the main changes in mining governance 1965-2020

	<i>1965 - 1994</i>	<i>1995-2005</i>	<i>2005-2010</i>	<i>2011-2020</i>
Amount of operating mines	30*	7	9	11
Amount of operating mining companies	2	3	7	9
Amount of new mining permits given**	~25	5	5	11
Length of mining permits	2-3 page long stating the right, area, type of mine and the compensation fee for land owner	3-4 page long stating the right, area, type of mine and the compensation fee for land owner	Mining permits extending to 10-14 pages, giving some conditions and limitations for the applicant	Most recent permit 73 pages giving details on conditions and limitations, and explanations on how statements by other parties were considered in the decisions
Main content (changes)	Requirement: name, area, main ores extracted, date by which mining should start	Same as before	Additionally: central statements and justification for decision	Additionally: permit conditions to avoid harming other livelihoods and people, inclusion of statements and the core responses to them
Environmental permits	NA	Environmental permit of Kittilä mine 75 pages, particular targets and requirements	Environmental permits with detailed emission outputs and other requirements. F.ex. Kevitsa permit 120 pages	Environmental permits becoming more detailed and including more particularities. Example: Kevitsa extension permit 255 pages
Environmental Impact Assessments	none	First application in 2000 (Kittilä), 20 page long	Growing participation producing increasing number of statements and objections, as well as appeals	2 stage EIA, producing final reports of hundreds of pages. The extensiveness depends on the company and deposit

Who are included and how (stakeholder engagement) pre-licence	Landowners get compensation and might be able to make little changes of the physical area (of one or two metres if there was some land)***	Sámi, Skolt, reindeer herders, environmental NGOS, landowners (the inclusion increases in these years)	Sámi, Skolt, Reindeer herders, environmental NGOS, landowners, and anyone affected (concerned party)	Need to negotiate w/reindeer herders and Sámi/Skolt, all concern parties have right to at least opinion, government agencies through statements
post-licence communication of companies	Yearly reports to officials only	Yearly reports to officials only	Yearly reports to officials, on company discretion if something else	Yearly reports to officials, some companies invite visitors once a year as CSR policy. Sustainable mining network has developed standard for post-licence communication.
state agencies involved/responsible for permitting	MTI	MTI, Regional environmental agency	MTI, regional environmental agency, municipality	FCSA, CEDTE, RSAA, municipality
Legal changes	Mining Act 1965, Reindeer Husbandry Act 1990, Act on Environmental Impact Assessment 1994	Act on Sámi Parliament 1995, Conservation Act 1996, Environmental Protection Act 2000, Administrative Act 2003	Degree on Environmental Impact Assessment Procedure 2006	Mining Act 2011 (anyone submitted application before June 2011, treated according to old law), Environmental Protection Act & Degree 2014
Changes in governance	No changes, straightforward. One simple application that was almost always granted.	Ministry of Trade and Economy sole actor for mining permits, environmental permitting and EIAs begin	New guidelines for permitting after very critical inspection report stating oversight of mining has been zero	New legal requirements for both mining and environmental permits, citizen participation important, voluntary standard to improve stakeholder relations of industry.
Source: compiled by authors				

* all owned by either Outokumpu (90%) or Rautaruukki, some very small mines that operated for only a year or two

** only new operations or significant extensions counted, no slight alteration in permits

*** practise where the concrete mining site is gone through with the company and landowners (the de facto area and the compensations decided)

Table 4. The different actors involved in licensing process 1960-2020 (overview)

ACTORS	1960-1990	1990-2000	2000-2010	2010-2020
STATE	Ministry of Industry	Ministry of Industry	Ministry of Industry	Finnish Chemicals and Safety Agency
		Centre for environment	Centre for environment	Regional State Administrative Agency
				Centre for Development, Transportation and Environment
				Municipality
APPLICANT	Mining company	Mining company	Mining company	Mining company
CIVIL SOCIETY	(land owners*)	(land owners*)	land owners	land owners
		Reindeer herders	Reindeer herders	Reindeer herders
		Sámi/Skolt	Sámi/Skolt	Sámi/Skolt
				Interested parties
				Other industries

Table 5. Inclusion of stakeholder groups in mining permits

HEARI NGS	STATEMENTS	OPINIONS	POSITION	FOR/AGAINST	INC	REASONING
<i>Hannukainen mine (tapojärvi) / K8126 / 18.9.2017 - NEW MINE, 1965 LAW APPLIED</i>						
	3 meetings w/ reindeer herders		particular position based on law	against	YE S	permit conditions/orders given.
	municipality		particular position as official	for but some concerns	PA RT LY	ref to negoitation by officials
	regional development agency		particular position as official	for mining always	PA RT LY	ref to negoitation by officials
	state forest company		particular position as official	critical, lot of demands for protective conditions	YE S	permti order 11 partly connects to this statement
	regional state agency		particular position as official	critical on several fronts	YE S	permit orders 1 and 2 refer to point made by Lapland CEDTE
	state agency		particular position as official	netural, some demands	YE S	permit order 3 refers to this statement
	Fin-Swe border river commission		particular position as official	neutral, some demands	NO	mentioned in the reasoning
	state agency		particular position as official	critical, several lacks in the application	NO	mentioned in the reasoning, concerns not included
	state agency		particular position as official	neutral	YE S	mentioned in the reasoning
	reindeer herders		particular position based on law	against the project, demand lot of protective conditions	YE S	permit conditions 11-20 relate to reindeer herding
	reindeer herders		particula position based on law	against the project, demand lot of protective conditions	YE S	permit conditions 11-20 relate to reindeer herding
	local fishing cooperative		not clear position of legal protection	critical, noting need for protection	NO	mentioned in the reasoning
	local tourism association		not clear position of legal protection	joint statement, very critical noting several lacks in the application, permit should not be granted	NO	mentioned in the reasoning

local nature association		not clear position of legal protection	joint statement, very critical noting several lacks in the application, permit should not be granted	NO	mentioned in the reasoning
local tourism association		not clear position of legal protection	joint statement, very critical noting several lacks in the application, permit should not be granted	NO	mentioned in the reasoning
local village association		not clear position of legal protection	joint statement, very critical noting several lacks in the application, permit should not be granted	NO	mentioned in the reasoning
local forest cooperative		not clear position of legal protection	for, want compensation	NO	mentioned in the reasoning
regional tourism industry association		not clear position of legal protection	critical, threatens tourism	NO	mentioned in the reasoning
regional water company		landowner in part of the mining area	for the project	NO	mentioned in the reasoning
	local company	no legal protection	neutral, protection of their business	YE S	included as mining company has started negotiations
	local company	no legal protection	neutral, protection of their business	YE S	included as mining company has started negotiations
	local people	no legal protection	critical	NO	mentioned in the reasoning
	local people	no legal protection	critical	NO	mentioned in the reasoning
	local people	no legal protection	critical	NO	mentioned in the reasoning
	NGO	right to appeal	critical	NO	mentioned in the reasoning
	local people	no legal protection	critical	NO	mentioned in the reasoning
	local people	no legal protection	critical	NO	mentioned in the reasoning

Kevitsa extension (boliden) / k7140 / 4.4.2018 - EXTENSION, 2011 LAW APPLIED

<i>one meeting w/ reindeer herders</i>		particular position based on law	critical	YE S	permit orders 6-11
municipality		particular position as municipality	for but with notes	n/a	included in reasoning
reindeer herders		particular position based on law	critical, many demands	YE S	permit orders 6-11

reindeer herders association	particular position based on law	critical, lot of harm that needs to be compensated	YE S	permit orders 6-11
regional agency	particular position as state agency	neutral, must include conditions	YE S	included in reasoning
regional agency	particular position as state agency	for, pro-mining	n/a	included in reasoning
state forestry	particular position as state agency	neutral, but many notes/demands	n/a	included in reasoning
local forest association	landowners	against, new 2011 Act should be applied, demand access to owned land	YE S	included in reasoning and permit order 7

Suurkuusikko extension (agnico eagle)/ KL2019:0008 (5965)/ 21.2.2020 - EXTENSION, 2011 LAW APPLIED

responsibility to negotiate with reindeer herder, previous meeting 2015 but the herders do not see need to negotiate at the moment

municipality	particular position as municipality	for, some notes on the new waste water basin	YE S	included in the reasoning, and permit cond 3
regional agency	particular position as state agency	for, some notes esp on reindeer herding	YE S	permit conditions 1 and 2 and reasoning
regional agency	particular position as state agency	n/a	YE S	included in the different decision
regional agency	particular position as state agency	for, pro-mining	n/ A	nothing to be added
reindeer herders	particular position based on law	n/a	YE S	refs to agreement between the company and herder that does not need renewal now
reindeer herders	particular position based on law	critical, demands for permit conditions	YE S	refs to agreement and permit order 4
state forestry	particular position as state agency	neutral with notes	YE S	included in permit orders 3 and 4
local people	no particular position	against, area should be diminished	NO	does not see that there are grounds for this opinion, ref law
local land owner	land owner rights	very critical, company has not paid compensation	NO	does not see a problem with the landuse, references to compensation in law

local land owner	land owner rights	very critical, extension would destroy the land	NO	does not see a problem with the landuse, references to compensation in law
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Keliber (sotkamo silver) / KL2018:0001 (K20181)/13.12.2018 / NEW MINE, 1965 LAW APPLIED

none

municipality		particular position as municipality	for, no obstacles for mining	NO	nothing to include
regional agency		particular position as state agency	neutral, no obstacles for mine	NO	nothing to include
regional agency		particular position as state agency	neutral	NO	nothing to include
state agency		particular position as state agency	neutral, no obstacles for mine	YES	included, permit order 1
	local water cooperation	water rights owner	critical, demands for compensation and safety	YES	included partly, opermit orders 5,6,8 and9
	local company	landowner	demands for compensation	YES	included permit order 2

Kaapelinkulma (Dragon mining) / K7094 /24.10.2012 - NEW MINE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, no obstacles for the mine	n/a	
regional agency	state	particular position as state agency	neutral/critical, enviornmental topics need amendments	PA RT LY	mention in the permit order 1, and ref to environmental permit
	local person	no particular position	neutral, very particular demand about a road	NO	ref to mining company response and environmental permit
	local people, closest to mine	no particular position	concerned, demand monitoring, and measurements	NO	ref to mining company response and environmental permit
	local people	no particular position	concers about the impacts on house and water	NO	ref to mining company response and environmental permit
	local people	no particular position	concerns on the impacts on noise, emissions etc	NO	ref to mining company response and environmental permit
	local people	no particular position	concerns over road and water and noise	NO	ref to mining company response and environmental permit

local people	no position	particular	against, concerns over the impacts	NO	ref to mining company response and environmental permit
local people	no position	particular	concerns on the impacts on houses and emissions	NO	ref to mining company response and environmental permit
local people	no position	particular	concerns over traffic, emission etc.	NO	ref to mining company response and environmental permit
local people	no position	particular	against, concerns over safety	NO	ref to mining company response and environmental permit
local people	no position	particular	concerns over roads, and water	NO	ref to mining company response and environmental permit
local people	no position	particular	concerns over traffic, safety, and water	NO	ref to mining company response and environmental permit
local people	no position	particular	exactly the same as nro 8	NO	ref to mining company response and environmental permit

HOSKO (ENDOMINES) / K6926/5.12.2012 - NEW EXTRACTION SITE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, no obstacles for the mine	n/a	
regional agency	state	particular position as state agency	neutral, no obstacles for the mine but EIA needs to be done	YES	note about the EIA and notifications to ELY in permit reasoning

KUITTILA (ENDOMINES) / K7558/23.8.2013 - NEW EXTRACTION SITE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, no obstacles for the mine	n/a	
regional agency	state	particular position as state agency	neutral, EIA has been done and protection areas cannot be endangered	YES	included in permit order 1
		local person	landowner (home owner) concerned and demands compensation	PARTIAL	the compensations will be defined in the area process

KUIVISTO (ENDOMINES) / K7441/1.11.2013 - NEW EXTRACTION SITE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, no obstacles for the mine	n/a	
regional agency	state	particular position as state agency	neutral, EIA needs to be done and protection lands must not be harmed	YES	note about the EIA and notifications to ELY
state forestry		particular position as state agency	neutral but note on the water balance and quality of the area must not be harmed	NO	mentioned in the reasoning

MUURINSUO (ENDOMINES)/K7977/15.4.2013 - NEW EXTRACTION SITE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, no obstacles for the mine	n/a	
regional agency	state	particular position as state agency	neutral, EIA needs to be done and protection lands must not be harmed	YES	note about the EIA and notifications to ELY in reasoning

PAMPALO (ENDOMINES) / K4847 (KL2011:0003)/7.11.2013 - NEW MINE, 1965 LAW APPLIED

none

municipality		particular position as municipality	for the extension, no notes	n/A	
regional agency	state	particular position as state agency	neutral, notes that EIA needs to be done and env permit applied	YES	EIA included, env permit will be sought and permit order 1
state forestry		particular position as state agency	neutral, yet lot of concerns for the impacts on the lakes and water areas	YES	reasoning refers to the environmental permit
regional agency	state	particular position as state agency	for, pro-mining in the area	n/a	

VALKEISENRANTA (BOLIDEN) /K7739 /14.2.2014 - NEW EXTRACTION SITE, 1965 LAW APPLIED

none

municipality		particular position as municipality	neutral, notes on traffic and environment	YES	notes in reasoning and responses of the company
regional agency	state	particular position as state agency	neutral, but additional examination needed	YES	permit order 1 and future env permit
	local people	no particular position (some have	critical, yet not against. Several demands concerning water use/waste waters	NO	reference to company response

	land and water rights)				
local people	no particular position (some have land and water rights)	critical, several demands concerning water/traffic	NO	reference to company response	
local people	landowner	neutral, yet demands for the location of tunnel	NO	reference to company response	
state forestry	particular position as state agency	neutral, but several demands (and exclusion of certain area)	NO	n/A	

KUOTKO (AGNICO EAGLE) / K7835 /23.8.2013 - EXTENSION, 1965 LAW APPLIED

FSCA will be holding negotiations between reindeer herders and the company in 2013-2014, might lead to additional permit orders	particular position based on law		YE S	future negotiations and permit conditions	
municipality	particular position as municipality	neutral, nothing to say	n/ A		
regional state agency	particular position as state agency	neutral, but notification that EIA needed	YE S	permit order 1: EIA required	
state forestry	particular position as state agency	neutral, some requirements (EIA , reindeer herding, compensations)	YE S	permit order 1: EIA required, and other responses	
local reindeer herders	particular position based on law	critical, lot of negative impacts, need to be included better	YE S	negotiations will be held and permit orders given after that	
local person	no particular person	very critical, against the mine and the extension	NO	n/A	

