



Contents lists available at ScienceDirect

Geoforum

journal homepage: www.elsevier.com/locate/geoforum

Community mining consultations in Latin America (2002–2012): The contested emergence of a hybrid institution for participation

Mariana Walter^{a,b,*}, Leire Urkidi^c

^a Institut de Ciència i Tecnologia Ambientals, Universitat Autònoma de Barcelona, Edifici C Campus de la UAB, 08193 Bellaterra (Cerdanyola del Vallès), Barcelona, Spain

^b International Institute of Social Studies (ISS), Erasmus University, The Hague, The Netherlands

^c Universidad de País Vasco/Euskal Herriko Unibertsitatea (UPV/EHU), Parte Hartuz; EKOPOL (Research Groups), Facultad de Ciencias Sociales y de la Administración, Barrio Sarriena, S/N, 48940 Leioa, Spain

ARTICLE INFO

Article history:

Received 29 January 2014

Received in revised form 9 September 2015

Accepted 12 September 2015

Available online xxxxx

Keywords:

Mining consultation

Hybrid institutions

Social movements

Diffusion

Environmental governance

Latin America

ABSTRACT

From 2002 to 2012, 68 community consultations/referenda on large-scale mining activities have been conducted in Latin America challenging centralized decision-making procedures. These consultations are fostered by communities and social movements and usually supported by local governments. Around 700,000 people have participated, expressing a massive rejection of mining activities in Peru, Guatemala, Argentina, Colombia and Ecuador. Community consultations have contributed to ease local tensions temporarily, slowing down or stopping mining projects in some cases. This paper analyses the process of emergence and spread of such consultations exploring how they challenge the governance of mining activities.

We claim that community consultations are being institutionalized in the context of mining conflicts in Latin America. Consultations are not isolated experiences but constitute a strategy diffused and transformed in the midst of multi-scalar social learning processes where social movements exchange strategies and discourses and a hybridising process occurs in relation to political and cultural local features. We sustain that community consultations are a hybrid institution where non-state and state actors and formal and informal institutions are mobilized. Consultations are a strategic tool of social movements and a contested emergent institution – as different state bodies support or reject their validity – that reclaim the right of affected populations and indigenous peoples to participate, in empowering forms, in high-stake decisions that affect their territories, livelihoods and future.

© 2015 Elsevier Ltd. All rights reserved.

1. Introduction

From 2002 to 2012, 68 consultations/referenda have been conducted in 5 Latin American (LA) countries, with a large opposition to mining projects. This process is occurring in a context of growing pressures to extract mineral ores in LA and an increasing number of related socio-environmental conflicts (Muradian et al., 2012). These community consultations are not commissioned by national governments or mining companies as part of official procedures but instead are promoted by social movements and usually supported by local governments.

The emergence and spread of consultations in LA remains poorly studied as a whole. Studies addressing mining consulta-

tions/referenda have focused on the first four cases (Tambogrande, Esquel, Sipakapa and Majaz/Río Blanco), along with the wave of consultations in Guatemala. Nevertheless, the cases that followed and the connections among consultations have received poor scholarly attention.

This paper is the result of a macro-analysis of the 68 mining consultations identified in LA between 2002 and 2012. It examines a salient issue in current LA politics, by comparing and exploring the connections between consultation experiences. We analyze the contested institutionalization of consultations in the context of mining conflicts in LA. Moreover, we point to the association of local governments and civil society actors and the hybridization of formal and informal mechanisms in these processes. The authors of this paper were among the researchers that analyzed the initial consultations and have since then seen their continuous multiplication. This research is born from the curiosity of understanding how and why these consultations have emerged and spread, and how community consultations are challenging the governance of mining activities.

* Corresponding author at: Institut de Ciència i Tecnologia Ambientals, Universitat Autònoma de Barcelona, Edifici C Campus de la UAB, 08193 Bellaterra (Cerdanyola del Vallès), Barcelona, Spain.

E-mail addresses: marianawalter2002@gmail.com, mariana.walter@uab.cat (M. Walter), leire.urkidi@gmail.com, leire.urkidi@ehu.eus (L. Urkidi).

2. Consultations and the contested governance of mining in Latin America

Research on cases where community consultations were conducted focused on the contexts, actors, grievances, narratives, scalar dynamics and outcomes of the conflicts (Rasch, 2012; Yagenova and García, 2009; Haarstad and Floysand, 2007; Urkidi and Walter, 2011; Urkidi, 2011; Walter and Martínez-Alier, 2010; Dougherty and Olsen, 2014; Muradian et al., 2003; Van de Sandt, 2009; Bebbington, 2012a; Holden and Jacobson, 2008), rather than on the consulting process itself, that is, in general, blurred.

Studies conducted, mainly, in Guatemala and Peru, have addressed consultation experiences analyzing the legal grounds and implications of consultations regarding the right to free, prior and informed consent (Loarca, 2008; Fulmer, 2011; Fulmer et al., 2008; Ward, 2011; McGee, 2009; Laplante and Nolin, 2014); the *judicialization* of protests (Sieder, 2011); and the relevance of consultations for indigenous mobilizations and identity (Fulmer, 2011; Rasch, 2012). There is also a relevant literature that systematizes consultation experiences in Guatemala (e.g. Mérida and Krenmayr, 2010; Trentavizi and Cahuec, 2012).

We highlight two key contributions of this paper to the literature. Firstly, research on community mining consultations has, with few exceptions (e.g. Fulmer, 2011), focused on single-case or single-country analysis. While such approaches have provided an in-depth understanding of the cases, there has been no study tackling the phenomenon from a regional perspective. This paper adopts a multi-case regional approach that aims to explore the connections and compare the features of consultations. In this vein, we aim to tackle the spatial and scalar dynamics at stake, pointing to the complexity of the institutionalization process of consultations in LA.

Secondly, previous research refers to community consultations as “informal” events organized by civil society actors or examine consultations from a legalistic approach, analyzing how consultations followed legal requirements. These approaches have overlooked the role of local governments in the organization and formal support of these mechanisms, as well as the ongoing process of institutionalization addressed in this paper. These features trigger relevant questions regarding the association of local governments and civil society actors, as well as the combination of formal and informal institutional elements in consultations.

2.1. The regulatory context in the governance of extractive activities

The key features of the institutions that regulate mining activities are shared by most LA countries, as they were developed under similar guidelines (Bridge, 2004; Chaparro, 2002). The approval of mining projects is usually centralized in the national government, and is based on an environmental impact assessment (EIA) report. Participation arenas are set in relation to this technical document. Civil society actors can usually present non-binding allegations and, sometimes, can express their views in a public hearing where the technical document is presented and discussed.

In 2007, the Ombudsman of Peru issued a special report identifying key reasons behind the increased number of extractive environmental conflicts in the country. For instance, the poor performance of the Peruvian state regarding participation mechanisms (e.g. shortening the time frame of civil society actors to present allegations to the EIAs or the lack of responses to the allegations presented). A situation that “*feeds the perception of citizens that the possibility to participate in the environmental assessment of projects (...) is irrelevant (...) a mere formalism within an administrative procedure*” (Defensoría del Pueblo de Perú, 2007: 31). A report published by the Latin American Observatory of

Mining Conflicts on consultation rights claimed that participation in mining decisions is mainly “informative” and insufficient, when not secretive (Jahncke Benavente and Meza, 2010).

Large-scale projects affecting indigenous communities are under specific regulations. All countries studied in this paper have subscribed to the International Labour Organization Convention 169 (ILO 169), which requires governments to ensure the prior and informed consent of communities before decisions that could affect them are made; a process that should follow customary procedures. Social movements claim that this right is usually ignored or misapplied (Jahncke Benavente and Meza, 2010). However, even if put in practice, the way ILO 169 and other international documents (e.g. UN Declaration on the Rights of Indigenous People) frame “consent” is ambiguous and does not necessarily imply a binding power to community views (McGee, 2009; Jahncke Benavente and Meza, 2010; Rodríguez Garavito et al., 2010). States usually refer to “*consulta previa*” as a process of consultation that does not acknowledge the need to gain consent of affected populations (Rodríguez Garavito et al., 2010). How consent is defined and to which extent it is included in national legislations is currently under debate in many LA countries.

Decentralization policies adopted by LA countries since the end of 1980s have also opened new spaces for local participation and municipal empowerment and are shaping the contested terrain of mining governance. National and local rights (e.g. information access, local participation) and mechanisms of semi-direct democracy (e.g. citizen referendum, citizens’ initiative law) were introduced in most LA countries. For instance, municipalities could, in countries like Guatemala, Peru or Argentina, call for a local consultation on specific administrative decisions affecting their inhabitants (e.g. Guatemala *Municipal Code, 2002: 20*). Despite the possible asymmetric negotiations between local governments and companies fostered by decentralisation policies (Rull, 2007), these regulations have also created new political opportunities as civil society demands the local level as a legitimate arena for decision-making.

2.2. Environmental governance and social movements: hybrid institutions and diffusion

There is an ongoing shift in views that frame resource regulation from those that are led by state-based institutions of resource management to a wider environmental governance perspective (Bakker and Bridge, 2008). The governance approach addresses the myriad of actors and institutions that guide environmental decisions across different scales (Bulkeley, 2005) and challenges the conventionally recognized social roles of markets, states and, more recently, communities, as new dynamics and alliances are formed.

We refer to hybrid governance as a process of institutional *bricolage* where different (non-state and state) actors shape institutions that combine modern and traditional components and formal and informal practices in a multi-scalar dynamic. Cleaver (2001, 2002) developed the concept of “*institutional bricolage*” as a process by which people consciously and unconsciously draw on existing social and cultural arrangements (rules, traditions, norms, roles and relationships) to patch together institutions that make sense in each particular place in response to changing situations (Cleaver et al., 2013). This framework offers a key approach to examine how civil society actors and local governments, formal and informal institutions, and multi-scalar regulations and customs are shaping mining consultations as an emerging governance mechanism.

Studies on the role of social movements in institutional change do also offer relevant insights in this sense. In their review of the synergies between social movement theory and

neo-institutionalism, [Schneiberg and Lounsbury \(2008\)](#) identify two key areas of research: social movements studied as outsiders that oppose existing schemes, generating legitimacy crises or disrupting institutions; and social movements analyzed within institutions as they sometimes promote path creation by engaging in institutional processes and combining new projects/practices with prevailing models and arrangements ([Schneiberg and Lounsbury, 2008: 653](#)). In the case of consultations, both processes can be addressed as anti-mining movements are challenging the centralized schemes governing mining, while partially basing their strategy in formal institutional resources, such as laws and rights from different scales, and promoting new institutional arrangements with local governments.

According to the two stage model of institutionalization ([Schneiberg and Lounsbury, 2008: 651](#)) the emergence of new paths is a 'bottom-up' phenomenon where organizations or states adopt structures or policies in response to local problems, which then spark processes of mimesis, theorization and diffusion and become taken-for-granted as accepted norms. The emergence and spread of consultations can be seen as following this process of institutionalization in the context of mining conflicts. However, we acknowledge that this is a contested process as different areas of the state support or reject the validity of consultations.

Indeed, social movements might use the material and cultural resources of an institution as a base from which to challenge other institutions ([Armstrong and Bernstein, 2008: 86–87](#)). The multi-level or federated character of institutions creates, sometimes, opportunities for movements ([Schneiberg and Lounsbury, 2008](#)). In this sense, it is important to analyze the scalar and spatial dynamics of institutionalization processes.

