



Deliberating or Stalling for Justice? Dynamics of Corporate Remediation and Victim Resistance Through the Lens of Parentalism: The Fundão dam Collapse and the Renova Foundation in Brazil

Rajiv Maher¹

Received: 21 May 2020 / Accepted: 20 March 2021
© The Author(s), under exclusive licence to Springer Nature B.V. 2021

Abstract

Using the political corporate social responsibility (PCSR) lens of parentalism, this paper investigates the more subtle and less-visible interactional dynamics and strategies of power, resistance and justification that manifest between a multi-stakeholder-governed foundation and victims of a mining corporation's dam collapse. The Renova Foundation was established to provide remedy through a deliberative approach to hundreds of thousands of victims from Brazil's worst socio-environmental disaster—the collapse of Samarco Mining Corporation's Fundão tailings dam. Data were collected from a combination of fieldwork and archival analysis to assess the perceptions of victims, their defenders and foundation executives. The findings reveal 12 dialectical tensions from Renova's attempts to remedy the victim's injustices. The case analysis contributes through proposing a dialectical process model of how stakeholder resistance and subversion to parentalist PCSR. The case reveals the pivotal use of time via the act of stalling as a strategic resource to exhaust victims and reach settlements. Furthermore, organizations justify their parentalism by blaming delays on the bureaucracy and shared responsibility of multi-stakeholder deliberation. Ultimately, I contend that victims must have an equal voice in the outcome of their remediation and that businesses responsible for causing harm should not decide these matters.

Keywords Political CSR · Parentalism · Corporate remediation of human rights abuses · Stalling

Introduction

In November 2015, the Fundão tailings dam, owned by Samarco (a joint venture between Anglo-Australian BHP and Brazilian Vale), collapsed in Mariana, Brazil, provoking the worst environmental catastrophe in the nation's history. The disaster claimed the lives of 19 people and negatively impacted the homes and/or livelihoods of approximately between 23,000 families and up to 3 million people.¹ In line with political Corporate Social Responsibility (PCSR) and the United Nations Guiding Principles on Business and Human Rights (UNGP), Samarco's response was taking a dialogue-intensive approach towards the remediation of those affected (*atingidos* in Brazilian Portuguese). Seven months later, with the backing of the Brazilian state

(though without prior consultation with the victims or their families), Samarco decided to establish and fully fund Fundação Renova (The Renewal Foundation), an independent organization. Renova, by far Brazil's largest foundation, was designed with an intricate multi-stakeholder governance (MSG) structure that would use the core principles of deliberative democracy, incorporating 70 participating entities that included civil society, public authorities and academia, to administer fair remedy in a transparent and human rights-compliant manner, ensuring all the while that 'no party involved has control over the decision' (Fundação Renova, 2019). Five and a half years after the disaster the foundation has continually missed its own deadlines and failed to deliver on its promises to resettle the from Bento Rodrigues victims to their new homes and village. At the time of writing in April 2021, as attested by victims, only two houses are ready to be inhabited in new Bento village.

Proponents of PCSR, defined as an 'extended model of governance with business firms contributing to global

✉ Rajiv Maher
rmaher@tec.mx

¹ EGADE Business School, Tecnológico de Monterrey, San Pedro Garza García, Mexico

¹ Brasil está en un camino ambiental trágico y venenoso, asegura un experto de la ONU <https://news.un.org/es/story/2012/19/1466651>

regulation and providing public goods ... where private actors such as corporations and civil society organizations play an active role in the democratic regulation' (Scherer & Palazzo, 2011 p. 901), have come out in favour of harnessing the Habermasian concept of deliberative democracy to obtain societal legitimacy (Mena & Palazzo, 2012). Deliberative democracy has been conceptualized within PCSR as being 'able to acknowledge the contribution of both state and non-state actors to global governance, both in the traditional institutionalized processes and in processes of public deliberation that emerge outside the traditional realm of institutionalized politics' (Scherer & Palazzo, 2011 p. 918). Deliberative democracy, which hails participation and dialogue through multi-stakeholder initiatives (MSIs)—defined as soft law mechanisms, in which corporations and civil society organizations participate, that are designed to fill the gap left by governments in addressing socio-environmental externalities caused by businesses (Mena & Palazzo, 2011 p. 827)—is often touted as an ideal vessel for achieving consensus between disputing parties. In a similar vein, scholars have advanced proposals for using intensive dialogue, participation and engagement between business actors and victims to achieve justice in response to corporate human rights abuses (Schormair & Gerlach, 2019).

However, multiple scholars have voiced scepticism regarding deliberative democracy's ability because of the self-interest of corporations, the power disparities that business commands over stakeholders (Banerjee, 2009; Mäkinen & Kourula, 2012; Whelan, 2012; Moog et al., 2013; Dawkins, 2015; Ehrnström-Fuentes, 2016; Maher, 2019; Alamgir & Banerjee, 2019; Brand et al., 2019) and existing constraints that emanate from political and economic power imbalances (Moog et al., 2015). In essence, corporations can exploit MSIs to legitimize their acts of irresponsibility and solidify their positions within conflict scenarios (Moog et al., 2015). MSI spaces can curtail real political deliberation as minority and radical voices are often (self) excluded (Ehrnström-Fuentes, 2016; Maher, 2019; Moog et al., 2015). In this paper, I respond to calls for researchers to further address the challenges embedded in the shift from liberal to deliberative theory (Scherer & Palazzo, 2011). I do so by examining an empirical case of deliberative democracy in which the participants were obliged to participate because they were victims of corporate irresponsibility seeking justice.

Additionally, less-visible forms of power instrumentalized by businesses in instances of deliberative democracy, such as in cases of multi-stakeholder engagement, remain under-examined (Etchanchu & Djelic, 2019; Gond et al., 2016). To this end, Etchanchu and Djelic (2019) invoked the idea of parentalism, where organizations behave and treat stakeholders as a modern-day liberal parent would towards its child, convening them for dialogue (similar to

deliberation) and affording them some autonomy, while still gripping on to decision-making power for any outcomes. It is hoped that by examining the remediation process of the dam victims by Renova Foundation through the lens of parentalism, it will be possible to bring to surface the more subtle and dialectical tensions and strategies of power, influence, justifications and resistance by victims.

To contribute to the literature on PCSR and MSIs, this study aims to analyse the micro-politics and tensions that surround the Renova Foundation and victims of the Fundão dam collapse. More specifically, it contributes by developing a dialectical process model of how organizations—through deliberation—implement parentalist PCSR strategies and how stakeholders are able to resist these.

Data collection was undertaken with three rounds of fieldwork in the city of Mariana for a total of 48 days between January 2019 and January 2020. A preliminary one-week fieldwork visit to Mariana was undertaken in December 2012 as part of a different project, which facilitated learning in a local context and the building of contacts for subsequent fieldwork. A total of 69 semi-structured/informal interviews were conducted in person and remotely with multiple diverse participants from the municipality of Mariana. Additional testimony was also analysed from video footage. In the interest of verifying my interpretations of events and narratives, I systematically coded the data along the characteristics of deliberative parentalism (comprising egalitarian care, outcome control, convening practice, manipulation power and child's lack of knowledge/resources justification) (Etchanchu & Djelic, 2019), while also engaging in frequent discussions with *atingidos*, activists and prosecutors.

From this analysis, I hope to contribute to the PCSR and deliberate democracy literature the notion that organizations retain power and manipulate their community stakeholders by staging effective participation, which engenders the ability to exploit time as a resource through the act of stalling. By doing so it results in stakeholder fatigue. Most interviewees identified with the notion that Renova's end goal was to exhaust victims into submission, thereby channelling them towards the organization's extrajudicial settlement programme, known as PIM (Programa Indenização Mediada). Once victims agree to terms at PIM, they relinquish all future legal recourse against Renova. In terms of resistance, stakeholders can contest the parental behaviour of organizational actors by collaborating with other organizations and actors who can advocate on behalf of them, especially outside formal MSI spaces, in channels that foster legal and social movements. Parental organizations legitimize their behaviour and the outcomes derived from deliberation to stakeholders by placing the blame on the very bureaucratic and consensus-seeking nature of deliberative democracy. These organizations can then assert that all outcomes

resulting from multi-stakeholder dialogue are the shared responsibility of all those participating.

My contention is that PCSR scholars should consider how leveraging time through Machiavellian practices of staging and stalling tactics—which, to date, have been overlooked—can be appropriated by more powerful parental actors to wield power and control stakeholders in contexts of deliberative democracy. The study concludes that deliberation-centred MSIs, such as *Renova*, are not fit for cases where victims suffering unequal treatment are numerous and that offending companies should neither participate in nor decide on the process or means by which victims are to be compensated. Instead, victims themselves, together with diverse stakeholders, should be able to determine the outcomes of such processes. The case of *Fundação Renova* serves as another example of organizations leading MSIs, in accordance with parentalism, placing a skewed focus on stakeholder inclusion and dialogue (process/input side) (Mena & Palazzo, 2012), while failing to do the same as it relates to their own output and tangible outcomes for victims.

The rest of this paper first highlights relevant literature on deliberative democracy, PCSR, parentalism and corporate remediation. The following section analyses the case of *Mariana* in Minas Gerais state, Brazil. After a description of the methodology and data analysis, the paper presents the rich narratives gleaned from interviews under the different themes of parental power retention, resistance to parentalism and the moral justification of parentalism via an MSG arrangement. The final section features a discussion, further research avenues and a conclusion.

Deliberative Democracy and MSIs

Private governance initiatives have proliferated since the late nineteenth century with the flourishing of neoliberal policies (Cashore, 2003; Vogel, 2010). In this vein, political CSR scholars have continued to profess the notion that the Habermasian concept of deliberative democracy can generate legitimacy for private governance as political actors in the modern-day globalized economy (see Scherer & Palazzo, 2007, 2011; Sabadoz & Singer, 2017; Mena & Palazzo, 2012; Rasche & Esser, 2006).

According to Habermas (2000), dialogue should aim to achieve mutual understanding of a situation and serve as a springboard for collective action. Within instances of dialogue, Habermas (1998) identifies the following four crucial features: (i) nobody with a relevant contribution should be excluded; (ii) all participants are granted an equal opportunity to make contributions; (iii) participants must not deceive and should mean what they say and (iv) communication must be free from external and internal coercion (Habermas, 1998). In the absence of '(iii) deception and

(iv) coercion, nothing but sound argument should tip the balance in favour of the acceptance of a controversial norm' (Habermas, 1998 p. 44).

In a similar vein to Habermas, PCSR scholars emphasize the importance of dialogue within the deliberative approach, 'with the assumption that the legitimacy of a political decision rests on the discursive quality of the decision-making process' (Scherer & Palazzo, 2007 p. 1107). Deliberative democracy uses a dialogue- and consensus-based approach to ensure the legitimacy of final deliberations for all stakeholder groups through open and reasoned argument that is free from manipulation by more powerful actors (Bäckstrand 2010).

Ideally, deliberative democratic approaches will involve NGOs or social movements that represent citizens and, in the case of NGOs, engage with firms to address political CSR-related challenges in a more legitimate manner (Scherer & Palazzo, 2011; Mena & Palazzo, 2012). MSIs are an example of a popular governance arrangement proposed by political CSR scholars wherein deliberative democracy can flourish. Here different stakeholder perspectives can be voiced in hopes of achieving a consensus in relation to cross-cutting socio-environmental themes (Gilbert, Rasche, & Waddock, 2011; Mena & Palazzo, 2012).

