Part III

New Projects of Environmental Governance

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Forest Governance in Latin America: Strategies for Implementing REDD

Mariel Aguilar-Støen, Fabiano Toni and Cecilie Hirsch

Introduction

Global interest in and attention to forests have grown as concerns about global warming and climate change have taken a heightened position in international policy debates. Forests have been repositioned in international arenas as repositories of global value for their contribution to carbon sequestration and climate mitigation (Fairhead and Leach, 2003; Peet, Robbins and Watts, 2011). In this context, Latin American forests are seen as globally important in fighting climate change.

Carbon emissions in developing countries, particularly in Latin America, are related mostly to land-use and land-cover change. In Latin America, energy accounts for only 28% of regional emissions, whereas land use, land-use change and forestry (LULUCF) accounts for 67% (Barcena et al., 2010). Forests cover about 11.1 million km^2 and savannahs 3.3 million km^2, comprising several different types of vegetation. The region as a whole has the world's greatest forest loss (Pacheco et al., 2010). Most of the forest conversion in Latin America occurs in the Amazon basin. Some countries are already being pressed to reduce emissions related to land-cover change, particularly deforestation. Political pressure comes from the international arena in many forms and is exerted by several actors: sovereign states, international organizations, media, civil society networks and others.

Several Latin American governments have turned to climate policies as an opportunity to improve environmental governance. Current discussions focus on a set of policies known as REDD in developing countries plus carbon-sequestering forest activities. REDD was originally

designed as a payment for environmental services – that is, a voluntary transaction where a well-defined service (or a land-use system likely to secure that service) is being "bought by a buyer from a provider, if and only if the provider secures the service provision" (Wunder, 2005). REDD is based on the idea that it is possible to reduce deforestation by offering economic compensation to forest users for not changing the use of forestlands. It is seen as a win–win approach that would potentially address the trade-offs between forest conservation and economic development. Some analysts claim that REDD projects have the potential to generate enough money to end deforestation in tropical countries (Nepstad et al., 2009).

Although originally presented as an "apolitical" technological fix (cf. Li, 2007), REDD has encountered much criticism, and early proposals faced fierce political resistance. The neoliberal idea of the commodification of nature seemed repellent to individuals and even to countries, which fear that developed countries would use their economic power to increase or leave unaddressed their carbon emissions at the expense of developing countries. There were also fears that REDD would benefit actors who have historically been responsible for deforestation, such as ranchers and large-scale farmers, while excluding the less privileged forest-dwellers, who cannot bear the transaction costs of carbon markets and do not even have the title to their lands (Boyd, Gutierrez and Chang, 2007; Blom, Sunderland and Murdiyarso, 2010).

REDD proved to be much more complex than a simple carbon-market arrangement. Since it is a project "in the making", it necessarily leaves room for bargaining and negotiations as to how forest and climate policies will take shape in specific contexts. As a result, REDD quickly moved from strictly carbon storage to having multiple objectives, including biodiversity conservation and the enhancement of local livelihoods (Angelsen and McNeill, 2012). This even more complex mechanism is not yet settled. There are important struggles at international, national and local levels to define how REDD should be implemented.

REDD can be seen as a multilevel project of environmental governance. By environmental governance we mean "a set of mechanisms, formal and informal institutions and practices by way of which social order is produced through controlling that which is related to the environment and natural resources" (Bull and Aguilar-Støen, 2015: 5). Some decisions regarding REDD are taken at the global level, other decisions are taken at the national level and finally actions, projects and initiatives are implemented at the local level. This complexity might result in the hybridization of REDD, and, as the idea is appropriated by different

actors, such hybridization might also result in subtle or open power struggles among actors at the different levels.