In the context of political transfer, [Peck \(2011\)](#) points out that policies or political strategies are not merely transferred over space; their form and their effects are transformed by these journeys, in context-dependent mobility-and-mutation processes ([Peck, 2011](#)). Similarly, scholars of contentious politics have examined how social movements (or some element thereof) spread or diffuse from one place to another ([Givan et al., 2010](#)). [Chabot and Duyvendak \(2002\)](#) argue that diffusion processes have been usually understood as "deterritorialized" flows of information, while diffusion involves much creative reinvention and pragmatist agency ([Chabot and Duyvendak, 2002: 707](#)). Indeed, diffusion is often a highly social or relational process ([Tarrow and McAdam, 2005: 129](#)), where repertoires or frames are transmitted through interpersonal contacts or associational networks, and involves the interaction between formal and informal institutions ([Givan et al., 2010: 2](#)). Diffusion, then, does not simply mean that tactics or frames are transplanted from one site to other as a matter of political contagion; creative borrowing, adaptation, and political learning are often vital to its success ([Givan et al., 2010: 2](#)). As we analyze in the paper, these are key insights to understand the emergence and spread of consultations in LA mining conflicts.

3. Methods and sources

In order to study the emergence and spread of LA mining consultations, we identified and analyzed all cases of metal-mining consultations/referenda from 2002 to 2012 in LA. We considered those consultations that were not fostered by central governments or private companies as part of official procedures, and that aimed at consulting a community/municipality/district whether or not it was in favor of large-scale metal-mining activities in its territory.

We analyzed for each case: the context in which consultations were conducted; the characteristics, claims and scalar features of the actors that promoted/impeded consultations; the regulations

used to support consultations; the consultations' main characteristics, outcomes and reactions; and the connections between cases.

The research was conducted reviewing and triangulating primary and secondary, activist and academic sources. Our methodology is based on [Gerber \(2011\)](#) multiple case analysis of conflicts over plantations. We conducted a review of the main newspapers for each LA country. International and LA activist networks and websites on mining conflicts were a key source of information as these reach a wide range of social movements in the region that don't always get media or scholar attention (e.g. www.conflictosmineros.net, www.noalamina.org, www.minesandcommunities.org). These networks have been increasingly recognized as relevant for research, not only as a source of activist knowledge ([Rocheleau et al., 1996](#); [Escobar, 2008](#); [Gerber, 2011](#); [Martinez-Alier et al., 2011](#)), but also for the development of extractive industries research ([Bebbington, 2012b](#)). We also reviewed activist and scholar analyses of mining conflicts, as well as documentaries addressing our case studies.

Primary sources were also used. The authors of this paper had previously carried out extensive field-work in two main consultation cases (Esquel and Sipakapa) and other mining conflicts in Argentina, Chile, Ecuador and Bolivia. When required to fill blanks or contrast the quality of information, activists and scholars were interviewed. Sources were compiled and compared, developing a series of hypotheses that made us revisit and expand our sources in an iterative research process.

4. The rise and spread of mining consultations in Latin America

We identified 68 metal-mining consultations in five LA countries for the period 2002–2012: Peru (2002, 2007, 2008, 2009, 2012), Argentina (2003, 2012), Ecuador (2011), Colombia (2009) and Guatemala (57 consultations from 2005 to 2012). We grouped the cases in three main paths according to their connections, not their chronological order, since we aim to identify how consultation experiences have been shared from conflict to conflict as a useful participation institution. For each path, we highlight the key elements of the leading case(s) and their connections.

[Table 1](#) presents the consultations conducted in the context of active mining conflicts in LA from 2002 to 2012. [Table 2](#) refers to the wave of consultations of Guatemala, where the great majority are pre-emptive or not related to imminent projects.

4.1. Emergence and spread in Peru and Ecuador

4.1.1. Tambogrande conflict (Peru)

Tambogrande is located in one of the poorest departments of Peru (Piura), with an arid climate and an agricultural export-oriented development (irrigation supported by the World Bank). The conflict was triggered by the Manhattan Minerals project, whose main deposit was located under the town of Tambogrande. Critical voices pointing to the environmental and social impacts of this activity fostered the formation of the *Frente de Defensa de Tambogrande y el Valle de San Lorenzo* in 1999. This organization became the main local opposition to the project in collaboration with the local Church and CONACAMI, the National Coordinating Confederation of Communities Affected by Mining ([Portugal Mendoza, 2005](#)). Activists from the *Frente* framed themselves as "agriculturalists", considering agriculture more than an economic activity, a feature constituting their identity ([Haarstad and Floysand, 2007: 298–9](#)).

As the *Frente* was unable to engage in an exchange of views and concerns with the national government, local unrest rose ([Portugal Mendoza, 2005](#)). In March 2001, after a period of strikes, massive mobilizations and violent events in Tambogrande, the local leader

Table 1
Mining consultations in the context of active mining conflicts from 2002 to 2012.

| | Consultation case | Conflict duration | Date of consulta | Mining project and mining company | Consultation | | | | | | |
|-----------|--|-------------------|------------------|---|-------------------|---------------------------------|---|---|------------------|----------------------|---------------|
| | | | | | Secret/non secret | Uses official voters list (Y/N) | Type of consultation (legal framework M.O.: municipal ordinance) | Participation (% eligible voters) | % against mining | % in favor of mining | % whites/null |
| Peru | Tambogrande case. District of Tambogrande (Piura) | 1990–2003 | 01/06/02 | Tambogrande project. Manhattan Minerals (Junior Canada). Gold and silver | S | Y | Local consultation (M.O.) | 27,015 (69%) | 93.85% | 1.98% | 4.17% |
| | Majaz/Río Blanco case. Ayabaca and Pacaipampa district (Ayabaca Mun.) & Carmen de la Frontera district (Huancabamba Mun.), Piura | 2002–today | 16/09/07 | Majaz project. Monterrico Metals (UK, junior). Sold in 2007 to Zijin Mining (China). Copper, molybdenum | S | Y | Pacaipampa (local consultation, M.O.) Ayabaca (local consultation, M.O.) Carmen de la frontera (local consultation, M.O.) | 6091 (71.47%) 8873 (50.09%) 3053 (59.26%) | 17,033 (94.54%) | 285 (1.58%) | 699 (3.88%) |
| | Candarave case. Districts of Candarave, San Pedro, Cairani, Calacala; Talaca, Yucamani, Calientes and Pallata (Tacna, Atacama) | 1990s–today | 17/02/08 | Toquepala project. Souther Copper Corp. (U.S. – Mexico) copper, molybdenum | S | Y | Local consultation (M.O.) | 3478 (67%) | 3215 (92%) | n.i. | n.i. |
| | Islay/Tía María case. Districts of Cocachacra, Punta de Bombón, Dean Valdivia, Mejía, islay-Matarani and Mollendo. (Arequipa, Islay Province) | 2008–2011 | 27/09/09 | Tía María project. Souther Copper Corp. copper | S | Y | Cocachacra ^a (local consultation, M.O.) | 3131 (49%) | 2916 (93%) | 139 (4.4%) | 76 (2.4%) |
| | | | | | S | Y | Punta Bombón ^a (local consultation, M.O.) | 2004 (43%) | 1883 (94%) | 71 (3.5%) | 50 (2.5%) |
| | | | | | S | Y | Dean Valdivia (local consultation, M.O.) | 2304 (53%) | 2211 (96%) | 52 (2.3%) | 41 (1.8%) |
| | | | | | S | N | Mollendo (popular consultation) | 3643 (n.i.) | 3573 (98%) | 9 (0.3%) | 61 (1.7%) |
| | | | | | S | ^b | Mejía (local consultation) | 272 (n.i.) | 245 (90%) | 26 (9.8%) | 1 (0.4%) |
| | | | | | S | N | Islay-Matarani (popular consultation) | 837 (n.i.) | 765 (91.4%) | 61 (7.3%) | 11 (1.3%) |
| | Kañaris case. 3 districts (San Juan Bautista de Cañaris, Huacapampa, Congona) Lambayeque | 2004–today | 30/09/12 | Cañariaco project. Candente Copper (Canada, junior) copper, gold, silver | S | Y | Communitarian consultation (ILO169) | 1896 (47.4%) | 1719 (95%) | 106 (6%) | 71 (4%) |
| Argentina | Esquel case (Chubut Province) | 2001–today | 23/03/03 | Esquel project. Meridian Gold (U.S., junior) – Sold in 2007 to Yamana Gold (Canada, Junior) gold, silver | S | Y | Compulsory popular consultation (M.O.) | 13,845 (75%) | 11,046 (81%) | 2561 (17%) | 277 (2%) |
| | Loncopue case (Neuquén Province) | 2007–today | 02/06/12 | Lonco project. Corporación Minera de Neuquén (provincial Argentina) and Metallurgical Construction Corp (China). copper, Molybdenum | S | Y | Compulsory and Binding Referendum (to approve M.O.) | 2588 (72%) | 2125 (82.08%) | 388 (15%) | 75 (2.9%) |
| Ecuador | Quimsacocha project. (Vitoria del Portete and Tarqui) Azuay | 2004–today | 02/10/11 | Project Quimsacocha. Iam Gold (Canada). Sold in 2012 to INV Metals (Canada, junior) gold, silver, copper | S | N | Communitarian consultation conducted by Juntas de Agua to its members. | 1037 (66.6%) | 958 (92.38%) | 47 (4.53%) | 18 (1.73%) |
| Colombia | Mandé Norte Project. 2 Municipalities (Carmen del Darién, Murindó) Chocó | 2007–today | 28/02/09 | Mandé Norte Project. Muriel Mining (U.S., Junior) copper, gold, molybdenum | NS | N | Inter-ethnic consultation. ILO 169 | 799 (n.i.) | 100% | | |

Table 1 (continued)

| Consultation case | Conflict duration | Date of consulta | Mining project and mining company | Consultation | | Type of consultation (legal framework) M.O.: municipal ordinance | Participation (% eligible voters) | % against mining | % in favor of mining | % whites/null |
|--|-------------------|--|--|---------------------------------|---------------------------------|--|-----------------------------------|------------------|----------------------|---------------|
| | | | | Secret/non secret | Uses official voters list (Y/N) | | | | | |
| Guatemala Sipakapa case (municipality of Sipakapa, San Marcos) | 2003–today | 08/06/05 | Marlin project. Montana Exploradora (Goldcorp-Canada, senior). Gold, silver, open-pit | Both (depending on communities) | Y | Communitarian consultation (M.O.) | 2564 (45%) | 95.50% | 1.40% | 1.60% |
| Minera San Rafael (Santa Rosa) and Mataquesuintia (Jalapa) | 2010–today | 29/05/11 11/06/11 10/07/11 11/11/12 | Escobal project Oasis (Minera San Rafael: Tahoe Resources Canada – 40% of Goldcorp Canada). Silver, gold, others | S | Y | Mataquesuintia (Communitarian consultation, M.O.) | 10,375 (53%) | 97% | 1.6% | 1.8% |

^a In these consultations two questions were made. We only present in this table the answer regarding acceptance or rejection to mining activities.

^b There is divergent information among sources regarding the role of the local government in this consultation.

Godofredo García Baca was shot dead by a hooded gunman (Muradian et al., 2003). These events made the mining conflict nationally and internationally known (The Economist, 21/06/2001), thereby engaging new national and international technical and social supports (Bebbington et al., 2011).

Local tension was growing and social movements became concerned with a possible escalation of violence (Portugal Mendoza, 2005; McGee, 2008; Cabellos and Boyd, 2007). In this context, the *Frente*, its allies and Tambogrande's mayor – who was not clearly positioned before – agreed on the need to conduct a *consulta vecinal* (neighbors' consultation) (Portugal Mendoza, 2005; Bebbington et al., 2011; Subies et al., 2005).

The municipality of Tambogrande issued the Municipal Ordinance N° 012-2001-MDT-C, which created the *consulta vecinal* as a mechanism for citizenship participation at the district level. The ordinance was based on international treaties, national and municipal laws, constitutional articles regarding citizen participation and the Environment Code, setting the basic legal structure that would later be used in all following consultations in Peru. While ILO 169 was not referenced in the Tambogrande ordinance – it was added in the following Majaz's municipal ordinances – it was used in activist discourses (Fulmer, 2011).