The democratic legitimacy of MSIs has been argued to comprise input legitimacy (inclusion, procedural fairness, consensual orientation and transparency) and output legitimacy (rule coverage, efficacy and enforcement) (Mena & Palazzo, 2012). Inclusiveness within MSI processes has also been stressed by Schouten et al. (2012). The deliberative tenets of participation, engagement and dialogue between corporate culprits and victims are also promoted as ideals for restoring justice (Schormair & Gerlach, 2019). However, these researchers note that their model of corporate remediation would most likely not apply to cases of mass-scale human rights abuses.

Good Parenting to Overcome the Shortcomings of MSIs

PCSR scholars have overlooked the constraints emanating from political and economic power imbalances of MSIs, that is, the Forestry Stewardship Council (Moog et al., 2015). Business firms can leverage MSIs to mask their irresponsible behaviour (i.e. greenwash) and clawback lost legitimacy (Moog et al., 2015) or through marketing that resembles smoke and mirrors (Prasad and Holzinger, 2013). PCSR and MSIs have been questioned for their insensitivity towards impacts on marginalized stakeholders (Banerjee, 2009; Mäkinen & Kourula, 2012; Whelan, 2012; Moog et al., 2013; Dawkins, 2015; Ehrnström-Fuentes; Maher, 2019;

Alamgir & Banerjee, 2019; Brand et al., 2019). According to such critiques, research on the deliberative model of PCSR fails to problematize the notion of power in stakeholder engagement (Dawkins, 2015) and, more generally, in deliberative democracy within MSIs (Banerjee, 2009; Moog et al., 2015; Fougère & Solitander, 2019). Moreover, MSI spaces can curtail genuine political deliberation by squeezing out minority and radical voices who often (self) exclude (Ehrnström-Fuentes, 2016; Maher, 2019; Moog et al., 2015).

It is asserted that deliberative democracy cannot deal with the messy realities of everyday politics because of its idealistic assumptions of rational participating actors (Brand et al., 2019). More critical perspectives on extractives-community dialogue, such as Banerjee (2018), warn that an obsession with reaching ‘consensus through deliberation obscures processes of domination and disallows spaces of difference and coexistence’ (p. 816), thus implying that deliberative processes can be undemocratic. Elsewhere in the extractives sector, we learn of companies weaponizing dialogue and consultation sessions to co-opt, silence and fragment communities (Maher, 2019; Murphree et al., 1996).

In one of the few empirical MSI studies born out of corporate malfeasance, Alamgir and Banerjee (2019) reported that factory workers in Bangladesh did not experience any substantial benefits from the accord or alliance agreements between garment companies, NGOs and trade unions. The consensus-developing view proposed by PCSR and MSI proponents has been thoroughly challenged for its exclusion of conflict and contestation by scholars adopting a perspective of agnostic pluralism (see Burchell & Cook, 2013; Dawkins, 2015; Brand et al., 2019; Fougère & Solitander, 2019; Arenas et al., 2020).

Agnostic pluralism calls for the embracing emotions, politics, subjectivities and contestation in order to resist the obligation to reach rational settlements via technical and dispassionate deliberative processes (Laclau & Mouffe, 2014; Mouffe, 2000). Agnostic pluralism, therefore, embodies an anti-consensus sentiment. Arenas et al. (2020) encouraged ‘different participants discussing, questioning, challenging, and counter-challenging their concerns about procedures, inclusion, transparency, structures, impacts of the decisions’ (p. 33) for deliberative MSI forums to thrive.

Although the literature has made evident significant shortcomings of MSIs in delivering on PCSR’s pledges, very little has been reported about the softer, less-visible mechanisms of power disparities that aim to legitimize power (Gond et al., 2016). To this end, Etchanchu and Djelic (2019) conceived the notion of ‘parentalism’, conceptualized as a modern version of control that reflects liberal and progressive de-gendered values (Etchanchu & Djelic, 2019). It is defined as ‘a set of practices through which an actor (individual, organization or institution) treats another like a parent to a child. The parent grants the child autonomy to

Table 1 Main features of Parentalism dimensions (adapted from Etchanchu & Djelic, 2019)

Parentalism dimension	Features
Care	Egalitarian
Control	Parental control of decision
Practice	Convening through formal and not substantive participation
Power	Manipulative – setting the agenda
Justification	Lack of child’s knowledge and expertise

varying degrees by constraining or influencing the child’s decision-making in its supposed interest, but according to the parent’s apparent superior knowledge and normative judgement’ (Etchanchu & Djelic, 2019 p. 899).

Parentalism attempts to reconcile two seemingly opposing dimensions—power/control (traditionally masculine) and benevolence and nurturing and care (traditionally feminine) (Etchanchu & Djelic, 2019). The definition of parentalism infers an underlying tension in deciding a child’s autonomy and best interests. Unlike paternalism, wherein the father figure wields more authority and ‘always unilaterally knows best for the child’, parentalism espouses the traditional maternal characteristics of benevolence, care and nurturing in equal measure while simultaneously influencing and controlling the child’s decision-making through seemingly open and frank conversation (Etchanchu & Djelic, 2019).

Therefore, parentalism can help unveil the more subtle, less-visible mechanisms and power dynamics within MSIs, including ‘when a smooth facade suggests collaboration, open deliberation, and neutral expertise’ (Etchanchu & Djelic, 2019, p. 894). Multinational corporations (MNCs), who assume the role of ‘parents’ within this metaphor, are considered natural bearers of output legitimacy because of their rationality and expertise in problem solving, which they can transfer to the area of MSI deliberation (Etchanchu & Djelic, 2019). Importantly, a parentalism lens frames how power, through its control aspect, is legitimated through the care dimension in PCSR contexts (Etchanchu & Djelic, 2019).

The authors reveal four types of parentalism, namely, authoritative, facilitative, deliberative and permissive (Etchanchu & Djelic, 2019). For the purposes of this paper, I focus on ‘deliberative paternalism’ as it concerns open dialogue and consultations with the child, although ‘with the ultimate decision power remaining in the hands of the “parent” or MNC’ (Etchanchu & Djelic, 2019, p. 895). Consequently, parentalism attempts to provide insights into PCSR literature’s ‘neglect (of) the fact that power and justifications interact in ways that can shape the deliberative dynamics’ (Gond et al., 2016, p. 356). Table 1 encapsulates the main

features of deliberative parentalism in line with its five core dimension.

Despite revealing the dialectical tensions of structured antagonism at the ‘coalface’ of CSR deliberation between MNCs and suppliers, Reinecke and Donaghey (2020) still advanced that corporations play an instrumental role in facilitating dialogue between managers and workers. Dialogue processes between MNCs and workers in Bangladeshi factories represent ‘an important step towards reconceptualizing local-level beneficiaries of CSR as active participants with agency, voice and control in deliberative processes, rather than as passive recipients’ (Reinecke & Donaghey, 2020, p. 20). Thus, parentalism can be carefully sidestepped by businesses as long as they guarantee their stakeholders decision-making power.

A limitation of the parentalism framework as acknowledged by Etchanchu and Djelic (2019) is its ‘parent-centricity’. That is to say, it places too much emphasis on the thoughts and feelings of parent companies without considering how stakeholders are likely to react. In addition to highlighting and assessing how parental organizations deploy power retention strategies aimed at garnering stakeholder acceptance, this paper further addresses how stakeholders react and what enables them to resist parentalism. Additionally, I seek to understand the organizational moral justifications that arise in response to such resistance. Doing so allows for the unearthing of dialectical processes and dynamics that shape deliberative dynamics in MSI contexts.

Fundação Renova was set up as an independent MSI with the sole aim of providing remedy to the victims of the dam collapse through a participatory approach. The Renova case thereby offers a unique opportunity to examine the dynamic interactions between the organization and community victims within a deliberative style participation. Before turning to the methodology, it is important to provide a brief overview of the literature that has focused on Brazil’s worst environmental disaster.

Context of Samarco mining corporation and Mariana

The Fundão dam disaster has been extensively covered by Brazilian academia. Much of it has covered the (in)justice and legal aspects as well as the more social movement perspectives (see Lyra, 2019; Fontoura et al., 2019; Zhouri, 2015; Zhouri et al., 2018; Garcia and Fonseca 2018; Bortolon et al., 2021). Of particular relevance to this paper, Miranda et al. (2017) focused on how the disaster led to de-territorialization, with hundreds of families losing their homes and settlements. Such an impact has incommensurable cultural implications from the perspective of the *atingidos*. From a more political angle, some authors provide a

critique of the mining sector in Brazil, indicating the support it receives from state institutions that seem to place corporate rights to mine above human rights (Wanderley et al., 2016; Zhouri et al., 2016; Zhouri, 2018). These authors, much like others who have written about the Fundão disaster, have highlighted the fissures within the handling of corporate-led remediation process and negative social impacts, including exhaustion for the *atingidos* who are fighting for justice. Although there is a lack of narrative studies that consider how Renova has influenced and manipulated victims through its deliberative process, this paper aims to address that gap. I use the next section to detail the methodology undertaken for this case study along with relevant contextual data necessary for comprehending the story.

Research Design and Methods

To address the research questions of how stakeholders react to organizational parentalism and how organizations justify their parentalism, I ground my research design in an abductive approach (Dubois & Gadde, 2002). An abductive approach is helpful when researchers seek to uncover new concepts and relationships and advance existing theories (Dubois & Gadde, 2002, p. 560). Because the subjects of deliberation and soft power mechanisms within corporate remediation have not been greatly examined in extant literature, the use of a qualitative contextualized case study seems most appropriate (Edmondson & McManus, 2007; Pettigrew, 2013). I address this by following the existing parentalism typology categories while also allowing for open coding to enrich these categories with emergent themes from the data. I reviewed the data (interview transcripts, fieldnote observations and videos of testimonies in relation to the foundation) multiple times and manually coded it in line with the concept of parentalism (care, control, practice, power and justification) (Etchanchu & Djelic, 2019). To this framework, I added a sixth dimension of ‘resistance’ to capture the stakeholder dynamics reflected in the research questions.

The data have been collected from fieldwork and extensive archival analysis of videos and documents. In total, I undertook three field trips to Mariana from the start of 2019, resulting in 48 days of content for analysis. Before this, the first research visit to Mariana was in December 2012, when I conducted 18 interviews almost three years prior to the disaster event while researching community perceptions on mining. During this first visit, it became immediately apparent that the community was highly dependent on Samarco for its livelihood and economy in general. This visit significantly aided me in becoming acquainted with the local cultural context and making key contacts for future field

research six years later, thus facilitating access to further interviewees in mid-2016 and during consequent visits in January, August and December of 2019 and in January 2020. Since mid-2016, I have been in contact with one *atingida* woman leader from Bento Rodrigues, having interviewed her and requested her for video testimony for a conference on human rights defenders. Since then, I have analysed archival documents comprising videos, media reports and Brazilian academic publications on the disaster.

In total, I have had 69 semi-structured, informal interview exchanges (27 in-person interviews with 31 people that include subsequent audio and text messaging for purposes of clarifications and updates). In the interest of organizing the data, I grouped all of the audio exchanges with each interviewee into a single interview. This means I have a total of 39 interviews, which are numbered in the middle column of Appendix A (interview details).

Interviewees include victims, civil society representatives, local authorities, a psychologist for *atingidos*, state and federal prosecutors, Fundação Renova, church representatives and local commerce, with interviews ranging between 20 and 180 min (some of the lengthier ones took place while talking over dinner, walking or driving and during a two-day stay with an *atingido* family who invited me to stay on their farm in Paracatu in December 2019). During an August 2019 visit, I also participated in a community meeting where it was possible to present the research to a focus group. The final accepted version of this paper was presented online at the fortnightly Atingidos Commission meeting in Mariana in early April 2021. The Atingidos confirmed that the paper accurately sums up the relational dynamics they have encountered with Renova. Their only comment was that Renova's strategies (staging, stalling and justifying) were now even more accentuated, with the covid pandemic being used as a new excuse.