Figure 2. Development of extraction and legal framework 1960-2020

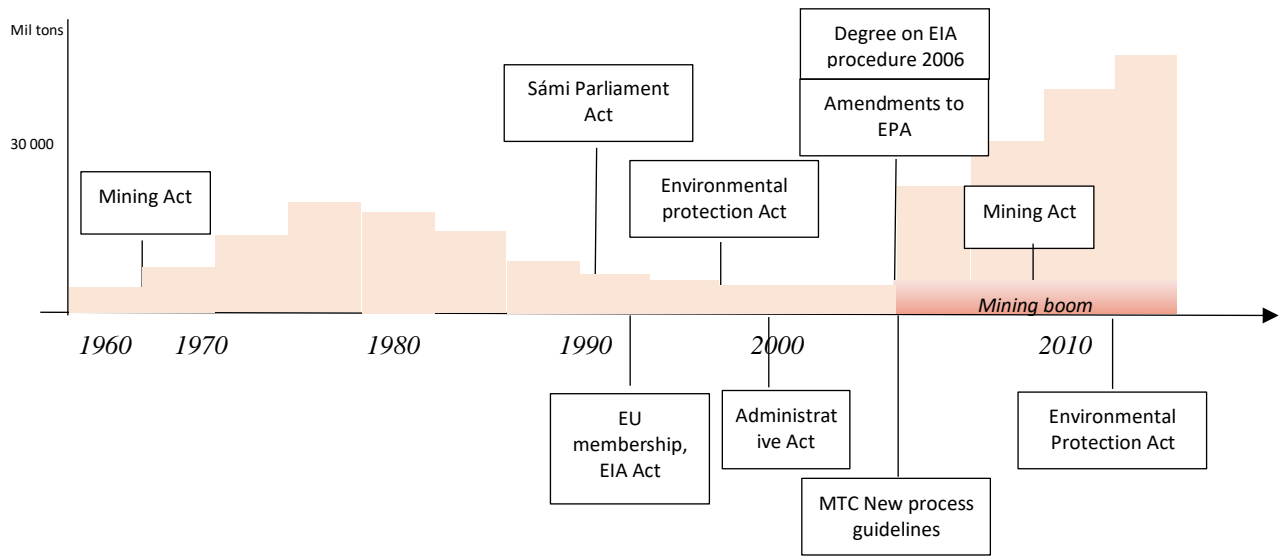
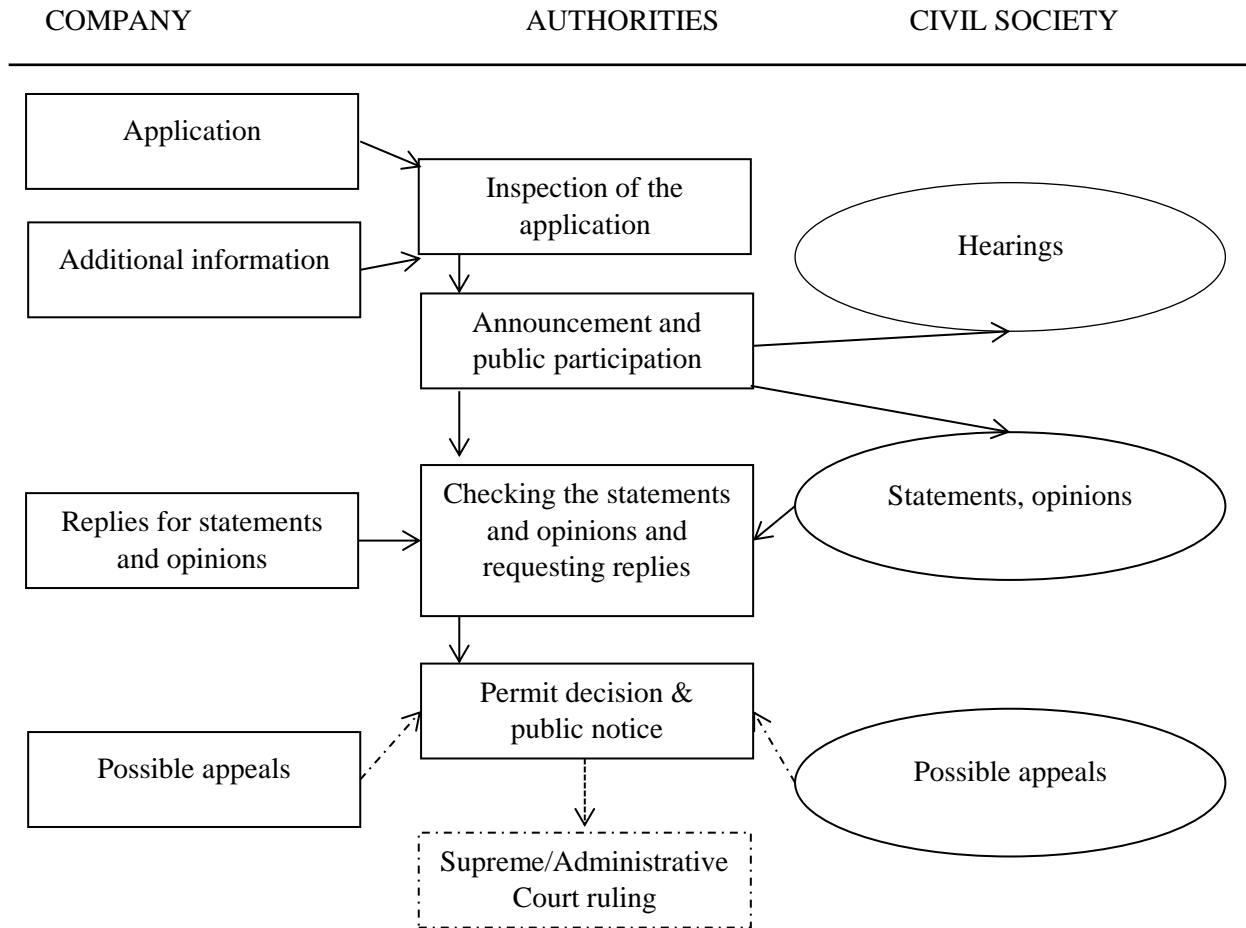


Figure 3. Simple permit process and information flow



7. ARTICLE 2: QUEST FOR SUSTAINABLE MINING - EMBEDDING THE STATE IN MULTI-STAKEHOLDER INITIATIVES

7.1 INTRODUCTION

Multi-stakeholder initiatives (MSI) have become a common means of governing sustainability issues over the last two decades (de Bakker et al., 2019). MSIs vary both in scope and type. Industry-specific initiatives are based on certifications (i.e. Forest Stewardship Council), while others are based on common sustainability principles (i.e. Global Compact). Some are country-specific (i.e. The Accord on Fire and Building Safety in Bangladesh), while others cover certain regions (The African Timber Organisation) or are global in their reach (Global Reporting Initiative). MSIs are often framed as an example of political role of corporations (Scherer & Palazzo, 2011) that fill a gap in global governance (Laasonen, Fougère, & Kourula, 2012). MSIs are commonly conceptualised as tripartite constellations of market, state and civil society aimed to solve societal or environmental issues (Mena & Palazzo, 2012). Research emphasis on MSIs has been on interactions between firms and NGOs, where the state has an ancillary role at best. The literature on MSIs – much like all corporate social responsibility (CSR) research – has concentrated on the roles and abilities of corporations and largely overlooked the significance of state power (Knudsen & Moon, 2017b).

Recently, scholars have taken renewed interest in the role of government, politics and state authority in governing corporate responsibilities (Dentchev, Haezendonck, & van Balen, 2017; Hamann, 2019; Kourula et al., 2019), on the numerous ways public actors influence private forms of regulation (Giamporcaro et al., 2020; Marques, 2014; Schrempf-Stirling, 2016) and the new configurations between public and private governance (Boghossian & Marques, 2019; Maher et al., 2019). Over the last decade, the meaning of CSR also seems to have shifted from purely voluntary philanthropy to more mandated and strategic forms (Matten & Moon, 2020). Previously held assumptions on the insignificance or irrelevance of state governance no longer hold and, therefore, need to be revisited (Kourula et al., 2019). Global responses to the ongoing pandemic have demonstrated indisputably that governments influence organisations' ability to function in very tangible ways. This paper, however, aims to understand the more subtle forms of influence through embeddedness and orchestration.

Previous research has underscored the various ways governments can enhance CSR broadly (Albareda et al., 2008; Gond et al., 2011; Steurer, 2009) and private governance constellations particularly (Eberlein, 2019; Giamporcaro et al., 2020). We know that forms of private governance are often embedded in socio-political contexts (Djelic & Quack, 2018) and that governments steer and orchestrate MSIs for various reasons (Boghossian & Marques, 2019; Knudsen & Brown, 2014). However, we are less knowledgeable about the diverse ways that embeddedness informs and influences the private governance constellations and how MSIs interact with public governing. This paper examines how both the institutional landscape and governments influence the emergence and evolution of MSIs. Empirically, the paper examines the development of two sustainable mining MSIs in Chile and Finland. These two countries have very different institutional, historical and political frameworks, representing ‘polar types’ fruitful for theorising on similarities and differences between private and public governance (Eisenhardt & Grabner, 2007). The empirical analysis draws on longitudinal material from policy documents, MSI guidelines, 42 in-depth interviews and other textual material.

The analysis reveals that both the Finnish and Chilean governments played a crucial role in establishing the studied MSIs. Furthermore, governments’ strategies changed over time from a direct political agenda-setting to weak participation, and withdrawal. I find that the institutional environment informs the diagnosis of the situation and, therefore, the type of MSI needed. Building on empirical data and previous conceptualisations of public–private interactions (Cashore et al., 2021; Eberlein, Abbott, Black, Meidinger, & Wood, 2014), firstly, the paper identifies two governance functions for the MSIs: *co-regulation* and *substitutive regulation*. Secondly, it theorises how the political, administrative and judicial roles of the state are transferred to the MSIs through *orchestration*, *enactment* and *expectations*. Thirdly, it develops the notion of orchestration as a time-bound and changing practise and introduces a new mechanism, *withdrawal*, as the ending point for orchestration. Although the governments initiated the MSIs to re-legitimise the mining industry and to enable its growth, the negotiations over the type and form of private governance offered a possibility for counter-hegemonic action. Thus, fourthly, the state presence accelerates the political struggles as participants concentrate their lobbying on the MSI.

The paper proceeds as follows. After elaborating on the theoretical foundations of this research, I introduce the empirical cases, materials and methods used to analyse the data. Then I explain the

findings through the central concepts of embeddedness, orchestration and transference of the state's roles. Finally, I discuss the findings and contributions of this paper in light of existing theoretical literature.

7.2 POLITICS OF PUBLIC AND PRIVATE GOVERNANCE

MSIs are commonly described as voluntary forms of governance that include civil society actors, corporations and, sometimes, state actors (Mena & Palazzo, 2012) and are directed towards societal issues (Fransen, 2012). They can be based on principles or joint standards concerning a particular area or specific industry. MSIs represent a key example of private governance, which is often seen as filling a gap left by public governing (Kourula et al., 2019; Laasonen et al., 2012; Scherer & Palazzo, 2011). Mining was one the first sectors to adopt voluntary codes to address environmental and social externalities (Rousseau et al., 2019). Currently, more than twenty different MSIs function within mining globally, for example, the Extractive Industries Transparency Initiative (EITI), the Kimberly Process (for sustainable diamond production) and the Initiative for Responsible Mining Assurance (IRMA).

Previous studies have outlined the role of the state and government as a participant in (Mena & Palazzo, 2012) or convenor of (Gulbrandsen, 2014; R. M. Locke et al., 2013) multi-stakeholder governance. Scholars have found that the role of politicians is frequently strong in the initiation phase (Roloff, 2008) and that the negotiating phase is often highly political because of the divergent views of participating actors (Zeyen, Beckmann, & Wolters, 2014). Governments may play a role in establishing MSIs out of fear of repercussions from other countries (Zeyen et al., 2014) or powerful NGOs (Boghossian & Marques, 2019). Governments favour voluntary governance mechanisms to appear as responsive and flexible partners with important corporations or industries (Knudsen & Brown, 2014), to maintain a competitive advantage (Marques, 2014) or to protect an important sector from NGO activism (Boghossian & Marques, 2019).

The concept of embeddedness is a useful to understand how economic activities - and also regulative institutions - are dependent on their social and historical environments (Djelic & Quack, 2018; Polanyi, 1944). The institutional embeddedness examines the political, regulative and cultural factors informing governance constellations (Campbell, 2007). Prior research has

established that private governance is embedded in and interacts with public policies and governing (Cashore et al., 2021; Knudsen & Moon, 2017c; Vogel, 2010) that longstanding public policies and institutions, such as national business systems, shape actors, governments and businesses and the expectations of them (Gond et al., 2011); and inform whether the form of CSR is more explicit or implicit (Matten & Moon, 2008). For example, political environments influence the configurations of private governance (Bartley, 2011), how efficient they are (Toffel et al., 2015; Vogel, 2010), and whether their enforcement is successful (R. M. Locke et al., 2013). In this paper, I will examine how institutional embeddedness informs the design and type of private governance, and how state actors engage actively in the development of private governance.

Orchestrating for sustainability

Governments can strategically exert influence on these private constellations through different mechanisms of mandating and orchestration (Abbott, Genschel, Snidal, & Zangl, 2015; Eberlein, 2019; Eberlein et al., 2014; Giamporcaro et al., 2020; Gulbrandsen, 2014). Governments can, for example, set the agenda for private initiatives, and enrol private actors in MSIs. They can use regulatory intermediaries (Abbott et al., 2017) to share governance with corporations through what Giamporcaro et al. (2020) call ‘delegated rowing’ and play a catalytic yet indirect role in these private governance forms (Eberlein, 2019). In reality, governments use various tools for governing, both ‘hard’ and ‘soft’, as well as different direct and indirect orchestration mechanisms (Henriksen & Ponte, 2018). Historical and structural factors determine what particular strategies governments choose (Gulbrandsen, 2014) and whether they are more directive, such as threats of regulation and other forms of mandates, or facilitative (Henriksen & Ponte, 2018). Recent research has explored how these different governance interactions can be layered and aligned (Giamporcaro et al., 2020) or competitive, complementary and coexisting (Cashore et al., 2021), and highlighted the previously overlooked importance of time and change in these interactions. However, state is more than the government, and also existing legal and regulatory traditions influence both the diagnosis of what kinds of regulatory gaps there are, and how they should be filled.

In this paper I combine the analysis of MSIs as institutionally embedded constellations to the analysis of orchestration as governmental agency to mandate CSR, and ask *how the roles and*

expectations towards the state are transferred into MSI when states are active part of the configuration?

7.3 METHODOLOGY

7.3.1 *Research design and case selection*

The cases chosen for this study represent polar types, where in a high conflict situation a similar approach of MSI is chosen, yet the institutional and historico-political context is very different and influences the design and development of the MSI. Flyvbjerg calls this a ‘maximum variation’ approach, whereby choosing two cases that are very different can produce information about the significance of the circumstances (2006, p. 230). In my study, that difference is the historico-political institutional setting of the welfare versus regulatory state (Hall & Soskice, 2001) in which these MSIs developed. The two countries, Finland and Chile, share some similarities, including a history of primarily state-owned mining companies, the historical importance of mining as an industry and their status as countries that are democratic and small but relatively developed within their respective continents. For the most part, however, they differ in terms of institutional and political settings, the opposite political ideologies that moulded the respective societies, the significance of mining as an industry today and the structure of the economy and levels of inequality. Choosing polar types cases enables theory building based on the variance in the relationship between central constructs and focal phenomena (Eisenhardt & Grabner, 2007).

7.3.2 *Research context*

In Chile and Finland, the number of mining-related conflicts has increased, particularly since the start of the latest mining boom (from the early 2000s). These conflicts, although mostly location- and mine-specific, have had a wider political and societal impact through public outrage and campaigns for a change in regulations, prompting governments to take action. In both countries, the respective governments have made efforts to find solutions through renewed regulation, an emphasis on public–private dialogue processes and initiating MSIs for this purpose (see table 6 for participants). While these processes have not occurred simultaneously, they have promoted similar objectives: the growth of the mining industry and re-establishment of its legitimacy through greater

social acceptance, less conflict and better environmental and social policies and practices. Table 8 illustrates the main events surrounding mining governance in both countries.

Insert Table 6 about here.

7.3.3 Data collection

The research data include 42 semi-structured in-depth interviews and textual materials gathered between 2015 and 2019 in Finland and Chile. The interviewees included ministry officials, heads of industry and companies, key stakeholders in the industry/MSI (both those who participated in the MSI and who either stayed out or left in the middle of the process) and the key participants in the MSI. The leaders of the MSI were interviewed in twice, in 2015 and 2019. Of the interviews, 90% were recorded and transcribed and 10% were based on note-taking during the interview. The textual data include sustainable mining policy documents, governmental strategies for mining, MSI agendas and guidelines and NGO reports. A list of the data sources, interviewees and topics discussed is offered in table 7.

Insert Table 7 about here.

7.3.4 Data analysis

To begin the analysis, I read through the transcribed interviews and textual materials. To make sense of the longitudinal data, I utilised the ‘temporal bracketing’ strategy proposed by Langley (1999), by which data are transformed ‘into a series of more discrete but connected blocks’ (p. 703), to isolate phases within the evolution of the MSIs. After reading all the materials, I created a timeline of the events to identify the milestone moments for both countries. I considered the data to ascertain how the governments acted in relation to conflicts and what their role was in creating the MSI. This involved pursuing governmental reactions, policies and agendas after high-profile conflict cases. The four following distinct phases emerged from the data as sequences whereby something fundamental in governmental strategy or influence changed: pre-initiative, formulation, implementation and stalling. The *pre-initiative phase* forms the ‘motive’ for the initiative to start developing. The second phase is the *formulation of the initiative*, which is the ‘reaction’ to the

conflict phase. The third phase is the *implementation period*, which describes the work done with and through the established standards and processes (this happened only in Finland). The final phase is the *stalling of the initiatives*, which refers to the current situation in which neither initiative has been able to secure its position in terms of financing, functioning or legitimacy. Table 6 illustrates this temporal evolution of events.

Insert Table 8 about here.