The National Office of Electoral Processes initially recognized the consultation and agreed to provide support. However, a formal complain of unconstitutionality and illegality by the Ministry of Energy and Mines reduced the final involvement of the office to advising and lending election materials (National Electoral Office, 2002). The technical advice of national and transnational groups, the financial collaboration of organization such as Oxfam and the observance of transnational groups (Mineral Policy Center, the Environmental Mining Council of British Columbia, Oxfam, Friends of the Earth) were key to conducting the consultation, disseminating the experience and building its legitimacy (Portugal Mendoza, 2005; Bebbington et al., 2011; Muradian et al., 2003).

On 2 June 2002, the *consulta* was held and resulted in a massive rejection of the mining project (Portugal Mendoza, 2005). The participation mechanism followed the same procedures of a regular election (secret vote, registered voters, ballot boxes, etc.). The consultation was not recognized either by the mining company or by the national government, which claimed that the EIA was the legally binding decision-making process. The following month, the *Frente* prevented three public hearings through organized protests. Finally, Manhattan's mining licence was revoked based on administrative grounds and the project was suspended. In November, 2002, the President of the *Frente* won the municipal elections (Portugal Mendoza, 2005).

4.1.2. Majaz/Río Blanco conflict (Peru)

As the Tambogrande struggle was coming to an end, a new and relevant mining conflict was emerging nearby, in the Provinces of Ayabaca and Huancabamba (Piura Highlands), concerning the exploration of a copper–molybdenum mining deposit by a subsidiary of Monterrico Metals. The conflict of Tambogrande not only contributed to introducing mining scepticism in the region, but was also a source of experience and support for local groups and authorities in this new struggle (Diez Hurtado, 2007; Bebbington, 2012a). For instance, the group of organizations and individuals supporting the *Frente* in Tambogrande – then formalized as Red Muqui – later in the conflict fostered the formation of the Majaz Support Group (Bebbington, 2012a).

The Majaz project was located in the peasant communities (*comunidades campesinas*) of Segunda y Cajas and Yanta; lands that are administered under particular institutional arrangements legally recognized by the state (Bebbington, 2012a). The company did not comply with the required approval of the community assembly, triggering rejection and formal complaints (Bebbington et al., 2007).

Table 2
Guatemalan wave of mining consultations (2005–2012).

| Department/region | Projects/licences | N° of consultations | Municipalities/dates | Participation | % saying no to mining | Type of consultation | Consequences/results |
|-------------------|---|---------------------|--|---|-----------------------|---|--|
| San Marcos | Exploitation in San Miguel Ixtahuacan and Sipakapa (Goldcorp-Canada: gold, silver, others). Exploration licences in every municipality with consultation (Goldcorp's subsidiaries-Canada: gold, silver, nickel, cobalt, polymetallics, rare earths, others) | 11 | Sipakapa 18/05/2005, Comitancillo 18/06/2005, Concepción Tutuapa 13/02/2007, Ixchiguan 13/06/2007, Sibinal 18/04/2008, Comitancillo 14/05/2008, Tacaná 16/05/2008, Tajumulco 13/06/2008, San José Ojetenam 11/07/2008, Tejutla 30/09/2008, San Cristobal Cucho 27/06/2009 | More than 60,000 people | 98% | Communitarian Consultation. ILO 169 and Municipal Code. Non-secret vote. In Sipakapa just registered people (Tribunal Supremo Electoral), in the others all the community | In almost every consultation support from communitarian and municipal governments. Non-binding consultations for national government. National government tried to regulate consultations in 2011, against consulted communities wishes. Consultations empowered communities. Creation of networks against mining. Despite many exploration licences, only those very advanced projects have prospered after consultations (Sipakapa and San Rafael) |
| Huehuetenango | Exploration licences in almost every municipality with consultation (Goldcorp's subsidiaries – Canada – and Tenango S.A. – Canada: gold, silver, others; Guatemala Copper: copper/cobalt; Minas de Guatemala: polymetallics; other companies). Little lead/zinc mines | 28 | Concepción Huista, Todos Santos Cuchumatán, San Juan Atitán, Colotenango, Santiago Chimaltenango 25–27/07/2006, Santa Eulalia 30/08/2006, San Pedro Necta 30/03/2007, San Antonio Huista 12/05/2007, Santa Cruz Barillas 23/06/2007, San Ildefonso Ixtahuacán 03/08/2007, Nentón 11/08/2007, San Sebastián Huehuet. 26/10/2007, San Miguel Acatán 01/12/2007, San Juan Ixcay 13/05/2008, Tectitán 27/06/2008, Chiantla 13/07/2008, Jacaltenango 26/07/2008, Santa Ana Huista 06/08/2008, Aguacatán 03/10/2008, San Pedro Soloma 17/10/2008, Cuilco 25/10/2008, Santa Bárbara 28/11/2008, San Rafael Petzal 10/01/2009, San Rafael La Indep. 28/04/2009, San Mateo Ixtatán 21/05/2009, San Gaspar Ixchil 23/07/2009, San Sebastián Coatán 24/09/2009, Unión Cantinil 18/01/2010 | 377,615 people (without Tectitan: no data of participation) | 99% | Communitarian Consultations. ILO 169 and Municipal Code. Non-secret vote. In 6 of them just registered people could participate, in the other 22 cases all the community could vote | |
| Quiche | Some exploration licences (Nichromet Guatemala-Canada: nickel, cobalt, others) | 5 | Cunén 27/10/2009, Santa Cruz del Quiché 22/10/2010, Uspantán 29/10/2010, Sacapulas 20/05/2011, Chinique 14/03/2012 | 104,015 people | Almost 100% | Communitarian consultations. ILO 169 and Municipal Code. Non-secret vote (all the community) | |
| Quetzaltenango | Some exploration licences (Goldcorp's subsidiary – Canada: gold, silver, zinc; other companies) | 8 | Cajola 01/07/2011, San Miguel Siguilá 15/05/2011, Concepción Chiquirichapa 20/04/2011, San Martin Chile Verde 16/03/2011, Olintepeque 20/02/2011, San Juan Ostuncalco 18/02/2011, Huitan 22/11/2010 | 104,037 people (without Cajolá: no data) | 99% | Municipal Consultations. ILO 169 and Municipal Code. Secret vote (just registered people) | |
| Santa Rosa | Exploration licences (Tahoe Resources – Canada/USA: silver, gold, others – Escobal project) | 3 | Nueva Santa Rosa 29/05/2011, Santa Rosa de Lima 10/07/2011, Casillas 10/07/2011 | 18,110 people | 98% | Municipal Consultations. Secret vote (Tribunal Supremo Electoral). Under Municipal Code. Just registered people | |
| Retalhuleu | Exploration licences (Mayan Iron Corp's subsidiary – Australia: iron sands, nickel, cobalt, rare earths, others). Recognition licence (G4G Resources – Canada: iron sands) | 1 | Champerico 12/02/2012 | 16,699 people | 99% | Municipal Consultation. Secret vote. Under Municipal Code | |
| Jalapa | Exploration licences (Tahoe Resources Canada-USA: silver, gold, others: Escobal project; Goldcorp: gold, silver, others) | 1 | Mataquesuintla 11/11/2012 | 10,375 people | 97% | Municipal Consultation. Secret vote. Under Municipal Code | |

In 2004, two “massive” mobilizations were conducted involving thousands of peasants concerned by the environmental (water), economic (agriculture, tourism) and social (land access) impacts of the mining project and its lack of recognition of local institutions. These protests resulted in police clashes, injuries and the death of two peasants in 2004 and 2005 (Bebbington, 2012a). From 2004 to 2007, local activists denounced cases of kidnapping, tortures and persistent criminalization that even reached the UK justice courts (OXFAM, 2007, 2009; Cobain, 2009).

In 2005, peasant communities, provincial and district government representatives, *rondas campesinas* and social organizations (Defence Fronts from Huancabamba, Ayabaca, Tambogrande and other regional anti-mining groups) critical of the project and the role of the national government formed the *Frente por el Desarrollo Sostenible de la Frontera Norte del Perú* (FDSFNP). Tension and distrust rose as negotiation attempts by the regional and national governments were failing and the government issued measures to limit public participation rights (Bebbington, 2012a; Diez Hurtado, 2007; Red Muqui, 2009). In this context, a consultation was promoted. As in Tambogrande, the consultation was seen as a peaceful channel of participation that would ease local tensions. The municipalities of Ayabaca and Huancabamba approved municipal ordinances calling for a “*consulta vecinal*” (Bebbington, 2012a). The consultations resulted in a 94.5% rejection of mining activities in the district.

While in Tambogrande the national government minimized the weight of the consultation, in this instance, it actively tried to prevent it. A vociferous campaign criminalized the consultation and its proponents, stating that the referendum was illegal, communist and politically manipulated by international NGOs that intended to delay the country’s development (Oxfam, 2007; McGee, 2008). However, the Peruvian Ombudsman and the Human Rights National Council of the Justice Ministry declared that, even if this mechanism was non-binding, it was legal under constitutional law (Oxfam, 2009; Red Muqui, 2009; CISDE-ALAI, 2009). Moreover, the Majaz consultation led the Peruvian Ombudsman to initiate a process of regulation of indigenous consultation rights. What is more, both in Majaz and Tambogrande (and in Esquel, Argentina), mining activities were halted and therefore became examples of successful cases.

4.1.3. Toquepala expansion project (Candarave), Tía María project (Islay, Arequipa) and Kañariaco project (Lambayeque) in Peru

After these two consultations in northern Peru, there were three other consultations on the south and central coast of the country, where national organizations/networks played a key role in spreading the experience and providing support. The following consultation in Candarave (2008, Tacna region, Atacama Desert) was different from previous cases as it took place in an area with ongoing large-scale mining activities. The conflict emerged when the mining company started negotiations to expand its water-use permits. Local and provincial governments, irrigation users (*Junta de Usuarios de Riego*), and the local fronts of defence opposed new permits. They pointed to the need to decrease mining water use due to a regional water scarcity crisis that was affecting agriculture and forcing peasant out-migration, and to the need to compensate for these impacts. In January 2008, the mayor of Candarave called for a *consulta vecinal* (Municipal Ordinance N° 001-2008-MPC/A) with the support of the Provincial Governor, local fronts of defence and the *Junta de Riego*. The consultation had observers from national and international NGOs who also provided technical support (Radio Uno, 2008). Consultation participants (67% of eligible voters) answered two questions: 92% rejected new mining activities, and 94% opposed the use of underground and superficial water for mining.

The fourth mining consultation in Peru occurred in 2009 in the province of Islay (Arequipa Department). Islay is a dry region inhabited by peasants and indigenous groups. The conflict emerged in 2008, with the Tía María large-scale copper mine project of the Southern Copper Corporation (Gutiérrez Zeballos, 2011). Concerns regarding impacts on water availability and local livelihoods fostered the formation of the *Frente Amplio de Defensa del Medio Ambiente y Recursos Naturales*. This movement led to the organization of a regional front with the support of local groups, Valdivia’s mayor and national organizations such as CONACAMI, Cooperación, Red Muqui and the Coordinadora Andina de Organizaciones Indígenas (Gutiérrez Zeballos, 2011; Red Muqui, 2011).

On 27 September 2009, the six districts of Islay conducted a *consulta vecinal*. The provincial mayor refused to call for a provincial referendum. In some districts, consultations were called by local mayors who issued ordinances. In other districts, consultations were led by social movements following the same procedures (Gutiérrez Zeballos, 2011; CAO, 2009; Peru 21, 2009). The process was observed by a national congressman, the Flemish NGO Broerlijk Delen, and the Peruvian NGOs Transparencia Civil and CONACAMI (El Búho, 2009; Márquez, 2009). The average turnout was 48.5% (considering the districts where voter lists were available) and 93–98% opposed the Tía María project.

