

RESEARCH ARTICLE

Corporate social irresponsibility, hostile organisations and global resource extraction

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Abstract

Corporate social responsibility (CSR) is a fundamentally normative construction. It speaks to what social responsibility should look like, who it should apply to, and how it should be demonstrated. By contrast, the analytic position of the corporate social irresponsibility (CSI) discourse is evidence-based, and objects to the notion that companies can claim to be responsible while at the same time act irresponsibly. This paper supports a clear separation between (i) the critique of company performance within the dominant discursive construct of CSR and (ii) CSI as an evidence-based approach to reading and documenting corporate performance. A conceptually distinct CSI discourse removes the need for researchers to disprove CSR rhetoric before engaging with responsibility problems. Rather than organising studies around CSR claims and commitments, we suggest that researchers of global resource extraction put their energies towards capturing the form and function of ‘organised irresponsibility’ in locations where mining takes place.

KEYWORDS

CSR, harm, human rights, mining, risk, social impact, social licence

1 | INTRODUCTION: THE CASE FOR ANALYTIC SEPARATION

The turn to corporate social *irresponsibility* (CSI) is not an easy one. CSI discourse appears to function as a refutation of corporate social *responsibility* (CSR) claims made by companies about their standing as good corporate citizens. Disputing such claims is but one possible usage of CSI. We agree that CSR claims should be vigorously challenged, and CSI is a powerful means for undertaking this task. Our contention is that, beyond refutation, CSI provides a more exacting empirical basis for describing corporate actions without the need to reference distracting aspirational statements used in CSR discourse. In this paper, we support the call for a clear analytic separation between (i) the critique of company performance within the dominant discursive construct of CSR and (ii) CSI as an evidence-based approach to reading and documenting corporate performance. Our primary

contribution is towards building the case for CSI as a discourse for interrogating the performance of mining companies and the global market system in which they operate.

Debates about corporate social performance are bound up in mainstream CSR discourse (Latapí Agudelo et al., 2019). Following authors such as Alcadipani and Oliveira Medeiros (2020), Clark et al. (2021), Lange and Washburn (2012), and Riera and Iborra (2017), we advocate for a discursive turn in the framing and analysis of corporate social performance. Scholars (and corporate actors) may argue that CSR provides an important normative reference point for how society expects global mining companies to perform socially, and to what ends. In this same vein, however, it could be argued that CSR discourse feeds companies the lexicon they need to parrot to give society the confidence that no serious normative lines have been crossed (Bainton et al., 2021). New discourses are required to capture and make sense of what mining companies actually do and how they

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operate, particularly when the dominant CSR discourse in mining points scholars in an entirely different direction (Jenkins, 2004). To put the matter simply: the corporate propensity to act irresponsibly cannot be examined aspirationally or through a pre-dominantly normative analytic lens.

We use Ulrich Beck's (2009) notion of 'organised irresponsibility' as a foundation for interrogating situations where people in positions of power and influence benefit from the risks they create. The structures and systems that support the right of some privileged actors to behave irresponsibly are central to this understanding. Some organisational structures and systems are inherently hostile to the prospects of exposure and accountability and are more prone to the kinds of CSI that Clark et al. (2021) describe. Mining companies are especially hostile and resource extraction provides an ideal environment for demonstrating the empirical and analytic value of CSI.

For our purposes, two specific domains of organised irresponsibility are of interest. First, mining companies and their internal workings. By workings, we mean how companies function in practice as opposed to how they should work in an aspirational CSR sense. In this way, we engage global mining companies as distinct entities with component parts, rather than as monolithic entities (Ballard & Banks, 2003). Analysing how different parts of a company act and interact within and across the organisational boundary to produce and reproduce decisions, actions, and outcomes is where we consider CSI to be conceptually advantageous. The second domain is the broader market system within which mining companies conduct their activities. These two domains are inextricably linked. We argue that differentiating how CSI functions within and between actor groups is central to developing an accurate and nuanced understanding of irresponsibilities in global resource extraction.

In making a case for CSI, we proceed by providing a contemporary account of mining's responsibility problem. Against this backdrop, we highlight the interpretive value of CSI's problem orientation, before detailing five distinct types of organised irresponsibility in mining. Our discussion surfaces three critical implications associated with advancing the CSI discourse, particularly as it relates to research conducted with and within the inner sanctum of mining corporations. We conclude on a cautionary note, based on the dominance of CSR discourse and the hostility these organisational domains exhibit towards the analytic orientation of CSI.