I analysed over 15 h of video footage from four assembly-type meetings that included testimonies by *atingidos*, activists, prosecutors, politicians and Renova executives. Additionally, I reviewed press and media reports, including two newspapers run by *atingidos* and Fundação Renova, which both provide first-hand written accounts of life after the disaster by victims. These data were analysed repeatedly with regards to the literature on MSG initiatives, corporate remediation and better understanding in a local context and was subsequently followed by discussions with *atingidos*, activists and prosecutors for the sake of verifying my interpretations of events and narratives.

It is important to note that I always took into consideration the ethical aspect of interview fatigue that many *atingidos* have faced from multiple actors who regularly request that they 're-live' the disaster and give their account of it.

The conversations were limited to those people who I was already in contact with before the disaster and any ensuing introductions by them to other *atingidos*, in a snowballing technique. It is worth mentioning that access has not proved too difficult, with *atingidos* often responding with lengthy text or audio messages via WhatsApp phone messaging and one person asking the author to call them as often as needed as discussing the events was a form of therapy for them.

Aside from interactions within Mariana, recurring conversations for the purposes of clarification and verification were gathered via WhatsApp and Facebook, in addition to email correspondence with victims and a federal prosecutor. On several occasions, I sent the *atingidos* links to new short videos released by Renova that showcased participatory aspects of their work. This was done to solicit the *atingido*'s opinions of the manner in which Renova communicated its efforts on restoring justice. An opportunistic interview and conversations were also held with a federal prosecutor at a United Nations Business and Human Rights forum held in Santiago, Chile, in September 2019. Most interviews have been audio-recorded with the permission of interviewees. All interviews and conversations have been conducted in Brazilian Portuguese as I am a fluent speaker with 12 years of fieldwork experience in Brazil. Interviews were all reviewed at least twice before being manually transcribed.

The typical questions asked during interviews were based on perceptions and lived experience of those individuals that participated within Renova's deliberative democracy spaces, in particular to assess the level of effectiveness that these spaces for dialogue had in terms of providing satisfactory remediation. I also frequently asked interviewees what they thought was inappropriate about Fundação Renova's approach to remediation. Those responses were compared with the dialogic, inclusive and robust MSG model that is communicated by the foundation. In general, I often asked interviewees to elaborate on their views on the remediation process and the role played by dialogue within this space. Because of the complexity of the remediation process and Fundação Renova's MSG model, the grievances expressed by victims and the many instances of dialogue interviewees had participated in, interviews often lasted over an hour and were guided by a few open-ended questions together with multiple follow-up queries (including post-interview electronic communications). See appendix A for a list of interview questions. Table 2 gives a chronological overview of the critical events relating to Fundação Renova and the participation of *atingidos*.

Table 2 Timeline of key events

Date	Event
November 2015	Fundão dam breaks. 19 people die. Almost 300 families lose their homes in rural zone and temporarily resettled to main urban centre of Mariana
December 2015	State prosecutor files class action civil lawsuit against Samarco
November 2015 – July 2016	Frequent meetings and hearings between Samarco and atingidos
March 2016	TTAC signed between Samarco and State officials (without the inclusion of victims or public ministry) and creates Fundação Renova
May 2016	Atingidos from Bento Rodrigues voted and decided on the location of their new village. New village and homes promised to be completed by Renova by 2018 and then 2019. Still incomplete in late 2020
August 2016	Fundação Renova begins operating and Samarco exits the community
January 2018	Atingidos win the right via courts to receive technical assistance from Cáritas NGO (indirectly funded by Renova)
August 2018	TAC-Governance is signed elevating the role of atingido participation in the remediation process. This includes creating and funding local commissions at the municipality level
February 2020	Tribunal court rules in favour of atingidos being able to use their own 'matrix of losses' for compensation claims to Fundação Renova. The foundation immediately appealed the decision

Case Context

The Samarco mining corporation specializes in iron-ore extraction and was created in 1977 with joint ownership between Brazilian mining giant Vale and Anglo-Australian BHP Billiton. The collapse of the Fundão dam in 2015 is described as the worst environmental disaster in Brazil's history. Just over three years later, in January 2019, Samarco's joint owner, Vale's Feijão tailings dam, located just over 50 km away, also ruptured, this time killing 270 people, most of whom were miners. The Fundão dam disaster occurred on November 5th, 2015, in Bento Rodrigues, a colonial village located within the municipality of Mariana, Brazil. Within just an hour of the collapse, 35 billion tonnes of iron-ore refuse and mud had engulfed and destroyed the nearby village. The devastation continued over the next 670 km, sweeping away everything in its path across 42 municipalities until it reached the coast of the Atlantic Ocean. The disaster claimed the lives of 19 people and negatively impacted 23,000 other families (Globo, 2018; Fundação Renova, 2019)² or up to 3 million victims, according to a recent UN statement. Scientific studies claimed that 90% of the Doce River basin that was affected by the bursting of the dam was still contaminated

two years later,³ which is refuted by studies commissioned by Fundação Renova.

In the immediate aftermath of the dam burst, almost 400 families, mostly from Bento Rodrigues (located 25 km from the town of Mariana), were left homeless, their homes and possessions having been swept away or destroyed by the mudslide caused by the dam. In response, Samarco found temporary accommodation, mostly in hotels, for these *atingido* families. It also made emergency payments and distributed debit cards with a national minimum monthly wage amount to each family so they could be used at local supermarkets.

Though Samarco suspended all mining operations on the day of the disaster, less than two weeks after the dam burst, the community's economic dependence on Samarco became evident in the form of protests by locals in support of Samarco. Residents had created a new social movement called 'Fica Samarco' ('Stay, Samarco'), with the following declaration on their Facebook page: 'As citizens of Mariana we know the city needs mining to survive. We want Samarco to stay so that our families can have their livelihoods back' (Fica Samarco Facebook page, 2015). This sentiment generated divisions and stoked flames of discrimination towards the *atingidos*, who had moved into the city of Mariana from nearby rural areas. The *atingidos* were blamed for the suspension of Samarco and therefore the loss of jobs and consequent economic downturn. The compensation payments and housing paid by Samarco to the *atingidos* also led to further animosity.

The importance of Samarco within Mariana was evident as soon as I arrived in the city for the first time in December 2012. The city centre was replete with men and women in Samarco uniforms after 4 pm. Most of my interviewees reminded me of the statistic that the municipality of Mariana generates 80% of its revenue and income from Samarco. In

² Vale prevê mais dois anos para reparar danos do desastre da Samarco, diz presidente.

<https://g1.globo.com/economia/noticia/vale-preve-mais-dois-anos-para-reparar-danos-do-desastre-da-samarco-diz-presidente.ghtml>

³ Linhares, C 'Rivers Contaminated with Waste from Mining Company Samarco Are in Poor Condition, Says NGO'.

<http://www1.folha.uol.com.br/internacional/en/brazil/2011/17/1933768-rivers-contaminated-with-waste-from-mining-company-samarco-are-in-poor-condition-says-ngo.shtml>

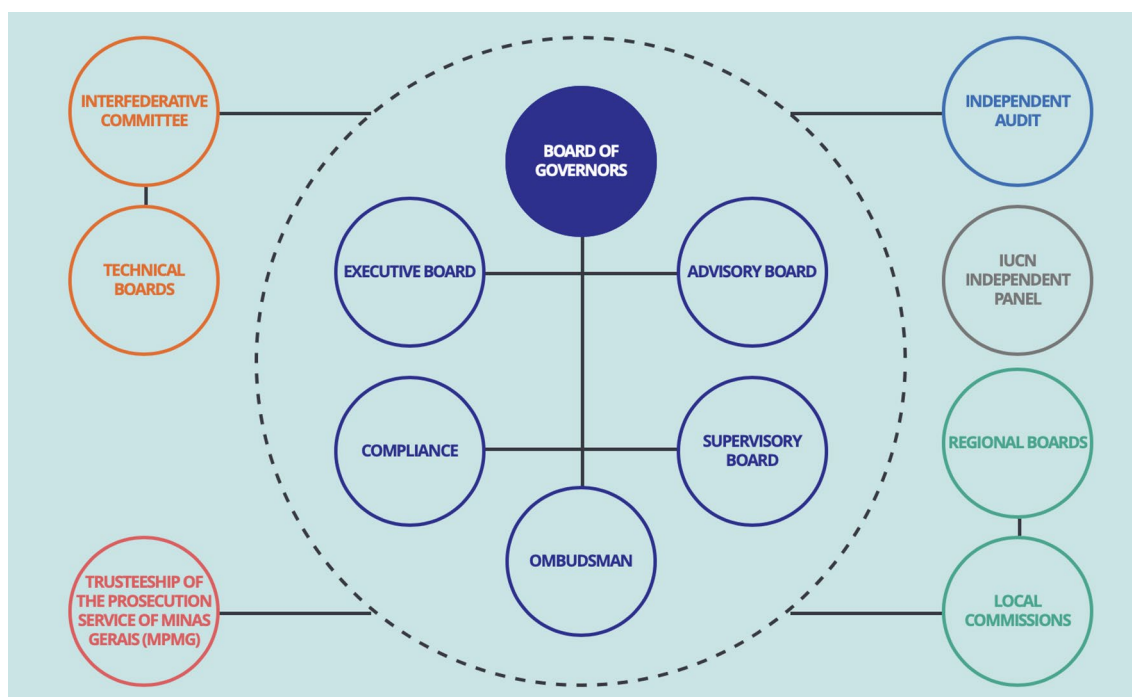


Fig. 1 Governance model of Renova Foundation. (Source: Fundação Renova website, 2020)

the following section, I cover the first three aspects from the framework pertaining to ‘care’, ‘control’ and ‘practice’.

Data Analysis

Dialectical Tensions with Fundação Renova (Care, Control and Practice)

Fundação Renova was created in March 2016 with a budget of R\$11.6 billion (US\$ 3.13 billion), a budget 10 times larger than that of the next largest foundation in Brazil (Interview with Director of Institutional Affairs, Fundação Renova). It was set up as the result of a legal commitment, known as a Transaction and Conduct Adjustment Term (TTAC in Portuguese), with the sole purpose of remediating the harms caused by the Fundão dam collapse. The TTAC defines and governs the scope of Renova’s work and operations.

For the first nine months after the disaster, Samarco was in charge of the consultation meetings with *atingidos*. These interactions addressed the remedy process, information sharing, resettlement and other issues before Fundação Renova was operational in August 2016. It is worth noting that the conception of Fundação Renova was not announced until March 2016. This is where we see the first dialectical tension emerge where, despite intensive consultation sessions (parentalist ‘care’) with victims, the *atingidos* had no

involvement in the conception or design of the foundation. The news of the foundation came to the surprise of *atingidos* and civil society, as was raised during interviews with these actors who had not been consulted about the idea of a foundation operating as an MSI that would be in charge of their remediation: ‘Remember that the foundation was not created or designed with the input of the *atingidos*, it was invented in the dark corners of congress in Brasilia between politicians and the mining companies. It’s too late to have everyone participating afterwards!’ (Interview, State Prosecutor, Mariana, 2019).

The second core dialectical tension observed is that despite the foundation’s self-proclamation as an independent entity, it receives 100% of its funding from the mining companies responsible for the dam collapse. In both interviews with Renova’s management, the officials dedicated the first 20 min to defending their MSG model. The key message they seemed to want to convey was of its fully democratic, participative, independent and accountable nature. This is underscored by its governance model, with 70 diverse organizations participating, implying that no single party has control over decision-making.