The national government did not recognize the referendum and, some months later, called for a public hearing to present the project’s EIA. With the assistance of national and trans-national organizations, around 3000 technical comments on the EIA report were submitted. Moreover, a series of regional strikes were organized as dialogue spaces were perceived as sterile. These strikes were marked by hard police repression, activist criminalization, three deaths and more than 400 injuries (Gutiérrez Zeballos, 2011). In the midst of this violence, a report by the UN Office for Project Services, requested by the government and communities as an “independent” review, concluded that the EIA had serious deficiencies (UNOPS/PNUMA, 2011), forcing the Ministry of Mines (MEM) to suspend the project.

The fifth consultation of Peru took place in 2012 in the northern district of Kañaris (Region of Lambayeque). The Kañariaco project was a large-scale copper mine in exploration stages, owned by the junior Canadian company Candente Copper. The project was located in a cloud forest area inhabited and cultivated by two Quechua-speaking communities (Municipality of Kañaris, 2012). In an assembly in 2012, the community of San Juan de Kañaris decided to conduct a *consulta comunal* (community consultation) (Fedepaz, 2013). The mining company and the MEM claimed that a consultation had already been conducted following official procedures (Candente Copper, 2012).

The community consultation followed the procedures of regular elections (secret, registered voters) without the support of local governments. The result was a 91% mining rejection (47.4% turnout). The process was supported by CONACAMI, Red Muqui and local organizations and observed by the regional governor, the Ministry of Agriculture, and representatives of regional offices of Development and Production, and Energy and Mines (Servindi, 2012).

When this consultation occurred, the national government was promoting a law to regulate indigenous consultation rights. The question of whether the Kañaris are peasant or indigenous, and hence entitled to prior consultation according to ILO 169, triggered a wide debate (Greenspan, 2013). While the national Ombudsman and transnational indigenous groups recognize the right to FPIC for Kañaris, the government denies it and claims that the government consultation is the valid one. In 2013, the Candente mining company stopped mining exploration arguing low copper prices (No a la mina, 2013).

4.1.4. Ecuador: Kimsakocha Project (Azuay)

In October 2011, the first mining community consultation of Ecuador took place. The conflict arose from an open-pit project owned by a junior Canadian company. Concerns rose regarding the impact on water resources among indigenous and peasant groups located downstream from the project area (Perez Guartambel, 2012). The idea to conduct a consultation emerged in the context of growing pressures from the national government to promote mining activities in the country and in the midst of verbal and legal de-legitimization and criminalization campaigns against Ecuadorian indigenous and anti-mining activists (interview with local activist, 2012). Moreover, local indigenous and peasant leaders were in contact with LA indigenous, anti-mining and human rights movements, in particular from Ecuador and Peru (interview with national anti-mining leader, 2012). In June 2011, local indigenous leaders led the organization of a continental peoples meeting with strong emphasis on the impact of mining agendas on the environment and indigenous groups (Perez Guartambel, 2012).

A community consultation was called in the parishes of Victoria del Portete and Tarqui by the *Junta de Aguas*, an indigenous and peasant organization that administers the access to household water. The consultation was grounded in ILO 169, the UN Declaration on Indigenous Rights and the Ecuadorian Constitution (Perez Guartambel, 2012). The organization was led by local leaders of the Federation of Indigenous and Peasant Organizations of Azuay with the support of national indigenous organizations (ECUARUNARI, CONAIE) and Victoria del Portete's mayor. The consultation followed the *Junta de Aguas* election procedures: one vote per water right (each family can have more than one right). The vote was secret and for registered water right owners. The consultation had national and international observers from organizations and the national Ombudsman office. Days before the consultation, newspaper pages and leaflets calling people not to vote were distributed. There was a 67% turnout with a 92.3% opposition to mining. Provincial and national governments did not recognize the vote and led a strong, discrediting campaign.

4.2. Argentina

4.2.1. Esquel project (Chubut)

The second consultation conducted in LA took place in Esquel, in March 2003. The city of Esquel is a main settlement of Argentinean Patagonia, an arid region also inhabited by Mapuche communities. The arrival of Meridian Gold, a US junior company, with the intention to extract a gold/silver deposit located 6.5 km away from the city, triggered the first mining conflict in the country.

The use of cyanide leaching techniques and the risks of water pollution in a water-scarce environment stirred initial concerns. The perception that the urgency to approve the project was undermining the quality of the technical assessment and was excluding local concerns led to the formation of a neighbors' assembly (AVA – Asamblea de Vecinos Autoconvocados) opposed to the mine. The AVA brought together neighbors and organizations with different backgrounds: specialists in law, chemistry, medicine, geography, journalism and education, Mapuche groups and inhabitants of Esquel's poorer areas. The movement deployed a wide range of strategies, from legal and administrative queries, to mobilizations, technical arguments and advocacy networking. As the AVA jumped scales, contacting and obtaining the support of regional, national and international activists and organizations, the Esquel conflict started to be understood as part of an environmentally unjust process affecting many communities in LA (Urkidi and Walter, 2011; Zuoza, 2005).

“The rejection to the mining project does not only include environmental issues (...): alarm also rises from (...) the negative and unacceptable impacts in health, education, safety, tourism;

and we denounce that the insufficient labour generated by the mine requires a bachelor or a university degree” (AVA Press release, January 2, 2003).

Members of the AVA got acquainted with Tambogrande's consultation via the internet (Zuoza, 2005) and established contacts with the Mining Policy Center (now Earthworks), an NGO that supported Tambogrande's consultation (Colao and Claps, 2005). Two representatives of the local Deliberative Council, close to the AVA, presented a municipal ordinance proposal to call for a *consulta popular* (popular consultation/referendum), using a legal mechanism present in the Provincial Constitution. While the proposal was initially rejected, the mounting tension in Esquel fostered its approval by most political parties, as a way to pacify local unrest.

Esquel's mayor, who was initially reluctant, supported the consultation call based on the repeated mismanagement of the provincial and national government of the conflict “and a central element that has been the deep division that is growing in our community with very strong levels of intolerance that are undesired.” (El Oeste newspaper, 07/02/2002).

A few days after the *consulta*, which resulted in an 81% rejection of the project (75% turnout), mining activities were halted and the Chubut legislature approved a provincial ban on open-pit mining. Esquel became a national referent (Svampa and Antonelli, 2009; Walter and Martinez-Alier, 2010). The AVA created an online platform (www.noalamina.org) that is still a key source of information for Argentinean and LA activists. In the years that followed, as mining investments were rising, more social movements tried to foster similar consultations. In particular, the provincial government of Catamarca, the poorest province of Argentina where the oldest and largest mine operates (La Alumbraera), managed to stop at least three attempts of consultation in Tinogasta and Andalgalá in court.

4.2.2. Lonco project (Neuquén)

The second consultation in Argentina took place in the municipality of Loncopue (Patagonia). After a series of legal setbacks and intimidation campaigns aimed at social movements and Mapuche communities, exploration activities were advancing without permits or consultations. A local priest got involved and brought the matter to the town, connecting the urban movements with rural indigenous groups. A lawyer and anti-mining activist from Esquel, who was living in Loncopue, transferred his professional and activist experience to the emerging movement, advising and supporting the legal strategy (Yappert, 2009).

The call for a binding referendum to approve/reject a municipal law forbidding large-scale open-cast mining activities was fostered by Mapuche communities, neighborhood assemblies, environmental groups and, as in Esquel, some politicians whose political parties were pro-mining at the provincial and national levels but who aligned themselves with anti-mining groups locally. With a 72% participation turnout, 82% voted in favor of a mining prohibition, but the provincial government presented a legal claim of unconstitutionality to disable the referendum (Yappert, 2009; Aranda, 2012).

4.3. Guatemala and Colombia

4.3.1. Sipakapa in Guatemala

The third LA bottom-up mining consultation after Tambogrande and Esquel occurred in Sipakapa (Guatemalan highlands) in June 2005. In 2003, Montana (now owned by the Canadian GoldCorp) got the extraction permit for the Marlin gold mine in the municipalities of Sipakapa and San Miguel Ixtahuacan. These municipalities are inhabited by peasants who mostly identify themselves as indigenous (Segeplan, 2002).

Research and interviews underline that the first meetings held by the company with local groups and leaders were

non-transparent, arbitrary and pro-mining (Van de Sandt, 2009; Urkidi, 2011). The opposition to mining in Sipakapa was born from the mistrust that arose in these meetings. Indigenous leaders met local priests and national groups (Movimiento de Trabajadores Campesinos, MadreSelva, CALAS) in order to get information about mining (Van de Sandt, 2009). These national organizations were already within LA networks (for instance MadreSelva within Oil-Watch) and distributed information on the environmental impacts of mining. Local leaders from Sipakapa visited other gold-mining areas in Central America and got in touch with regional networks against mining (e.g. Central American Anti-Mining Network).

“At first, environmentalists started this, since they were providing information. But the environmentalist view is not in the communities any more. Now there is the defence of life, which is more related to the Maya worldview. (...) If we are going to have ill children and the whole population ill, what do we want a 10% [of royalties] for? (...) And people have strongly appropriated this idea” (own interview to local activist, 2009).

In December 2004, a community that blocked the passage of a mining truck in a neighboring province was strongly repressed by police and military forces, resulting in the death of a peasant (Prensa Libre, 23/02/2011; Castagnino, 2006). The public resonance of these events forced the mayor of Sipakapa (in favor of mining) to arrange a public meeting to discuss the mining issue. This meeting led to a municipality agreement to conduct a consultation, based on the Municipal Code and ILO 169. The idea to conduct a consultation had been circulating since the beginning of 2004, born from an Italian priest who was acquainted with the Tambogrande experience (Van de Sandt, 2009).

The consultation was organized through the articulation of local, national and international organizations: the Municipal/Communitarian Development Councils, the parish and its catechists, the Linguistic Community of Sipakapa, the local justice of the peace, MadreSelva, the National Association of Maya Lawyers, the Catholic Church of San Marcos, and the Indigenous Advocacy of Human Rights, among others. National and international observers and human right activists were called into verify the process. The Guatemalan Constitutional Court rejected an appeal of Montana to ban the consultation.

Despite boycotting strategies, 45% of the registered electorate took part in the consultation and 98% voted against mining. The voting was carried out in each community; some voted by a show of hands, others by secret ballot. In 2007, the Guatemalan Constitutional Court declared the Sipakapa consultation valid under ILO 169 and the Municipal Code, but non-binding, since such conventions and laws were imprecise and mining activities were of national public interest (Xiloj and Porras, 2008).

The Marlin mine was in full operation from 2006 to 2014, despite the consultation and different legal demands in relation to environmental impacts and the violation of human rights.¹ However, the process of Sipakapa was a milestone in the Guatemalan resistance against mining.

4.3.2. The wave of consultations in western Guatemala and other cases

The consulting experience has been reproduced in 56 other consultations on metal mining in Guatemala from 2005 to 2012 and more than 600,000 people have participated on them, becoming a key national political process. A documentary on the Sipakapa consultation (Revenga, 2005) played a central role in spreading the experience throughout Guatemala and LA.

Fifty-two of those 57 consultations occurred in western Guatemala and most of them in the highlands as part of a regional campaign to reject mining activities. A regional network called the Western People's Council (WPC) – where the Huehuetenango Natural Resources Assembly has a central role – leads this process. WPC's main objective is to develop a community-based strategy against mining, where indigenous territorial rights have a central role. There are also national and international networks and NGOs² supporting the development of consultations. However, one key characteristic of the Guatemalan process is the synergies between anti-mining movements, the traditional and legally recognized sub-municipal authorities and the municipal governments in the organization of most consultations, and the active incorporation of local leaders in the regional network (Mérida and Krenmayr, 2008, 2010; Urkidi, 2011).