2 | A CONTEMPORARY ACCOUNT OF MINING'S RESPONSIBILITY PROBLEM

Here we recount how the responsibility problem in mining emerged. The history of mining impacts and harms have been reported by academics, activists, civil society actors and journalists making a case for greater responsibility on the part of the sector. The extensive track record of global mining companies externalising the costs and consequences of their actions has resulted in a widespread challenge to the half-century-old mantra that the ultimate responsibility of corporations is to create value for its shareholders (Cragg & Greenbaum, 2002;

Ruggie et al., 2020). Since the 1990s, a series of schemes and standards were established under the auspices of international institutions imploring the mining industry to adopt a more expansive view of its responsibilities to society (Dashwood, 2013; Mori Junior et al., 2016; Troster & Hiete, 2019). In form and function, these mechanisms have strengthened the standing of the CSR discourse in mining, both by articulating a broader set of principles than those championed by Friedrich Hayek (1960) and Milton Friedman (1970), and by providing corporations with a highly visible platform through which to commit to those principles. The common denominator across these CSR schemes and standards is that the responsibilities are voluntary with no onus of proof beyond periodic self-reporting or privileged third-party assurance and verification. This is especially important given the intricate systems and arrangements of multi-national corporations and the developing country settings that they are often working within (Hilson, 2012). While not specific to mining, Corciolani et al. (2019) found that where corporations noted issues of irresponsibility in their CSR reports they tend to obfuscate and avoid analysis and instead use narrative and vague description to respond to issues.

The turn towards CSI necessarily involves amassing evidence about industrial activity and the nature of change across time and space. In mining locations, extractive activity is a primary source of change and disruption. Mining, therefore, provides a basis for determining what happens in these locations, to whom, over what period, and why. This kind of research is retrospective in orientation—looking to the past to understand patterns in the present day. While an historical approach holds the potential to inform the remediation of harms and the development of controls to prevent repeat occurrences, improvement is not the starting point for CSI analysis. Instead, the analytical focus of CSI discourse is on responsibility problems and their underlying function and conditions.

When we look for evidence of CSI in mining, there are two primary sources: studies of slow violence (Nixon, 2011) and high profile or 'breakthrough' cases. Studies of slow violence engage the broader industrial landscape within which grievances form and fester, and social and environmental trauma unfolds. The structural nature of harm and abuse, and the systemic neglect of mining-induced damage, is the focus of this type of research. Running across disciplines, jurisdictions, and issues, most of these works are unburdened by the narrow constraints of CSR discourse (see for instance Finn, 1998; Gaventa, 1980; Klinger, 2017; Leech, 2008; Voyles, 2015). This genre of mining research provides rich insight into irresponsibility by nesting mining within layers of history, politics, and patterns of decisions and activities. On account of its breadth, density, and complexity, works of slow violence are often overlooked in contemporary debates about the mining industry's social performance. The evidence is literally too entangled, and the cases considered too old or too niche to provide a means for resolving issues in the present day.

Breakthrough cases are those standout allegations or events that rise above the mass of otherwise slow and violent cases described above. These cases are either egregious enough to attract mainstream media coverage, or meritorious enough to be handled by some authoritative international institution. The institutions that have



routinely handled mining cases include the Compliance Advisor Ombudsman (CAO) of the International Finance Institution (IFC), the World Bank Inspection Panel, and OECD National Contact Points (NCP). Cases are also handled by state commissions of inquiry, or the judicial system. These cases have two characteristics. First, they tend to be treated as 'specific instances', limited by both the claim itself and the criteria of the institution. Second, available records take the form of (i) allegation and (ii) defence (i.e. claim and counterclaim). To avoid risk and exposure, once these cases are underway, they typically enter a low-disclosure environment. When parties agree to investigate allegations of harm or abuse, evidence is often collected, and matters are settled behind a suite of legal or quasi-legal protections.

Any assessment of the scholarly and policy literature on resource extraction reveals that harm and impact feature overwhelmingly in the existing knowledge base about company-community interactions. By and large, these are narratives about adverse outcomes, structured around the difference between what a mining company, or the state, espoused to do and the reality in which communities find themselves. There is, in our assessment, a conditioning effect—or what we call a CSR effect—that shapes how the public encounters narratives about harms and impacts. It is not uncommon for any corporation to avoid scrutiny about its activities, which must be true for most industrial sectors. The point of interest here is that mining companies are so pro-active in vocalising the character of their responsibility and the far-ranging commitments into which they have voluntarily entered.