In the second stage, I used a bottom-up strategy of descriptive coding to interpret the data in terms of the dynamics within and between the different phases as well as between the actors, intentions and power. Using Atlas.ti, I coded for central themes such as the role of the state, voluntary/binding regulation, accountability and motivations for participation, adding themes as they emerged from the data. After this initial grouping, I sorted through each coded quotation, made a short English translation and attached a tentative first-order code, which was representative and descriptive. I then linked different codes to different phases, creating a network of codes. In third phase, to unearth the dynamic features and interplay or conflicts between actors, I returned to my coding, read through all the quotations, re-organised the data into first-order codes and started regrouping them. Using the principles of grounded theory (Corbin & Strauss, 1990), I grouped the first-order codes into second-order codes and aggregate dimensions. This was done manually using several Excel sheets. I also marked different actors (civil society/state/industry) and highlighted whether the code represented both countries or only one. To better illustrate the multitude of institutional layers and governmental actors as well as the politics around the MSI, I renamed some aggregate dimensions. This was an iterative exercise (K. Locke et al., 2020), which involved dwelling in the data and moving back and forth between the different layers of coding and literature (Mantere & Ketokivi, 2013). In the final round, I had 33 first-order codes, which were structured into 12 second-order codes, which, in turn, merged into three aggregate dimensions of drivers of MSI, institutional landscapes and MSI embeddedness. Table 9 describes the coding structure in detail.

Insert Table 9 about here.

In the last stage, I organised the codes into models by forging links between the second-order codes to illustrate the influence or relationship between actors and emerging events. I included the comparative case approach (Eisenhardt & Grabner, 2007) to contribute to existing theories' through similarities and differences between the case trajectories.

7.4 FINDINGS

The high-level mining conflicts revealed a lack in the governance of mining operations in both countries. The conflicts opened up a space for negotiations over possible solutions which were directed towards the MSIs. In this light, the MSIs can be seen as forums for discussing how to fill the gap in mining governance.

7.4.1 Historico-political embeddedness of the constellations

Private regulation is always embedded in a wider historico-political context (Djelic & Quack, 2018), more particularly the country's institutional landscape i.e. political, cultural and regulative factors influences the interpretation of the needed type of MSI. In Finland, the diagnosis of the facilitating agency Sitra was that there is 'enough state' in terms of public regulation, and it suggested that the MSI should be voluntary. In Chile, the counterpart came to the opposite conclusion that 'more state is needed', and, therefore, public agency was incorporated in the solution drafted by the MSI. These interpretations reflect the stringency of existing laws and regulations as well as the adequacy of current institutions. Finland, on the one hand, as a Nordic welfare state, can be defined as a coordinated market economy (Hall & Soskice, 2001) with a strong state presence in business governance and relatively high levels of mining and environmental regulation, as illustrated by the interview excerpts below.

“We have quite a state-centric environment and different state actors have a strong presence... it’s difficult to think that anything big would happen without different ministries committing to it.” (NGO representative)

“Our legal standards and governing bodies are quite developed...and at least our [mining] security law is at high level, and it is followed, monitored and developed, so it is often hard to come up with anything ‘on top’ the law.” (Industry representative)

Chile, on the other hand, was described as the posterchild of neoliberalism under the rule of Augusto Pinochet, which involved minimal regulation. Thus, it can be characterised as a prime example of a regulatory state (Iversen, 2005). Although the legal and institutional setting has gradually changed since the 1980s, the country’s *laissez-faire* history and priority of extraction remains in the policies, state presence (Nem Singh, 2013) and mining regulation, which dates to 1982.

It was not only the institutional landscape that informed the type of MSI but also the severity of the conflicts (see table 10 below) and what Henriksen and Ponte (2018) call ‘issue visibility’. In Chile, the conflicts had become judicialized, and the proposed system included the newly founded environmental tribunals as part of the mediation process. The dialogue concerned not only how to prevent conflicts through communication but also how to negotiate agreements and mediate conflicts in a structured manner. In Finland, the *Talvivaara* mine environmental hazard gave prominence to the concerns of NGOs and civil society opposing mining, creating a legitimacy crisis for mining that needed to be resolved. Thus, the main aim of the dialogue was to strengthen the local acceptability of mining through open communication and response to concerns.

Insert Table 10 about here.

In both countries, the legal frameworks for mining were under pressure to be changed, and discussions were ongoing. Some minor changes to mining law were introduced in Finland yearly, with the environmental law renewed in 2014. In Chile, most renewals for environmental and

mining laws did not pass the parliament vote. For most part, the same actors, which included industry, NGOs and ministries, were involved in the preparation and lobbying for both private and public regulation. The table 8 outlines the differences between these two institutional environments types of conflicts (issue visibility) and dialogue, to MSI outcome and it's regulative purpose.

7.4.2 Time-bound and changing forms of orchestration

Whereas embeddedness refers to slow-pace influence through institutions, expectations and norms (Campbell, 2007), orchestration involves a cycle of governmental activity and political influencing through enrolment, agenda-setting, facilitation and financing (Abbott et al., 2015). Politicians are often part of the initiation of MSIs (Roloff, 2008); however, in these cases, the Finnish and Chilean governments also played crucial roles in setting up the MSIs. Whereas the institutional landscape and diagnosis of the situation varied, the governmental responses were strikingly similar in the two cases. Both governments engaged in initiating orchestration to encourage new sustainable mining policies and initiatives (Hale & Roger, 2014). The aim was to initiate a softer, facilitative mode of governance, where governments lend their legitimacy and resources to the MSI through the use of intermediaries close to government and share an understanding of the overall (often pro-industry) objectives. In both cases, the orchestrator role changed over time from strong, direct political agenda-setting to financing and facilitating the initiative through intermediaries and, lastly, to political withdrawal (either planned or due to a change in politics). In practice, the CSR policies for sustainable mining included the creation of the MSIs to roll out the policy in practice, and, thus, the constellations served as policy tools for public bodies. However, the actual content and direction of that governance was negotiated in the two-year process facilitated by the state.

In Finland, the government did not participate in the initiative after the founding phase, though other state actors were present. For example, the current Chair of the Board is the head of the Ministry of Environment, and municipalities are represented as stakeholders. The MSI represents the traditional view of CSR in which companies demonstrate their responsibility through voluntary actions. Although the standards were agreed upon and the MSI has progressed to the implementation phase, the initiative's future is uncertain. The NGOs are disappointed in the slow uptake of the initiative. Also, there are particular boundaries regarding the participation of the main CSOs (Reindeer Herding Association [RHA] and the Finnish Association for Nature Conservation

[FANC]). They have stated that if particular, controversial, mining projects go ahead, they will walk out. This forms a catch-22 for participation in the network; if any of the projects continue to the actual building phase, the most prominent stakeholders will leave, but if the projects do not, then mining will not proceed in Finland (the central aim of the network). The leader of the network admitted that:

“If the Association for Nature Conservation leaves, we have to re-examine the representativeness of the network and whether we should change to individual participants who would not represent the stakeholder groups as a whole but could bring in their point of view.”

This would effectively change the nature of the network from multi-stakeholder (representative) to business-driven (no civil society participation needed) and, thus, undermine its main objective to advance dialogue amongst all stakeholders and (re)build the acceptability of the mining industry. This also highlights the extent to which the MSI was designed to accommodate industry participation and objectives, as demonstrated by its silence over ongoing conflicts, emphasis on voluntariness and re-negotiations of the stringency of its standards.

In Chile, the initiative became more like an embedded form of CSR or what Matten and Moon (2020) call ‘implicitization’, meaning that instead of explicit voluntary activities by companies, there was an effort to codify the process into a law-like institution. However, the MSI has not been implemented to date. With a change of government and priorities, the initiative has become buried in parliamentary discussions and not advanced by current political leaders. Thus, the aims for governmental orchestration have changed – or disappeared. This development illustrates the political volatility of state engagement and how embedding initiatives into the existing political and institutional environment is both important and somewhat risky.

In both cases, the state’s withdrawal also marked the end of orchestration, as the governmental support ended both politically and financially for the initiatives. The initiatives were still embedded in their socio-political contexts and involved some public authorities (Finland) or were incorporated into initiatives for legal changes (Chile).

7.4.3 State in MSI

The perceptions and expectations towards the state as an actor in general and in relation to mining governance, transfers to the roles and expectations it takes on within the MSI.

The different roles and expectations ascribed to state actors outside the MSI were prominently as the balancer of interests. For example, most interviewees viewed the final decisions in mining conflicts are always *political*, in that those are value-decisions, and therefore for the government and parliament to make. This political nature of the decision-making is partly embedded in the governance systems where final decisions come from political committees (Chile) or the government (particular cases in Finland). At the *administrative* level, the balancing occurs between differencing views of ministries and agencies. Whereas the Ministry of Mining (Chile) or Economy and Employment (Finland) saw voluntary standards and guidelines as the proper way forward, Ministries of Environment in both countries called for stricter environmental regulation and more resources for monitoring. In both countries, the NGOs perceived the mining-related state agencies as pro-industrial and as advancing mining at almost any expense, which was also why courts were used for appeals by civil society actors. Indeed, this alignment of interests partly reflects the different influencing mechanisms employed by industry and civil society organisations (CSOs). Whereas companies and industry associations direct their efforts and resources to political lobbies and to influence *law-making* in particular, civil society actors, who had less resources and political power to lobby, concentrated more on influencing the *interpretation of laws* through court cases.

These different roles taken, performed and expected by public regulative bodies were transferred partially into the MSI (see figure 3). Firstly, both governments took a strong *political* role by orchestrating MSI through agenda-setting, facilitation and financing as explained above. The conflicts were high profile, which prompted a political reaction and the need to reframe mining as sustainable. The prime minister and president of the respective countries promoted an agenda for sustainable mining, which included founding a special MSI that would enhance dialogue and communication to resolve the conflicts. In both countries, the governments funded the two-year founding period and contracted a state agency to facilitate the delivery process. In practise, this meant that the formulation of the initiative was conducted under the direction of a particular agency (Sitra in Finland, Valor Minero in Chile), together with industry, state and civil society

participants. This type of governmental action is quite common in enhancing the sustainable behaviour of corporations (Gond et al., 2011; Knudsen & Brown, 2014).

Secondly, the MSIs were likened to performing the state's role when their *administrative* structure was described. In Finland, the interviewees explained that the MSI's decision-making was similar to the consensus principle of law-making. In Chile, it was more tangible in terms of a final plan that included state agency in a similar way to the Superintendent of Environment and a role for the environmental courts in the mediation process. Thus, the outcome highly resembled state regulation, though, by industry demand, it was proposed as a voluntary process. The Chilean MSI itself had a perception of being like state, an impartial, as one of the leaders explained:

“We as an entity -- guarantee the quality of life and development of communities, as well as those projects that is developed there. More than impartial, we are multi-partial.”

Insert Figure 3 about here.

Thirdly, there was a strong expectation that the state would serve as the balancer or mediator of interest and act as a *judicial* decision-maker between the interested parties. This expectation was stronger within the Chilean MSI due partly to the MSI's closer association with the state.

“So the idea of a third actor that won't favour one or the other and that has the obligation to protect the environment and protect the people and also to develop the country – if there is no binding agreements on this, it doesn't make any sense for communities to be part of this. And who can make it binding? It is the state.” (Chilean MSI representative)

This was not only a demand from the civil society side but also the industry representatives voiced similar expectations:

“The state has to make the rules clear for all. They can develop, but they have to be clear. Where are the boundaries of rights of communities? What companies can and cannot do. What communities can and cannot do. It has to be a playing field with clear rules. I think this is what all the companies want.” (Chilean company representative)

These comments partly reflect the successful court cases started by NGOs and communities that effectively stripped some mining projects of their licenses. Here, the call for state involvement from industry refers to the state's political side, the government.

In the Finnish case, this role of the ‘balancer of interests’ was ascribed more frequently to the state in general. However, for some NGOs, the moment when state facilitation was over and the MSI gained independence (and became an industry-voluntary practice) was the definitive moment to leave the initiative. Some interviewees expressed the idea that under state facilitation, the MSI was more neutral or balanced, whereas the state’s departure would lead to co-optation. Hence, two major stakeholder groups left the initiative when the facilitation period was over:

“We participated in it as long as it was a ministry project, but when it transformed under the industry association, we did not want to be part of it.” (Stakeholder representative)

There is a clear difference between the two cases regarding how strong the state’s role is. In Chile, the administrative and judicial parts of the MSI became strongly linked to the state; however, the loss of political endorsement has now stalled the implementation. In Finland, the state involvement was strong at the beginning in all three levels, but in the outcome, it remained almost non-existent. The government’s active role, taken directly and indirectly through intermediaries, in the first stages of the MSI lifecycle enabled some common issues attached to these phases to be overcome, such as failing or stalling because of the participants’ conflictive interests (Roloff, 2008; Zeyen et al., 2014). The state’s “balancer of interests” role functioned as a security for participants, and the intermediaries were trusted to manage any conflict of interests. However, the state’s active role, while facilitating the MSIs’ beginnings, had consequences for their later evolution both in terms of resources and ownership of the initiatives.

7.4.4 The state and dynamics of participation in MSIs

The state’s participation in the MSI design phase can offer additional balance or security for participants during this highly political and delicate stage (Zeyen et al., 2014). Consequently, taking this role out of the equation causes power imbalances, which influence the future of the initiative (Roloff, 2008). The prestige of high-level political participation and the agenda set by the respective president and prime minister provided a motivation to be involved in the MSI for many civil society organisations and stakeholders in both countries. In Finland, the overall aim of the MSI was deemed positive and participation was considered a genuine opportunity to influence the outcomes. For NGOs, the interest lay in the possibility of making quicker changes and

advancing more detailed requirements through the MSI than through long-term legal revisions, as suggested below:

“That nature conservation areas are no-go zones and Sami homeland is no-go zone, that in a way we got [issues in] that some actors said that’s fine, if you want to be really responsible, so then you would not go there. So we had restrictions that are tighter than law, but then there is the interpretation and what if the company is B or C level [instead of A, the highest].” (NGO representative)

However, as the MSI developed, it became independent and detached from the state. Progress in implementing the agreed standard seemed to be very slow, and the NGO members started to question the value of the time and effort put into it. As an NGO member explained:

“Even if there is a really bad case, the network does not take a stance...so we do have members who have asked why this network was founded and does it really make sense to be part of it, given that there has been all this illegal action by [company X] and that it’s appalling that they are part of this network.”

Furthermore, the NGOs were frustrated that the MSI network could not take a stance on ongoing conflicts or irresponsible corporate action because of its neutrality principle.

In Chile, civil society participation in the MSI was restricted from beginning to high-level national associations, such as the workers union, universities and civil society organisations. As one of the MSI personnel described, ‘There was a diversity present without too extreme positions’. The model was such that the consultants who were hired to design the system then organised meetings, consultations and interviews with a wider group of civil society members and NGOs.

While the both MSIs were state-led, the civil society and industry members were motivated to participate due to the importance of the activity – defining the rules. For industry, it was important to influence the outcome of the negotiation purely from the perspective of utilitarian-interest preservation, and participation offered the possibility to advance voluntary regulation as a solution for conflicts instead of more stringent laws. In Chile, the motivation also related to the highly conflictive situation and multiple court cases that were stalling investments and mining projects. The most notable of these were the Barrick Gold Pascua Lama project, in which the company had omitted information in its environmental license application, and Goldcorp’s El Morro project, for which the license was denied twice because of lack of consultation with local indigenous people.

The court cases, together with falling market prices, created a sense of urgency for the companies to do something. As illustrated by the following comment:

“Yeah, well, the thing is that many companies have learned. Hard way mostly but have learned. Some years ago, they were kind of lost in this work. ‘I know have to do it, I’ve tried to do it. But I’m not doing right because it’s not working’. So they came to us and said okay tell us how to do this, help us do it, let’s build this particular proposal.” (MSI personnel)

In Finland, the main motivation for industry participation was repairing the image and strengthening the acceptability of mining by driving voluntary regulation forward. The mining companies have been very active in the network since its beginning, and the emphasis on voluntariness was important for them to the extent that they were concerned that the standards would eventually become requirements, for example, for permits.

Furthermore, the MSIs was well facilitated and financed and only required attending meetings with other members, and most participants felt that some advances were made on their interest issues. However, the commitment was weak, and participants evaluated their membership mostly from a common utilitarian perspective. Thus, when the MSI became too weak and lax, the CSOs left; conversely, when it seemed to become too strict and resembling hard-law regulation, the industry stopped supporting it. The latter is demonstrated by the Chilean case in which initial support by industry faltered as the process proceeded and its modality started to resemble a binding regulation, which surprised the companies. The change to a more economically liberal government also seemed to turn the tide against the initiative and diminish the state’s role. As an interviewee in a governmental agency observed:

The vision of the government is pro-investment, and this is very clear in their policies. Therefore, they don’t see the problem being a lack of dialogue but more the bureaucracy and how to decrease it.