REDD emerged as a global initiative from the climate negotiations, but it is going to be implemented in countries with very different approaches to combating deforestation, technical capacity, institutional and political settings, levels of decentralization of forest governance, budgets and so forth. Therefore it is possible to expect REDD to unfold in quite different ways across the region. To understand and analyse the diversity in which REDD is evolving in Latin America, in this chapter our analytical focus will move across different scales and will make use of some paradigmatic examples, with special emphasis on the countries representing such cases. Our analysis will show that despite their initial opposition, some groups of actors support REDD and are taking advantage of the new opportunities that the scheme offers. REDD initiatives, for example, have become an economic opportunity for both state and national governments as well as for international and regional environmental NGOs.

This chapter is organized as follows. After this introduction, we present our main analytical argument. The following section examines the phased approach to implement REDD in Latin America. In the third section, we present what we have identified as three general strategies to implement and shape REDD across the region. In the next section, we discuss some examples of how pilot projects are taking off in the region. Finally, we present our conclusions.

Hybrid environmental governance and REDD

Forests in Latin America are territories where several conflictive interests meet. However, there is no consensus on the conceptualization of the causes and consequences of deforestation. Diverse conceptualizations of deforestation are closely related to claims over forest management and over resources (Fairhead and Leach, 2003). Forests are socially, culturally, ecologically, economically and symbolically valuable to different actors, including indigenous peoples, local users, governments, corporations, illegal cartels, NGOs, nations and the globe, albeit in different ways and for different reasons (Fairhead and Leach, 2003). All these actors have different potentials to exert power and access arenas to influence REDD-related policy-making.

The very notion of "environmental governance" implies that there is some sort of hybridity in terms of the actors, and in the mechanisms and practices it involves. This means that both public and private

actors participate on various scales, in producing models and frames for governance. By focusing on REDD we pay attention to emergent governance arrangements that include state actors, subnational governments, multilateral institutions, scientists, NGOs and business (Karkkainen, 2004).

The conceptualization of REDD, its formulation, negotiation and implementation involve a range of actors because the necessary resources for such tasks are not controlled by a single entity. As our analysis will suggest, these resources function as sources of legitimacy for the participation of different actors in REDD. By legitimacy, we mean who is making "the rules of the game" in REDD preparations and negotiations. We see legitimacy as a source of power to create and support certain policies and practices, while simultaneously hindering others. Legitimacy rests, among other things, on the shared acceptance of rules by different groups of actors with shared interests on the issue to be governed (Bernstein, 2004).

REDD, however, is still a project "in the making". Because of that, this chapter only aims to examine two processes: (1) how different countries engage with REDD; and (2) how different actors within these countries get involved in a range of activities seen as necessary for the future implementation of REDD on the ground. In other words, our analysis will not focus on the outcomes of the REDD initiative because such outcomes are still uncertain.

Our proposition in this chapter is that REDD as a concept has been "black-boxed" (Latour, 1987; Forsyth, 2003; Goldman, Nadasdy and Turner, 2011). By that we mean that those engaged in REDD do not consider it necessary to further discuss or question what REDD means. This does not imply, however, that there are no other actors – who perhaps are not directly involved in REDD negotiations – who actually question and challenge the initiative. REDD policy-making reflects how different interests are negotiated between different actors on various geographical scales. In this chapter we will argue that a "distortion" of REDD – from a simple market mechanism to a complex multistakeholder, contested political processes – is one of the ways that the idea gets wide support from a range of actors and makes the hybridization we refer to above possible. REDD as a concept is broad and vague enough to permit different interpretations that would fit the goals of different actors (Angelsen and McNeill, 2012). This has allowed countries in Latin America to pursue different paths regarding the emphasis given to how to finance REDD (fund based or carbon markets) and what issues should be addressed before REDD actions are implemented.

To support our proposition we discuss three different strategies used by Latin American countries to engage or resist the REDD initiative. Also, the "distortion" works at more local levels by allowing different actors to get involved in planning activities. We will also discuss planning activities in the Amazon region to support our proposition and will show how there are some key resources that galvanize the participation of certain actors in REDD preparations. By key resources, we mean resources that can be "traded" to gain legitimacy to participate in REDD processes at local levels. As we will show below, access to networks and knowledge production are among such key resources.