By September 2020, the foundation had spent R\$9 billion (US\$ 1.7 billion) on repair-related actions and compensated around 320,000 people, according to its website. In line with the aspects of ‘care’ and ‘practice’ from the parentalism framework (Etchanchu & Djelic, 2019), the

foundation communicates through its website an egalitarian approach. It does so by placing deliberation and participation at the centre of its operations and reports very impressive figures of community participation, stating that by mid-2020, it had conducted over 4,000 dialogue forums and engaged with 112,000 people (convening as ‘practice’) (Fundação Renova website, 2020).

Figure 1 (taken from <https://www.fundacaorenova.org/en/participating-parties/>) reveals the organizational structure of Fundação Renova’s MSG for victim remediation, encompassing other boards and committees that deliberate and monitor the governance model. Their multi-stakeholder group model comprises over 70 organizations, including 40 NGOs and 25 universities. Renova also has 7000 members who are either direct or indirect workers.

From parentalism’s dimension of control (Etchanchu & Djelic, 2019), we can appreciate the dialectical tension of how the foundation holds a grip on its power as all decision-making abilities rest with the Board of Governors. Six of the members represent the mining companies, and since August 2018, there have been two seats at the table reserved for victims and one for a state actor representative from the inter-federative committee. Despite this, the respective constituencies have decided to abstain in protest. The primary motive behind this is that they would be outnumbered by mining company representation. In the case of *atingidos*, the issue of finding two people who are prepared enough to represent their respective states, which are around the size of France, also complicates matters. Therefore, the other committees involved in the MSG model serve in purely consultative roles for the Board of Governors. It is also noteworthy that the inter-federative committee, which comprises governmental actors, has the power to levy fines against Renova for its non-compliance. In short, up until now, the victims and their advisers have decided to boycott this opportunity and thus not provide any legitimacy to the decision-making process.

I denominate this dialectical tension as the ‘poison tree’, as stated by a state prosecutor during an interview, who labelled the foundation as a legal term that refers to how flawed evidence from the outset invalidates a whole investigation. Nonetheless, the prosecutor saw potential in the effectiveness of an MSG model saying, ‘This model with everyone participating should work in theory but it doesn’t, do you know why? Because it’s just appearance/facade, a smoke curtain of participation where who really runs things at Renova isn’t Renova, it’s the companies ... the companies control Renova and it doesn’t have as much autonomy as it alleges and most interesting is that its participation initiatives don’t generate any results, yes, the NGOs, *atingidos* participate, but Renova doesn’t comply or execute any decisions agreed upon ... Renova is like a poisonous tree, it will always give poisonous fruits no matter how nice it looks’ (Interview, State Prosecutor, Mariana, 2019).

A fourth dialectical tension that also falls within the parentalism category of control includes Renova’s extrajudicial reparation programme is called PIM. Within this programme, *atingidos* can walk into their local PIM office and request a financial settlement, aided by lawyers and mediators who lead the process in calculating how much a victim is owed. Once the *atingido* accepts the payment, they also relinquish any rights to demand further payment or take future legal recourse against Samarco. Victims and their defenders, however, decried at the absence of participation, transparency and neutrality throughout this process. Essentially, Renova clinches onto decision-making power in this process, as lamented by representatives of Caritas NGO: ‘*Atingidos* are not told how the amounts were calculated, they are just asked to accept ... so the big criticism here is to ask, “Where is the impartiality if the mediators are paid for by Fundação Renova?” ... when you think of mediation, you imagine participation and conversations, but here Fundação Renova just presents its proposal and doesn’t give any leeway for *atingidos* to voice their concerns ... and Fundação Renova takes this approach beyond PIM into all the spaces where it engages in dialogue with *atingidos*, where it just presents ready-made proposals and *atingidos* have to fight tooth and nail just to have their own perspectives taken under consideration’ (Group interview with three Caritas managers, 2020).

Finally, within the realm of control, we can observe a fifth dialectical tension of how the foundation essentially manages to mute numerous NGOs and academic institutions with which it partners from opining on Renova’s work as experienced first-hand by myself. As an example of Fundação Renova’s reach within Brazilian academia, it was unfortunate to see that participants at an academic paper development workshop at one of Brazil’s best-known business schools located in another state over 500 km from Mariana were unable to comment on an earlier version of this paper in December 2019 because of their (indirect) contractual obligations with Renova. The research funding bodies of both Minas Gerais and Espírito Santo (affected by the disaster) also receive significant resources from Fundação Renova. During conversations with academics at the local federal university in Mariana (Ouro Preto), I realized that multiple academics work as consultants for Renova.

Power

Renova wields its power through various manipulation tactics aimed at victims, including staging and stalling that leads to victim fatigue and using moral justifications to blame its MSG model for inefficiencies. In the following section, I present empirical analysis related to the power (manipulation) aspect of parentalism.

Power Retention Through Stalling and Victim Fatigue

The most recurring theme throughout the empirical data, occurring in 35 separate quotes, relate to how Renova's deliberation process often exhausted victims by stalling (delays) and giving them the run-around with answers. Stalling therefore acts as a sixth dialectical tension, whereby the foundation never says no to the victims, always promising to get back with answers shortly later, which rarely materialize and frustrate and exhaust the *atingidos*. Because of space limitations, I present some of the most striking testimonies in this section. Frequent late-night meetings that tend to be overly technical in nature have taken their toll on the victims, with one noting, 'It's important for me to tell you all this so you understand why certain *atingidos* have reached the point where they agree with whatever the foundation says... Imagine most of the *atingidos* who are attending these meetings, where they don't understand what is being said and it's late at night! I've been to public hearings accompanying very humble people from the countryside who had lost everything, I would come back crying after seeing them practically apologize to the company for exercising their rights...' (Interview with *atingida* woman, Mariana, January 2019). A similar remark was made by an elderly victim who now refrains from attending meetings for health purposes: 'I've stopped going to lots of meetings because we get so enraged at them and I suffer from hypertension. They bring 7–8 lawyers to each big hearing. The *atingidos* are kept like prisoners at these meetings as we have to prove to the lawyers we really had all the possessions we are claiming for' (Interview with an elderly *atingida* woman, Mariana, 2019).

The Brazilian expression of *enrolar* was used in most interviews, which translates roughly to 'stalling, giving the run-around or stonewalling'. Indeed, several *atingido* interviewees played with the name of the foundation, calling it 'Fundação Enrola' or adding that it is called Renova (Renewal) because it renews the disaster on a daily basis in their lives.

The interviewees argue that Fundação Renova has always given them the run-around in regards to the requests they make, which would explain why none of those who lost their homes have been offered a new one or why so few have received due compensation. All interviewees also asserted the belief that this utilization of stalling by Renova was a strategic tactic that would enable those who work for the foundation to remain employed for as long as possible, as mildly insinuated in the following quotes: 'Some dialogues are conducted by visiting *atingidos* at their homes and these have complexities around them ... at many meetings, Fundação Renova just gives the run-around to *atingidos*. You only have to think it's over four years since the disaster and not a single family has been resettled and the compensation

offered by PIM has been miserable ... it makes you wonder why they have such a huge team dedicated to dialogue when nobody is even resettled and damages offered have been precarious' (Interview with Caritas manager, Mariana, 2020).

To decide on even one single agenda item can be an exhaustive exercise when doing so involves Renova: 'Our resettlement should be well advanced by now, having met the needs of the families, but Renova just gives us the run-around in meeting after meeting to decide a single agenda ... it never meets its own deadlines unlike us, and that's how it gets further delayed' (Written statement from a *atingido*, 2020).

The following narration shows us a typical example of how Renova's stalling practices unravel during their interactions with victims: 'The Renova representative will often reply to a simple question by saying, 'I didn't know you were going to ask me about this, I'll get back to you next week with the relevant professional who can explain this'. Then, you would wait the whole week when you ask the very same question again to the same professional, he would reply, 'Well you see, *ehhhm*, I'm organizing this event together with others, and we're a big team, and I don't know how to answer your question'. That's when you would be outraged, and then another colleague would come the following week, and he still wouldn't know the answer; it often took a month to get a single answer. These meetings often resulted in nothing' (Interview, *Atingida* woman, Mariana, 2019).

A representative from Caritas, an NGO that provides technical assistance to victims, noted that the end goal of stalling and exhaustion is to make *atingidos* surrender and settle via PIM: 'Delays are used strategically by the companies to tire out the victims to give up on their rights, which, in large part, is winning (Caritas representative, Atingidos University Panel Discussion, YouTube, 2019a). A similar pattern of exhaustion followed by apathy occurs for *atingidos* when they have to deal with their architect on the subject of constructing their new homes and villages. Victims eventually just 'let him (the architect) go ahead with his own way' (Interview, Federal Prosecutor, Mariana, 2020). Essentially, these delays are leveraged to de-mobilize victims, thus making their struggle more difficult.

The issue of harassment and irritation was also brought up by the interviewees who felt accosted after four years of endless meetings, dialogues and hearings: 'Now they're using our youth for insignificant projects. On Friday, they were knocking on my door and annoying the hell out of me for three hours, trying to explain their project to me, asking, "What's your dream for Passagem?" Our dream is for us to go back to October 31st when the community could celebrate life and live as one. Don't mess with this black community! We are organizing ourselves' (Interview, former local woman politician and activist, 2019).

In a recent emotional audio message, one victim put the effects of stalling into perspective by lamenting how he and his family live a life imposed on them by Renova. He went on to state that their life has been put on standby, meaning it has halted the progress of his children's education while he is infuriatingly forced to observe on a daily basis the generous amounts Renova spends on everything except the remedying of the harm suffered by his family: 'I suffer greatly from observing that I am used to validating the corruption carried out by Renova ... in our name, they just spend money like there's no tomorrow ... my daughter would have been educated by now if it wasn't for the dam break. I tell you this for you to know how much of our lives we've wasted due to this dam break' (Interview, *Atingido*, Dairy Farmer, Paracatu, 2020). The same interviewee frequently referred to *atingidos* as a commodity, which has helped enrich the lives of so many except for their own.

Power Retention and Gaining Acceptance Through 'Staging' Deliberation

A Brazilian adage from the nineteenth century was used by multiple interviewees to describe participation with Renova, 'We have an expression in Brazil, "just for English eyes" or "just on paper", and what's on paper is really bad and in practice it's really bad' (Interview, State Prosecutor, Mariana, 2019). The narrative of free, fair and empowered participation was one of the biggest grievances expressed by interviewees, including *atingidos* and their advisers. This adage reveals 'the intention of creating an illusionary reality to provoke a certain effect in the eyes of someone we respect or fear, without substantially changing what lies beneath the surface. To do something "for the English to see" involves illusionism, impression manipulation, and dissimulation' (Caldas & Wood, 1997, p. 517).

The frustration surrounding this aspect of power flexing by Renova is summed up here: 'Fundação Renova went from strength to strength and today it's become almost like Frankenstein! It has so many people, so many employees ... Our main complaint is that Fundação Renova does not just do communications but instead it does publicity. For me, the difference between the two would be, for example, saying, I spent such and such on the resettlement, and I communicate this as if I was doing it for the benefit of the community and not paying a penalty or sin. It pays for a vehicle or a new plaza and throws a celebration when it was its duty to do these things in the first place' (Interview with a priest in Mariana, January 2019). Furthermore, as signalled by a state prosecutor, Renova prefers to speak of 'benefits' instead of the more confrontational 'rights' discourse and always refers to the disaster as an 'accident', while most activists and prosecutors call it a '(corporate) crime'.

The issue of staging good relations for external communications was also raised throughout interviews. One interviewee, who had participated in one of BHP's Annual General Meetings (AGM) for shareholders in London, spoke of her horror when a video of Mariana was shown.

Furthermore, vocal *atingidos* explained that after enduring gruelling campaigns of direct activism to secure their rights, including lawsuits, street marches and occupations of Renova's office, the foundation later portrayed these new rights for *atingidos* (in their glossy videos) as benefits that it decided to donate by virtue of its own generosity, creating what one woman leader referred to as a 'war of narratives'.