These CSR claims are self-made, and in most instances, the task of audit and verification is arduous. Some external assessment does exist, but this is strictly controlled and limited to designated systems and discipline areas within the business, where the risk of public exposure for poor performance is minimal. Authors cite the propensity of mining companies to dilute the nature of their commitments, obfuscate on responsibility, all while avoiding exposure for doing so (Ali & O'Faircheallaigh, 2008; Gilberthorpe & Banks, 2012; Owen & Kemp, 2014). This literature is couched almost wholly within the rubric of CSR as if it were the only logical discourse within which to speak.

3 | THE INTERPRETIVE VALUE OF CSI IN EXTRACTIVE INDUSTRIES

CSR scholarship in mining has focused on establishing norms of corporate behaviour and critiquing how companies are performing against those norms. In anchoring their critique to idealised norms, CSR scholars have emboldened mining companies to make CSR claims in the absence of performance itself. Thus, any critique of performance is read as a temporary gap in an otherwise legitimate endeavour by companies to pursue their espoused objectives. The problem here is that the CSR norms (and the corporate claims) have become the starting point for analysis by default. Using the existing literature, we have identified three types of corporate CSR claims: first, that companies are performing "good deeds" in the space that harms are

occurring; second, that those good deeds are the only legitimate target of analysis in that same space; and third, the idea that mining companies are organising themselves following some commitment to a sincerely held CSR norm. These claims serve to bias how researchers encounter examples of irresponsibility. This bias requires scholars to begin their analysis within the normative confines of CSR, including instances where the primary findings of the research function to dispel corporate claims. Along with others (Rajak, 2011), we too have fallen into the conceptual trap of framing the realities of harm and irresponsibility against the industry rhetoric of CSR. For CSI to advance as a discourse, it cannot be limited by first having to overcome corporate CSR claims as some kind of assumed truth.

Clark et al. (2021) have begun to define the parameters of a stand-alone CSI. These authors identify three conceptual 'grey zones'—where the lines between CSR and CSI are blurred and need prying apart. The first zone considers the relationship between 'harm' and 'benefit'. These authors succeed, in our view, in carving out CSI as a field of research that is concerned with corporate actions (and inactions) that induce harm in an environment that is otherwise hostile to such clarity. Clark et al. (2021) clarify two additional conceptual boundaries. First, if harmful acts are intentional, they automatically constitute CSI. Second, that lack of intent does not constitute CSR, but merely an absence of CSI. They argue that attempts at rectifying harm (intentional or otherwise) can only reduce irresponsibility and do not qualify as CSR, no matter how effective or well-intended the remedy may be in alleviating the original harm.

The underlying conditions supporting irresponsibility in extractive industries culminate in such a way that alternative readings of responsibility would seem increasingly naive. We contend that, together, these conditions demand an epistemology of irresponsibility. Five features of this episteme are immediately discernible. First, mining is an inherently disruptive activity and to contain the potential for harm requires pro-active measures. Where harm manifests, we would regard this as an abdication of responsibility. Second, mining companies operate within a market system that incentivizes irresponsibility. Wu (2014) found a direct correlation between cost pressures, government corruption and an increased likelihood of irresponsible behaviour. It includes an international system in which state actors exercise few restrictive controls to limit harm to people and the environment (Bainton & Skrzypek, 2021). This laissez-faire approach is mirrored by an overly permissive investor base and a largely disinterested and distant consumer base. Third, operations are predominantly located in physical and human geographies that are conducive to the practice of irresponsibility. These are places that are remote, and both ecologically and socially vulnerable to industrial-scale mining (Downing, 2002). Fourth, mining companies actively resist the regular waves of irresponsibility-constraining initiatives by participating in CSR standards-forming processes and then declare their commitment to new industry and policy norms as a measure of their corporate performance.

Lastly, as a primary industry, the mining sector understands that in addition to its economic and political influence, few alternatives exist for sourcing the raw materials and products that it supplies. The leverage of producing goods that the market simply cannot function

without, despite the well-known responsibility problems inherent in their production, is perhaps the single greatest factor that enables the sector's commitment to enduring irresponsibility. Resistant to what sociologist Norbert Elias (1939) referred to as 'civilising processes' of the state, the mining industry has benefitted from a peculiar form of self-regulation in each of the jurisdictions it operates, or what Elias may well have termed the right to 'self-civilise'.