7.5 DISCUSSION

Bringing the state back in MOS means that we need to understand the multiple mechanisms and nuances of how public governing influences private governance. This paper makes three contributions. Firstly, it adds to previous theorisation on the institutional embeddedness of private governance (Bartley, 2011; Cashore et al., 2021), by explaining *how* that embeddedness in historico-political and regulative factors informs the diagnosis of the situation and therefore also the type of regulation needed. Secondly, it theorises on the institutional embeddedness (Campbell, 2007; Matten & Moon, 2008) transfers some of the roles and expectations towards the state into the MSI. Thirdly, the paper contributes to orchestration literature (Abbott et al., 2015; Henriksen & Ponte, 2018) by elaborating on how orchestration changes through time and how the end of the orchestration influences the MSI.

7.5.1 Strong regulative environment promotes voluntary initiatives

The governance solutions designed depend greatly on what is perceived as the problem, in this case as not only how to ease the conflicts but also why they occur i.e. what is the ‘governance gap’ that needs to be filled. In a country with a strong regulative environment, the Nordic welfare state of Finland, the MSI was developed as voluntary and independent from traditional regulation. Whereas in a weak regulative environment, neoliberal Chile as a regulative state, the MSI was developed as more binding. In the first instance, the MSI represents *co-regulation* built alongside the existing legal regulation as an add-on to enhance dialogue; its aim is to finetune law-based governance and to reflect the heterogeneity of the issues (Hooghe & Marks, 2003). In the second case, the MSI takes a more *substitutive/transformational* form of existing regulation and plays the classical gap-filling role (though with more state presence than is traditionally assumed in political CSR literature, for example Scherer et al., 2016).

These findings are partly contrary to previous research, which suggest that a low or weak regulative setting motivates voluntary initiatives and that strong regulation does not (Prakash & Potoski, 2012) or that welfare states deploy more mandated CSR measures while regulatory states opt for voluntariness (Brejnholt, Rintamaki, Schnyder, & Svystunova, 2020). Rather, in this study, the strong welfare state promotes purely voluntary initiatives, whereas in the low regulation context, the aim is to develop an MSI that resembles law. This relationship between the regulative environment and the type of initiative illustrates what Matten and Moon (2020) call the processes

of ‘explicitization’ and ‘implicitization’ – that is, a process by which expectations for corporate behaviour and CSR either become codified and regulated by law or directly manifested as voluntary engagement, for example, in the form of an MSI. Interestingly, Chile, as one of the most neoliberal countries in the world, illustrates here the ‘US-type of explicit CSR’ (Matten & Moon, 2008), where the use of hard law has augmented in the last decade (for example, in environmental regulation), and the MSI has been formulated towards becoming binding and part of state regulation, i.e. implicitization. Finland on the other hand represents the Nordic implicit CSR and yet the MSI follows a very explicit CSR discourse and praxis.

Governments or regulators define the legal expectations for responsible business behaviour, and those rules partly inform societal expectations towards business (Matten & Moon, 2020). However, societal expectations also influence governments through the need for democratic legitimacy. Indeed, high-profile conflicts in both Finland and Chile were legitimacy crises for both industry and the regulator and underlined the gaps in the governance regimes. Civil society criticized the government’s failures to regulate and monitor as much as corporations’ irresponsible behaviour’. Thus, the MSIs were built to repair the legitimacy not only of mining but also partly of regulators (Fuchs, Kalfagianni, & Havinga, 2011)

7.5.2 Balancing the interests - How state is transferred into the MSI

While previous literature has acknowledged that all governance forms are embedded in their institutional contexts (Knudsen & Moon, 2017b) which also influence the enforcement of private regulation (R. M. Locke et al., 2013), *how* that institutional embeddedness impacts the MSIs has not been clear. Here I theorize the ways in which embeddedness informs the expectations towards the state, and how the multiple spheres of statehood are transferred into the MSI through *orchestration, enactment* and *expectations*. I will explain the changing forms of political orchestration, and its’ function in the next section, but first I will unfold how the administrative and judicial spheres transfers into MSIs to redirect pressures from official permit and court systems to these multi-stakeholder configurations.

On administrative level, MSI performs similar decision-making processes to the state enhancing credibility and reflecting the democratic legitimacy of the state (Fuchs et al., 2011). This meant emphasising impartiality, inclusion, and balanced and consensus-based decisions-making. The

principles were the same although the outcome of the MSI design varied. The redirection of some of the activities like early participation mechanism was aimed to ease the pressure on the permitting and Environmental Impact Assessment (EIA) processes. Especially in Chile, the idea in the design of the MSI was to correct some of the administrative failures in the EIA process of the early participation, in Finland the MSI provided tools for post-permit communication.

On judicial level, MSI takes on the state's role through expectations that it acts as a balancer of interests and secures neutral, court-like decision-making. Indeed, governments often try to balance in between contradictory demands from civil society and industries. While the governments are often seen as supporting the power of elites, courts and judicial system supports the citizens' rights. As the state can both protect the right of citizens (Bartley, 2011) and businesses, and steer the rights of other participants (Olsen, 2016) in and outside of the MSI, it gives it a unique role in the MSIs. At judicial level the redirection aimed at mediating conflicts before they go to court. This was very important element in the Chilean MSI, which had a separate element for this mediation and arbitration part. In Finland the aim was more to create tools to prevent conflicts, not mediate them. In both countries the one of aims for the MSIs was to diminish the conflicts hindering industrial development, and take pressure (and power) off from the courts.

While these transfers of 'stateness' create more legitimacy for the MSI, they also serve to redirect pressure and responsibility from governments, agencies and courts to the MSI. Thus, many power struggles from the law-making (political) sphere and courts (judicial sphere) are transferred to or permeate MSI negotiations. Paradoxically, the state is seen to be a balancer of these interests, but it simultaneously also invites and intensifies the interest struggles in the MSIs. If the MSI process fails, lobbying by industry and civil society reverts to 'old ways' – efforts to influence law-making and law interpretation – as the MSI is no longer the 'central' institution in governance.

7.5.3 Changing forms of political orchestration

The first level of transfer of the statehood is on the political level of orchestration. As explained earlier there was a high-level political involvement that gradually faded with the diminishing issue visibility and attention. The founding of the MSI served as a political response to crises and aimed to redirect pressures that followed. Orchestration literature has broadened our understanding of how state actors and governments can influence private governance, including MSIs, through

agenda-setting, facilitation, enrolment and mandating (Abbott et al., 2015; Eberlein, 2019). The current study confirms previous findings that governments can and do initiate MSIs for instrumental reasons, and can act as founders and facilitators of MSIs. State power in these interactions is not only about the coercive ability to enforce regulations, or threatening to do so, but also includes more nuanced understandings and expectations, and added political legitimacy and resources. The private forms of governance were developed as quick responses to re-legitimise the industry, as law-making and regulatory changes are often resource-consuming and lengthy processes (Hooghe & Marks, 2003). Changing legitimacy imperatives, such as re-legitimising mining as sustainable, create a need for a new layer of governance, where government functions as founder of sustainability MSI.

This paper advances prior notions of orchestration by introducing a new dynamic, *withdrawal*, to the governance interactions and highlighting the evolving nature of the state–MSI relationship. Orchestration as a government strategy is changing and time-bound, informed by socio-political factors, power struggles, and issue visibility. Therefore, it also has an ending. Here, I build on this notion of orchestration as temporal and changing to illustrate how withdrawal influences the organisational power (im)balance and motivations for participation in the MSI. CSR policies are often adopted to solve various policy problems and simultaneously to reflect the institutional legacies of the adopting country (Knudsen & Brown, 2014). These cases show a level of isomorphism in governmental policies and orchestration strategies. Yet the outcomes are also informed by the institutional landscape, where the type of conflicts and diagnosis of the situation are informed by the countries’ differing socio-political legacies, resulting in different MSI designs despite very similar government strategies.

7.6 CONCLUSIONS

This paper has advanced current understandings of MSIs and private governance both as embedded in the institutional context, and as objects of government strategies through orchestration. Whereas the institutional environment includes legal environments, cultural norms and expectations, the latter represents political interactions between lobbying and orchestration. Furthermore, this study

has examined how the three spheres of state – political, administrative and judicial – are transferred to the MSI when states are an integral part of its constellation.

This research has certain limitations, with the national contexts being the most obvious. While it is fruitful to investigate how public and private actors collaborate in and compete over governance solutions in a particular field and country, future research should investigate whether multiple states can cooperate in steering MSIs and develop collaborations and whether they differ from international hard law agreements. Another possibility is to examine more deeply the political struggles behind orchestration in different environments, and how to improve accountability of the MSIs by linking them to external jurisdictions and creating new forms of hybrid governance.

Table 6: Membership in the MSIs

	Sustainable mining network	Dialogo Territorial (members of board)
<i>Private sector</i>	FinnMinn (represented by Agnico Eagle Finland Oy, Anglo American Exploration, Boliden Kevitsa Oy and Yara)	Consejo Minero (industry association)
	Association of Finnish Steel and Metal Producers	SONAMI (industry association)
		Consejo Políticas de Infraestructura (industry association)
		Chilean Association of Power Generators
<i>State actors</i>	Tesi (state-owned investment company)	Minister of Environment
	<i>Sitra (Finnish Innovation Fund)</i>	Minister of Mining
	Association of Finnish municipalities	Minister of Energy
	Regional Council of Lapland	VP of Corfo (State development agency)
	State forest management	
<i>Civil society</i>	Industrial union (mining labour union)	Escuela de Líderes Sociales de Renca (community leadership school)
	The Central Union of Agricultural Producers and Forest Owners	Federación de Trabajadores del Cobre (trade union)
	Reindeer Herders' association	Junto al Barrio (citizen participation org)
	The Finnish Association for Nature Conservation (FANC)	Association of Chilean municipalities
	World Wildlife Fund (WWF) Finland	Universidad de Dessarrollo (the dean of school of government)

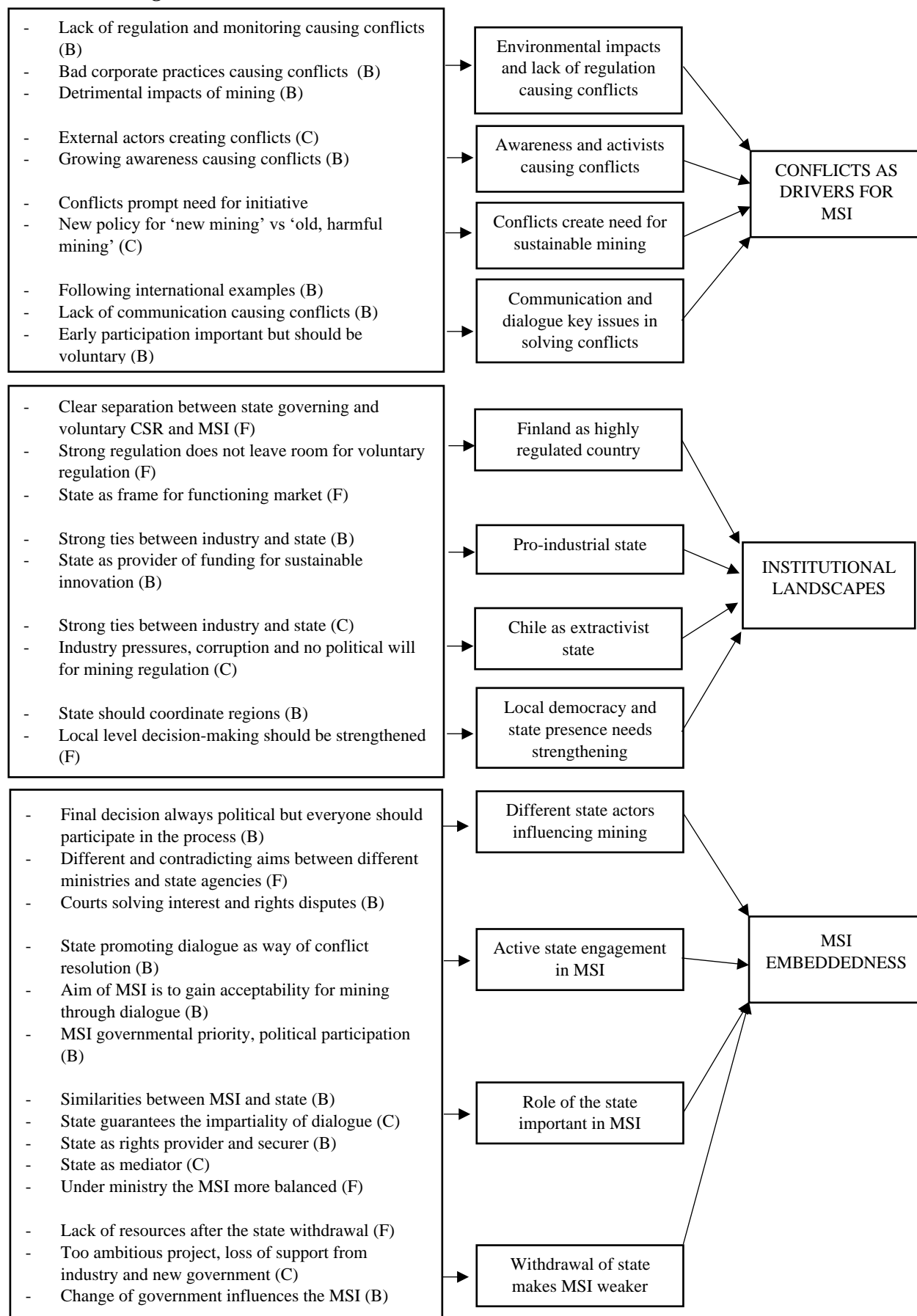
Table 7: List of data for article 2

type of data	collected	Themes of the interviews
19 key interviews with Industry associations, public authorities, public-private programs and NGOs	Interviews were done in Chile November–December 2015 and April 2016	What people understood by responsibility and sustainability and how this related to their work; How had mining (regulation, environment) developed during last decade or so; What they saw as the biggest challenges for mining in future; The reasons for the conflicts occurring etc.
19 key interviews with Public authorities, Regional authorities: government programmes, Industry and NGOs	Interviews were done in Finland during 2015–2016 (several occasions)	same as above
10 key informant interviews of people/organizations that are or were part of founding the Sustainable mining network, or have decided to stay outside of it.	Interviews were done in Finland during February 2019	The founding and the participation in Network; who are allies and ability to promote own views within; the mining conflicts and their views on the possibilities to mitigate or prevent them; the functioning of dialogue as method and view on the voluntary measures and those required by law
10 key informant interviews with PPP platforms, NGOs, and companies	Interviews were done in Chile during June 2019	same as above
Textual materials: government policies, industry guidelines, corporate reports, founding documents and policies for sustainable networks and media materials	gathered throughout 2015–2019	N/A

Table 8: Historical trajectory of mining and the emergence of the initiatives

	<i>History of mining</i>	<i>The Boom</i>	<i>Conflicts arise</i>	<i>Political responses (pre-initiative phase)</i>	<i>Formulation of the MSIs</i>	<i>Implementation</i>	<i>Stalling initiatives</i>
FINLAND	Long history of mining, but industry almost ceased to exist in mid- 90s. Regulative framework outdated when the boom started.	Extraction of metal ores increased six-fold from 2006 to 2016 and 9 new mines were opened after 2006 (80% of current mines)	2012 Talvivaara as the biggest environmental disaster and conflict. Strong national level conflict and discussion. Also smaller disputes emerging.	2012 four ministers create three-partite round-table discussions to ease the conflictive situation. State research fund (Sitra) facilitating discussions. Outcome: Sustainable mining policy and the network creation.	State facilitated and financed standard creation through intermediary organisation Sitra. Aim to promote dialogue, communication, and local acceptance through voluntary means.	Facilitation period over, State withdraws from the Network. Some public organisations participants. Slow progress in implementing the standards, some NGOs leave the Network	The future of the initiative unsure. CSO members hesitant of the participation. Losing main NGOs would change the initiative
CHILE	Long history of mining, very lax regulation and mining granted a special position in law (deriving from Pinochet era)	The revenue of mining exports increased five-fold during 2000 – 2013, the investments rose six-fold from 2006 to 2013	The rise of conflict cases from 3 to 25 from 2000 to 2015. Most significant cases Pascua Lama (Barrick Gold) and Pelambres (Antofagasta Minerals)	2014 President Bachelet set up a working group consisting of representatives from the state, industry and civil society to ease the conflicts and secure copper production. This initiative produces the report and agenda “Mining – a platform for Chile’s future”. One feature is founding of Valor Minero	Valor minero founded an Initiative to create an agency to facilitate and certificate dialogue processes that is governed by the state, industry and civil society together and is connected to EIAs. Multi-stakeholder directive board and 5 consultancies hired to design the different aspects of the process.	The initiative stuck in parliament, new government by Piñera does not support it. Some aspects of the initiative is pushed forward as part of legal changes to EIA and through legal practises.	The initiative is buried, Valor minero is merged into another innovation fund, government has launched new initiatives to lessen bureaucracy and MNCs continue their heterodox dialogue practises