We highlight a seventh tension in the knowledge–power asymmetries that exist between the foundation and the victims during what becomes a staged dialogue. A federal prosecutor doubled down on the insincerity of dialogue saying, 'It's not really genuine community dialogue, to be honest, because how can you dialogue with people who don't have technical assistance, which would empower them ... if you dialogue with someone who is less empowered, it's not dialogue ... you need to have collective dialogue and not this type of domestication' (Interview, Federal Prosecutor, Mariana, 2020).

Justification–Shielding with an MSG

Efficiency was the prime moral justification used by the foundation's director in defending its existence: 'There are different ways of addressing remedy. One way is the judicial route, but the disadvantage of this is the time it takes, which is because of the Brazilian justice system's bureaucracy. The first environmental justice case in Brazil happened 31 years ago and is still in the courts! Imagine that! We wouldn't want that to happen with our victims. Another route is an agreement between state and company where the state leads, but once again, the problem here is the state's efficiency. So, in our case, it's not the state nor the company who will execute the actions but instead a third party. Not Samarco, because it only knows about mining, so the entity for giving remedy is Fundação Renova' (Interview with the Director of Institutional Relations, Belo Horizonte, 2019).

However, this justification of efficiency was almost immediately contradicted by the Renova management interviewees themselves and thus represents an eighth dialectical tension. The foundation's management defended their MSG model with the argument that legitimacy costs efficiency: 'The whole governance process of inclusion, participation and transparency means that Renova acts very slowly. By the time you consult all these actors, it slows down the process. By the time you listen to everyone, it slows things down. If it was a company doing all of this, it would be much quicker. Nonetheless, it's more legitimate... part of the community understands that the price of legitimacy is

this slower process' (Interview, Renova manager, Mariana, 2019). Renova asserts similar justifications in their own newspapers in regards to delays.

A ninth dialectical tension surfaces from Renova blaming its own governance model for the absence of decision-making to deliver justice to the victims. From a victim's perspective, however, Renova 'blames their governance model ... to relinquish their duties ... the foundation's President said when he came to see us (*when atingidos were occupying Renova's Mariana office in protest*) that "I don't have any decision-making power whatsoever", that when the governance structure does not reach consensus, we are unable to do anything and he then went on beating around the bush. The *atingidos* there were so exhausted from suffering and were perplexed by his response ... he looked these hungry people in the eye and said his hands were tied behind his back' (Interview with Caritas manager, Mariana, 2019).

A related tension is that of deflecting blame back to victims. Another female activist referred to the same speech by the President of Renova as 'shirking responsibility': 'When Renova says everyone participates, everyone voices their opinion and everyone makes a collective decision. It also says that means we're *all* responsible, so if something goes wrong, it's everyone's responsibility' (Interview with a female activist, MAB, Mariana, 2019). Here, we can appreciate how Renova's brazen justification of delays and mistakes involves deflecting back to the *atingidos* by affirming a shared and collective responsibility that emanates from the deliberative process. A Renova director countered this criticism of stalling on purpose by accusing the accusers of being 'ideological' and saying that 'there is no way we can convince them that this is not the case ... we have nothing to gain from delays!' (Interview, Director of Institutional Relations, Renova, Skype, 2019).

We can appreciate the final dialectical tension within the frequent legal-rational justifications used by Renova to ground its defence and response to complaints. For example, in regards to criticisms over overly enthusiastic communications, it argued that they are legally required to regularly communicate their actions by way of the TTAC legal agreement that governs them and helps to justify their proactive communications. Renova frequently cites its compliance with the TTAC as a defence-mechanism in the face of criticisms. In the final section that follows, I breakdown the different stakeholder resistance strategies to the parentalist tensions presented above.

Table 3 offers a synthesis of the twelve dialectical tensions that riddle Renova's parentalist strategies with supporting quotes or data.

Resisting and Sidestepping Parentalism

Self-exclusion Tactics

To counter the different parental approaches of Renova, the *atingidos*' main strategy from the outset has been to sidestep the formal deliberation space and turn instead to judicial, civil and mediatic resistance. The core affirmation exclaimed repeatedly by *atingidos* with whom I conversed was along the following lines: 'Everything we have achieved has been thanks to our struggle and assistance from others, such as the prosecutors and NGOs. Absolutely nothing has been conceded to us by Renova's good faith'. One young victim explained dealing with Renova's parentalist deliberations as follows: 'We are no longer so affected by their (Renova) manipulations during meetings as our group at least doesn't attend their dialogues and meetings anymore; Dr. Guilherme shifted our relationship with them (Renova) to be played out in the local courts of law' (Young female victim, Mariana, 2020).

Self-exclusion tactics have also been advised by activists to victims as explained earlier in the third dialectical tension of the 'poison tree'. Despite being granted two seats on the Board of Governors (the only body capable of decision-making), a female activist and state prosecutor articulated how it is too much of a risk for two victims to participate in circumstances characterized by such power asymmetries with respect to knowledge, socio-economics and emotions. Most importantly, the two *atingidos* will always be outnumbered by the four mining representatives.

Partnering with Defenders and Activists

The importance of the victim-led newspaper *Sirene* (meaning 'Siren' in English) in confronting Renova's parentalism is worth mentioning. Initially set up by a local church organization, *Sirene* is managed and written by *atingidos* (with the help of university student interns) to ensure that victims' voices are not forgotten or drowned out by Renova. As stated in an interview with a religious authority in Mariana, 'The third project is the *Sirene* (Siren) newspaper project...mainly because we wanted true stories to be communicated. The mass media edited all the stories in their own way. The main objectives here are maintaining unity among the dispersed people, the second is offering news related by the *atingidos* themselves and third is that it should motivate memory...each new issue comes out every fifth

Table 3 Dialectical tensions and the dimensions of parentalism

Dialectical tension	Parentalism dimension	Illustrative quote or explanation
Staging: Intense and lengthy consultations with victims yet no victim involvement in the creation or design of the foundation	Care	‘No, I don’t recall ever, not once, during those exhaustive never-ending meetings did Samarco mention the idea of creating a foundation for our compensation, we found out through the media like everyone else’ (Interview with a young victim, Messaging App, 2020)
Staging: Foundation claims to be independent yet is fully funded by both mining corporations	Control	‘Fundação Renova is a colony of the companies that has no autonomy and is controlled by the companies’ (Interview, State Prosecutor, Mariana, 2019)
Staging: ‘Poison tree’ wherein all decision-making power rests with the Board of Governors (which is dominated by mining corporation representatives)	Control	‘Renova and the companies are playing against us because no important decision can be taken until the Board of Governors agree, which is dominated by the companies despite the many instances of deliberation where nothing can effectively be done without the Board of Governors liberating funds’ (Interview, Federal Prosecutor, Mariana, 2020)
Staging: Impartial mediation process for extrajudicial compensation (PIM) wherein victims relinquish their right to future legal recourse	Control	‘Within the PIM, Renova acts as Father, Son and Holy Ghost, making proposals to the <i>atingidos</i> for damages, and the people don’t have the capacity to negotiate...they keep handing over proposals to <i>atingidos</i> at PIM, saying they are confidential, despite us repeatedly telling them not to. It’s a way of dividing the people’ (Interview, Federal Prosecutor, Mariana, 2020)
Co-opting and silencing NGOs and academia by means of non-disclosure agreements during collaboration	Control	‘If you approach any <i>atingido</i> three years later and tell them, “Hey, look I have (a false) compensation for you, just sign and it can all be over with a discharge term”, the <i>atingido</i> accepts it because he can’t take anymore. People don’t have any energy left to go to meetings because they are exhausted. This corporate strategy works’ (Caritas representative, Atingidos University Panel Discussion, YouTube, 2019a)
Stalling: Giving victims the run-around instead of answering their questions directly or fulfilling promises	Practice and power	As witnessed myself during different interactions with Brazilian academics and NGOs who were unable to collaborate or comment on my research because of their previous or present working relationship with Renova ‘They (Renova) always bring everything ready-made and we have to fight so hard to make changes. For example, back in 2016, they brought us a resettlement project that had nothing to do with our community. It made us cry with rage in the meeting as Renova had already canvassed our expectations and didn’t respect them in the end. Only through struggle and sacrifice with our technical assistance were we able to fight so that the new village and homes therein could be built together with us, although Renova always resisted and said, “If we have to do all these things, there will be delays”’ (Written statement from victim, 2020)
Staging: Representing reparations and compensation as benefits and not as legal compliance		‘For Renova, the victims, or <i>atingidos</i> , are referred to as “impacted people”, the term <i>atingido</i> is more grave and “impacted” could mean indirect victims; this way they minimize the severity of the situation. They call the “crime” an “accident” — a crime is premeditated, an accident is something like a hurricane. Renova speaks of benefits instead of rights, benefits in Portuguese means more of a donation, but this struggle is about rights’ (Interview with a state prosecutor, Mariana, 2019)

Table 3 (continued)

Dialectical tension	Parentalism dimension	Illustrative quote or explanation
Knowledge and emotional-state-power asymmetries	Control, practice and power	<p>'How can an <i>atingido</i> go and participate if they lack information or take someone they trust to accompany them to the meetings? ...people have not received anything for over four years. How can I go to participate in a negotiation when I'm hungry and unemployed? ...So how can you place people with unequal power relations to sit down and negotiate?' (Interview with a female activist, MAB, Mariana, 2019)</p>
Self-contradiction by foundation as the 'least worst' option for efficiency	Justification	<p>As explained at the start of an interview by Renova's Institutional Affairs director, there are cases of environmental damage still in court 31 years later. When the state leads on seeking compensation for environmental harm, there is a great deal of inefficiency. Therefore, the idea of an independent foundation is best (or the 'least worst'). However, shortly after, we discussed how difficult it is for the foundation to avoid delays in providing reparations and compensation (Interview notes, Renova Director of Institutional Affairs, 2019)</p>
Foundation's blame of MSG model: Consensus-seeking as a barrier to efficient remediation	Justification	<p>'It's important to note that FR blames the delays on dialogue and that reverses the logic...dialogue requires action and without that you lose trust ... they blame dialogue, engagement and participation with <i>atingidos</i> to justify the delays they reverse the logic for the purpose of dialogue' (Interview with Caritas manager, Mariana, 2020)</p>
Foundation's blame of MSG model for shared responsibility for any decisions	Justification	<p>'It was their way of saying that as everyone decides collectively, things take longer...during the sit-in protest in June the President came over to say "I'm not coming here to resolve anything but to tell you before that the Foundation cannot make a single decision. It requires 200 people to come to an agreement, meaning that it's not my responsibility as President. You need to chase after the others too", and he just passed the buck to others...it's a dangerous discourse; it doesn't represent participation but de-responsibility (Interview with a female activist, MAB, Mariana, 2019)</p>
Legal rationale for its defence	Justification	<p>'I think you are right that we have different narratives and worldviews; we are guided by the Transaction and Conduct Adjustment Term' (Human Rights Commission, Belo Horizonte, May 2019 on YouTube, 2019b)</p> <p>'They always base all their arguments by saying they are in compliance with the TTAC' (Interview with woman <i>atingida</i>, Mariana, 2020)</p>

day of the month since that was the day of the crime in November 2015... the Fundação Renova had the audacity to publish their own newspaper in a very similar format and style to our, it's called *Voz da Comunidade* (Voice of the Community)...they also interview *atingidos*' (Interview with a religious authority in Mariana, January 2019).