4 | ORGANISED IRRESPONSIBILITY IN MINING

Beck's (2009) notion of organised irresponsibility provides a conceptual vehicle for reading systems and structures that support the tacit right of some actors to pursue their own interests at the expense of others. In this section, we describe distinct patterns of organising deployed by mining companies as a means of supporting their continued acts of CSI. We draw on existing scholarship and case materials directly relevant to CSI, but which have not been characterised as such. Given our objective of strengthening the empirical basis of CSI as an analytic discourse, we offer initial suggestions as to how this mode of thinking can support applied research.

4.1 | Corporate refusal

Bebbington and Humphreys Bebbington (2018) helpfully introduced the idea of 'erasures' and 'resistance' as a means for understanding conditions in mining landscapes. They argue that mining activities are part of an exercise of place-making and re-making and that, within that exercise, physical and social aspects associated with those landscapes can be subject to the reciprocal pressure of erasure and resistance. Erasures can threaten ideas and identities attached to a place or extend to the destruction of significant sites and their memory. Resistance forms in response to the threat of erasure, and while community actors are most commonly conceived as resisting, their interests in erasing threats posed by mining projects also warrants attention. The literature on resistance to mining (Banerjee et al., 2021; Bebbington & Bury, 2013; Conde, 2017; Hilson, 2002) shows some of the strategies used by non-company actors to contest corporate power. Some of this can be read as an effort by non-company actors to make companies more responsible by setting hard limits on what they can and cannot do (i.e. removing corporate volition). In contrast, others have argued that corporations will behave irresponsibly because it is fundamentally in their interest to do so.

Following Bebbington and Humphreys Bebbington (2018), Kemp and Owen describe how corporations embody similar reciprocal pressures and are themselves places of resistance and refusal. In this depiction, corporations are thought of as relational places exhibiting relatively normal flows of action, information, and value. Using the idea of refusal, Kemp and Owen (2018) show how mining companies actively undermine and even erase space within the organisational

structure responsible for the prevention, mitigation, and remediation of harms caused by their operations.

At project scale, grievances and their antecedent harms and impacts exemplify the art of corporate refusal. Grievance systems themselves mirror features of the international normative architecture. In mining projects, these systems are presented by companies as proof-by-proxy that they are a socially responsible entity. However, even at their demonstrative best, these systems are too often ineffective from the vantage point of recognising harm, and appropriately measuring and delivering a just response (Kemp et al., 2011). Instead, grievance systems operate as a kind of benign relic of normative appeasement. These systems erase legitimate internal questions about whether companies have the means to do the right thing and resist external pressure from claimants to account for their own activities per their own public standards. In sum, the hostile space that manifests through corporate refusal is frequently characterised by the inevitable dis-ease of corporate actors manoeuvring to erase and resist against companies' self-interest.

4.2 | Corporate affairs conquest

Against the backdrop of erasures and refusals, one example stands out: the internal conquest for control over social performance in mining (Kemp & Owen, 2020). This organisational phenomenon preserves the power and influence of corporate affairs and its corresponding ability to proselytise an upside responsibility narrative, while refusing to examine irresponsible behaviour. Concealing complicated interactions inhibits internal and external flows of information about mining-induced harms. This includes blocking or constraining access for the collection of evidence about how harms manifest on the ground. These blocking strategies are wide-ranging and include exerting undue influence over the frameworks that companies use to account for their behaviour (Hopkins & Kemp, 2021). It includes working to position known operational-level harms (e.g. riverine tailings placement, acid mine drainage, human displacement) as non-issues—issues that (according to the company) are either so inconsequential, or so well-managed, that they do not warrant examination.

This strategy has been exposed through the senate inquiry into Rio Tinto's destruction of Aboriginal heritage in the Juukan Gorge of Western Australia's Pilbara region in May 2020. The senate inquiry laid bare the propensity of a mining company to withhold available information about known harms. In public testimony, company personnel suggested that Rio Tinto's most senior executives had no prior knowledge about plans to destroy Aboriginal heritage in the Pilbara or the specific circumstances surrounding the blasting of the Juukan Gorge caves to expand an iron ore mine. This is despite the company commissioning numerous archaeological studies, representations by traditional owners about the significance of the caves and requests that they be preserved, and concerns expressed by the company's own cultural heritage staff. Senior executives indicated that a land use agreement conferred consent to destroy and provided the basis upon which the company operated locally. The regulatory framework,



corporate affairs mindset, and silencing of dissenting internal views meant that cultural heritage *mismanagement* was considered a non-issue. The company's *modus operandi* was one of manipulated consensus; that is until the blast, and the public inquiry publicly exposed the ongoing dispossession and cultural desecration in mining regions across Australia.