Table 9: Coding structure

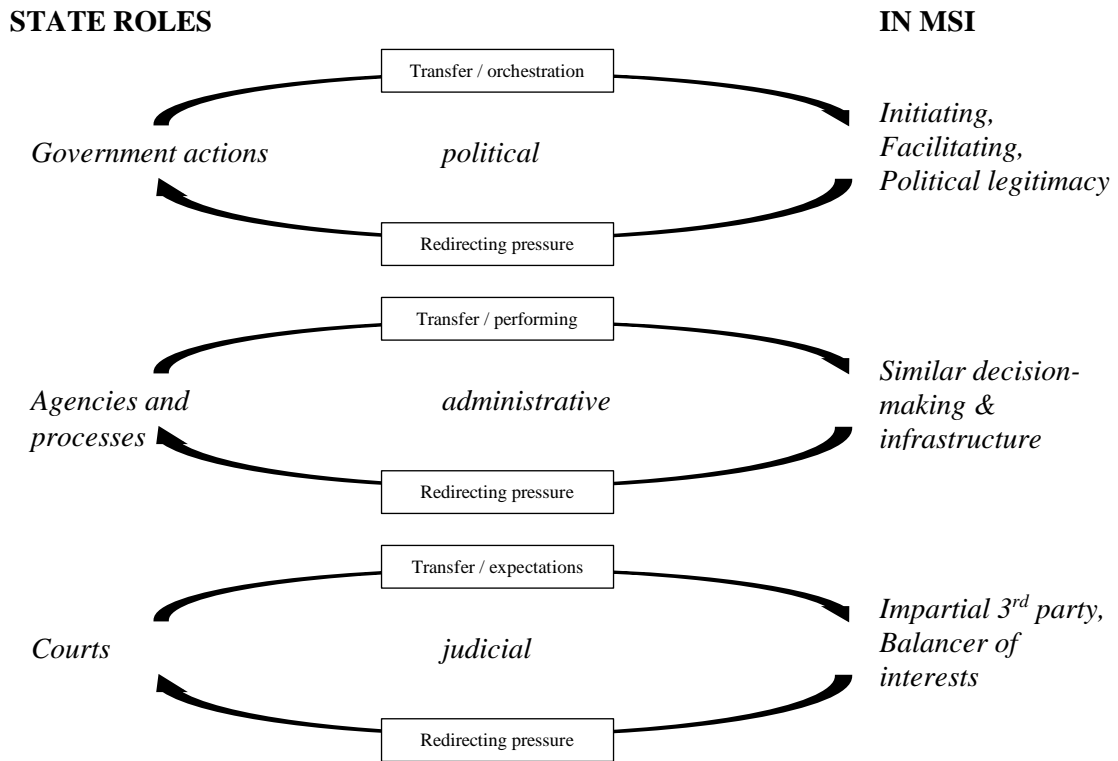


F= Finland, C=Chile, B=both

Table 10: institutional environment and type of conflict influencing MSI

<i>Institutional environment</i>	<i>Type of conflicts</i>	<i>Meaning of Dialogue</i>	<i>MSI outcome</i>	<i>Regulation type</i>
<i>Highly regulated (Finland)</i>	Over legitimacy of mining, increasing opposition on particular projects	Open communication to address wrong perceptions	Voluntary standards, no state presence	Co-regulation, additional
<i>Lax regulation (Chile)</i>	Over legality of mining projects, court cases	Negotiation and mediation over different interests	Half voluntary, half binding process, state part	Substitutive and transformative regulation

Figure 4. Transfer of state roles into MSI



8. ARTICLE 3: THE MINE OR THE MIRE - MOBILISING PLACE AND IDENTITY IN RESOURCE STRUGGLES

8.1 INTRODUCTION

Corporate–community relations in mining have been researched extensively, both in western localities (Holley & Mitcham, 2016; Kemp, 2010; Owen & Kemp, 2013; Prno & Slocombe, 2012) and developing country contexts (Amos, 2018; D. H. Bebbington & Bebbington, 2012; Hamann, 2019). The research has explored, on the one hand, the best strategies for stakeholder engagement (Yakovleva & Vazquez-Brust, 2012), questions of local legitimacy (Gifford, Kestler, & Anand, 2010) and the contribution of mining to sustainable development (O’Faircheallaigh, 2015; Owen & Kemp, 2013). On the other hand, there are a multitude of accounts on the adverse effects of mining on social and natural environments (Haarstad, 2012; Kirsch, 2014; Rajak, 2008) and subsequent conflicts whereby communities have defended their lands and way of living (Banerjee, 2018; Conde, 2017). In mining, corporate–community dialogue is engaged in to obtain local acceptance or the so-called social licence. Consequently, with the growing number of mining conflicts, the ideas of consultation and participation together with corporate responsibility and sustainable development frames have become the lingua franca of mining conflict resolution.

The natural resource conflicts arise from competing and incompatible land uses, future development trajectories and different worldviews, often threatening local indigenous and non-indigenous livelihoods and cultures. These are not necessarily solved through CSR and dialogue. Mining is a tangible, destructive and material praxis that changes landscapes and land-uses permanently. This materiality of mining connects the local struggles over the futures of the people living in the place (Gieryn, 2000) to the global geographies of extraction (Barenholdt & Granas, 2008). The physical geography of extraction constructs place as a central feature of the struggles, and enables local communities to mobilise their place-based identities, for example, through enhancing collective identity, local knowledge and rights (Haarstad, 2012). The identities are (trans)formed in social and political processes of place-making, which in turn shape these identities and enable resistance (Gupta & Ferguson, 1997). The dialogue processes represent an arena where this (re)negotiation is ongoing. While previous studies have examined place as source of identity and meanings (Howard-Grenville, Metzger, & Meyer, 2013), and spaces for organisational

resistance (Courpasson, Dany, & Delbridge, 2017), this research investigates how place becomes a central point of contention and a power resource that is mobilised in corporate–community relations.

By taking a post-Gramscian approach, I explore how different forms of power and dissent are performed in and outside of dialogue processes. This enables connecting the micro-level social practices to the wider hegemonic struggles by analysing how different discourses come about and are challenged (Jorgensen & Phillips, 2002). These dialogue processes are viewed both as CSR practice that aims to reinforce hegemonic power relations and manage opposition, and as an arena for struggle that opens possibilities for counter-hegemonic activities. The specific research question is: *How is place and place-basedness mobilised in the processes of managing dissensus and contesting hegemony in corporate–community relations?* The empirical case for studying this is provided by Anglo American mining project *Sakatti* in the municipality of Sodankylä, northern Finland, where I have gathered data through participant-observations, interviews and collection of media materials and reports. The place is an EU Natura protection land, a home for reindeer and reindeer herders, and the location of world-class ore deposits.

The findings show how hegemony is produced in the dialogues through mechanisms of remaking and engaging with the place, whereas dissensus is managed through denial of proximity, control of information and individualising opposition. Counter-hegemonic groups draw from alternative visions and grand discourses of nature protection attaching harm to the mine. In the dialogues, place-basedness and proximity become the most important signifiers through which (de)legitimisation work is carried out by using mechanisms of *attachment* and *detachment*. The findings contribute to our understanding of the boundaries of dialogues and the power of place in a non-organisational context by theorising on the symbolic, material and discursive mobilisations of place in natural resource struggles.

8.2 PLACE, IDENTITY AND POWER

Place is a three-dimensional concept, it is a geographical location, a material form, and it is imbued with meanings and values (Gieryn, 2000). Places have histories, they are part of our

memories and can provide a part of identity (ibid.). Indeed, the longer we live in a place the more we are attached to it. Places are continuously made and reproduced both materially and socially through interpretations and meanings (Gieryn, 2000). This socially constructed nature of place signifies that multiple and contradictory spaces might exist within the same physical location (Richardson & Jensen, 2003). The places are (re)produced through use of knowledge attribution (Lefebvre's concept of *savoir* as a combination of information and ideology), and by socio-spatial practices of attaching cultural and symbolic meanings and identities to it (ibid.). Indeed, places are relational, and part of broader power geometries of globalisation, and thus often a site for political and economic action and struggles over desired meanings (Barenholdt & Granas, 2008). In mining, this is illustrated by the global political economy of extraction being localised in the struggles over futures of these places.

The spatial aspect in organisation theory has emphasised how organisations are spatially configured in places and performed through space-writing, i.e. material uses of space (Beyes & Holt, 2020). The research on the significance of place has investigated its role for identity formation (Howard-Grenville et al., 2013) and examined how people interact with material forms to shape, stabilise and institutionalise their meaning of a place (Jones, Lee, & Lee, 2019). The interaction of place – or space – and identities have been researched in relation to work, i.e. how organisational spaces influence worker identities and practices (Katila, Laine, & Parkkari, 2019), or how places as geographical regions can shape entrepreneurial identities and how they, in turn, engage in place-making (Gill & Larson, 2014). Courpasson and co-authors (2017) have also pointed out how places are meaningful for resistance and how an ability to appropriate and reconstruct place enhances middle managers' ability to resist managerial policies. Indeed, most of this research has centred on the interaction between the place/space and the organisation. However, in this article I explore place as a site of struggle and a source of identity and power in a non-organisational context, and examine the competing narratives of place and how place-based identities are mobilised in corporate–community relations.

For the local community, place can provide a strong identity that they can mobilise in struggles over land use and their futures (Haarstad & Campero, 2012). Previous research has also noted how a collective or group identity can motivate and enable action, for example, in the form of stakeholder activism (Arenas, Murphy, & Jáuregui, 2020). As the places are made through

embodied social and political processes which shape the identities (Gupta & Ferguson, 1997), these place-based identities become important factors influencing the ability for communities to resist (Avcı & Fernández-Salvador, 2016). The place-based practices and meanings are foundational for production of collective identities and political action (Escobar, 1999). The processes of place-making or place enactments include the materiality, politics of nature and imaginations (Barenholdt & Granas, 2008). For example, Peterson (2015) notes Australian Aboriginals have a strong shared identity based on their connection to the ancestral state, and although they are displaced from their lands, this place-based identity can be activated to make claims or to oppose mining. These place-based identities can function as a basis for narratives that revalorise culture, enable mobilisation and build cohesiveness within the group. Drawing from different value systems, these local narratives can offer an alternative to the hegemonic model of development and make a compelling argument against mining (Conde & Le Billon, 2017).

However, in my research place and identity are neither fixed nor ingroup features. Rather place-based identities are plural, and can be a resource for differing aims and mobilisations. Similar to the concept of community, but broader, the place-base identity is tied to the land and its materiality. In corporate–community dialogues places are socially reproduced with contested political and economic positions. Place becomes an important theme in the dialogues given the ecological, social and cultural impacts of mining, which are often negative the nearer one is to the location of the mine. Not having acceptance – or social licence – from locals might cause severe delays for the mining projects. Therefore, place and locality is also important for the company. Furthermore, it is not only the place itself but the social, geographical and physical proximity to the place that is a salient feature for legitimising/delegitimising stakeholder groups (Lähdesmäki et al., 2017) and thus an important signifier in the struggles on the future of the place.

8.3 CORPORATE–COMMUNITY DIALOGUE AS HEGEMONIC PRACTICE

In mining, dialogue is a central method for community engagement with the aim of gaining local acceptance (Maher, 2018), and social licence to operate (SLO). Previous research has concluded that lack of engagement and participation are the main reasons why communities resist mining (Conde, 2017). However, companies can co-opt resistance through these dialogues (Furnaro,

2019), manipulate for desired outcomes (Maher, 2018), and communities can boycott the dialogues if they are perceived to be biased (Conde & Le Billon, 2017). The tendency of these different forms of dialogue to measure success by the absence of conflict is problematic (Blowfield, 2005a). Indeed, dialogue is the weapon of the powerful, and the consensus it produces might not be possible nor desirable for some stakeholders (Banerjee, 2018). It might limit the space for public debate, legitimise corporate behaviour (Moog et al., 2015), anticipate social resistance (Fougère & Solitander, 2019), and exclude “wrong” opinions or too “radical” groups (Conde & Le Billon, 2017). Consequently, the hegemonic structures, politico-economic contexts and power differences render the consensus partial at best, and therefore, the relationships between dialogic partners are often better described as ongoing contestation and accommodation (Levy et al., 2016).

Recent research has acknowledged the limitations of consensus-seeking in deliberative forms of management, and proposed integrating an agonist pluralistic perspective to better account for the opposing and, at times, irreconcilable views in dialogue processes such as: agonistic deliberation (Brand et al., 2019), a contestatory deliberative approach (Arenas, Albareda, et al., 2020), and agonistic CSR (Dawkins, 2015). These perspectives, while calling for more pluralistic voices to be included, maintain the principles of deliberation. Dissensus is a more radical perspective that calls for reordering the rules and processes of dialogue. The difference is described by Barthold and Bloom (2020, p. 678) as one where “agonism denaturalizes organizational power through promoting greater disagreement and therefore pluralism. Dissensus engages in a more radical form of denaturalization through putting fundamentally into question dominant organizational discourses and identities”. In corporate–community relations this difference could be described as one between an ability to voice discontent, and an ability to reverse hegemonic values and decision-making structures.

In this article, I use the Gramscian notion of power, hegemony and counter-hegemony to unearth the dynamics between those who support the mine (and broader extractivist ideas) and those who oppose it based on values and discourses around nature. Hegemony denotes a specific and dominating social order or a, what Gramsci called, “historical block” that rests on societal, economic and ideological power structures (Gramsci, 1971). This domination is, however, not stable but contingent, and therefore needs maintaining and can be also challenged by counter-hegemonic forces (Levy & Egan, 2003). In the post-Gramscian discourse theory, hegemony is

represented by processes and powers used to maintain or oppose political discourse or political community, and which are the result of political articulation and action (Laclau & Mouffe, 1985; Palonen, 2006). The aim of the research is to explore how meanings are attached, similarities and differences produced, and identities created in these power struggles (Jorgensen & Phillips, 2002). It allows us to unearth the power relations within these dialogue processes and to explore the possibilities for counter-hegemonic actions by opposing but not rejecting the hegemony (Sorsa, 2013). CSR discourse can itself function as a device for co-optation, and simultaneously represent an arena for contestation by counter-hegemonies (Burchell & Cook, 2013). In this research the dialogue processes represent a hegemonic social practice that has normalised itself as a device for maintaining the political economy of resource extraction. However, particular processes can unlock spaces for counter-hegemonic action, and create new discourses, institutions and practices to challenge the hegemonic power relations (Mouffe, 2005).

Here I propose that the materiality of extraction is bound to the physical location, the place. As that place has multiple uses, users and meanings, and the companies need to gain acceptance for their actions in that place, the place and place-based identities become both a power resource. As noted by Bridge (2013), in natural resource conflicts power is partly constituted by the materiality of nature. Firstly, nature as a resource gives (economic and political) power to the owner of that resource, creating incentives for the struggle over that ownership. Secondly, that same nature can be utilised in multiple ways (as a conservation area, recreational area, for tourism, or industrial exploitation) that, in turn, influence conflict dynamics in the decisions over that use. Thirdly, either for nature or the environment, contradictory meanings are attached (the same nature can be a source of identity or seen as a resource), which are mobilised in the struggles, and finally resource extraction follows the dynamics of centre–periphery or global–local, whereby socio-environmental externalities and monetary gains often fall at opposing ends of the spectrums.

8.4 METHODS AND DATA

8.4.1 Research context – the place

Sakatti is an Anglo American mining project near Sodankylä, northern Finland. The company states it is one of its most important development sites and the deposit has been described as

significant on a global scale and “probably the largest” in Europe. It has announced an open dialogue policy and has invited even those resisting the project to communicate with them and launched an extensive dialogue process to secure its licence to operate. However, there is persistent resistance towards the project. The area where the mine is planned is a reindeer herding zone, belongs to the EU Natura conservation agreement and enjoys special protection under the Finnish Bog Conservation Act (see the Figure 4 map of the planned mining and conservation areas). In principle, under Finnish Law mining is prohibited in such areas. However, the government can give an exemption if the project is deemed nationally important. At the moment, Anglo American is trying to overcome the protection issue by planning an underground mine with vertical tunnels connecting it to facilities outside the protection area. A lot of questions are still open, both legally and technically, and they expect the building phase to start, at the earliest, in 2028.