Most *atingidos* from the Mariana municipality refer to their public prosecutor, Guilherme De Sá Meneghin, as their 'guardian angel'. In 2017, as a result of Meneghin's initial defence, the *atingidos* from the Mariana municipality were awarded the right to receive technical assistance to help them understand and participate in deliberations. The *atingidos* chose Caritas, the Catholic social justice NGO for this role. *Atingidos* were already being supported by the more left-wing, radical, anti-mining organization—MAB (Movement of those Affected by Dams in English). Since then, the *atingidos* have forged links with foreign activist NGOs, such as London Mining Network, who invite a couple of victims every year to partake in BHPs AGM and in other protest-related activities. Leigh Day, a UK legal firm, is also representing the *atingidos* in UK courts, hoping to sue BHP for £5bn in compensation payments to over 200,000 *atingidos*.⁴

However, this reliance on others, especially on the state prosecutor, by the Mariana victims has been questioned on the basis of passivity towards a father-like figure: 'Unlike in the USA, where class action lawsuits can be authored by private citizens, in Brazil they can only be done by public prosecutors ... Dr. Guilherme works with that logic with his class action suits for Mariana ... my criticism is that it creates the sense of "I'll take care of this for you, you can sit back and relax, I've got this". This transforms *atingidos* into objects and not subjects of the reparations process; they participate but in a more passive manner ... as you have someone doing it all for them, they don't participate, and it leads to passivity in this process, so the prosecutor will end up as the hero or villain. You end up creating a dynamic of accommodation, which is very common with Brazilians, especially Mineiros, who have the logic of "he has to do this for me"' (Interview, Federal Prosecutor, Mariana, 2020). In essence, the victims resist parentalism (and PCSR) by forging alliances with legal and technical advocates, activists and church representative and therefore limit their involvement with Renova's deliberative process. Victims have also restored to direct action when necessary. For example, dozens of victims occupied Renova's Mariana office for most of June 2019 to protest the delays and stalling tactics.

State politicians have convoked human rights public audiences in Minas Gerais' capital city of Belo Horizonte. In these instances, politicians advocating on behalf of *atingidos*' rights have facilitated speeches and interventions by local residents, civil society and state actors. In May 2019, Renova's head of human rights accepted an invitation to be in the audience. The following lengthy excerpt brings the disparate ontologies between both sides to the forefront and helps us appreciate the gap that exists in preventing reconciliation:

(Head of Human Rights, Renova) 'In terms of health, it is worth reminding you that we are governed by the TTAC, especially clauses 106–112 ... Fundação Renova never acts unilaterally, it is always guided by the TTAC and technical chambers created within the governance system and the interfederative committee ... the social movement of *atingidos* is being incorporated by the TTAC governance from last year together with different public prosecutors ... with regards to fishing, we follow relevant rights, such as the right to work, the right to food sovereignty and reparations in general ... according to Anvisa, fish is safe for consumption' (*boos, heckling, people in audience shouting in disagreement for a few minutes*) ... (Interruption by state-level politician Beatriz Cerqueira): 'My problem here is that we have two narratives. On the one hand, we have you telling us about the concepts and why Fundação Renova was created—the concept of human rights—and on the other hand, we have the reality of those who came here to the hearing, so I'm really struggling here ... there's no meeting point between these two narratives. We have serious problems here! The Fundação Renova narrative speaks of learnings, governance, challenges and inconclusive studies, but in the meantime, people are dying (*roars from the audience*), do you understand? What you say about water toxicity doesn't relate to the raw reality ... how are we going to deal with future assembly hearings because it's completely antagonistic?' (Human Rights Commission, Belo Horizonte, May 2019, on YouTube, 2019b).

Here, the Renova executive exposed the foundation's deep and ingrained logic within the legal rationale of TTAC and scientific studies, unable to step outside of this formal sphere and have an informal discussion with the starkly divergent lived reality of the *atingidos*. It is paramount to emphasize that despite the various forms of bypassing the foundation, it is not possible for all victims to be remedied through the courts. Table 4 captures the different resistance strategies and how by enacting them victims can subdue some of MSI's parentalism dialectical tensions (related to staging). In the following section, I discuss the empirical data in relation to the literature on PCSR and parentalism.

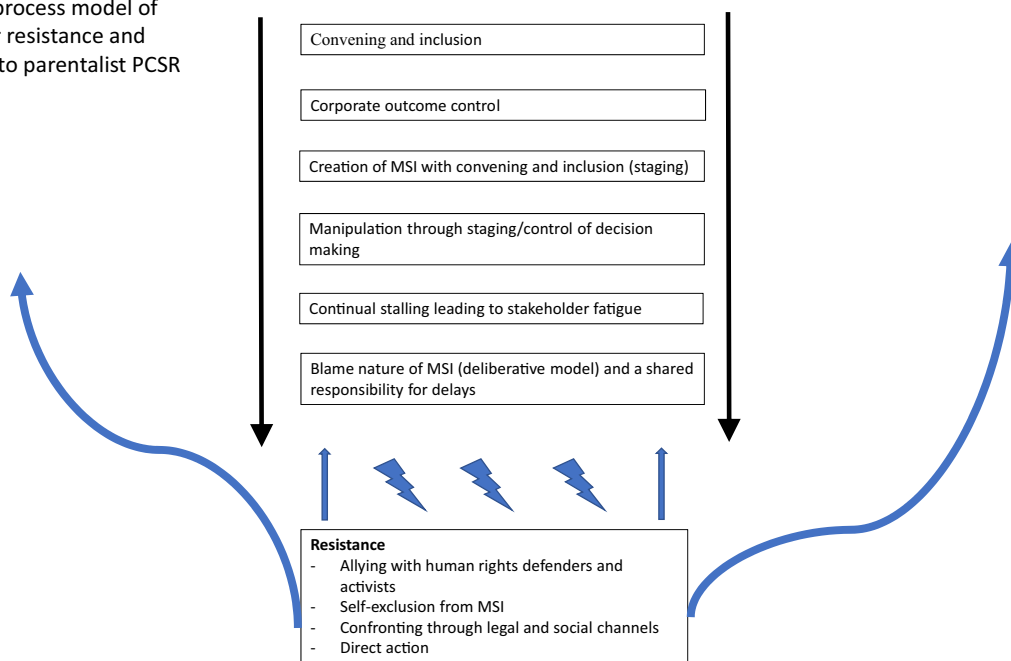
⁴ Godsen, E (2020) Miner sued for £5bn over Brazil disaster that killed 19.

<https://www.thetimes.co.uk/article/miner-sued-for-5bn-over-brazil-disaster-that-killed-19-pcjl68p2>

Table 4 Dialectical process model of power retention and resistance strategies PCSR parentalism

Power retention, legitimacy-seeking and resistance strategies	Operationalization
Communications and public relations	Impressions management; communicating remediation as benefits
Garner previous philanthropical relations	Hold community relations meetings outside formal deliberation space; Leverage prior social capital; and low self-esteem of community
Stalling and stakeholder fatigue	Deliberate strategy to acquiesce, demoralize, exhaust and reach quick settlement; Constant delays; frequent and intensive meetings/consultations with technical jargon; giving ambiguous answers
Staging	Insincere dialogue; unequal conditions for deliberation; power, knowledge and emotional asymmetries in decision-making
Resistance to parentalism	Collaborate with external human rights defenders from state, civil society, church and academia to circumvent formal deliberative space; Self-exclude from deliberative arenas and initiatives; Shift contestation with parental organization from its multi-stakeholder deliberative space to institutional channels such as courts of law and public hearings; Take direct action; Victim-led communications, e.g. newspaper; Transnational protests, i.e. in the home country of the parental organization
Moral justifications – shielding with MSG	MSG model as ‘lesser of all evils;’ MSG model of deliberation and consensus-making to blame for delays; Slow but legitimate; Shared responsibility for failures and delays; guided by apolitical legal-rational logic

Dialectical process model of stakeholder resistance and subversion to parentalist PCSR

**Fig. 2** Dialectical process model of stakeholder resistance and subversion to parentalist PCSR

Discussion

In this paper, I set out to uncover how parentalism and its underlying tensions shape deliberative dynamics. This entails addressing a gap in the literature about how ‘children’, or stakeholders, react to parental PCSR strategies and how ‘parents’, or organizational actors, morally justify their actions in the face of resistance and dissent. The paper thus

responds to calls by Gond et al. (2016) and Etchanchu and Djelic (2019) on exploring how less-visible forms of power and justification interact in ways that help shape deliberative dynamics in MSIs. The case serves as an example of ‘insensitive violence,’ (Chowdhury, 2021) which includes direct victims in addition to indirect ones who suffer from invisible impacts of corporate irresponsibility. This case analysis brings the dialectical tensions and impact of deliberative parentalist PCSR on victims of human rights abuses that

seek corporate remediation to the forefront. My main contribution to the PCSR literature is constructing a process model of PCSR parentalist–stakeholder resistance dynamics on a micro-political level. Figure 2 captures these micro-political level dynamics and processes.

Specifically, I aim to enrich the PCSR concept of parentalism by proposing the strategies of staging, stalling, stakeholder fatigue, stakeholder resistance and corporate moral justifications in response to dissent. Most novel for the PCSR literature, I argue that there are two related themes—stalling and stakeholder fatigue—that depict the mechanics of how corporations can seek to legitimize their acts of irresponsibility through MSIs (Moog et al., 2015). I contend that staging permits MSIs/organizations to stall, which, in turn, creates stakeholder enervation. Stakeholders are able to resist by means of self-exclusion from PCSR and from partnerships with rights defenders, which can assist in neutralizing the significant elements of staging. In this sense, I add dynamism to parentalism by delving deeper into the mechanics of its power and justification dimensions as proposed by Etchanchu and Djelic (2019).

The data allude to a connection between tweaking MSIs' governance arrangements to 'stage' fair and just deliberation, which allows organizations to engage in stalling tactics. Had the foundation opted to avoid a Machiavellian approach in staging its MSG by maintaining decision-making control, then the foundation would have struggled to continually give victims the run-around for years, as it currently continues to do even over five years after the disaster. This may explain why I present more staging-related processes than those linked to stalling. I propose that staging manoeuvres, such as establishing 'poison tree' like arrangements, are a prerequisite to stalling and delaying by powerful parentalist actors within PCSRs and MSIs.

On the one hand, the democratic input legitimacy (Mena & Palazzo, 2012) of Fundação Renova would appear to be inclusive, consensually oriented and transparent. However, its procedural fairness can easily be called into question because of the weaponization of time and stalling and the fact that it was not designed in consultation with the *atingidos* and does not afford them any real decision-making power. Renova falls short most glaringly with respect to its output legitimacy (Mena & Palazzo, 2012) from the perspective of victims and their defenders.

The case additionally points to time as a strategic resource that can be exploited by the parental actor to wield their power and achieve submission from the 'children' stakeholders through fatigue and a sense of hopelessness. Here, we can see how parental organizations have no trouble replenishing their staff, as indicated by the priest who made a play on Renova's name, saying that the only thing that they renew is their staff. The community or stakeholders, on the other

hand, do not have this capacity for the renewal of its energy. Furthermore, the laments from the most recent conversations with victims underscore the emotional impact of time, stalling and delays.

The second major contribution of this paper is in postulating that stakeholders can resist corporate parentalism (and PCSR) in MSIs (see Fig. 2) by circumventing and/or confronting MSI's institutionality through self-exclusion; by opting for legal channels by allying with legal, state and civil society human rights defenders; as well as by taking direct action and engaging in regular communications that voice their grievances against MSIs.