“The struggle against mining and in favor of water and life allowed us to advance more in the empowerment and consciousness of our communities” (own interview to WPC activist, 2008).

More recently, other cases of consultations that are not directly related to the WPC are emerging in other areas of Guatemala, such as the consultation on the Escobal project in Santa Rosa, even if it was also influenced by the Sipakapa experience. The context of Santa Rosa differs from the highlands, as most of its population is non-indigenous. There are, however, some *Xinca* communities. The conflict arose in 2010 when Tahoe Resources and Goldcorp were to start a metal-mine in the area that might affect a nearby lake and its water resources. A local committee was organized and, between 2011 and 2012, four consultations were developed in nearby towns with the support of the regional diocese, a national environmental organization (MadreSelva) and local governments. However, no consultation has been permitted in the town where the project is located; the mine is in operation; the local population is highly divided; and violent events and criminalization processes have taken place over the last few years (OCMAL, 2011).

Apart from Sipakapa and Santa Rosa, the rest of the Guatemalan consultations are not associated with imminent mining projects but to exploration or research licences, so they could be understood as preventative consultations. Indeed, from 2008 to 2012, no new metal extraction licences were granted in the country (in 2013, the Escobal project and two nickel mines were approved). The Guatemalan government has not accepted community referendums and has proposed to regulate them with a specific law (Prensa Libre, 23/02/2011). However, in 2013, the Constitutional Court recognized, based on ILO 169 and “the unquestionable peoples' right to be consulted”, the results of the Mataquescuintla consultation, considering it binding for the municipal government and within its competences (Expedient 4639-2012 and 4646-2012 of the Constitutional Court). The WPC defends that the current legal framework is sufficient to accept the consultations' results, and that further regulations would just lead to more restrictive conditions for participation (Prensa Libre, 23/02/2011; Nisgua, 2011).

“Those consultations are an ancestral mechanism of the Maya people for participation and decision making. (...) We believe that our fight goes beyond a rejection of mining; we are starting a political and organizational platform, also on development. (...) We have an opportunity to promote our self-determination as indigenous people” (own interview to WPC activist, 2008).

The Guatemalan anti-mining movement seeks to be inclusive in many senses, resulting in heterogeneous consulting processes. Mainly indigenous but also non-indigenous communities have been consulted (these last ones not appealing to ILO 169 but just to the

¹ In 2010, the Inter-American Commission on Human Rights ruled in favor of the precautionary closure of the project because of potentially harmful health and environmental impacts.

² Mainly environmental and human rights associations and NGOs from Europe and Canada (CATAPA, NISGUA or Rights Action, among many others).

Municipal Code), by secret ballot or by a show of hands, in municipal or communitarian *consultas*. In some cases, mainly in Huehuetenango, non-registered people have been able to take part in indigenous community consultations. This has led to greater participation of women than in other voting processes since women are proportionally less frequently registered than men in Guatemala (Mérida and Krenmayr, 2008, 2010). Consultations have also spread to other extractive projects in Guatemala, such as hydroelectricity.

“Our opposition is (...) aiming to overcome the structural roots of economic and social inequality” (Guatemala Western People Manifest, 2012).

4.3.3. Colombia: Mandé Norte Project (Carmen de Darién)

On February 2009, the first community consultation on mining took place in Colombia. The conflict started with the arrival of Muriel Mining (Río Tinto and other companies), and the initial consultation activities of the government and the company to explore for copper, gold and molybdenum. Exploration sites were located in Afro-descendant and indigenous peoples' lands, including their homes and sacred areas, in the departments of Antioquia and Chocó. Indigenous and Afro-descendant communities started to search for information and contacted a national church organization working in the area. A support group was created, bringing information, documentaries (e.g. the Sipakapa case) and activists from other countries to Carmen de Darién (Jahncke Benavente and Meza, 2010). Communities claimed that the official consultation process was not adequately conducted, excluding affected communities and endangering their livelihoods. As a reaction to local unrest, the national government militarised mining areas, intimidating and limiting community access (Jahncke Benavente and Meza, 2010; Movice, 2012).

Communities, inspired by the Sipakapa experience, promoted the organization of an interethnic consultation, following their own procedures (own language, registered people, older than 14 years old). Human Rights, indigenous, church and anti-mining organizations from Colombia, Paraguay, Honduras, Guatemala, Germany and Canada observed the process (CENSAT, 2009).

The consultation was grounded on international and national indigenous consultation rights, including the Colombian Constitution's special consideration for indigenous consultation rights. The legality of the process was confirmed by an important verdict (T-769, 2009) of the Colombian Constitutional Court, which led to the suspension of the project. Nevertheless, the year that followed campaigns to delegitimize local communities and further intimidation actions were conducted by the government. In January 2010, the Colombian army conducted air bombings in the area (Movice, 2012).

Consultation attempts have also been deployed by non-indigenous communities in Colombia. During the 2011, social movements in the department of Santander tried to conduct a popular consultation around gold-mining developments and the protection of water in upstream *Páramo* areas. This initiative was politically blocked (Comité por la Defensa del Agua y el Páramo de Santurbán, 2012). Recently, in July 2013, the Municipality of Las Piedras (Tolima Region) conducted a popular consultation on mining, resulting in a 60% participation and 99% rejection of a large-scale mining project to be carried out by Anglo Gold Ashanti (EJOLT, 2013).

5. Discussion

5.1. Defending livelihoods, participation and cultural recognition in contexts of criminalization

The contexts, grievances and demands fostering the mining conflicts studied in this paper are multiple and complex. The

Peruvian Ombudsman signalled in a special report that the increased number of mining conflicts in Peru derived mainly from: “the justified fear” of local communities for contamination and the negative impacts of ongoing projects regarding the environment, local livelihoods, identities and social structure; the perception of a continued injustice since mining expand in historically marginalised zones; the population's mistrust of the state given the longstanding lack of environmental management and efficient participation mechanisms; and the excessive economic expectations of population (Defensoría del Pueblo de Perú, 2007: 5–6). These issues characterize well the debates that transverse LA mining conflicts and the cases addressed in this paper.

As pointed by Bebbington et al. (2008) and found in most of the cases studied in this research, the defence of livelihood is a central claim in LA mining conflicts. Communities in Peru, Guatemala, Colombia and Ecuador signal that mining jeopardizes local (and supra-local) livelihoods, which are dependent on agriculture, cattle and forests. The defence of livelihood should not be understood only as the protection of a source of subsistence and income, but also as the protection of its embedded meanings, values and identities (Bebbington et al., 2008). In LA contentious politics, it is particularly relevant to draw attention to the inseparable relationship between the material and the cultural in livelihoods (Escobar, 2001).

In this sense, the misrecognition of peasant institutions and the perceived risks of mining for health and local livelihoods were key grievances that led to social mobilization in the case of Majaz (Bebbington, 2012a). In Sipakapa, mining was framed as a new colonialist strategy of dispossession and was related to the historical oppressions and injustices lived by peasant and indigenous communities (Yagenova and García, 2009; Urkidi, 2011). Indeed, the majority of consultations in Guatemala have taken place in indigenous areas and the ethnic dimension has been central. Communities are mobilizing and re-constructing their ethnicity in complex ways but, mainly, in relation to the defence of life and territory (Yagenova and García, 2009: 166), and are demanding greater control over their ancestral lands and resources.

Moreover, as pointed out by Van de Sandt (2009), the mistrust of the consulting process carried out by the company and the escalating violence were the specific triggers of the consultation in Sipakapa. Similarly, studies conducted in Tambogrande and Esquel conflicts, signalled that mistrust in official experts and institutions were key elements (Muradian et al., 2003; Walter and Martínez-Alier, 2010), not only because people's risk perception differed from experts' one, but also, in the Peruvian analysis, because of a long tradition of political corruption (Muradian et al., 2003).

A survey conducted in Tambogrande highlighted the notion of the “right” to decide local development strategies as another key concern of the population (Muradian et al., 2003). Self-determination concerns seemed to overcome revenue increase considerations or low pollution scenarios. The project was seen as an “imposition” hindering local empowerment (Muradian et al., 2003). Similarly, in Esquel, the right to participate in mining decisions was a central demand of the opposition. Concerns regarding health, cyanide use and water quality and availability were among the main grievances that led to the organization of the local movement. However, as decision-making procedures were unable to address local communities' concerns, disputes formed around these procedures (Walter and Martínez-Alier, 2010; Urkidi and Walter, 2011).

In this sense, it is becoming increasingly common for anti-mining movements and communities to prevent or boycott public hearings, as these are seen as an empty requisite for project approval (Jahncke Benavente and Meza, 2010). Public hearings were boycotted in Tambogrande, Toquepala, Tía María, Esquel and Loncopue. Indigenous communities rejected and misrecognized the alleged consultation processes led by mining companies

and governments in cases of consultations in Peru, Colombia and Guatemala. In Ecuador (Quimsacocha) and Argentina (Loncopue), indigenous communities claimed that formal consultations never occurred (e.g. [Perez Guartambel, 2012](#)). The disempowering nature of official participation institutions that elude to engage with issues of power and politics fosters unrest ([Hickey and Mohan, 2005: 141](#)) and may become key grievances in mining conflicts.

Who has the right to decide on local development and how this affects local autonomy are central matters that traverse most of the cases addressed in this paper. There is a clash of views regarding development and the role played by participation in this framework ([Hickey and Mohan, 2005](#)). Central governments sustain that mining activities are of national interest and that local communities shouldn't have binding power in these decisions. Mining is framed as able to improve the wellbeing at the local and national levels, as long as socio-environmental risks are minimized and public income increased. Indeed, mining and oil rents are pushing the economic growth of some LA countries. However, affected communities wonder about the costs of this growth.

In sum, we identify that concerns related to the defence of livelihood, cultural recognition, territorial control, participation and self-determination are central in most of the mining conflicts that led to consultations. Nevertheless, from our in-depth research in some of the cases, we signal that, even within a single case, there are different concerns behind those actors that promote a consultation, those that support it, and those that vote for or against mining in the consultation.³ While consultations' promoters may have developed a strong anti-mining position during the conflict, consultation supporters and local population may not necessarily be anti-mining. As signalled in Tambogrande, Majaz, Esquel or Sipakapa, feelings of distrust may play a central role in the local rejection of mining. Local governments can also have distinct motivations for supporting consultations: concerns of losing local legitimacy; escalating local pressure and violence; a broader project of local empowerment and recognition; an anti-mining position; etc. However, new research should explore in further detail the divergent and perhaps contradictory motives of the different groups that support or reject community-led consultations.

Moreover, in some cases, we lack information on the micro-politics and there could be processes that we are not identifying. For instance, it has been claimed that some (apparent) environmental mining conflicts are instead related to the effort of some actors to improve their political leverage and gain access to mining rents ([Arellano Yanguas, 2010](#)). While we don't discard this hypothesis for some of the involved actors, the information available led us to think that, in general, these were not among the central collective concerns of the movements and communities that led to consultations. We suggest that the risks of promoting a consultation by actors mainly interested in negotiating the terms of extraction could be too high. Studies conducted on Guatemala show that consultations became a key event in the history of local communities and people perceive it as an irreversible decision, making it politically difficult to override (fieldwork interviews 2008–2009, [Trentavizi and Cahuec, 2012](#)). However, this is a hypothesis that needs to be further explored.

One of the findings of this research has been the role played by contexts of criminalization and violence in the emergence of consultations. This is particularly relevant in some of the first cases of consultations (i.e. Tambogrande, Sipakapa, Majaz). In this line, we signal that consultations emerged as an innovative form of protest promoting a democratic setting that could protect its participants. For instance, in Tambogrande, the consultation emerged

when social movements became concerned with a possible escalation of violence ([Cabellos and Boyd, 2007](#); [Subies et al., 2005: 104](#)). In later cases, such as in Quimsacocha (Ecuador), the consultation was organized in the midst of activist criminalization events that were discouraging public demonstrations (interview to local activist, 2013).