These patterns have been borne out in numerous jurisdictions globally. Mining companies and their representative bodies actively conjure an image of mining as a benevolent industrial actor, well-meaning and caring. Providing jobs and employment, contributing taxes, royalties, and other revenues, and being good corporate citizens is the essence of corporate affairs messaging. While the Rio Tinto example is of the present day, John Gaventa's (1980) monograph, *Power and Powerlessness: Quiescence and Rebellion in an Appalachian Valley*, describes the modes and mechanisms through which a distant corporate entity avoided scrutiny for over a century. In this case, discussions about inequality and environmental degradation were suppressed despite impacts being readily observable. Meanwhile, pernicious forms of harm, such as the appropriation of communal land, environmental destruction, and social dislocation, remained non-issues for the company, the state, and local elites. Corporate affairs units protect companies by holding these non-issues as far into the background of public debate for as long as possible, silenced to the extent that empirical verification seems entirely unwarranted.

Using the language of CSI, we highlight two points of potential research engagement in this arena. The first is to understand the systemic drivers that lead to the internal cauterisation of certain organisational functions, whereby more powerful and established functions block innovations to investigate corporate affairs' non-issues. Research in this vein would explore, for instance, the drivers behind introducing new 'disruptor' functions (e.g. social performance or human rights units) that are supposedly intended to keep industrial self-interest in check, the means and methods of refusal by other functions, and the intricate workings of their neutralising strategies. One such line of inquiry is the existence and effect of alliances between corporate protectorate functions such as corporate affairs and legal, or corporate affairs and investor relations.

The second point of engagement would be to address the appropriation of the new disruptor functions as a known organisational irresponsibility tactic. Researchers would track the local effects of the corporate affairs proselytising about a company's good deeds while actively avoiding the deleterious effects of their core business activities (Kotchen & Moon, 2012). As the Juukan Gorge case shows, companies are reticent to investigate irresponsibility, including under circumstances where their irresponsibility is on full public display.

4.3 | Risk avoidance and non-disruption

There is a positive read of what companies will consider in order to maintain their so-called social licence to operate. Several well-cited scholars have promulgated this construct in mining (Bice & Moffat, 2014; Joyce & Thomson, 2000; Litmanen et al., 2016;

Measham & Zhang, 2019; Moffat & Zhang, 2014). The central premise being that mining companies need an abstract licence issued from an undefined segment of society for them to operate and, because of this need, the licence (or the want thereof) can be read as being determinative of how companies behave. Detail surrounding the construct varies, and the conceptual threads woven together to support the abstraction have a certain seasonality about them: trust, value, risk, sustainability, transparency. This rendition of ideas has been contested and critically re-interpreted as meaning anything to avoid the embarrassment of *mineras interruptus* or to be interrupted in the act of mining (Owen, 2016).

Companies are generally risk-averse in the sense that they prefer not to pursue avenues where the pay-off for exposure to downside risk is both low and unlikely. Social risk, mainly the risk that a mining project poses to people, is a discourse that companies are especially averse to—even if their actions signal that they are open to creating the risk itself (Kemp et al., 2016). The difference is that risk to people (from a mining project) is a feature of business-as-usual. In contrast, discourse that recognises these risks contains a plethora of harmful contingent elements that expose companies to the potential for additional costs and forward liability. Put simply, companies actively pursue measures of denial and ignorance to buffer themselves from the claim that they had an opportunity to act responsibly (Lawrence & O'Faircheallaigh, 2022). Crisis events that expose companies for negative impacts and associated harms are easily outlived by the practices that created them. Mining companies are well practised in resisting the need for structural change.