REDD in Latin America and the phased approach

In 2010, during the conference of the parties of the United Nations Framework Convention on Climate Change (UNFCC), governments agreed to adopt a phased approach for REDD. The idea of a phased approach came from a report (Angelsen et al. 2009) prepared by the Meridian Institute for the Government of Norway. The idea put forward by the report by Angelsen et al. (2009) was adopted by the UNFCC Cancun agreement[1] (Agrawal, Nepstad and Chhatre, 2011). The Cancun agreement stipulates that countries participating in REDD should implement activities by phases. These phases are (1) development of national REDD strategy plans and capacity-building; (2) implementation of national plan and demonstration activities; and (3) results-based actions with full measuring, reporting and verification. So far, most Latin American countries involved in REDD are in Phase 1. Guyana is in Phase 1 but has already received funding from Norway that would correspond to phases 2 and 3; Brazil is in Phase 2, entering Phase 3 (Figure 8.1).

There are many mechanisms for financing Phase 1, including public funds from the countries implementing REDD or from donors: the Forest Investment Programme supported by the Climate Investment (Multilateral Investment Banks), the UN-REDD programme, and the Forest Carbon Partnership Facility (FCPF) of the World Bank. The latter two are the main sources of funding, and some countries such as Bolivia,[2] Peru and Ecuador have applied to both. On the other hand, Brazil established its own Amazon Fund in 2008, through which reduced deforestation is going to be financed in the country. Guyana established the Guyana REDD investment fund (GRIF) in 2010 as part of a cooperation agreement with Norway in the framework of the Low Carbon Development Strategy (LCDS) of Guyana.[3] The LCDS of Guyana was prepared by the consultancy firm McKinsey,

Figure 8.1 Latin American countries in relation to their participation in REDD and the phased approach

and Guyana's president embarked upon an international campaign to attract funding for the initiative. Venezuela and French Guyana do not participate in any REDD initiatives under the United Nations or the World Bank.

In 2013, Norway was the single major financial contributor to the UN-REDD Programme, FCPF, the Brazilian Amazon Fund and the GRIF. Norway contributes 82% of the total budget of the UN-REDD Programme, 44% of the total budget of FCPF, 87% of the total budget of the Amazon Fund, and 100% of the GRIF.[4] The country is one of the major players in defining REDD at the global level and has some influence on the way in which REDD is advancing at national levels.

The incorporation of the phased approach launched by the Meridian report in the UNFCC's Cancun agreement contributes to stressing a particular way of prioritizing the activities necessary for the implementation of REDD. This particular approach is being reproduced in national contexts because its proponents believe in the technical superiority of the approach and because it promotes comparability and compatibility between countries, but not necessarily a solution to the problem of deforestation (Fairhead and Leach, 2003). As it might seem obvious to most, the driving forces behind deforestation vary enormously, as do the political and economic settings in each country, the interests and alliances among different actors, and the roles played by the state and non-state actors. The challenges associated with deforestation

in the region are as political as technical, but the phased approach de-emphasizes other dimensions of the problem.

In the phased approach, institutional arrangements and technical capacity to measure deforestation are emphasized. REDD will rely on the specific target of measuring reduced emissions from deforestation. In Latin America, in addition to Brazil, only Mexico and Costa Rica have comparable technical capacity in place to measure forest-cover change. Consequently, a strong emphasis in readiness preparations in all other countries in Latin America is currently placed on strengthening technical infrastructure to monitor forest change.[5] A strong emphasis on measuring and monitoring forest cover has a depoliticizing effect on the understanding of deforestation's causes, consequences and risks to impose control mechanisms that might harm local livelihoods (Scott, 1998). If the causes and consequences of deforestation are not properly understood in each country, it might be that those who live closer to forested areas bear the blame for deforestation and the responsibility for avoiding it.