Furthermore, consultations seem to have succeeded in pacifying local tensions, at least in the short term (i.e. in Esquel: [Walter and Martinez-Alier, 2010: 296](#), in Majaz: [Bebbington, 2012a: 78](#)). Afterwards and as shown by the case of Colombia – where the community was air-bombed by the army one year after the consultation – violence may intensify. Although repressive actions are not new in mining conflicts, the particularity of these social movements has been their ability to transform a risky protest environment into a democratic participation process.

5.2. The diffusion of consultations through anti-mining networks

Mining consultations are promoted alongside a wide range of strategies by social movements composed of a myriad of groups, including indigenous and peasants' movements, community leaders, farmers, (urban) professionals, the church, environmentalists, NGOs and transnational activists. As mining conflicts unfold, social movements engage with other networks and organizations (e.g. environmental, anti-mining, human rights, indigenous, Catholic) that move across multiple geographical scales. These networks circulate information, experiences and strategies, and promote the mobility of activists to learn and share experiences among communities and to participate in regional forums and foreign tribunals.

Among the anti-mining movements driving the spread of consultations, some were born from the first mining consultations experiences: Tambogrande, Esquel and Sipakapa. Red Muqui, born from Tambogrande's conflict was a key provider of information, experience and materials for the Majaz case and following consultations. The 'NoALaMina' platform, coordinated by the Esquel movement, is a central provider of information and resources for LA communities. Moreover, the fact that Tambogrande's and Esquel's consultations were perceived as successful experiences by anti-mining movements contributed to the diffusion of the consulting strategy. In Guatemala, the great multiplication of mining consultations is partially grounded in the national and international repercussion of Sipakapa's experience and in the networks created in western Guatemala. This shows the relational character of diffusion ([Tarrow and McAdam, 2005](#)), since consultation experiences and mining related information have been shared through interpersonal contacts or associational networks in the interaction of social movements, local governments and other social actors ([Red Muqui, 2009](#); [Jahncke Benavente and Meza, 2010](#)).

When considering how consultations have travelled among LA communities, we point out that the internet and documentaries are powerful transporters of testimonies amongst distant places. While the role of the internet has been discussed in previous studies ([Bickerstaff and Agyeman, 2009](#)), we also found that documentaries are significantly contributing to social learning (e.g. Choropampa: el precio del oro; Sipakapa no se vende; Tambogrande: mangos, muerte, minería). An indigenous leader of the consultation of Ecuador underscored the relevance of videos to explain the implications of large-scale mining.⁴ Colombian activists highlighted how Carmen de Darien's communities were inspired by the documentary on Sipakapa's consultation, as this showed them other indigenous groups faced with similar struggles (interview with Colombian activist, [Jahncke Benavente and Meza,](#)

³ A survey conducted in Tambogrande pointed out that the position of the anti-mining stakeholders was very close to that of the majority of the population ([Muradian et al., 2003: 786](#)).

⁴ Interview conducted by Sara Latorre and Stalin Herrera with a local leader.

2010). Documentaries have shown the trans-local and structural impacts of large-scale mining activities and the strategies of anti-mining groups, contributing to a regional learning process.

National organizations and transnational networks have not only played a key role in spreading the experience of previous consultations, but also provided logistical, technical and sometimes financial resources and fostered new supports at multiple scales. A wide range of social actors have supported consultations as observers, contributing to building the multi-scalar legitimacy of these processes.

As consultation experiences multiplied in LA, national and transnational networks have deployed efforts to systematize and strengthen the ongoing experience and its lessons, by organizing transnational events (e.g. Bi-national Meeting Ecuador-Peru on Community Consultations, 28/02/2012) and elaborating reports (e.g. Jahncke Benavente and Meza, 2010; Duthie, 2012; CISDE-ALAI, 2009; Mérida and Krenmayr, 2010). National and transnational movements have also supported legal strategies – to defend the legality of consultations and condemn human rights abuses – at national (e.g. Colombian Constitutional Court), foreign (e.g. UK courts in the Majaz case) and regional tribunals (e.g. Sipakapa to the Inter-American Commission on Human Rights). These processes reflect the two stage model of institutionalization (Schneiberg and Lounsbury, 2008: 651), where organizations and local governments adopt consultations as “new” structures or strategies in response to local problems, which then spark processes of diffusion, systematization and theorization that have contributed to establish consultations as an accepted mechanism in the context of mining conflicts in LA. However, the emergence and spread of consultations should be seen as a contested process of institutionalization, where the contestation comes from some government bodies that reject their validity.

As signalled in this section, mining consultation has been diffused as a key strategy through social movements and anti-mining networks in LA. However, this does not imply that consultation features have been transplanted from one case to the other. Indeed and as we develop in the next section, different contexts, regulations, institutions, and local customs have shaped the heterogeneity of forms that community consultations, whether *vecinal*, *popular*, *comunitaria* or *inter-étnica*, have adopted in LA. As pointed by Peck (2011) in the policy transfer debate, the spread of consultations follow a mobility-and-mutation – which we frame as mobility-and-hybridization – process. Through a social learning process, communities see and analyze the experience in other places and adapt, transform and shape the terms of their own consultation in a conscious and unconscious dynamic (Cleaver, 2002; Hickey and Mohan, 2005).

5.3. Community consultations: a political tool and a hybrid mechanism of participation

Consultations are the product of an institutional *bricolage* of formal and informal mechanisms embedded in a multi-scalar learning process. Consultations can be seen as a hybrid institution that combines the formal and informal competences (i.e. regulation, management, communication) and different forms of power (e.g. legitimacy, networks, resources, trust) of social movements and local governments.⁵

⁵ The consultations conducted without alliances with local governments are the exception. In some cases, local governments rapidly align with social movements or even play a central role in the formation of movements critical of mining (e.g. Majaz, Toquepala, Guatemala's wave of consultations). In other cases, local governments change their position as conflicts unfold and finally allow or support consultations in order to preserve local governability or local power (e.g. Esquel, Sipakapa), sometimes adopting a position that differs from their national parties.

The alliance with local governments was key to build the political legitimacy of consultations (Red Muqui, 2009), framing them as a formal (and democratic) local participation institution, not a mere anti-mining social movement strategy. The fact that the first cases of consultations were conducted with the support of local ordinances contributed to establishing the grounds for legitimating the following wave of consultations, conducted with or without this formal support (e.g. some municipalities in the Tía María consultation, the Kimsakocha case). Moreover, the involvement of social movements reduced, in some places, the distrust that many rural communities have in relation to government bodies, including municipalities. In some Guatemalan consultations, this increased the willingness to participate (Mérida and Krenmayr, 2008, 2010, interviews Guatemala 2009). We could say that the legitimacy of consultations is, in part, both a cause and a consequence of the hybrid alliances between local governments and social movements.

The involvement of local governments in consultations reflects the heterogeneity of interests and values across different government bodies and the state. This issue points to the need to further problematize the role of governments in environmental governance frameworks. Consultations don't necessarily aim to “bypass governments” (Delmas and Young, 2009), but, on the contrary, to anchor part of its legitimacy in some of its bodies (e.g. local governments). Consultation processes show how the multi-scalar character of state bodies can create opportunities for initiatives born from the civil society (Schneiberg and Lounsbury, 2008: 659).

In each context, consultations were legitimized by reference to local practices and/or to the social perception of what is the acceptable way of doing things (Cleaver et al., 2013). In most cases, communities put in place hybrid procedures that combined officially or locally recognized participation procedures, indigenous customary rights, and lessons from consultations conducted in other places. In many consultations, the voting followed the same procedures than those of a regular election: formal call to vote, registered voters, secret vote and the quality of the process certified by external observers. In Sipakapa, each of the 13 communities chose its own procedure: regular election format or by a show of hands. However, the consultation was called by the municipality and all registered inhabitants could vote, even non-indigenous. In Huehuetenango, non-registered people have also been able to vote in non-secret indigenous consultations. The interethnic *consulta* in Colombia followed the example of Sipakapa by merging procedures.

The right of affected communities to participate in high-impact decisions is recognized in a variety of indigenous and non-indigenous, international, national and municipal norms and rights (Jahncke Benavente and Meza, 2010; Fulmer, 2011). In each context, communities strive for local participation appealing to, combining and reshuffling available regulations, rights and local traditions. For instance, communities are re-signifying, in their discourse and practices, the way “consultation” is framed in ILO 169 – and the UN Declaration on the Rights of Indigenous People – forcing new debates on the convention's reach (McGee, 2008; Fulmer, 2011). ILO 169 asserts that consultations should be conducted by states (Fulmer, 2011; Jahncke Benavente and Meza, 2010). The fact that communities and local governments led the process stretches the convention's reach. In a similar vein, the way in which consultations use laws that allow for local referenda in local governance matters challenges the national-government scale monopoly in mining decisions.

In contrast with other emerging forms of (hybrid) governance that continue to exclude disempowered groups (Ford, 2003; Swyngedouw et al., 2002; Swyngedouw, 2005), consultations are organized by, and take into account, marginalised groups such as indigenous peoples, peasants and women, as illustrated by the Guatemalan case (Mérida and Krenmayr, 2008, 2010). The

significance of community consultations is that communities are not only mobilizing and discursively struggling to contest mining governance, but are also deploying innovative strategies to create and put in practice empowering and participatory institutions. Consultations are both a strategic tool of social movements and an emergent (and contested) participation institution.

5.4. Reactions, success and empowerment

The legitimacy of consultations is in dispute by different actors, even within states and governments themselves. This is common in processes of institutionalization as states tend to intervene to ratify, redraw or reject emerging institutions (Schneiberg and Lounsbury, 2008: 651). While national governments and mining departments reject, ignore or define consultations as illegal, some local and provincial governments, as well as other national and regional departments, authorities and tribunals, recognize this participation institution (e.g. National Electoral Office, Constitutional Court, Ombudsman, Human Rights National Councils, Ministry of the Environment). However, the strength of this legitimacy, grounded in the “disputed legality” of community consultations, is also becoming a weakness. While some LA governments (e.g. Peru, Guatemala) are currently formalizing consultation rights and procedures, communities are alerting about the related risks of co-optation, exclusion and de-naturalization.

As cases of consultations multiplied in the region, there has been an increased effort by national governments and mining companies to downplay the legitimacy of this institution, deploying actions to discourage local participation. Nevertheless, in general terms, levels of participation are not low. In Sipakapa, the participation was of 45% but flyers informing that the consultation was not going to occur were distributed days before, presumably by the company. Moreover, the high percentages of mining rejection reflect that a significant sector of society is critical to mining, giving social legitimacy to this position.

It is not evident how to judge the level of “success” of consultations as it requires a deeper and long-term examination of the outcomes. In some of the cases, consultations helped to halt mining projects in the short term (e.g. Tambogrande, Esquel, Carmen de Darién, Majaz to some extent, Guatemalan mining development.⁶) However, in some cases this was reverted in the medium/long term or activists were harshly criminalized. Communities in Colombia stopped the project but were then bombed by the army. In other cases, mining developments were not stopped, but anti-mining movements were able to construct their legitimacy at multiple levels, accessing the media, knowledge and networks. Perhaps, the key success of consultations has been the political learning processes that these have triggered – connecting social actors, scales, places, discourses and strategies – which have allowed to reclaim and put in practice participation rights and to envision alternative forms of development.

Activists and local leaders involved in consultations are now part of broader debates and networks questioning the hegemonic development views that could lead to deeper transformative processes (Hickey and Mohan, 2005). By challenging the governance of mining activities, communities are also pointing out to alternative understandings of development, well-being and ‘good living’ (Gudynas, 2011).

⁶ From 2008 to 2012, no new metal extraction licenses were approved in Guatemala (in 2013, new projects were approved). Both Alvaro Colom during his presidency and Otto Perez Molina in 2013 declared moratoriums on the approval of mining licenses in order to establish a dialogue with civil society to reform the Mining Law because of conflicts and consultations.