Nonetheless, we must stipulate that stakeholder resistance to PCSR cannot be fully effective when the MSI in question is legally mandated, as is the case with Fundação Renova. Victims have, in large part, been able to sidestep the deliberative and participative instances with the foundation and obtain more generous compensation through the courts as a result of the legal prowess of public prosecutors. They have also managed to taint Renova's image through other acts of resistance. This has not, however, eliminated the foundation's continued stalling tactics, which ultimately wear down and exhaust victims. Overall, it still holds true that MSI spaces curtail real political deliberation as minority and radical voices often (self) exclude (Ehrnström-Fuentes, 2016; Maher, 2019; Moog et al., 2015). In sum, I contend that the legality and legal arrangements governing MSIs and PCSR will determine the extent and level of effective stakeholder resistance to parentalism.

Corporations can counter-critique by asserting that there is no other viable alternative for providing remedy to human rights impacts than a parental MSG approach, which corroborates with the arguments advanced by Etchanchu and Djelic (2019) that merely consultative convening is justified through the objective and superior knowledge and efficiency of the 'parents/MNCs'. Businesses may also threaten stakeholders with further delays, should they wish to garner significant influence in the MSI's decision-making. The case analysis also reveals how corporations justify delays by predicating that deliberative democracy and the search for consensus building is a slow, often bureaucratic yet legitimate process, which does not allow for swift decisions and solutions by any single actor. This is a particularly insensitive response when dealing with grievances related to the corporate acts of irresponsibility that the foundation was created to resolve. Essentially, parental organizations, like Renova, can shield themselves from blame by deflecting responsibility back onto the victims themselves and stressing that accountability is shared among all stakeholders. As a further justification, organizations can lean on legal–rational discourses to plead legitimacy as Renova opted to do by conceiving their actions out of a law (TTAC) that serves as a foundation for its governance and operationalization.

These indirect dynamic interaction strategies aid in unmasking domination (Banerjee, 2018). The case of Renova lends itself as an example of dialogue that was not free of internal or external coercion (dressed up through dynamics of influence through staging, stalling and stakeholder fatigue) or able to launch collective action from consensus (Habermas, 2000).

The analysis of Renova also points to the limits of the increasingly popular agnostic perspective on deliberative democracy (Arenas et al., 2020; Brand et al., 2019; Burchell & Cook, 2013; Dawkins, 2015; Fougère & Solitander, 2019). I posit that without a final settlement for the restitution of material and non-material losses suffered by victims of corporate malfeasance, agnostic pluralism offers little consolation. Learning to co-exist in dissent with actors with different perspectives and realities is of little comfort to victims who have suffered at the hands of corporate malfeasance. In the case of Renova, the ‘front-line’ resistance of *atingidos* has included acts of ‘anti-consensus sentiment’ (Laclau & Mouffe, 2014; Mouffe, 2000), as reported earlier when discussing resistance to PCSR parentalism.

Businesses can, as showcased by this case study, perversely use—in a Machiavellian sense—independent MSIs designed to provide remedy as a way to shirk the responsibilities associated with their duties towards the care and respect of their victims’ human rights. On the basis of this paper, I concur with Thompson (2017) that the ideal solution for corporate remediation from a victim’s perspective would be to empower them to determine their own outcomes, as evidenced in the empirical case by Reinecke and Donaghey (2020). Moreover, the corporate culprits should take a step back from the remediation process and allow for a multi-stakeholder process to undergo fair and efficient remediation with representatives from the judiciary responsible for the facilitation. Consequently, this would imply establishing a future ‘independent MSG foundation’, where decision-making power rests with victims, experts and judicial actors instead of the corporations responsible for causing harm. Indeed, this is the current arrangement with Vale in Brumadinho, located 50 km from Mariana where, just over three years after the Fundão dam rupture, the Feijão dam collapsed, killing over 270 people. One of the first demands from civil society was not to create another Fundação Renova for administering compensation.

Limitations

Despite undertaking three different episodes of fieldwork and engaging in dozens of conversations with victims and their defenders, this paper is limited by a lack of in-depth ethnographic research. In such a context, spending extended periods in and around Mariana and observing

and participating in foundation–victim dialogues where I could have spent months on end would have offered more in-depth insights on the subject matter of PCSR and resistance. Because of the space limitations of this paper, I omitted the important political, economic and legal dimensions of the case. Focusing on these aspects could have added further theoretical insights on PCSR and resistance in cases of corporate remediation. I also chose to combine the parentalism framework with an abductive approach. Perhaps undertaking a fully grounded theoretical analysis with a structured ‘Gioia’ qualitative data analysis approach would have yielded richer findings.

Further Research

Future studies should examine under what conditions resistance to parentalist PCSR is more or less successful. PCSR, corporate remedy and business and human rights scholars should further consider the relationships of dependence between the perpetrating company and the community, particularly in the context of internal colonialism. Victim dependence on companies for their livelihoods because of jobs means that the local economy and philanthropy can supersede any well-intentioned restorative dialogue, rendering it futile.

Additional exploration and development of stalling as a concept in other PCSR and deliberative contexts should provide a fruitful avenue for further research to determine how prevalent this tactic is in other contexts, such as those that involve workers and supply chains. We could then learn more about how the role of time management and governance in general is harnessed by organizations within deliberative spaces to maintain power and control final outcomes. Future research could advance our theoretical understanding of how resistance to PCSR affects staging and stalling tactics differently.

Future studies should also examine the protagonism of state actors in creating and operating MSIs, especially in the context of corporate malfeasance and remediation. One related avenue for research would be to compare and contrast different approaches and methods for delivering a corporate remedy, such as between an independent MSG foundation and traditional state judiciaries, as is the case with the Fundão and Feijão dam collapses by Vale in Minas Gerais State, Brazil.

Conclusion

In this paper, I first examined the less-visible, indirect, dynamic interactional strategies from a parentalism PCSR perspective. Second, I outlined the main strategies of

stakeholder/victim resistance to parentalism in MSIs. By scrutinizing the case of Fundação Renova, an independent MSG foundation funded by mining companies responsible for their dam collapse in 2015, I was able to glean insights into how a more dynamic model of deliberative parentalism operates. I did this by delineating 12 dialectical tensions at work in how deliberative parentalism was operationalized by Renova. The main contributions I offer to the PCSR literature from the data include the parentalism-related strategies of staging, stalling and subsequent stakeholder fatigue. I assert that staging provides a foundation for a parental organization to stall and stonewall stakeholders, which, in turn, exhausts them into settlement or consensus.

The study also reveals that ‘children’ (stakeholders) can contest and confront their ‘parents’ by self-excluding themselves from the MSI for establishing alliances with other NGOs and state organizations as well as with actors who can help in providing a voice for their rights outside of formal MSI spaces, such as through legal channels and social movements. While resistance to PCSR in our case helped to expose and—to an extent—derail the foundation’s Machiavellian practices, it was not enough to obtain the desired level of justice for the victims. However, it is noteworthy that stakeholder resistance in this context was contingent on the degree of legal standing that MSI enjoys.

Parentalist organizations justify their behaviour and the outcomes of stakeholder deliberations by anchoring their defence in legal, rational discourse and by assigning the blame to deliberative democracy itself, in other words, that its bureaucratic nature makes all decisions and outcomes a shared responsibility of all of the stakeholders. In short, the case shows how MSI organizations can deflect back accusations of inefficient practices to stakeholders.

The study concludes that deliberation-centred MSIs, such as Renova, are not fit for cases with numerous victims that require corporate remediation, and instead, offending companies should not decide on the manner in which victims are to receive remediation. Instead, victims themselves together with diverse stakeholders should be able to decide the outcomes of such processes. At a theoretical level, this raises questions for the validity of agnostic democratic perspectives in addressing cases of corporate remedy of human rights abuses as victims seek settlements. The case of Fundação Renova lends itself as another example of organizations, in accordance with parentalism, placing a skewed focus on making the process or input side of MSIs inclusive and dialogue-centric while failing to do the same at the other end with outcomes or outputs.

Appendix A

Interviewee Details

Interviewee	Format/Duration	Date(s)
Mother and daughter <i>atingidas</i> from Bento Rodrigues	60 min in-person interview (conducted by local student) (1) 70 min in-person interview (2)	10 July 2016 14 January 2019
Woman <i>atingida</i> leader, Bento Rodrigues	120 min interview in-person (3) 90 min of audio message interviews (answering clarification questions) (4) 30 min of audio message interviews (answering clarification questions) (5) 180 min in-person interview /walking around town (6) 60 min of audio messages (answering clarification questions) (7)	14 January 2019 2–5 April 2019 24–25 August 2019 25 August 2019 25–26 September 2019
Woman activist, former local politician in Mariana	75 min in-person interview (8) 75 min in-person interview (9)	14 January 2019 29 August 2019
Head of social development, Mariana municipal government	15 min in-person interview (10)	15 January 2019
Priest, Archdiocese of Mariana	60 min in-person interview (11)	16 January 2019
Director of Caritas and communications head, Catholic Church NGO	45 min in-person interview (12); 10 min informal conversation with communications head (13)	17 January 2019
<i>Atingido</i> taxi driver	20 min informal conversation (14)	17 January 2019
Manager, Fundação Renova, Mariana	51 min in-person interview (15)	17 January 2019
Director of institutional relations, Fundação Renova, Belo Horizonte	100 min in-person interview (16) 45 min Skype interview (17)	16 January 2019 2 May 2019

Interviewee	Format/Duration	Date(s)	Interviewee	Format/Duration	Date(s)
Fundação Renova cultural space security guard and three participants of Renova-sponsored event	60 min of opportunistic informal conversations and observant participation during evening at Renova-sponsored spiritual personal development event (18)	25 August 2019	MAB activist	50 min in-person interview (33)	29 August 2019
<i>Atingidos</i> ' weekly meeting 15 participants	90 min participant observation and 15 min to present and ask questions to the group (19) Brief opportunistic conversations with two <i>atingidos</i> (20)	26 August 2019	Federal public prosecutor	20 min interview in-person at UN business and human rights forum in Santiago, Chile (34)	4 September 2019 Email correspondence for clarification 15 October 2019
Communications head, Caritas Mariana, Catholic Church NGO	50 min in-person interview (21)	27 August 2019	<i>Atingido</i> hard of hearing man, Bento Rodrigues	WhatsApp text interviews/conversations (35)	4 September 2019; 19–22 January 2020; 3, 12 and 22 February 2020
<i>Atingido</i> man from Bento Rodrigues	50 min in-person interview (22)	27 August 2019	University professor and activist	120 min interview (36)	22 December 2019
State public prosecutor, Mariana	52 min in-person interview (23)	27 August 2019	<i>Atingido</i> family, Paracatu de Baixo	Two-day stay at an <i>atingido</i> family farm with visits and interviews with the neighbour (37)	28–29 December 2019 25 July, 4 September 2020 4 January 2021
Hotel worker, Mariana	40 min in-person interview (24)	28 August 2019		21 min of WhatsApp audio messages for clarification and follow-up purposes (38)	
Young <i>atingida</i> woman	125 min interview in-person interview (25) Clarification and follow-up text conversations on WhatsApp and Facebook (26) 25 min of audio messages (answering clarification questions) (27) Text conversations (answering clarification questions) (28) Informal conversation in person (150 min) (29) Blend of text and audio messages for clarification and update purposes (30)	28 August 2019 12, 13, 14, 24, and 25 October 2019; 25 and 26 November 2019 5, 8, 9, 12 and 13 December 2019 13 December 2019 15–16 January 2020 22–28 February 2020; 3 September 2020	Federal public prosecutor	60 min interview (39)	8 January 2020
Municipal government psychologist	105 min in-person interview (31)	29 August 2019			
Two <i>atingida</i> sisters from Bento Rodrigues at their snack stall at night market	20 min in-person interview (32)	29 August 2019			

Appendix B—Interview Questions

- What is the purpose of Fundação Renova in your opinion?
- Why do you think the foundation has been given the responsibility of dealing with reparations for the Fundão dam break?
- How does the foundation operate in practice?
- I see on Fundação Renova's website that it works with diverse stakeholders with a dialogue-centric approach, including with *atingidos*. If this is the case, why are so many *atingidos* upset?
- Please tell me about your experience as it relates to engaging in dialogue and participating with the foundation.
- How have you or others taken part in the foundation's participatory process and dialogue?
- What other reasons do you think help explain why the foundation has not been successful in providing due remediation?
- Does the foundation take any action against the criticisms made by *atingidos*? If not, how does it defend and justify its actions?
- What would have been the ideal way to resolve the remediation with *atingidos*?