The three REDD strategies in Latin America

Several Latin American countries (Brazil, Argentina, Paraguay, Peru and Venezuela) have been sceptical about offsets from carbon emissions trading, as declared by the countries at the BASIC Ministerial Meeting on Climate Change in Foz do Iguaçu, Brazil, in September 2013.[6] The ministers called for environmental integrity and stressed that "results-based payments shall not be used to offset mitigation commitments by Annex I countries [industrialized countries]". The ALBA[7] countries have held the same position.

Although the ideas that led to the intellectual elaboration of REDD in part emerged in Brazil (Santilli et al., 2005), the country opposed any attempts to include forests and deforestation under the scope of the Kyoto Clean Development Mechanisms. Without Brazil, any such mechanism would be doomed to fail, considering the magnitude of the country's tropical forests and its rate of deforestation. It is argued that, because of the long history of early initiatives to conserve forests in the region, Latin American countries are in the lead of early efforts to implement REDD (Hall, 2011).

Governments in Latin America have taken different approaches to implement and shape REDD efforts. We have identified three strategies. The first, which we will refer to as the "assertive strategy", is characterized by efforts made by the central government to frame REDD within

an existing or emerging forest-climate policy framework. Brazil, Mexico and Guyana, for example, are employing this strategy. Countries following guidelines or directions decided at the global level and efforts to accommodate such guidelines in the national context characterize the second strategy, which we will call the "accommodating strategy". Costa Rica, Guatemala, Argentina, Chile, Honduras, Panama, Paraguay, Uruguay, Peru, Colombia, Ecuador and Suriname are pursuing this strategy. Open opposition to certain aspects of REDD or a lack of initiative to implement REDD characterize the third and last strategy, which we will call the "resisting strategy". The countries following this path are Nicaragua, Bolivia, Venezuela and French Guyana. In the paragraphs below we will use one or two countries to illustrate each of the strategies. First we present the assertive strategy because this represents one pole in the continuum between taking the lead and resisting a project. Next we present the accommodating strategy, which represents the situation of most Latin American countries and thus represents the middle ground of the continuum. We finish with the resisting strategy at the other end of the continuum.

The assertive strategy: Brazil

While most other countries in Latin America were still working to put human capacity in place to deal with REDD within their ministries of the environment, Brazil launched the Amazon Fund in 2008. This, however, represents the way in which the position of Brazil evolved from resistance to leadership.

For many years the Brazilian Government was a fierce opponent of any attempts to include forest- and land-use change in the international negotiations to reduce carbon emissions. This position was justified on the grounds that developed and developing countries share common but differentiated responsibilities concerning global warming. Many opponents of such proposals were afraid that carbon credits would allow rich countries to keep pouring carbon into the atmosphere at the expense of developing countries. Furthermore, Brazil was concerned with any potential threats to its sovereignty and control of its forests resources, particularly in the Amazon. Any clause addressing deforestation could be interpreted as an obstacle to developing the region as the state saw fit.

Even though President Lula himself supported this realist view, as he made clear in 2007 during the opening of the UN General Assembly (Hall, 2008), change in the Brazilian position came from within the government. When President Lula took office in 2003, he appointed Marina Silva, a former senator and rubber tapper leader, as minister of

the environment. She promoted some institutional changes that ultimately led to a turnaround in the Brazilian official position. The first change came by opening up new opportunities for participation of civil society organizations in policy-making. Knowledge networks formed by activists and scientists developed stronger ties with government officials and became more influential. A related second change was an administrative reform in the Ministry of the Environment. In 2007, Silva created the Secretariat of Climate Change and Environmental Quality, whose top officials were committed to the creation of carbon compensation mechanisms.

Activists and scientists had been discussing proposals to create compensation mechanisms to pay for avoided deforestation since the early 2000s (Santilli et al., 2005). By the time their peers ascended to the new secretariat, the government's efforts to control deforestation were already paying off. Therefore the idea of being compensated by reducing deforestation made much more sense to government officials.