6. Conclusions

Analyzing the cases of community consultations conducted in Latin America from 2002 to 2012, we claim that these consultations emerged in complex struggles over livelihoods, recognition and participation and in the context of criminalization of local protest. We sustain that consultations are a hybrid institution, the product of a multi-scalar dynamic where non-state and state actors and formal and informal institutions are mobilized to challenge the centralized governance of mining. Consultations are a strategic tool of social movements and an emergent participation institution that reclaims and puts in practice the right of affected populations and indigenous peoples to participate in high-stake decisions affecting their territories, livelihoods and future.

The analysis of a large number of cases allowed us to identify that consultations are not isolated experiences but constitute a strategy diffused and transformed through social movements and anti-mining networks in a multi-scalar social learning process. In this vein, we propose that there is an institutionalization process as consultations diffuse, hybridize in relation to local features, and gain legitimacy in the context of mining conflicts. Community consultations are, however, a contested emergent institution, as central governments and mining companies reject these mechanisms, while local governments and other state bodies support them.

Finally, the process of consultations opens up relevant arenas for enquiry, such as which are the medium and long-term consequences of consultations for local populations and their struggles. Furthermore, recently consultations/referenda are also being fostered by movements opposing large-scale dam projects in LA (e.g. Guatemala, Brazil, Argentina), offering room for explorations and comparisons.

Acknowledgements

This research was funded by the European ENGOV FP7 Project (266710), the Spanish MICINN Project (CSO2010-21979), the Post-Doctoral Specialization Programme of the University of the Basque Country (UPV/EHU) and the project IT697-13 of the Basque Government (Parte-Hartuz – Consolidated Research Groups). We would like to thank all the people that helped us in our fieldwork and research in Latin America, the ENGOV partners and the four anonymous reviewers for their very valuable comments.

References

- Aranda, D., 2012. El gobierno le hace el verso a las comunidades. Observatorio de Derechos Humanos de Pueblos indígenas. <<http://odhpi.org/2012/07/el-gobierno-le-hace-el-verso-a-las-comunidades/>> (accessed 10.08.13).
- Arellano Yanguas, J., 2010. Local politics, conflict and development in Peruvian mining regions. DPhil thesis, University of Sussex.
- Armstrong, E., Bernstein, M., 2008. Culture, power, and institutions: a multi-institutional politics approach to social movements. *Sociol. Theory* 26 (1), 74–99.
- Bakker, K., Bridge, G., 2008. Regulating resource use. In: Cox, K.R., Low, M., Robinson, J. (Eds.), *Political Geography*. Sage, London, pp. 219–233.
- Bebbington, A., 2012a. Social conflict and emergent institutions. Hypotheses from Piura, Peru. In: Bebbington, A. (Ed.), *Extractive Industries, Social Conflict and Economic Development: Evidence from South America*. Routledge, London, pp. 67–88.
- Bebbington, A., 2012b. Underground political ecologies: The second annual lecture of the cultural and political ecology specialty group of the Association of American Geographers. *Geoforum* 43, 1152–1162.
- Bebbington, A., Humpreys Bebbington, D., Bury, J., 2011. Federating and defending water, territory and extraction in the Andes. In: Boelens, R., Getches, D., Guevara, Gil. (Eds.), *Out of the Mainstream: The Politics of Water Rights and Identity in the Andes*. Earthscan, London, pp. 307–327.
- Bebbington, A., Connarty, M., Coxshall, W., O’Shaughnessy, H., Williams, M., 2007. Mining and Development in Peru. With Special Reference to the Rio Blanco Project. Piura Peru Support Group.
- Bebbington, A., Humpreys Bebbington, D., Bury, J., Langan, J., Muñoz, J.P., Scurrah, M., 2008. Mining and social movements: struggles over livelihood and rural territorial development in the Andes. *World Dev.* 36 (12), 2888–2905.

- Bickerstaff, K., Agyeman, J., 2009. Assembling justice spaces: the scalar networking of environmental justice in north-east England. *Antipode* 41 (4), 781–806.
- Bridge, G., 2004. Mapping the Bonanza: geographies of mining investment in an era of neo-liberal reform. *Prof. Geogr.* 56 (3), 406–421.
- Bulkeley, H., 2005. Reconfiguring environmental governance: towards a politics of scale and networks. *Polit. Geogr.* 24, 875–902.
- Cabellos, E., Boyd, S., 2007. *Tambogrande: Mangos, Muerte, Minería* (Documentary). Guarango, Peru.
- Candente Copper, 2012. Candente Copper Provides Clarifications on Recent Community Consulta in Peru. <<http://www.candentecopper.com/s/NewsReleases.asp?ReportID=550822>> (accessed 01.01.13).
- CAOI (Coordinadora Andina de Organizaciones Indígenas), 2009. Seis distritos de la provincia arequipeña de Islay se pronunciaron a través del voto. <<http://elecochasqui.wordpress.com/actualidad/setiembre-2009/caoi-seis-distritos-de-la-provincia-arequipeña-de-islay-se-ponunciaron-a-traves-del-voto-rechazo-al-proyecto-minero-tia-maria-alcanza-el-97/>> (accessed 10.01.13).
- Castagnino, V., 2006. *Metal Mining and Human Rights in Guatemala: The Marlin Mine in San Marcos*. Peace Brigades International, Guatemala.
- Censat, 2009. Colombia: No a la Minería en territorio indígena. <<http://censat.org/component/content/article/314>> (accessed 10.01.13).
- CISDE-ALAI, 2009. *América Latina: riqueza privada, pobreza pública*. CISDE-ALAI.
- Chabot, S., Duyvendak, J.W., 2002. Globalization and transnational diffusion between social movements: reconceptualizing the dissemination of the Gandhian repertoire and the “coming out” routine. *Theory Soc.* 31, 697–740.
- Chaparro, Avila E., 2002. Actualización de la Compilación de Leyes Mineras de Catorce Países de América Latina y el Caribe. UUNN División de Recursos Naturales e Infraestructura ECLAC. <<http://www.eclac.org/publicaciones/xml/6/10756/LCL1739-P-E.pdf>> (accessed 10.01.13).
- Cleaver, F., 2001. Institutional bricolage, conflict and cooperation in Usangu, Tanzania. *IDS Bull.* 32 (4), 26–35.
- Cleaver, F., 2002. Reinventing institutions: bricolage and the social embeddedness of natural resource management. *Eur. J. Dev. Res.* 14 (2), 11–30.
- Cleaver, F., Franks, T., Maganga, F., Hall, K., 2013. Beyond Negotiation?: Real Governance, Hybrid Institutions and Pastoralism in the Usangu Plains, Tanzania (No. 61). Working Paper 61, King's College London.
- Cobain, I., 2009. British Mining Company faces Damages Claims alter Allegations of Torture in Peru. *The Guardian*, 18 October 2009.
- Comité por la defensa del agua y el Páramo de Santurbán, 2012. Queja presentada ante la oficina del Ombudsman y asesor en materia de Observancia. <<http://www.aida-america.org/es/release/queja-interpuesta-contra-el-financiamiento-de-mina-de-oro-en-fragiles-humedales-colombianos>> (accessed 10.08.13).
- Colao, D., Claps, L.M., 2005. Comunicación, recursos naturales y comunidad en el caso Esquel. Graduate thesis, Universidad de Buenos Aires.
- Defensoría del Pueblo de Perú, 2007. Los conflictos socioambientales por actividades extractivas en el Perú. Informe Extraordinario. <http://www.defensoria.gob.pe/modules/Downloads/informes/extraordinarios/inf_extraordinario_04_07.pdf>.
- Delmas, M.A., Young, O.R. (Eds.), 2009. *Governance for the Environment*. Cambridge University Press, New York.
- Diez Hurtado, A., 2007. Ronderos y alcaldes en el conflicto minero de Río Blanco en Piura, Perú. In: Bengoa, J. (Ed.), *Territorios rurales. Movimientos sociales y desarrollo territorial rural en América latina*. RIMISP, Santiago de Chile, pp. 432–444.
- Dougherty, M., Olsen, T., 2014. “They have good devices”: trust, mining, and the microsociology of environmental decision-making. *J. Clean. Prod.* 84, 183–192.
- Duthie, K., 2012. Local Votes and Mining in the Americas. *Mining Watch Canada*.
- El Búho, 2009. Consulta vecinal en Islay sobre proyecto minero Tía María. <<http://www.elbuh.com.pe/antiores/web392/politica3.htm>> (accessed 10.08.13).
- El Oeste, 07/02/2002. Fue promulgada la ordenanza sobre plebiscito y no adhesión a ley minera. *Diario el Oeste*, Argentina.
- Ejolt, 2013. A Letter from Piedras, Tolima, Colombia: Local Referendum against Antio Gashanti. Environmental Justice Organizations, Liabilities and Trade Project. <<http://www.ejolt.org/2013/09/a-letter-from-colombia/>> (accessed 10.10.13).
- Escobar, A., 2001. Beyond the search for a paradigm? Post-development and beyond. *Development* 43 (4).
- Escobar, A., 2008. *Territories of Difference: Place, Movements, Life, Redes*. Duke University Press, Durham.
- Fedepaz, 2013. *Kañaris, última comunidad de habla quechua en la costa peruana, realiza consulta comunal*. Fundación Ecuémica para el desarrollo y la Paz. <http://www.fedepaz.org/index.php?option=com_content&task=view&id=194&Itemid=18> (accessed 20.08.13).
- Ford, L.H., 2003. Challenging global environmental governance: social movement agency and global civil society. *Global Environ. Polit.* 3, 120–134.
- Fulmer, A., 2011. La consulta a los pueblos indígenas y su evolución como herramienta de negociación política en América Latina. *Los casos de Perú y Guatemala*. *Apuntes* 68, 37–62.
- Fulmer, A., Snodgrass Godoy, A., Neff, P., 2008. Indigenous rights, resistance, and the law: lessons from a Guatemalan mine. *Lat. Am. Polit. Soc.* 50 (4), 91–121.
- Greenspan, E., 2013. Peru Backslides on Indigenous Rights Oxfam America. <<http://politicsofpoverty.oxfamamerica.org/2013/05/08/peru-backslides-on-indigenous-rights/>> (accessed 10.10.13).
- Gerber, J.F., 2011. Conflicts over industrial tree plantations in the South: who, how and why? *Global Environ. Change* 21 (1), 165–176.
- Givan, R.K., Soule, S.A., Roberts, K.M., 2010. *The Diffusion of Social Movements: Actors, Mechanisms, and Political Effects*. Cambridge University Press.
- Guatemala Western People Manifest, 2012. *Manifiesto de Autoridades del Pueblo Maya de Occidente de Guatemala*. <<http://www.conflictosmineros.net/contenidos/15-guatemala/11334-manifiesto-de-autoridades-del-pueblo-maya-de-occidente-de-guatemala>> (accessed 01.02.14).
- Gudynas, E., 2011. Caminos para las transiciones post extractivistas. In: Alayza, A., Gudynas, E. (Eds.), *Transiciones. Post extractivismo y alternativas al extractivismo en Peru*. RedGE y CEPES, Lima, pp. 187–216.
- Gutiérrez Zeballos, P.J., 2011. Las razones de lucha por el valle del Tambo. In: Valle de Tambo-Islay. Territorio, Agua y Derechos Locales en riesgo con la minería a tajo abierto. Cooperación, Red Muqui, Frente Ambito de Defensa del Valle de Tambo, Municipalidad Distrital de Dean Valdivia, pp. 99–102.
- Haarstad, H., Floystrand, A., 2007. Globalization and the power of rescaled narratives: a case of opposition to mining in Tambogrande, Peru. *Polit. Geogr.* 26 (3), 289–308.
- Hickey, S., Mohan, G., 2005. Relocating participation within a radical politics of development. *Dev. Change* 36 (2), 237–262.
- Holden, W., Jacobson, D., 2008. Civil society opposition to nonferrous metals mining in Guatemala. *Voluntas* 19, 325–350.
- Jahncke Benavente, J., Meza, R., 2010. Derecho a la participación y a la consulta previa en Latinoamérica. Fedepaz Muqui Miserer CIDSE, Lima.
- Laplante, J.P., Nolin, C., 2014. Consultas and socially responsible investing in Guatemala: a case study examining Maya perspectives on the indigenous right to free, prior, and informed consent. *Soc. Nat. Resour.: Int. J.* 27 (3), 231–248.
- Loarca, C., 2008. Las consultas de buena fe en Guatemala y la Corte Interamericana de derechos humanos. *Albedrio: Revista electrónica de discusión y propuesta social*. <<http://www.albedrio.org/htm/documentos/cloarca-001.pdf>> (accessed 15.01.15).
- Márquez, N., 2009. Más del 90% de Pobladores de Cocachaca se pronunció en contra de la instalación extractiva y de la utilización de aguas subterráneas. *la Jornada de Arequipa newspaper*, <<http://www.jornaldearequipa.com/Tambo.htm>> (accessed 10.08.13).
- Martinez-Alier, J., Healy, H., Temper, L., Walter, M., Rodriguez-Labajos, B., Gerber, J. F., Conde, M., 2011. Between science and activism: learning and teaching ecological economics with environmental justice organizations. *Local Environ* 16 (1), 17–36.
- McGee, B., 2009. The community referendum: participatory democracy and the right to free, prior and informed consent to development. *Berkeley J. Int. Law* 27 (2).
- McGee, B., 2008. An International Observers Account of a Local Vote in Río Blanco Peru Environmental Defender Law Center. <<http://www.edlc.org/resources/local-votes/observers-account/>> (accessed 20.01.13).
- Mérida, A.C., Krenmayr, W., 2008. Informe de Sistematización de experiencias 2006–2007. Asamblea Departamental por la Defensa de los Recursos Naturales Renovables y no Renovables de Huehuetenango, Guatemala.
- Mérida, A.C., Krenmayr, W., 2010. Sistematización de experiencias 2008–2009: Tejiendo entre los pueblos la defensa del Territorio. Asamblea Departamental por la Defensa de los Recursos Naturales Renovables y no Renovables de Huehuetenango, Guatemala.
- Movie, 2012. Pueblos indígenas y la protección del territorio. Cartografía de impulsos y restricciones de movimiento en el territorio. <<http://www.conlospiesporlatierra.net/?p=1543>> (accessed 10.08.13).
- Municipal Code, 2002. Decree 12-2002: Municipal Code. Congress of the Republic of Guatemala. <<http://www.unicef.org/guatemala/spanish/CodigoMunicipal.pdf>> (accessed 16.02.10).
- Municipality of Kañaris, 2012. Datos Económicos y Sociales. <<http://www.munikanaris.gob.pe/DatosDistrito.php>> (accessed 20.08.13).
- Muradian, R., Walter, M., Martinez-Alier, J., 2012. Hegemonic transitions and global shifts in social metabolism: implications for resource-rich countries. Introduction to the special section. *Global Environ. Change* 42 (6), 683–695.
- Muradian, R., Martinez-Alier, J., Correa, H., 2003. International capital versus local population: the environmental conflict of the Tambogrande mining project, Peru. *Soc. Nat. Resour.* 16, 775–792.
- National Electoral Office, 2002. Resolución RJ N°098-2002-J/ONPE. <<http://www.web.onpe.gob.pe/modResoluciones/descargas/RJN098-2002-J.pdf>> (accessed March 2002).
- Nisgua, 2011. Comunidades rechazan iniciativa por normar las consultas comunitarias. <<http://nisgua.blogspot.com.es/2011/03/comunidades-rechazan-iniciativa-por.html>>.
- No a la mina, 2013. *Minera Canadiense Candente Copper suspende actividades*. <<http://www.noalamina.org/mineria-latinoamerica/mineria-peru/mineria-canadiense-candente-copper-suspende-actividades/>> (accessed May 2013).
- OCMAL, 2011. Cuando tiemblan los derechos: extractivismo y criminalización en América Latina. OCMAL-Acción Ecológica, Quito.
- Oxfam, 2007. *Río Blanco: History of a Mismatch in Peru*. Oxfam America. <<http://www.oxfamamerica.org/articles/rio-blanco-history-of-a-mismatch-in-peru/?searchterm=majaz>> (accessed 10.01.13).
- Oxfam, 2009. Oxfam Calls for an Investigation of Alleged Torture of 28 in Peru. <<http://www.oxfamamerica.org/articles/oxfam-calls-for-an-investigation-of-alleged-torture-of-28-in-peru/>> (accessed 19.01.13).
- Peck, J., 2011. Geographies of policy: from transfer-diffusion to mobility-mutation. *Prog. Hum. Geogr.* 35 (6), 773–797.
- Perez Quartambel, C., 2012. *Agua u Oro. Kimsakocha la resistencia por el agua*. Universidad Estatal de Cuenca, Ecuador.
- Peru 21, 2009. Se pronunciaron contra el proyecto Tía María. *Online Newspaper*. <<http://peru21.pe/noticia/348072/se-pronunciaron-contra-proyecto-tia-maria>> (28.09.09).