Acknowledgements Eu dedico este artigo aos atingidos do rompimento da barragem Fundão. Não teria sido possível escrever sem o tempo que me deram com muitas conversas (especialmente a Lucimar, Mirella, Marino e Maria). Agradeço vocês por ter me ensinado a ser forte e lutar. Também preciso agradecer muito a Caritas pela sua disposição sempre para fazer alguma entrevista com eles. Agradeço também a Fundação Renova por me conceder umas revistas durante 2019. I dedicate this article to the victims (atingidos) of the Fundão dam break. The article would not have been possible without their generous time and frequent conversations over the past few years. I would like to greatly thank all three reviewers and editor Sara-Louise Muhr for their time and constructive comments. Gostaria de agradecer também a Aida Anacleto, Adriana Bravin, Alberto Fonseca, Yuna Fontoura e a Dulce Perreira pelas boas conversas com respeito ao artigo. I would also like to give a big thank you to Sam Lusk for proofreading an earlier version of this paper. Earlier different versions of this paper benefited from feedback in conferences and seminars including Critical Management Studies 2019; PPGA de Administração, Universidade Estadual do Ceará 2019; Fagen da Universidade Federal de Uberlândia, 2019; Universidade Federal de Uberlândia, 2019 SAMS/FGV PDW Workshop on NGOs and Management Studies, 2019; Egos 2020; Conferencia Latinoamericana sobre Derechos Humanos y Empresas, 2020; and All you can ETHOS seminar 2020.

Declaration

Conflict of interest There are no conflicts of interests between the authors and the research presented within this manuscript.

Ethical Approval The contents of this article are in compliance with ethical standards for academic research. All procedures performed in studies involving human participants were in accordance with the ethical standards of the institutional and/or national research committee and with the 1964 Helsinki declaration and its later amendments or comparable ethical standards.

Informed Consent Informed consent was obtained from all individual participants included in the study.

References

- Alamgir, F., & Banerjee, S. B. (2019). Contested compliance regimes in global production networks: Insights from the Bangladesh garment industry. *Human Relations*, 72(2), 272–297.
- Arenas, D., Albareda, L., & Goodman, J. (2020). Contestation in multi-stakeholder initiatives: Enhancing the democratic quality of transnational governance. *Business Ethics Quarterly*. <https://doi.org/10.1017/beq.2019.29>.
- Bäckstrand, K. (2010). From rhetoric to practice: The legitimacy of global public-private partnerships for sustainable development. In *Democracy and public-private partnerships in global governance* (pp. 145–166). London: Palgrave Macmillan.
- Banerjee, S. B. (2000). Whose land is it anyway? National interest, indigenous stakeholders, and colonial discourses: The case of the Jabiluka uranium mine. *Organization & Environment*, 13(1), 3–38.
- Banerjee, S. B. (2010). Governing the global corporation: A critical perspective. *Business Ethics Quarterly*, 20(2), 265–274.
- Banerjee, S. B. (2018). Transnational power and translocal governance: The politics of corporate responsibility. *Human Relations*, 71(6), 796–821.
- Bortolon, P., Martins-Silva, P. D. O., & Fantinel, L. D. (2021). A “EMPRESA NEGLIGENTE” E O “EVENTO ACIDENTAL”:
- REPRESENTAÇÕES SOCIAIS PARA UM GRUPO DE EX-FUNCIONÁRIOS DA SAMARCO. Read. *Revista Eletrônica de Administração (Porto Alegre)*, 27(1), 153–181.
- Brand, T., Blok, V., & Verweij, M., (2019). Stakeholder dialogue as agonistic deliberation: Exploring the role of conflict and self-interest in business-NGO interaction. *Business Ethics Quarterly*, 1–28.
- Brown, J. (2009). Democracy, sustainability and dialogic accounting technologies: Taking pluralism seriously. *Critical Perspectives on Accounting*, 20(3), 313–342.
- Brown, J., & Dillard, J. (2013). Critical accounting and communicative action: On the limits of consensual deliberation. *Critical Perspectives on Accounting*, 24(3), 176–190.
- Burchell, J., & Cook, J. (2013). CSR, co-optation and resistance: The emergence of new agonistic relations between business and civil society. *Journal of Business Ethics*, 115(4), 741–754.
- Caldas, M. P., & Wood, T., Jr. (1997). For the English to see: The importation of managerial technology in late 20th-century Brazil. *Organization*, 4(4), 517–534.
- Cashore, B. (2003). Legitimacy and the privatization of environmental governance: How non-state market-driven (NSMD) governance systems gain rule-making authority. *Governance*, 15, 503–529.
- Chowdhury, R. (2021). Critical essay:(In) sensitive violence, development, and the smell of the soil: Strategic decision-making of what?. *Human Relations*, 74(1), 131–152.
- Dawkins, C. (2015). Agonistic pluralism and stakeholder engagement. *Business Ethics Quarterly*, 25(1), 1–28.
- Dilley, R. ed., (1999). *The problem of context* (Vol. 4). Berghahn Books.
- Dubois, A., & Gadde, L. E. (2002). Systematic combining: An abductive approach to case research. *Journal of Business Research*, 55(7), 553–560.
- Edmondson, A. C., & McManus, S. E. (2007). Methodological fit in management field research. *Academy of management review*, 32(4), 1246–1264.
- Ehrnström-Fuentes, M. (2016). Delinking legitimacies: A pluriversal perspective on political CSR. *Journal of Management Studies*, 53(3), 433–462.
- Etchanchu, H., & Djelic, M. L. (2019). Old wine in new bottles? Parentalism, power, and its legitimacy in business–society relations. *Journal of Business Ethics*, 160(4), 893–911.
- Fontoura, Y., Naves, F., de Sousa Teodósio, A. D. S., & Gomes, M. V. P. (2019). “Da lama ao caos”: Reflexões sobre a crise ambiental e as relações estado-empresa-sociedade. *Farol-Revista de Estudos Organizacionais e Sociedade*, 6(15), 17–41.
- Fougère, M., & Solitander, N. (2019). Dissent in consensusland: An agonistic problematization of multi-stakeholder governance. *Journal of Business Ethics*, 1–17.
- Fundação Renova (2019). <https://www.fundacaorenova.org>.
- Garcia, L. C., & Fonseca, A. (2018). The use of administrative sanctions to prevent environmental damage in impact assessment follow-ups. *Journal of environmental management*, 219, 46–55.
- Gilbert, D. U., Rasche, A., & Waddock, S. (2011). Accountability in a global economy: The emergence of international accountability standards. *Business ethics quarterly*, 23–44.
- Godsen, E. (2020). Miner sued for £5bn over Brazil disaster that killed 19. <https://www.thetimes.co.uk/article/miner-sued-for-5bn-over-brazil-disaster-that-killed-19-pcjl568p2>
- Gond, J. P., Barin Cruz, L., Raufflet, E., & Charron, M. (2016). To frack or not to frack? The interaction of justification and power in a sustainability controversy. *Journal of Management Studies*, 53(3), 330–363.
- Gurge, A. E. (2008). Uma lei para inglês ver: A trajetória da lei de 7 de novembro de 1831. *Revista Justiça e História, Porto Alegre*, 6(12), 1–29.

- Habermas, J. (1998). The inclusion of the other: Studies in political theory, ed. Ciaran Cronin and Pablo De Greiff. *Studies in contemporary german social thought*. Cambridge: MIT Press.
- Habermas, J. (2000). *On the pragmatics of communication*. MIT Press.
- Knuckey, S., & Jenkin, E. (2015). Company-created remedy mechanisms for serious human rights abuses: A promising new frontier for the right to remedy? *The International Journal of Human Rights*, 19(6), 801–827.
- Kraemer, R., Whiteman, G., & Banerjee, B. (2013). Conflict and astroturfing in Niyamgiri: The importance of national advocacy networks in anti-corporate social movements. *Organization Studies*, 34(5–6), 823–852.
- Laclau, E., & Mouffe, C. (2014). *Hegemony and socialist strategy: Towards a radical democratic politics*. Verso Trade.
- Lyra, M. G. (2019). Challenging extractivism: Activism over the aftermath of the Fundão disaster. *The Extractive Industries and Society*, 6(3), 897–905.
- Maher, R. (2019). Squeezing psychological freedom in corporate–community engagement. *Journal of Business Ethics*, 160(4), 1047–1066.
- Mena, S., & Palazzo, G. (2012). Input and output legitimacy of multi-stakeholder initiatives. *Business Ethics Quarterly*, 527–556.
- Miranda, M. G., Friede, R., Rodrigues, A. C., & Almeida, D. S. (2017). Cadê a minha cidade, ou o impacto da tragédia da Samarco na vida dos moradores de Bento Rodrigues. *Interações (Campo Grande)*, 18(2), 3–12.
- Moog, S., Spicer, A., & Böhm, S. (2015). The politics of multi-stakeholder initiatives: The crisis of the Forest Stewardship Council. *Journal of Business Ethics*, 128(3), 469–493.
- Mouffe, C. (2000). *Deliberative democracy or agonistic pluralism*. (Reihe Politikwissenschaft / Institut für Höhere Studien, Abt. Politikwissenschaft, 72). Wien: Institut für Höhere Studien (IHS), Wien.
- Murphree, D. W., Wright, S. A., & Ebaugh, H. R. (1996). Toxic waste siting and community resistance: How cooptation of local citizen opposition failed. *Sociological Perspectives*, 39(4), 447–463.
- Prasad, A., & Holzinger, I. (2013). Seeing through smoke and mirrors: A critical analysis of marketing CSR. *Journal of Business Research*, 66(10), 1915–1921.
- Reinecke, J., & Donaghey, J. (2020). Political CSR at the coalface—The roles and contradictions of multinational corporations in developing workplace dialogue. *Journal of Management Studies*. <https://doi.org/10.1111/joms.12585>.
- Scherer, A. G., & Palazzo, G. (2007). Toward a political conception of corporate responsibility: Business and society seen from a Habermasian perspective. *Academy of management review*, 32(4), 1096–1120.
- Scherer, A. G., & Palazzo, G. (2011). The new political role of business in a globalized world: A review of a new perspective on CSR and its implications for the firm, governance, and democracy. *Journal of management studies*, 48(4), 899–931.
- Schormair, M. J., & Gerlach, L. M. (2019). Corporate remediation of human rights violations: A restorative justice framework. *Journal of Business Ethics*, 1–19.
- Thompson, B. (2017). Determining criteria to evaluate outcomes of businesses' provision of remedy: Applying a human rights-based approach. *Business and Human Rights Journal*, 2(1), 55–85.
- Vogel, D. (2010). The private regulation of global corporate conduct. Achievements and limitations. *Business and Society*, 49(1), 68–87.
- Zhou, A. (2015). From 'participation' to 'negotiation': suppressing dissent in environmental conflict resolution in Brazil. In *The international handbook of political ecology*. Edward Elgar Publishing.
- Zhou, A., Oliveira, R., Zucarelli, M., & Vasconcelos, M. (2018). O desastre no Rio Doce: entre as políticas de reparação e a gestão das afetações. *Mineração, violências e resistências: um campo aberto à produção do conhecimento no Brasil*. Marabá, PA: Editorial iGuana, 28–64.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.