Another crucial component of the policy network supporting compensation was Amazonian state governments. As proposals evolved towards compensating carbon stocks, governors saw an opportunity to channel resources into their states, particularly where there are vast areas under protection. Protected Areas (PAs) have traditionally been considered a burden for state and municipal governments. The benefits of conservation are global, but the perceived costs are local, particularly due to land-use restrictions. The economic losses imposed on states could therefore be, at least partially, offset by this new source of revenue. In 2009, a few months before the UNFCCC COP 15, the governors of all nine Amazonia states met and wrote a letter to the president, pointing out that Brazil was lagging behind other developing countries in the carbon market. They argued that if Brazil was to receive more funds from carbon credits and to reduce its own carbon emissions, REDD mechanisms had to be included in the international carbon market under the UNFCCC (Toni, 2011).

The Amazon Fund was launched as a means to obtain funding from donors to finance the Plan of Action for Protection and Control of Deforestation in the Legal Amazon. The Amazon Fund was created within the Brazilian National Bank of Social and Economic Development (BNDES). The mobilization of civil society, particularly international NGOs[8] and other environmentalists since the 1990s, and the engagement of politicians at the state and federal levels have been important for the advancement of REDD-like ideas based on assumptions of the efficiency of economic payments for environmental services to curb deforestation (Hall, 2011). These ideas are also supported by several governors in the

Brazilian Amazon and coincide with those of the president and the minister of the environment, contributing to create conditions necessary for the Brazilian involvement in REDD. For the Amazon Fund, the government of Brazil pledged to allocate US$500 million, but it is estimated that an additional investment of US$1 billion per year would be required to fully implement the plan (Meyer, 2010).

Brazil has the technical capacity to monitor changes in forest cover through remote-sensing technology and to ensure transparency to deal with the fund through institutional structures and mechanisms. By 2008, Brazil had already put in place some of the conditions to be enabled by Phase 1. This in part explains Norway's support of the Amazon Fund, which placed Brazil in phases 2 and 3. The Norwegian support of the Fund is contingent on demonstrating avoided deforestation against a historical baseline (results-based payments). Norway's involvement is also based on ideas of economic rationality, altruism and self-interest[9] as a humanitarian/environmental protection actor.

The establishment of the Brazilian Amazon Fund can be explained by the combined effect of the activities and initiatives of NGOs, state governors in the Amazon region, and politicians in key positions (the president and the minister of the environment). Norwegian support through Norway's International Forest and Climate Initiative (NIFCI) gave the scheme the final thrust to get the fund started. The Amazon Fund is important for advancing the Brazilian approach to REDD. This approach is well established in existing Brazilian institutions and is in accord with the country's views and priorities.

Brazil's REDD strategy has been characterized by a strong involvement of the central government, but NGOs and lower levels of the public administration have also played a role. The advanced technical capacity of Brazil in terms of remote-sensing and the establishment of a historical baseline of forest cover place the country in a privileged position in regard to the phased approach promoted at the international level. The alliance of Brazil and Norway for financing the Amazon Fund has given Brazil's strategy a very advantageous starting point.

Brazil's approach to financing REDD efforts has been based on the idea of a centralized fund that would allow the country to avoid the voluntary carbon market for financing reduced deforestation. However, the growing involvements of other networks, particularly those in which governors of the Amazon states are involved, have pushed the country towards additional mechanisms for financing avoided deforestation, particularly through their partnership with the governors of California and Illinois.[10]

In the following subsection we present the accommodating strategy, which is used by most countries in the Latin American region as mentioned above. To illustrate we use the cases of Colombia and Costa Rica.

The accommodating strategy: Colombia and Costa Rica

REDD preparation activities in Costa Rica and Colombia have advanced quite differently from those in Brazil. Colombia has the most decentralized public administration in Latin America. Over 40% of total government spending is allocated by subnational governments against an average of 15% in the rest of Latin America (Alesina, Carrasquilla and Echavarria, 2005). The administration of forest and other natural resources is also decentralized (Alvarez, 2003). Costa Rica, on the other hand, represents a case of highly centralized forest governance. We will first describe Colombia and subsequently Costa Rica.