- Portugal Mendoza, C., 2005. Gobernanza en el acceso a la actividad minera a los recursos naturales locales: el caso Tambogrande. Grupo de Investigaciones Económicas.
- Prensa Libre, 23/02/2011. Gobierno quiere reglamentar de consultas e indígenas lo rechazan. Prensa Libre, Guatemala.
- Radio Uno, 2008. Este viernes remitirán resultados de consulta en Candarave al ejecutivo y al legislativo. <http://www.radiouno.pe/noticias/3963/upt_banner.swf> (accessed 10.08.13).
- Rasch, E.D., 2012. Transformations in citizenship: local resistance against mining projects in Huehuetenango (Guatemala). *J. Dev. Soc.* 28 (2), 159–184.
- Red Muqui, 2009. La consulta vecinal: un mecanismo de democracia directa para los pueblos. In: *América Latina: riqueza privada, pobreza pública*. CIDSE-ALAI, Lima, pp. 143–150.
- Red Muqui, 2011. Valle de Tambo-Islay. Territorio, Agua y Derechos Locales en riesgo con la minería a tajo abierto. Red Muqui, Cooperación, Frente de Defensa del Valle de Tambo, Municipalidad Distrital de Dean Valdivia, pp. 99–102.
- Revenga, A., 2005. Sipakapa NO se vende. Sipakapa qal kó pirkey xik (Documentary). Caracol Producciones.
- Rocheleau, D., Thomas-Slyter, B., Wangari, E. (Eds.), 1996. *Feminist Political Ecology*. Routledge, London.
- Rodriguez Garavito, C., Morris, M., Orduz Salinas, N., Buriticá, P., 2010. La consulta previa a los pueblos indígenas. Los estándares del derecho internacional. Document 2. Universidad de los Andes, Bogotá, Colombia.
- Rull, M., 2007. El Poder Local en América Latina en los Tiempos de la Globalización Neoliberal: Reflexiones sobre el Caso de Guatemala. Congress in Human Development, HEGOA, February 2007, Bilbao.
- Schneiberg, M., Lounsbury, M., 2008. Social movements and institutional analysis. In: Greenwood, R., Oliver, C., Suddaby, R., Sahlin-Andersson, K. (Eds.), *The SAGE Handbook of Organizational Institutionalism*, pp. 648–670.
- SEGEPLAN, 2002. Propuesta de Política para el Desarrollo Rural. Secretaría General de Planificación y Programación de la Presidencia SEGEPLAN, Guatemala.
- Servindi, 2012. Perú: En consulta communal el 95% de votantes de Cañaris rechazó proyecto minero Cañariaco. <<http://guamina.blogspot.com.es/2012/10/peru-en-consulta-comunal-el-95-de.html>>.
- Sieder, R., 2011. 'Emancipation' or 'regulation'? Law, globalization and indigenous peoples' rights in post-war Guatemala. *Econ. Soc.* 40 (2), 239–265.
- Subies, T., Beltrán, M.J., Mérida, J.M., Moreno, M., Salas, I., Sánchez Corominas, A., Soler, M., Parea, M., 2005. El éxito de Tambogrande. *Ecología política* 30, 95–116.
- Svampa, M., Antonelli, A. (Eds.), 2009. *Minería transnacional, narrativas del desarrollo y resistencias sociales*. Biblos, Buenos Aires.
- Swyngedouw, E., 2005. Governance innovation and the citizen: the Janus face of governance-beyond-the state. *Urban Stud.* 42 (11), 1991–2006.
- Swyngedouw, E., Page, B., Kaika, M., 2002. Sustainability and policy innovation in a multi-level context. In: Getimis, P., Heineit, H., Kafkalas, G., Smith, R., Swyngedouw, E. (Eds.), *Participatory Governance in Multi-level Context: Concepts and Experience*. Leske & Budrich, Opladen, Germany.
- Tarrow, S., McAdam, D., 2005. Scale shift in transnational contention. In: Della Porta, D., Tarrow, S. (Eds.), *Transnational Protest and Global Activism*, pp. 121–150.
- The Economist, 21/06/2001. Mining a sour vein in Peru. *The Economist: Environment and Development*.
- Trentavizi, B., Cahuec, E., 2012. Las Consultas Comunitarias de "Buena Fe" y las prácticas ancestrales comunitarias indígenas en Guatemala. Centro de Investigaciones Regionales de Mesoamérica – Oficina del Alto Comisionado para los Derechos Humanos de las Naciones Unidas.
- UNOPS/PNUMA, 2011. Revisión "ad hoc" del Estudio de Impacto Ambiental, Proyecto Tía María. Informe de Observaciones y Requerimiento de Información Complementaria. <<http://xa.yimg.com/kq/groups/2122051/1296039927/name/Revisi%C3%B3n+del+Estudio+de+Impacto+Ambiental+del+Proyecto+T%C3%ADa+Mar%C3%ADa.pdf>> (accessed 10.01.13).
- Urkidi, L., 2011. The defense of community in the anti-mining movement of Guatemala. *J. Agrar. Change* 11 (4), 556–580.
- Urkidi, L., Walter, M., 2011. Concepts of environmental justice in anti-gold mining movements in Latin-America. *Geoforum* 42, 683–695.
- Van de Sandt, J., 2009. *Mining Conflicts and Indigenous Peoples in Guatemala*. Cordaid – University of Amsterdam, The Hague.
- Ward, T., 2011. The right to free, prior, and informed consent: indigenous peoples' participation rights within international law. *Northwest. J. Int. Human Rights* 10 (2), 54–84.
- Walter, M., Martínez-Alier, J., 2010. How to be heard when nobody wants to listen: the Esquel mining conflict. *Can. J. Dev. Stud.* 30 (1–2), 281–303.
- Xiloj, L., Porras, G., 2008. Diagnóstico sobre el Derecho a la Consulta que tienen los Pueblos Indígenas y sus consecuencias jurídicas y políticas a partir del caso de la Explotación Minera en el Departamento de San Marcos. Fundación Rigoberta Menchú, Guatemala.
- Yagenova, S., García, R., 2009. Indigenous people's struggles against transnational mining companies in Guatemala: the Sipakapa People vs GoldCorp Mining Company. *Socialism Democracy* 23 (3), 157–166.
- Yappert, S., 2009. Perdimos que pongan freno a estos proyectos de muerte. *Rio Negro Newspaper* (05.05.09).
- Zuozza, J.A., 2005. Esquel y su No a la Mina Cronología de la lucha de un pueblo en contra de los abusos de poder político y económico. Chiappe, El Bolsón.