4.4 | Deferral and non-decision

It is an established fact that mining companies make decisions that have devastating effects on local communities. These decisions include the impact of building a mine in a certain way (e.g. open cut, with an upstream tailings facility), acquiring land for a particular price, or arming security personnel with certain types of weapons (lethal or non-lethal). Mining companies also fail to make decisions, and these non-decisions can be as devastating for local communities as a decision. A focus on non-decisions, whether made by choice or neglect, involves studying the effects of something that did not occur. The effects of these paths not taken are certainly observable at times, even where the pre-cursors to non-decisions are difficult to identify and decipher. Charting a direct path between a decision that did not happen, an impact that did happen, and the intent behind non-decision is near impossible – particularly when the non-decision occurs on a different spatial or temporal plane than the impact, such as downstream impacts felt generations after a mine has closed.

A key arena of non-decision in mining occurs at closure—the point in a mine's lifecycle when an asset is no longer productive. Mining company narratives suggest that the end goal is rehabilitation or repurposing, and economic uplift—sometimes of the entire region. The uplift narrative is promulgated even in instances where the mine created long-term damage to pre-existing social and ecological assets and produced sacrificial landscapes (Voyles, 2015).

These sacrifice zones typically occur in remote locations, where mine-affected people lack the resources and political influence to prevent industrial activity and its attendant harms. The consequences can include disruption to culture and heritage, land ownership and use, local market economies, social networks, and many other arenas of daily life. A mining company's decision to promote economic uplift, while making no decision to monitor, manage, or remediate impacts within the sacrifice zone, is a decision/non-decision combination that is ripe for systematic inquiry.

Another arena of decision/non-decision is mine site care and maintenance, which occurs when mineral extraction stops but where, rather than closing, the mine is held in a state of suspense – neither open nor closed. During this time, the focus of the business is to minimise loss of value through upkeep of key infrastructure and management of its liabilities, such as waste dumps and tailings facilities. In most established mining jurisdictions, the majority of mines that have reached the end of their productive life are either abandoned or held in care and maintenance. The logic for a mining company holding an asset in care and maintenance are numerous and complex, and usually represent a decision to maintain optionality while reducing its ongoing costs. Care and maintenance can enable recommencement at some future point, without having to formally close and then apply to reopen. When mining companies face market constraints, such as available labour or technology, or uncertainty with respect to commodity price, care and maintenance enables companies to pause until market conditions are favourable (Lèbre et al., 2021). A decision to move a major asset into care and maintenance can be accompanied by a decision not to disclose the underlying strategy to local people.

This decision to suspend an asset perpetuates non-decisions about the future and can leave communities in limbo. A state of limbo means local communities cannot explore a post-mining future, including options for repurposing or alternative land use. This state of suspense can, at times, reflect a decision-making impasse between a company and the state. For instance, a company may have decided to close, and the state may be unable (or unwilling) to sterilise the resource or take on the liability for clean-up at relinquishment. In these instances, the state avoids the decision, all the while having collected taxes and royalties through life-of-mine but having neglected to require provision for closure.

The complex of decisions/non-decisions surrounding mine closure is a fertile arena of inquiry. Here, ephemeral non-decisions can be juxtaposed against declared decisions to divest spent assets, or entire portfolios (e.g. coal). Divestment is a decision pathway through which companies can sell assets with marginal reserves or resources, usually to smaller players that do not carry the overheads of a large mining conglomerate. This can further delay closure and impose additional known risks onto local people and environments. Studying the pre-cursors to the collection of decisions/non-decisions made in closure, and indeed other parts of the mining life cycle, would open up the inner workings of mining companies, and provide far more insight into the harm-generating propensities that beset the industry as a whole.

4.5 | Industrial solidarity

Solidarity signals a consistency of purpose amongst social groups (Ingham, 1974). As a social process, it helps to form a critical mass where common interests are at stake. In understanding how systems of corporate solidarity work in policy and in practice, political scientists study a variety of alliances, associations, and coalitions. Declarations of solidarity are standard fare for political parties, labour unions, and protest movements. Corporate alliances are also forged, but their interest in, and commitment to, irresponsibility is not formally declared. Mining associations, such as the International Council on Mining and Metals (ICMM), the Minerals Council of Australia (MCA), and the Mining Association of Canada (MAC) claim that they are working collectively to build a responsible industry by achieving positive impacts. Instead, they primarily serve industrial interests—access to capital and resources, and uninterrupted extraction and trade.