The lead for the REDD process in Colombia has been taken by the private sector, particularly business-friendly international NGOs (BINGOs), and not by the central government. Colombia has one of the most decentralized environmental administrations in Latin America. Local environmental authorities (Regional Autonomous Corporations (CARs)) are in charge of the management and administration of all natural resources and environmental issues in the area of their jurisdiction. Although CARs receive a portion of their budget from the central government, they also generate income through tax revenues that come from projects implemented in their jurisdiction. In this way CARs hold significant power to decide the direction of both environmental conservation and development projects.

The Colombian Government highlights the involvement of the private sector in the financing of environmental conservation efforts in various white papers (e.g. the National Strategic Plan for Green Markets produced by the Ministry of the Environment and the National Development Plan 2005–2010). A general perception from the Colombian Government is that private investments with little state regulation in remote forest regions are more economically efficient because they lower their intervention costs and could also offer better-adapted development options. A quote from an official of the Ministry of the Environment illustrates the position:

> The market in a way takes care of redistributing the resources at local levels. It is a lot simpler . . . it lower our costs . . . so, if the state does not receive the [REDD] money it does not need to invest in the regions

> where they are receiving the money . . . well that is good . . . the government does not need to invest in those regions; in a way they take care of themselves.

All BINGOs operating in Colombia and some local NGOs expressed the same view during our interviews; they too want to increasingly involve private funds in current forestry and development mechanisms.

Within this context, REDD preparations have been largely led by NGOs. The BINGOs working in the country (WWF, Conservation International (CI), The Nature Conservancy (TNC)),[11] in collaboration with the United States Agency for International Development (USAID) and one local NGO/consulting firm (Corporación Ecoversa), created the Colombia REDD Table in 2008 (Mesa REDD-Colombia). Other private organizations (the Fund for Environmental Action and Children (FAAN), the Natural Patrimony Fund and the Nature Foundation) as well as the Ministry of the Environment and the Institute for Environmental and Meteorological Studies (IDEAM) joined the Colombia REDD table a year after its creation. Participation in the REDD table was not open to all those who were interested. Instead, the control of certain resources (i.e. knowledge, networks and technologies) legitimate and facilitate their participation. Civil society organizations, universities and others who are not considered "REDD experts" by the terms established by the REDD table are excluded.

The REDD table in Colombia has positioned itself as a legitimate network to be consulted or to provide inputs on various REDD-related issues. For instance, the funds provided by the FCPF for REDD preparation activities are administrated on behalf of the government by an NGO (FAAN). The REDD table is the most active and important network that disseminates information concerning REDD in Colombia and that reports to the World Bank.[12]

The Colombia REDD table strongly supports the inclusion of carbon markets in the mechanisms to finance REDD. This has also been the position of Colombia in the international climate negotiations, in which it has insisted on countries' freedom to choose between different financial sources, markets and/or an international fund. The voluntary carbon market is a salient project among members of the Colombia REDD table, partially due to the engagement of international and some local NGOs with actors interested in, connected to or involved with the carbon business. These actors include the local public environmental authorities (CARs), national and international business partners (i.e. mining and energy-producing companies, plantation companies, forest

companies, carbon-marketing companies), international research organizations, development cooperation agencies, and indigenous and Afro-Colombian leaders. These engagements would allow the channelling of funds from a range of private businesses directly into carbon-market projects that could eventually become part of REDD.

The REDD programme in Costa Rica is seen as a means to strengthen and broaden the Payment for Environmental Services (PES) programme. PES emerged in Costa Rica in the 1990s as a response to the perceived problem of deforestation and forest loss. Between 1986 and 1991, the country lost 4.2% of forest cover per year (Sanchez-Azofeifa, Harriss and Skole, 2001), suggesting that Costa Rica had one of the highest deforestation rates in the world. The launching of REDD occurred ten years after Costa Rica became the first country in the world to establish a system of PES in 1997. The financial structure of the Costa Rican PES programme is a hybrid of market-like mechanisms, subsidies and state regulations. This is evident in the way that the programme is funded: while it receives 3.5% of the revenues from a tax on fossil fuels, it also depends on loans from the World Bank, from a series of grants from the Global Environmental Facility (GEF), from NGOs, from contracts with national companies (Pagiola, 2008) and from international governments. The German Government, through the German Reconstruction Credit Institution (Kreditanstalt für Wiederaufbau (KfW)), provided US$12 million for a five-year contract in 2007, and in 1996, Norway bought 200,000 tonnes of carbon-emission reduction credits for US$10 per tonne (Russo and Candela, 2006). The REDD national strategy is being discussed within the framework of the national PES programme. Because the current PES programme is unable to cover the demand for payments for environmental services, which is very high, REDD is seen as an avenue to increase the coverage of the national PES.