Sodankylä is a town with a small population (8300 inhabitants) but a large physical space (14 420 square kilometres). It includes the town centre and 35 villages. There has been mining in the Sodankylä area since the mid-1990s when the small gold mine of Pahtavaara was opened. Currently, Pahtavaara is bankrupt and has not been in operation for the past four years. However, in 2012 the Kevitsa copper-nickel mine was opened. It is one of the largest (measured in overall extraction) open pit mines in Finland and employs approximately 350 people. Sodankylä is also the second largest town for reindeer herding, and there are 20 000 reindeer living in Sodankylä that belong to three different cooperatives. According to some 2016 research on impacts and opinions on mining in the Sodankylä region, about two thirds of people for the most accepted mining and one half thought the benefits outweighed the disadvantages (Kuisma & Suopajarvi, 2017). On the other hand, one half also agreed with a statement that economic growth should not take priority over negative environmental impacts (ibid.).

INSERT FIGURE 4 HERE

In essence, the struggle is about the future of the place – the place being Sodankylä municipality and in particular the protected Viiankiaapa mire – and the clash of the narratives between economic growth and the value of the environment. This is highlighted by a dispute in one community

meeting in which both parties agreed on the statement: “We have to be able to live here”. For one person that meant jobs created by mining, and for the other the preservation of nature and trying to fight the sixth mass extinction and climate change. Viiankiaapa is a nature conservation area where people go to calm down and to forage berries. It is a place of one particular reindeer herd. It has double protection through the Finnish Bog Conservation Act and the EU Natura Protection Directive. For the company, it is a place of unique riches in metals as stated by the project leader in *The Guardian*: “The straight-talking Finnish project manager, Jukka Jokela, is enthusiastic about the quality of the metals, including copper, nickel and cobalt, the firm’s drilling rigs have discovered: ‘The quality of the deposit is world class. I’ve been in this business for 40 years and I’ve never seen anything like this’” (Wall, 2019).

8.4.2 Research design and data

In order to delve in and understand the meanings of the place for different groups, this research took an ethnographic approach to data gathering. The ethnographic method is highly suitable for understanding shared values, localised CSR practices, and interactions between people (Bass & Milosevic, 2016). The author has followed the case since 2015, and visited the place several times. The author is also from a nearby town, which enables interpretation and contextualisation of the data in terms of broader historical and cultural developments of the area. It has also enabled building meaningful connections with locals through shared dialect and experiences. Yet, the years lived outside of the place, academic education and active self-reflexivity provide a necessary distance to consider multiple explanations and viewpoints (Bass & Milosevic, 2016).

The main part of the empirical data was gathered during 2019 and 2020. These included participant observation of eight face-to-face stakeholder meetings during spring 2019, with four specialised stakeholder group meetings (reindeer herders, land and water rights owners, environmental protectors and recreational users, and municipality and other livelihoods) and four nearby village meetings (Sattanen, Kersilö, Moskuvaara, Puolakkavaara). These meetings lasted about two hours and detailed notes were made by the author in each of them. There were also informal conversations during and after the meetings with both company employees and participants. These centred on the feelings and experiences of that meeting. Additionally, I interviewed some of the participants after the meetings, face-to-face and over the phone, whereby we would talk about their

perception of the project, whether they felt they were heard and how things changed with the project.

As the meetings were part of the EIA process of the project, I had to follow their schedule which was prolonged. The second phase of stakeholder meetings was done in autumn 2020 during the Covid-19 pandemic. This meant I was not able to attend in person but via Microsoft Teams. Anglo American arranged two meetings with reindeer herders (one with each affected district herd), one with land and water rights owners, one with environmentalists and two with local villages (Sattanen and Moskuvaara). The meetings were organised in Sodankylä with restricted attendance and online participation possibility. I attended five meetings online, and made detailed notes of them. These meetings were also followed by interviews with both stakeholders and company representatives online. Although the online environment creates distance, which can diminish the connection between the researcher and interviewees, having had met and established a connection with the people beforehand helped to overcome the sudden and unexpected changes in the fieldwork. See Table 11 for information on the meetings.

INSERT TABLE 11 HERE

The interviews with key actors included reindeer herders, and villagers of the area, civil society activists, heads of community, and the people working for Anglo American. Some additional non-recorded phone conversations were held with informants and notes were taken both during and afterwards. Some secondary interview data consists of speaking with ministry and state agencies, whereby the topic of Sakatti was only briefly discussed (these interviews were mainly about mining in Finland but not particularly about Sakatti). Furthermore, the data includes the official environmental impact assessment (EIA) documents, including statements against and for the project, and media materials from local and regional newspapers. I also wrote separate field diary notes and some final thoughts after the observation period as initial impressions of the situation, and themes that emerged both from the observation and from some of the interviews.

While all the interviews are recorded and transcribed, the meetings are recorded as fieldnotes. Ethnographic fieldnotes contain often short quotes and the author's points on what was said, but

above all they also go deeper in describing the location and atmosphere (Jarzabkowski, Bednarek, & Lê, 2014). My notes include, for example, the visual materials presented, the location and set-up of the meetings, as well as how friendly the atmosphere was, or whether people seemed to know each other, and above all, how they made connections with the place. The extensive fieldnotes worked as tentative ideas for concept building and theorisation. It was during the first round of meetings when I understood how important the factor of the place (and attachment to it) was, not only for the so-called stakeholders, but also for the company.

8.4.3 Understanding the power of the place

The analysis started with reading through all the materials. By combining the data from fieldnotes to interviews and media data, I created four different groups each with a different type of relationship with the place, and the project. The four groups were the company, the environmentalists, the reindeer herders and the community members. The company with the support of municipal decision-makers represents the extractive hegemony that links the local job creation narratives to the global growth paradigm, and the necessity of extraction for modern, middle-class lifestyles. The company is a provider of employment, economic growth and a lively future for the peripheral area, which has suffered from a declining population for past 20 years. Mining is also one of the key industries for the development of Lapland, according to the regional state agency. The environmentalists and reindeer herders – and to a varying degree the community members – represent the counter-hegemony in that they emphasise the destruction of nature and harm caused by the potential mine to their livelihoods. Their relation to the extractive hegemony varies from antagonistic to agonistic. They don't necessarily oppose all mining but underscore the pristine and protected features of the Viiankiaapa mire and link its protection to the fight against the sixth mass extinction and climate change, and the protection of traditional livelihoods.

Based on the notions from my field diary, I started coding the data roughly into categories of different uses of power (knowledge, openness, control over information, ability to influence), resistance (critique, reactions to critique, veiled resistance), and place and locality (local knowledges, reindeer herding issues, familiarity). I reconstructed the narratives of these different groups on how they themselves relate to the place and what is their perception of the dialogue meetings. Narrative strategy is useful to understand the richness and complexity of the research

setting (Langley, 1999). Table 12 describes the main features of the narratives used by the groups and these are explained in the Findings section. Using a Gramscian approach, I was able to unearth the dynamics between hegemonic and counter-hegemonic discourses, i.e. between those who support the mine (and broader extractivist ideas) and those who oppose it based on values and discourses around nature. Indeed while the hegemony of extraction is normalised through the prominent discourses of jobs and growth, it is vulnerable to claims of harm by counter-hegemonic groups. I identified points of contention and place-making through evaluating excerpts against the knowledge created through participant observation and fieldnotes to verify different discourses and narratives around the place. This type of abductive approach to analysis, whereby going back and forth between conceptual ideals and empirical data, allows for discovery as a basis for theory building (Van Maanen, Sørensen, & Mitchell, 2007).

In the second phase, I went through the data again: examining the history and the attachment of the different groups to the place; what kind of *savoir* (as information and ideology) of place they had and were using; and how they were engaging with the place as part of that *savoir*. By building on the narratives, I was able to position these groups in relation to the Viiankiaapa mire, and also towards each other: how different groups spoke to and about each other, and especially how conflicts were perceived or managed. There were some personal-level antagonistic relations but they were kept for the most part hidden in the official meetings, yet they came to the surface in the interviews and official conversations.

In the final phase, I outlined the strategies to legitimise and delegitimise through the creation of “we and they” groups and the production of similarities and differences, or what Laclau and Mouffe call “chains of equivalence and difference” (Jorgensen & Phillips, 2002). Clear strategies of inclusion and exclusion, and the dualities of proximity–distance/attachment–detachment started to emerge from the data as floating signifiers or nodal points against which positions and claims of legitimacy were evaluated.

INSERT TABLE 12 HERE

8.5 FINDINGS: BUILDING HEGEMONY AND MOBILISING PLACE IN DIALOGUE

Mining companies often regard dialogue as a positive practice, by which they try to include local views and opinions in their operations. For the mining company it is the main device for gaining legitimacy and local acceptance. Anglo American has their own social and environmental assessment tool called Social Way, which aims for “effective engagement with affected communities” and avoiding adverse social impacts. Anglo American has also been very active in the Finnish Sustainable Mining Network from the outset (in 2013). The Network functions as a locus for dialogue at the national level and has published a standard for sustainable mining. Through the Network the company has been able to build connections and legitimacy with civil society groups and other industry associations. They have a policy for openness and dialogue and are regarded as an example of a “good mining company”, as described by a civil society organisation (CSO) interviewee:

“The company has put tenfold more resources to their EIA than any other before. They have employed the whole team of geologist from university, and done mapping of the impacts very systematically. Also the social impacts hearing process is very extensive. Some have been very impressed about their openness ... and doing more than they have to. –some of our people have been extremely impressed by the company and then you have to remind them that yes but it is about mining project and the location [protected bog land]”.

Also, during the interviews, public officials mentioned that the company was doing much more than required by the law, that they had used already about 700 million euros for environmental impact studies, and extensive voluntary dialogue rounds. This was perceived as demonstrating how invested the company was in the project, but also how exemplary it was at “doing things right”. The interviewees did acknowledge that the location of the mining project was “difficult”, or a “problem”, and that also might be the reason behind the extensive resources used by the company. However, that positive image and the significance of the dialogues began to fracture the closer that people were to the location of the planned mine. In a sense, those external to the project (living and working beyond the place) saw value in the dialogue itself and had a positive image of the company, but the views were more critical in Sodankylä, which illustrates the difference between those for whom the place has meaning and those for whom it does not. Although, in comparison to the Kevitsa mine, which has been operating since 2011, the evaluation of Anglo American’s project was also much more positive in the municipality of Sodankylä.

8.5.1 Making a place with a mine – building a “we” and a future for the place

The company recognises the significance of “open and honest dialogue”, which is also seen as a way to win people over. Mining companies are “always visitors” in their locations, and “being from the place” (a local) is a resource, as explained by an interviewee. Indeed, the extensive literature on social licence to operate (Holley & Mitcham, 2016; Owen & Kemp, 2013; Prno & Slocombe, 2012) refers to the importance of local acceptance for successful mining projects.

Anglo American aligns itself with local realities partly by using their local employees in the dialogue meetings. There was always at least one company employee present who was from the place to enhance the “localness” and the sense of the company being part of that place. This also enabled creating links and similarities with the company and the place, what Laclau & Mouffe (1985) call “building the chains of equivalence”. The ability to participate credibly in conversations about how the town and nearby areas had changed throughout years, about the traffic, and about good places for foraging berries, all created trust and a sense of knowledge of the place. The “we-group” was fortified by including locals who were “allies” of the project in the discussions, like: *“tell me Mike, those trees there on the river bench they are about 5m tall, right?”*

In the meetings, the company was *re-making the place* through material means; people were invited to look at and make notes on the maps with different options for the mine. Here people often commented: “here is our house”, “that is his plot”. Also, the company asked people to mark the best options and mark snowmobile routes, engaging them in *“doing the mine”*. The more critical participants also deliberately did not participate in this, as they felt this would mean accepting the new landscape with the mine. The use of illustrative videos presenting different options for the realisation of the mine enhanced the tangibility of the mine and created a sense that it will come about. The presentations of the different options and conversations around them re-created the place as a mining site, subtly influencing the perceptions of people of option zero, that no mine was never present anywhere. As illustrated by this short conversation when looking at the maps: *“The option number one is clearly the most sensible [least impacts] given recreational use and valuable nature of the area”* (person 1), *“Well there is the option zero that would be the best and causes least of impacts”* (person 2). Indeed, when the company asked people to pick the best option, “no mine” was never an option, although officially in the EIA it is.

The illustrative videos of the mine had a double role. They were simultaneously re-creating the place with the mine by visualising the changes in the landscape and how the future would look like, and detaching it from the Viiankiaapa mire by creating a separation between the surface (the protected aapa mire) and the sub-terrain (the mine). This separation was built by using pictures of known monuments like the Eiffel Tower as an illustration of how deep the underground the mine would be. As the head of the project stated in *The Guardian*: “Most of the mining will happen at more than 1km depth. We are not going to destroy Viiankiaapa.” (Wall, 2019). This active detachment from the protected land is important for the company, as in principle no mining should happen in protected lands, as it would require changes in law, and thus possibly presenting an impossible obstacle to the project.

8.5.2 Contesting the connection to the place

“Well here the people who oppose the mine the most, are not from this place.”

One way to react to critique and opposition is to delegitimise it as coming from external actors who don't have any connection to the place. For example, some environmentalists were described as not being from the place, and having their own agendas as opposed to reasonable local people with their connection and best interest for the place. This is quite a common narrative in mining that actively creates a difference between the good locals and the bad NGOs, and other activists, who come from somewhere else to cause trouble. Also the relatively large vote support that the local activist Riikka Karppinen – whose campaign was strongly built opposing the mine and who is the leading figure of the Viiankiaapa movement – got in the parliamentary election was explained by voters outside of the Sodankylä area: *“I don't think she got lot of votes from Sodankylä, they were from elsewhere in Lapland”*.

Lähdesmäki and co-authors (2017) have noted how social and physical proximity increases stakeholder legitimacy in the small and medium-sized enterprise (SME) context; here denial of proximity functions as a mechanism for stakeholder delegitimation. Place-basedness is one of the most important signifiers for the industry receiving the social licence to operate, but it is also

an important factor within the official permitting processes. The creation of “we” and “them”, “ingroups” and “outgroups”, and the creation of distance between the place and the opposing groups, is an effective strategy for denying the legitimacy of the opposition.

“The people who most oppose the mine are not from here. This was the first time that there was a representative from the Lapland section of Nature Conservation Association [national NGO] [who] participated now that it was online, and well it did influence how the session went.” – Company representative

As Laclau and Mouffe (1985) note, these chains of equivalence and difference are central mechanisms for reproducing hegemonies and counter-hegemonies alike. National and regional environmental groups were referred to as having an agenda and being unable to listen. They were a lot more aggressive than the locals in their rhetoric, stating that the company is trying to destroy the mire. The company responded most of the time by referring to all the research and reports they had produced as part of the environmental impact assessment. The discussion became about the relationship between the mine and the mire, and the level of the harm as illustrated by this excerpt from a discussion in a dialogue meeting with the environmentalist group in September 2020:

(NGO rep) – *“You are claiming that there is no significant impact[s] but even minor impact is significant. The explosions and other mining activities will break the bedrock and impact the water balance of the mire as the water runs down the cracks in the bedrock. This will inevitably cause harm to the protected area. It was founded to protect biodiversity and conserve the flora and fauna, and from that perspective this is not acceptable project.”*

(Company rep) – *“Thank you. Yes as you said there are mechanisms that cause variations in the water balance and we are following them and have seen that after exploration they return to normal. But of course we have to put plugs to the wholes and once again it is a question of what are the impacts and how significant they are.”*

8.5.3 Managing dissensus through information control and detachment

As for the local dissensus management, the company’s strategies were different. The locality and connection to the place could not be denied for these groups, thus *detachment* from the mine and the Viiankiaapa mire and *information control* was used instead. As explained above, the company actively detached itself from any harm to the mire. By claiming mining as a separate activity, and the use of best technologies Anglo American was able to also bypass some of the profound critique used by environmentalists whose claims were based on the impacts of the mine for the protection

area. As stated by one of the employees: *“We understand their concern, but we are doing everything we can to not to harm the mire”*.

Furthermore, there were co-optative tendencies to incorporate the relationship with the Viiankiaapa movement as “a critical partner” with whom they have good relations, and downplay the ontological opposition of the project as explained in an interview:

“They want to give the image that this dialogue is somehow working even though we have completely different viewpoint – they ask us every time, many times, if we have anything to ask or add – and it’s so frustrating at times, to keep on repeating that we are absolutely against the mine, that there is nothing they could do better that we would somehow accept the project. The risks and uncertainty are too high”.