In mining, industry associations tend to shape and contain the normative landscape on behalf of their members, while a 'conspiracy of silence' pervades corporate cultures (Jones et al., 2009). Companies and their representative bodies, in effect, maintain the system of refusal, conquest, risk avoidance and non-decision outlined above. These are just some of the structural barriers that communities face as they encounter mining's impacts, incidents and harms, and seek a response from the corporate actor. By promoting CSR and foreclosing the discursive space for learning about irresponsibility, industry organisations effectively block the possibility of analysing these barriers and investigating why mining-induced harms seem to manifest in so many places.

Moreover, industry councils and associations rarely reject or suspend members, or insist on investigations when mining causes harm. The ICMM, for instance, did not suspend BHP or Vale from their leadership council after the Samarco and then the Brumadinho tailings facility disasters—despite many hundreds of people perishing at the hands of these corporations. Nor did the ICMM, MAC or the MCA suspend or deplore Rio Tinto when they destroyed sacred Aboriginal heritage in Juukan Gorge. No member ever comments publicly to admonish their peers, no matter how egregious the impact. Doing so would disrupt the system of industrial solidarity, and what Beck referred to as organised irresponsibility.

5 | DISCUSSION: CSI AS A VIABLE DISCOURSE

In the previous section, we highlighted some of the organisational characteristics of CSI in the extractive industries. For the discussion, we have three core questions that, in our view, have wide-ranging implications for the development of CSI as a viable discourse. These questions relate to (i) the normative and functional aspects of CSI, (ii) the actor problem in CSI, and (iii) how to empirically research and demonstrate CSI. Our primary argument is that CSI should counter the CSR effect by concerning itself with the diagnosis of irresponsibility in organisations and the actions and effects that emanate from



market structures and systems. Mining projects generally operate in locations where the conditions of risk and vulnerability are present, and where institutional policies and practices are likely to exacerbate these conditions. CSI would identify these conditions as a matter of priority, and not as a secondary point of endeavour.

5.1 | Normative and functional aspects of CSI

CSR is a fundamentally normative construction. It speaks to what some people think social responsibility should look like, who it should apply to, and how it should be demonstrated. The normative position of CSI could be taken as self-explanatory: it objects to the notion that companies should be able to claim to be responsible performers, while at the same time act irresponsibly. However, there is a functional aspect of the CSI discourse that is not especially well-developed, which requires further conceptual exploration. In short, CSI implies functional deviance on the grounds that corporations are either saying one thing, and then doing another, or that corporations are effectively behaving in a way that is out of turn with social expectations. This might be the case in terms of (a) companies using CSR products, such as CSR policies, reports and initiatives, to accurately misrepresent their performance and (b) companies causing harm directly through the execution of their activities.

The deviance of mining corporations against their stated CSR commitments is both widely understood and accepted in practice, given the function it serves with respect to broader economic goals. In an economy where pushing production costs down is considered good commercial practice, externalising significant social and environmental costs can be read as functionally good, given that increasing the cost of extracting raw materials would have major downstream social and economic implications. Some may like to argue that (at least) some externalising of costs is a necessary deviance because without it, the entire market system would be jeopardised.

The examples here are numerous. Mining companies are committing to reducing waste, for instance, at the same time as the market excuses them for producing vastly greater amounts of it. Over the last half-century, copper mining has increased waste production by mining deeper, open pits, at lower grades (Northey et al., 2017). Waste from copper mining has grown exponentially in this period, largely to support urbanisation, electrification, and conductivity in retail consumables and other industrial technologies. Greater quantities of copper are anticipated to support what commentators and policymakers refer to as the global energy transition. Larger waste streams are known to disrupt social and environmental systems, and without a proportional investment in mitigations, the potential to cause harm is considerable (Hudson-Edwards et al., 2011). One prominent and contentious waste stream in copper mining is tailings, the wet slurry of ground-up materials from processing minerals. This material is stored within the mining complex in large, engineered structures. To accommodate greater tonnages, tailings facilities are now also larger, more hazardous, and more difficult to manage into perpetuity. The total cost of remediating ever more sizeable mines has not kept pace with the industry's more sizeable hazards. Despite the lag, market demand for copper suggests

that all manner of deviance in this arena will be forgiven to ensure continued supply and the market system's overall functionality.

5.2 | The actor problem in CSI

Mining companies are often characterised as 'bad actors'. However, in a complex and deeply contingent, interdependent market system, mining companies are incentivised by various other institutions—including individual consumers. The actor in this context is the overarching corporate structure of the market system wherein no single organisation is able to act entirely on its own. Within this market structure, a wide array of actors routinely default on areas over which they could exercise responsibility but elect not to for one reason or another. This includes consumers, regulators and investors.