In this type of veiling of contestation and building of an image there is next to none opposition that enables the company to preserve its positive image. Their role as the exemplary good mining company cannot be tainted.

The uncertainty and transferring the issue to the future were also a common mechanism used to detach from unfavourable outcomes or discussion. For example, the amount of workforce needed or the loss of area for reindeer herding were both referred to as something: “we are not sure yet” or “needs to be recalculated”. Even in the final impact evaluation for reindeer herding it says that: *“It is very challenging to evaluate the impacts to reindeer herding beforehand as the changes in the environment and behaviour of the reindeer are impossible to predict with certainty, and therefore the real impacts will be seen only after the mining has started”*.

The area hosts two relatively large reindeer herding cooperatives that both have previous experience of changes brought by mining, yet their knowledge although incorporated in the report to an extent, is not sufficiently valid. As explained by one reindeer herder:

“Now they have the data from those collars [radio collars used to track reindeer movements]. We knew already that the reindeer won’t go anywhere near there. We are in the forest every day. We know the animals. But it is better to have this black on white, they believe it better”.

The company also had strict control over what type of information on the impacts or the project will be published. For example, all reports produced on impacts by different consultancies were strictly controlled and not even the EIA consultant was allowed to see them before the company had time to read and comment on them. Commenting meant rewriting the evaluations as favourable

to the company as possible. In the dialogue meetings the company did address some concerns directly, but often in the face of difficult questions and the evaluated decision on possible harm, the responsibility was transferred to the public authorities: “it is for them to make the final decision” or that it is something that “will be known/decided in future”.

The presentations done in the dialogue rounds were not shared before or after. When asked for by a villager, the company said that the plans are not yet finalised and that people would get wrong impressions if they just looked at the slides. They needed to come to the meetings and hear the explanations by the company on how the project will impact the area. This strict information control on the overall plans and especially the local impacts also came up in an interview where a person had been accused of leaking information to the press, after a local newspaper had published some maps of the plans of the mine. This control is contradictory to the public image of the company being open, transparent and enhancing dialogue. The perception of openness or control varies depending on distance to the place. In the capital region, 1000 kilometres away, the image of the company was very positive and open, whereas in the local municipality the comments were less enthusiastic. As shown in these excerpts:

Helsinki (capital region): *“At Sakatti Anglo American has put huge effort to all the studies – they have done their homework to the point. And there you can see that it is a large multinational company that is interested in the Europe’s largest copper deposit, but is ready to make necessary investment to avoid the worst controversies.”*

Sodankylä: *“Well yes, they make it seem ... even in the newspapers it says they are very open and tell a lot. But then the only place to get information is these events. And if you want to have some information to share with the villagers, they say they cannot give that kind of information. I think it’s quite peculiar.”*

One company representative categorised the participants roughly into three: “there are those who are silent or interested in jobs, those who give constructive critique and those who come with their own agenda”. The last kind are the ones who oppose the mining project all together. There was also a mixed attitude towards critique. While the company felt that open discussion was good, some more critical people were described as “difficult”, or “unprofessional”, or with “an attitude”, and there were attempts to stigmatise and de-legitimise them. This supports the divisions created in the discourse between those who are willing to negotiate “sensible” (manageable dissensus) and those who are not “unreasonable” (radical conflict).

8.6 COUNTERING HEGEMONY AND MULTIPLE MEANINGS OF THE PLACE

8.6.1 *Environmentalists*

Resistance towards the project is both overt and covert. The overt resistance is mostly voiced by the Viiankiaapa movement, environmental NGOs, and reindeer herders. The Viiankiaapa movement is a small and loose gathering of people but who have become prominent in opposing the mining project. The lead figure, Riikka Karppinen, is from the nearest village to the mire and their family has owned land there for decades. She became a politician and was the protagonist in a documentary about the movement, thus bringing a lot of publicity to the cause. For this group, the Viiankiaapa mire represents pristine nature that is not only a source for culture and recreation, but also home for several endangered species of birds, and other flora and fauna. The people see themselves as guardians of the protected land and animals. The mine is a threat to the mire, and the environmentalists underscore the uncertainty of the claims of “no harm” made by the company. The accidental oil spills during the exploration were used as an example of the uncertainties that the company cannot fully control, and therefore can destroy, even accidentally, the unique nature. The movement links the defence of the place to global environmental threats like the sixth mass extinction and climate change, and the need for degrowth. Thus, it is directly oppositional to the job creation and economic growth discourse of the company.

They actively mobilise the place and its uniqueness through socio-spatial practices of performing in and with the place, and trying to reinforce the cultural and place-based identities of the villagers for the protection of the mire. As described by a member: *“We had 16 events and they all happened either at Viiankiaapa or here at the village and were obviously related to the place. We had dance, performance, opera, plays, exhibitions. It all culminated to Viiankiaapa seminar where different experts were invited to give their views on the topic”*. These events were strengthening the ties of people to the place and valorising it as a special place.

The members of the movement attend the dialogue meetings although feel that it is frustrating as the company is always overtly interested in hearing their opinion but never (can) adhere to it, and

only accommodates the less critical opinions. As explained above, their critical yet calm approach led to a dialogue with the company in which they felt being co-opted at times.

8.6.2 Reindeer herders living in and with the place

“The best solution for us would be the [option] zero, that they would be no mine. But I don’t think it is for us to decide. But yeah with reindeer you don’t need mines.”

The reindeer herders have a special relation to the land. Reindeer herding is an essential part of their identity as well as livelihood. Reindeer herders have a strong collective identity and a way of life that connects to nature and the seasons (Kuisma & Suopajarvi, 2017). Thus, the connection to the place comes via their livelihood and the reindeer themselves. Many herders also wish their offspring will continue the work: *“of course we are worried, we want reindeer herding to continue here. – we want this to continue and develop in this area.”*

Mining has direct impacts on their livelihoods, as reindeer are very sensitive to all changes in their living environment. For example, the nearby Kevitsa mine has completely changed the rotational grazing of the animals, and diminished the grazing land. Research done for the project showed how the reindeer did not go within a 6-kilometre radius of the outer fences of the mine because of noise and dust. If the mine is built it will permanently end one reindeer herd, and potentially affect others through loss of grazing land and ability to grow additional food for them. Reindeer cannot be moved as they are semi-domesticated wild animals. Furthermore, it is potentially a threat to the herding in nearby areas. Reindeer herders oppose mining and always state first that the best option for them is no mine (option zero in the EIA document), as exemplified by the excerpt above.

The herders have a dual strategy, whereby they co-operate or maintain relations with the company for whom they represent also a legitimate and one of the most crucial stakeholders:

“Well you have to get along with them but we have said to them multiple times that our option is the zero. They know it very well”.

However, the company does not see the situation in the same way, for them:

“With reindeer herders we converse a lot, they are always very welcoming and ... they are like we’ll find a solution, so it’s not difficult with them.”

This dual strategy means that they don’t trust the company, nor do they want the mine, but they feel that they have to negotiate or maintain amicable relations in order to secure the best possible outcome of compensation if the company does get the permits. The distrust towards mining companies is described by this narrative by a reindeer herder in one of the meetings:

“Mining companies have a strategy that before getting the permits they have local/Finnish CEO and they are so nice and honest and listen to you and makes promises, but once they receive the permits that director is changed to a foreigner who does not know or respect anything that is agreed upon”.

This echoes especially the experiences with Kevitsa mine.

Anglo American admits their project causes a challenge for herders, and is keen to negotiate the terms (of compensations) under which the project can go forward. In the meetings the herders are listened to and their knowledge of the land respected. However, the herders feel their knowledge is not believed without external research: *“It’s hard in this job sometimes to prove things when the opponent might have never even visited forest”*. Although the herders have special user rights for the land, a livelihood that is protected by a special law, and the planned mine would cause damage to reindeer herding, they are not the most vocal opponents. Someone noted in an interview, that they don’t want to be obstacles for “development” as the jobs are really important for the area. This cautiousness was also visible in voicing their views knowing that they are listened to by the company.

“And in all (questions) you don’t necessarily want to comment. Because then if something happens in future, they’ll say well it was the reindeer herders who wanted it this way.”

The lack of support from the surrounding society, including a municipality that does not consider their livelihood to be a proper industry, and their defeats in court cases against the Kevitsa mine, has left them with the belief that they do not have the power to reject the mine. This sense of powerlessness and a need to negotiate with the company narrows the possibilities to resist the mine. Although they have the most protected claims towards the place, and therefore, in principle, could be the ones who stop the mining project.

A couple of the younger reindeer herders have been more vocal by demanding more research and by questioning the knowledge of the company. This is seemingly difficult for the company, as they discredited the persons involved and treated them as “difficult”, saying the other herders don’t like them. Meanwhile, both of the herding cooperatives stated in the interviews that they are united within, and with each other, on the matter. Not being open for cooperation is taken to be a threat from the company’s perspective, as reindeer herders are the most significantly affected group who hold special rights to the land. If they did mobilise against the project, it would be very difficult for the company to maintain their good image.

8.6.3 Non-mobilisation of the place and local silent resistance

For the nearby villagers of Kersilö, Sattanen and Moskuvaara, the Viiankiaapa mire is a place for recreational use such as skiing, foraging berries and mushrooms, birdwatching and hiking. For many of them, the threat from mining is not only to the particular mire, but also to the Kitinen River, and groundwater supplies. Water usage and fishing would also be affected if harmed. Lots of the villagers see the mine in a positive light, as long as the mire is not affected, as the jobs provided by the mine are important for the future of the region. People also voiced, during and after the meetings, that it was good that the company had these gatherings, in which they informed them what was happening, and that it was a lot more than what previous projects had done. However, there was less belief in the ability to influence through these meetings, especially for those who were hesitant of the project.

Most of the participants in the village meetings were older (+65 year olds), whose life or livelihood the mine, projected to be opened in 2030, will not affect so much. On the other hand, the demography of the villages is quite old, despite there being younger people living there as well. Some of the reasons interviewees gave for villagers either not participating or being silent was that they were afraid of asking stupid questions (sense of inferiority), and that people are tired of constant change. The latter relates to the historical narrative of industrial change with both hydropower and the latest plans for an Arctic railway, all of which disturb the traditional land use and ways of living. Many feel that they cannot make a difference, or they don’t want to be stigmatised as being difficult because that could weaken the possibilities for their children to get a

job (at the mine). Some of the silence is explained by the socio-cultural factors of small communities as narrated by one interviewee:

“Well, I think that quite many do not want to voice their view in front of the people. One might be against, and other like the project but they’re rather silent because it so easily ... causes tensions in small communities.”

There was a belief among the villagers that maybe official means (statements, appeals and opinions as part of the permit system) would work better than the dialogue meetings, in which the possibilities to influence the project were seen as meagre, or limited to issues such as the best place for raw water supply or discharge. Some indication on the amount of silent resistance is given by the parliamentary election in spring 2019, in which the lead figure of the Viiankiaapa movement, Riikka Karppinen, from Kersilö village, was running as a Green party candidate with one of the key campaign messages being: no mines in Viiankiaapa and a demand for changes in mining regulation. She received 15% of all votes in Sodankylä (being clear number one of all the candidates in the area) and 22% of votes in the Sattanen village (the nearest to the planned mine).

In sum, silencing is a feature of the process (dialogue meetings are run and facilitated by companies) and enhanced by socio-cultural setting, not an intentional activity by any group. It is a type of structural silencing in which only those who dare to speak out are heard. Often these follow the already existing power relations within that community. Previous research has noted how the most prominent voice in the social impact evaluations belongs to elderly men, and there is no effort in giving a platform to vulnerable groups (Suopajarvi, 2013).

8.7 DISCUSSION

These place-based struggles over different land use and futures, are not only local trivial incidents. Rather, they represent the broader discussions around natural resource extraction and its discontents in combining the growth paradigm and tackling climate change and biodiversity loss, linking the localities to the broader power geometries of globalisation (Barenholdt & Granas, 2008). While literature on SMEs has acknowledged that local people are important for legitimacy provision, and proximity to the place is a feature of stakeholder salience (Lähdesmäki et al., 2017), for MNCs these geographically limited groups are often theorised as fringe stakeholders

(Chowdhury, Kourula, & Siltaoja, 2021; Keck & Sikkink, 2014; McCarthy & Muthuri, 2018). I argue that in natural resource use, the materiality of extraction and the “need” for social acceptance provide these often vulnerable groups or grass-roots movements with salience and legitimacy in the eyes of the company, as place-basedness provides them a power resource in the corporate–community relations. Both being from the place and proximity to the place are most important signifiers in defining who has a right to speak and being heard in the dialogue processes. However, this importance renders local people and groups also susceptible to corporate *dissensus management* and power struggles if they oppose these projects. Furthermore, it is not only the locals that mobilise place both within and outside of the dialogues, but also the company that enacts and remakes the place through multiple techniques.

From a Gramscian power analysis perspective there are four different processes ongoing in this struggle over the future of the place: corporate strategies for the building/maintaining extractive hegemony, dissensus management, the opposition’s counter-hegemony contestation, and the structural silencing in the dialogue process. Each process mobilises the place in a different way, through mechanisms of attachment or detachment, and by producing different perceptions of the dialogue process and participants.

8.7.1 Corporate strategies of hegemony building and dissensus management

Previous research has found how corporations can co-opt opposition (Furnaro, 2019), manipulate (Banerjee, 2018) or diminish the psychological freedom of communities (Maher, 2018) through dialogue. This paper advances this literature on corporate–community engagement by highlighting the active mobilisation of place in power struggles. Instead of conflict mediation and stakeholder engagement, the findings show how dialogue is an effective way for the company to establish itself in the socio-symbolical reality of the place. By actively engaging with and in the place, and redefining it with the mine, the company seeks to strengthen its vision and position of the place. It uses multiple techniques for *remaking the place* with the mine, inviting people in “*doing the mine*” while simultaneously attaching itself with the positive vision of the future as provider of jobs and growth and detaching itself from critique and harm to the mire.

Along with the active recreation of the place with the mine, there are two strategies the company mainly uses to manage dissensus that mobilise the place and spatial dimension. Firstly, if possible

there is *detachment of the opposition* to the place by denying their place-basedness. This refers to the active creation of a chain of difference between the “understanding” locals (who want the mine) and ones who oppose mining, described as being from elsewhere. This denial is used to delegitimise the opposition. The company creates a difference between the reasonable locals and the activists from elsewhere. On the matter of the Viiankiaapa movement, there was an original attempt to trivialise the opposition. After it gained a lot of publicity, they were referred to as a critical partner, creating frustration for the movement. Indeed, these dialogues are designed to address peoples’ concerns and offer local knowledge of the place to companies that want to embed themselves in society to avoid conflicts. However, there are limitations to this design especially in natural resource extraction, which is rife with unnegotiable conflicts, or what Contu (2019) describes as radical conflicts: opposing interests with contradictory values and worldviews that cannot be consolidated. Within extraction this is often discussed in terms of ontological conflicts related to indigenous worldviews (Ehrnström-Fuentes, 2016).

Secondly, with the groups whose attachment to the place is undeniable the company uses *information control and individualising opposition* to manage the opposition. Possible negative impacts are posed as uncertain, happening in the future and responsibility for decisions are transferred to the officials (permit conditions), positive impacts are described as certain. This results in spatial differences between the image the company has “outside of the place” as open and the experience of “within the place” as strictly controlling information.

8.7.2 Contesting hegemony through active and placid resistance

These dialogue processes can both enable resistance though offering a space and voice for a different view, however they also have silencing tendencies especially through their structural setup that posits the company as the organiser of these events. The active resistance within the dialogues is done through a *refusal to participate* in place-making activities, *participation with indifference* or *vocal questioning* of the information provided (on impacts). Prior research has acknowledged how place-basedness can offer a strong collective identity (Haarstad & Campero, 2012), which enables political action and resistance to, for example, mining projects (Escobar, 1999; Gupta & Ferguson, 1997), and how these different value systems can offer counter-hegemonic narratives in those struggles (Conde & Le Billon, 2017). However, this case shows

how the reindeer herders despite having a strong attachment, identity and rights to the place, their prior experiences, lack of support from the surrounding society and their need to negotiate with the company hinder their ability to mobilise their place-based power. Instead the resistance is placid. They see the mining as threatening their livelihoods and their way of living in the place with the animals. The reindeer herders of the area are not indigenous Sámi but do have a strong connection to the land and animals. They don't have that ontological stance to oppose mining, but are partly subdued by the economic rationales of development. However, they don't want to pose themselves as opposing development and want to maintain good relations with the company for instrumental reasons (negotiating compensations). The need to negotiate narrows the reindeer herders' possibilities to resist, and transforms antagonistic feelings into amicable agonism.