Clark et al. (2021) raise an important point about the challenge of differentiating between the responsible and irresponsible behaviour of corporations. Our view is that this challenge is manifestly greater when considering which actors are socially and sometimes legally granted special status, such that there is tacit permission to behave in ways that would be regarded as irresponsible if performed by others. This is the conceptual inverse of differentiated responsibility, where certain actors are assigned duties and obligations based on their inherent power or capability (Jacoby, 1973). The perversity of differentiated irresponsibility is that powerful actors appear to be given additional negative privileges, in part due to their respective power and capacity, but also seemingly due to the assumed necessity of what their activities contribute to society in the aggregate.

5.3 | Researching CSI in mining

Corporate environments are infamously challenging to gain access to. In mining, the social and community aspects are primarily considered to be matters to research 'outside the fence', or beyond the organisational boundary. This is evidenced by the small number of organisational ethnographies conducted free from the corporate gaze (Kirsch, 2014). Extractives companies have the added challenge of holding assets that are frequently in remote, frontier locations where some measure of company support is needed to get to the field site. Recent research shows that companies have some appetite for investigating, documenting, and reporting on otherwise sensitive matters, once the issue has already become public in some fashion (Kemp & Owen, 2021). Under these conditions, the combined action of investigating and reporting on impacts and harm is constructed as evidence of a company's commitment to CSR principles. Even so, sanctioning independent research focused on documenting and exposing irresponsible behaviour is a risk that few mining companies are prepared to take.

Finally, there are ethical implications of exposing irresponsibility if CSI research is pursued through clandestine means. Can researchers justifiably conceal their intent with respect to their approach? What is the value-add to the participant – in the sense that research participants are increasingly expected to gain some advantage from exchanges with

researchers? Should research transparency be suspended in this instance for a presumed greater societal good? One could genuinely argue that there is a benefit in holding up the mirror to articulate the inner workings of CSI, but does this benefit outstrip the usual ethical responsibilities researchers have with respect to their participants? At what point does one form of irresponsibility begin to justify another?

6 | CONCLUSION: AN UNEASY DISCOURSE IN RESOURCE EXTRACTION

A turn to a conceptually distinct CSI discourse removes the need for researchers to disprove CSR rhetoric before engaging with responsibility problems. Rather than organising studies around corporate CSR claims and commitments, researchers could more constructively put their energies toward capturing the form and function of organised irresponsibility in locations where mining takes place. In delineating two organisational domains—the mining corporation and the global market system within which companies act—we highlight the inner workings of mining corporations as ideal arenas for demonstrating the virtues of CSI research. This type of research requires access to hostile actors and settings that outright resist questions about organised irresponsibility. In an effort to engage industry actors and drive systemic change, we have previously implied CSI analytically, but presented our work within the mainstream discourse of CSR—directly contributing to the problem we critique. We advocate a space for applied academic work that is free from the constraints of CSR, and yet engaged with industry actors and the systems in which they operate. This space represents a major disjuncture between industry and the academy. Most academics seek to distance themselves from the influence and interests of industry to maintain intellectual independence. While it has conceptual merit, the applied research into CSI faces several significant practical and epistemological challenges.

We have argued that CSI more accurately reflects the empirical conditions in which these hostile organisational domains function. Developing this evidence base is critical to realising the full potential of the CSI discourse and what these insights can yield in terms of explaining the material effects of structural and systemic responsibility gaps. Empirically, we must allow for the possibility that both responsibility and irresponsibility will co-exist within mining organisations. To understand the drivers and dynamics of these outcomes, access to the inner workings of these organisations is needed, and without it, we fear that CSI may not progress beyond mere contention. In this form, and without an evidentiary base, one risk is that CSI arguments simply find their way back into some hopeful rendition of a corporatized continual improvement discourse. It is here that Curren (2018) warns of “risk arbitrage” – the process whereby individual or organisational actors produce social risk, appropriate benefit from those risks, and disproportionately avoid the consequences to continue benefitting from the cycle of risk-and-reward. Curren states that risk arbitrage is all the more possible within the increasingly complex, unstable, and volatile systems of late modernity. The practical implications of how CSI research is conducted and presented, and the ethical dilemmas

associated with how it might be co-opted, are key barriers to overcome in contributing to knowledge building in this critical arena.

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