The environmentalists have a strong counter narrative against the mine, and actively attach the project to the destruction of the mire. They perform in the place to highlight the value of pristine nature and link this to the global struggles over extraction and the survival of the planet. The group also actively refers to the legal protection of the area, and is somewhat frustrated by the conformist strategy of reindeer herders. Despite the shared counter-hegemonic discourse with the environmentalist groups, the local resistance represented by the Viiankiaapa movement have a strong attachment to the place and thus an "undeniable" legitimacy in the process, yet they lack other resources. The environmental NGOs have more resources but are actively delegitimised by the company for not being from the place.

INSERT FIGURE 5 HERE

8.7.3 Mobilising place through symbolic, material and discursive means

Analysing place-making narratives through post-Gramscian discourse theory (Laclau & Mouffe, 1985) unearths how *proximity* to the place is a nodal point or floating signifier in the discursive struggles between hegemony and counter-hegemony and through which much of the (de)legitimising work happens. The mechanisms of *attachment* and *detachment* have two spatial dimensions – horizontal distance as proximity to the place and vertical distance as proximity

between the mine (potential harm) and the (protected) aapa mire – and they are operationalised by both hegemony and counter-hegemony to de/legitimate the other party. A summary of the different mechanisms and the use of attachment/detachment to maintain and contest hegemony, and manage dissensus is illustrated in Figure 5.

The dialogue meetings between the company and community members are social and political processes of place-making, which include material forms, politics of nature and the reproduction of imaginations and meanings (Barenholdt & Granas, 2008). In the struggles over the future of the place, between the extractive hegemony and the counter-hegemony, the imaginary concepts represent the symbolic level, materiality comprises the tangible material ways of (re)making the place and people, and the politics of nature is illustrated by the discourses deployed within and outside the dialogues. The place is mobilised by both groups in these three spheres. Firstly, there is the struggle over *symbolic connection*, or mine and mire, or attachment–detachment, whereby the company builds a distance between the two and environmentalists deny the possibility of this distance. Secondly, there is the *material* or physical proximity which asserts people into impact groups, and whereby those closer to the place have more prominence. For example, in the social impact evaluation, people living with 5 kilometres’ proximity of the planned mine are deemed more affected than those living 15 kilometres away. Materiality of place-making is evident also by the invitations to mark maps. Thirdly, on a *discursive* level there are clear “we–they” groups, whereby legitimate claims are made by locals, and the conflict-seeking outsiders are delegitimised. These different spheres of the struggle and the use of place in them is illustrated in Table 12.

8.7.4 Consensus as an act of power and structural silencing

From a post-Gramscian perspective the dialogue processes represent a hegemonic social practice that normalises itself as a device for maintaining the political economy of resource extraction. The company is able to operationalise the three pillars – organisational, economic and ideological – of hegemonic power to establish and maintain its position (Levy & Egan, 2003), and manage dissensus. The mining company controls the organisational power through managing the overall process of dialogue by organising, facilitating (through the use of consultations) and agenda setting. It has the economic power not only to use extensive resources and “buy good will”, as exemplified by a positive image even among national NGOs, but also the economic activity and jobs the project offers provide it with extraordinary power in the periphery. Ideological power is

produced as the company is able to present its visions of the place in the future through the different means of place-making, as identified before, and by controlling access to other visions; for example, by discrediting some of the overt opposition or forming an “understanding” of them (co-optative tendencies such as “understanding concerns and assuring doing everything possible to avoid any harm”). Indeed, these processes are designed to incorporate community views but to never ban mining, only to negotiate the terms under which mining happens. Limits are decided upon the company, as stated by a representative: “*we can negotiate about everything that is realistic,*” referring to the economic feasibility of possible solutions. The option zero (no mine) is never discussed and it vanishes in the EIA process. Furthermore, as these documents are used as basis of permits, it casts a doubt to the ability of companies to dominate not only discussion but knowledge.

As the findings show, allowing agonistic relations in natural resource conflicts might not be enough. Instead, for people to be able to not only voice but perform dissent and protect their livelihoods and nature, the hegemonic decision-making structures and the priority economic valuations should be reversed. The power held by the company, in producing the reports based on which of the decisions are made, renders them biased. Furthermore, if the views of the locals were to be measured by some anonymous voting the results might differ to those produced in dialogues. Through the framing used by the company, and as a source of economic growth, development and jobs, it is hard to object publicly in peripheral places with less alternative futures.

The findings show how CSR practices are strategic power tools for companies and are important for building legitimacy and for gaining local acceptance, and how this power is performed in the dialogues through the use of place. However, the hegemonic nature of these dialogue processes and the inability to include dissensus leaves the process shallow. What for corporate actors might seem successful participation and dialogue with the community, can be felt to be a charade from the perspective of the community members. The dialogue processes also have features that silence resistance. Previous research has implied that silence is a feature of resistance, not a symptom of lack thereof (Komu, 2019; Raitio, Allard, & Lawrence, 2020). In Sodankylä, there is much silent resistance in the form of non-participation or non-voiced opposition. For these people the place is one for recreational use, and of memories. As noted in the research by Kuisma and Suopajarvi (2017), Sodankylä and most of its people have some kind of attachment to mining and see the

benefits it can bring, however, simultaneously they value nature and view the attempt to build the mine in a protected bog as outrageous. Silencing is not a deliberate activity by any group (it does not require manipulation or co-optation) rather it is an outcome of the dialogue process which denies the different worldviews/perspectives or dissensus more broadly. When the process is designed for acceptance, any deviation requires effort, resources and willingness to fight. Lack of those, renders your view as silent. While the participatory mechanisms can enable resistance in particular spaces (Kesby, 2005), the process itself can also readily silence resistance (Cooke & Kothari, 2001). The findings also suggest that instead of one coherent “community” with a collective identity (Arenas, Murphy, et al., 2020) opposing the mine, the localities might include multiple place-based identities, and various groups with relations to land. As researchers, we need to be wary of building an imaginary community that is good and unified, when the reality is messy and full of competing interests (Borras & Franco, 2013).

8.8 CONCLUSIONS

In sum, the company is building hegemony through the policy of openness and the enactment of the place. They use different tactics like persuasion through dialogue, control of information, through a careful building of a flawless image and gaining goodwill from different parts of society. Open critique is either disguised as friendly and helpful, or attacked in person. The hegemonic power in the dialogue can silence overt opposition, but dissent is expressed through other more silent means: for example, by voting anti-mining members for local and national parliaments, and giving anti-mining statements to official processes and making appeals. People also use double strategies, they are friendly and supportive of the project in dialogue, but oppose it through all other possible means. This research brings new theoretical understanding on how geographical locations can be mobilised through the use of local identities, knowledge and rights to transform the hegemonic CSR practices. Furthermore, it contributes to the research on identities in organisation studies by theorising on the significance of place as a source of identity and how that influences corporate–community relations.

There are, of course, limitations in this research. Firstly, it is a single case study in a particular context. However, an ethnographic approach signifies a delving deep into the context and having

an insight that other data gathering methods cannot provide. Also the dynamics represented in this case are generalisable to a degree for mining conflicts elsewhere. It would be fruitful to develop the results of this research further by examining the same company place-making practices in another context or to identify whether corporate culture is a factor by making a case study of another company. Future research could go further in assessing whether companies change the relationship of locals to the land in the long term, and whether they engage in the management and manipulation of those local place-based identities.

Table 11. Attendees of stakeholder meetings

Group	Company	Participants	Women + Men	Age (evaluation)
<i>First round of stakeholder meetings in spring 2019 at Sodankylä</i>				
<i>Reindeer herders</i>	4+4 consultants	10	2+8	30-60 yrs
<i>Land and Water Rights</i>	4 + consultant	9	2+7	60+ yrs
<i>Environmental protection and Recreational use</i>	5 + consultant	9	6+3	50+ yrs
<i>Municipality and other livelihoods</i>	4 + consultant	20	7+13	30-60 yrs
<i>Sattanen</i>	3 + consultant	31	15+16	20-80 yrs
<i>Kersilö</i>	3 + consultant	10	4+6	60+ yrs (+ one younger person)
<i>Puolakkavaara</i>	4 + consultant	8	2+6	55+ yrs (+ one younger person)
<i>Moskuvaara</i>	4 + consultant	16	8+8	20-65 yrs
<i>Total</i>		113*	46 + 67	
<i>Second round of meetings online in autumn 2020</i>				
<i>Environmental protection</i>	4 company employees	5 present + 8 online	n/a	n/a
<i>Reindeer herders</i>	4 company employees	10 present + 3 online	n/a	n/a
<i>Sattanen village**</i>	4 company employees		n/a	n/a

*some people participated twice, for example, in their village meeting and special group meeting.

** there were altogether 3 meetings but only first one was also online.

Table 12. : The main characteristics of the groups

	Company	Reindeer herders	Environmentalists	Locals*
<i>Who they are</i>	<i>AA Sakatti Mining OY is a Finnish subsidiary of the mining giant Anglo American. The company had its first office with couple of employees since 2010. A lot of effort and resources put in to develop sustainable and locally accepted project in Sodankylä.</i>	<i>Two cooperatives (Oraniemi and Sattasniemi) in Sodankylä area with about 11 000 reindeer. Some part-time and some full-time herders. Priority to use the area for herding according to law. The previous experiences (esp. with Kevitsa mine) have left reindeer herders critical and sceptical towards mining.</i>	<i>This includes the local sections of environmental NGOs like Finnish Nature Conservation Association and Birdlife, and particularly the Viiankiaapa movement that was developed to preserve the aapa mire. Some of the people live in Sodankylä and others elsewhere in Northern Finland.</i>	<i>This is a very heterodox group of people where some welcome the project as a source of income for future generations and others are against it, vocally or silently. Especially people living in the nearby villages of Sattanen and Kersilö will be affected by the project.</i>
<i>Relation to the land (Viiankiaapa)</i>	<i>Place of grand scale ore deposit, planned place of the subterranean mine, aim to avoid harm to the protected mire on surface</i>	<i>Place of the reindeer, important especially for their summer feeding and yearly roaming path (reindeers are hard to relocate as they have particular roaming routes)</i>	<i>Place of pristine and unique nature including endangered flora and fauna.</i>	<i>Mixed for some it is place of histories and stories, for some it is a land they used to own**, for some it represents the pristine northern nature, others see no particular value in it.</i>
<i>Perception of the dialogues</i>	<i>Dialogues are an important method to tell people how project is proceeding, engaging with them and building trust and good relations.</i>	<i>Neutral. It's considered good that the company keeps them informed but see it also as promotion. Not much trust on the dialogue, only contracts will be permanent.</i>	<i>The company is trying to sell their view of the project by telling only positive aspects and not engaging in the harm they might cause.</i>	<i>Mainly positive perception of company keeping them informed. Yet don't think it's a place to be heard or have an impact. Only those most vocal get their say.</i>
<i>Main narrative used</i>	<i>This is a world class deposit. We bring economic growth and job opportunities to the area, all harm minimised, lot of research and reports done and resources invested, final decision is made by officials. Locals want the mine</i>	<i>Kevitsa mine has caused a lot more harm than anticipated, the promises were not kept. The mine will end some reindeer herding for good. Need to negotiate compensation as the officials don't decide in their favour. Reindeer herding not valued by society.</i>	<i>There is no alternative place to protect as replacement, the nature at Viiankiaapa is unique. The company cannot be sure that they don't harm the mire. Given biodiversity loss and climate change we need to protect nature</i>	<i>Good for the municipality, more work and business. The changes brought by the industry are not always positive. We don't really have a say but it's nice they want to tell us things.</i>

			<i>better instead of going for economic gains.</i>	
<i>Position towards the project</i>	<i>Owners of the project, aim to get it done (and sell it internally to Anglo American)</i>	<i>Against the project, it will negatively affect them. Yet have a need to negotiate in case the officials give the permits.</i>	<i>Absolutely against it</i>	<i>Depends. Some welcome the project, some are vocally against and others silently against.</i>
<i>Contention</i>	<i>Opposition external, detachment of underground mine from protected aapa mire on surface.</i>	<i>Suppressed. Mine will harm the livelihood, but need to negotiate compensations.</i>	<i>No confidence mine won't harm mire, attachment of those two. .</i>	<i>Mixed. Fear of environmental hazard, but possibilities for work.</i>
<i>How they engage with the place</i>	<i>HEGEMONY</i>	<i>COUNTER-HEGEMONY</i>		
<i>Symbolic mobilisation of place</i>	<i>Detachment of mine & mire</i>	<i>Historically place of reindeer since all time (long-historical past)</i>	<i>Attachment of harm(mine) to mire</i>	<i>Histories and memories of the place</i>
<i>Material mobilisation of place</i>	<i>Remaking the place with the mine and engaging people in doing the mine</i>	<i>Engagement through reindeers. Home of particular reindeer herd/herders and summer home of hundreds of reindeer</i>	<i>Enacting the place through cultural events like dancing and opera, emphasising its recreational meaning through guided hikes and bird-watching.</i>	<i>Place to forage berries and other recreational uses like hiking and bird-watching.</i>
<i>Discursive mobilisation of place</i>	<i>Denial of proximity of opposition vs. reasonable locals in favour of mine</i>	<i>Hard to negotiate if the other party has never even been in the forest.</i>	<i>Attaching the fight against mine to that against climate change and biodiversity loss</i>	<i>Disbelief in the ability to influence decision-making as locals (fringe stakeholders)</i>

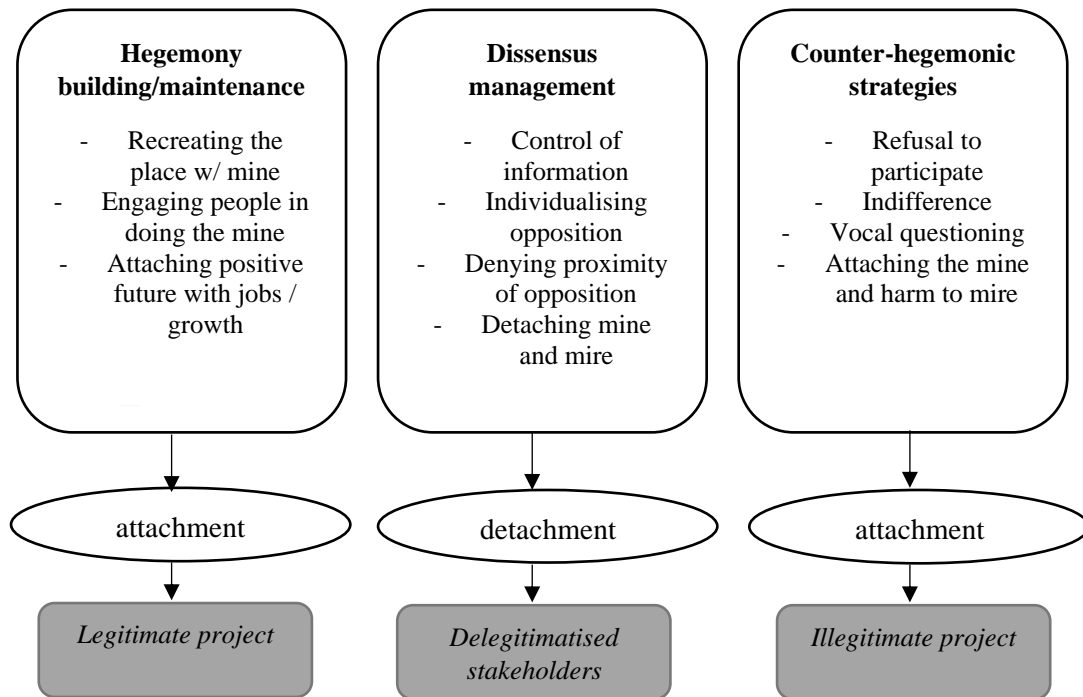
*also reindeer herders and environmentalists are mostly locals, but for analytical purposes here as a separate group as their relation towards the project is principally defined through their livelihood.

**Natura protection area was founded in 2000 and the land that was not state-owned was claimed or forcibly bought by the state for the purpose of founding the protected area.



Figure 5. The map of the Viiankiaapa and mine area. Sodankylä municipality centre left-below and villages of Sattanen, Kersilö and Moskuvaara are part of Sodankylä. (source:Lapin Kansa)

Figure 2. Strategies and mechanisms of place-making



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