Costa Rica applied to the FCPF in 2008 to fund the REDD readiness preparations.[13] A grant was approved in 2010. In Costa Rica, public institutions are leading the REDD readiness preparations. The PES experience and Fondo Nacional de Finaniciamiento Forestal (FONAFIFO) largely shape the REDD process. FONAFIFO's board of directors is the REDD coordinating entity in Costa Rica. The board will include one representative from indigenous people's organizations and one representative from civil society.

FONAFIFO carried out a series of dissemination and outreach activities to engage with different stakeholder groups. As for indigenous peoples, it has invited the Indigenous Integral Development Associations (Asociación de Desarrollo Integral Indígenas (ADIIs)) to participate

in information meetings and activities. Indigenous leaders contest the legitimacy of the ADIIs in representing indigenous peoples. In 1982, in an effort to make the indigenous territories legible to the state (cf. Scott, 1998), the Government of Costa Rica established the ADIIs as the legal representative bodies of indigenous peoples.

To carry out PES in indigenous territories, the government designated the ADIIs as the collective representative institutions of indigenous peoples vis-à-vis FONAFIFO. The ADIIs became responsible for distributing the benefits from PES in indigenous territories and for helping FONAFIFO to implement PES in the indigenous *resguardos*. Currently, indigenous leaders challenge this decision, arguing that the ADIIs are official government bodies that "represent" and govern each indigenous territory by law, but do not necessarily represent or respect traditional ways of organization and are not accountable to indigenous peoples. FONAFIFO carried out a series of early information dissemination workshops and it has engaged in an initial dialogue about the REDD process with a range of stakeholder groups, and with indigenous peoples in the Atlantic and Pacific areas through the structure of the ADIIs.

Costa Rica recognizes carbon, insofar as it is considered an environmental service, as property of the landowner, by law. The country has chosen a national approach to reduced emissions accounting and the development of a national baseline for avoided deforestation. At the international level, Costa Rica, similar to Colombia, advocates for a mix of funding for REDD. The approach in Costa Rica is towards a centralized REDD programme. In Colombia, on the other hand, the approach is towards a decentralized system. These two different approaches reflect the way in which forest governance is understood in the two countries. In the following subsection we will analyse the third and last strategy, using Bolivia as the example.

The resisting strategy: Bolivia

Bolivia has resisted REDD as part of carbon markets and offsets, based on the idea of environmental justice and the non-commodification of nature. The current Bolivian position on REDD was first communicated in a letter to the General Assembly of the United Nations in 2008, emphasizing "direct compensation from developed to developing countries, through a sovereign implementation that ensures broad participation of local communities…". In its second communication to the UNFCCC in 2009, Bolivia stated that the country did not support carbon markets "or the possibility of developing new flexibility in this area", and called for domestic action for emissions reduction,

under the argument that the "carbon market allows developed countries to continue to pollute at home while developing countries face unfair restrictions".

The position was not a complete rejection of REDD but rather an attempt to reshape it and to broaden the international perspective on both forests and carbon. Different actors were involved in the planning of a national joint programme in Bolivia, beginning in 2008, and Bolivia was one of the first pilot countries in the UN-REDD programme from 2009 onwards. A REDD team was set up in the Ministry of the Environment (MAYA) as part of a larger national strategy for curbing deforestation (Estrategia Nacional de Bosque y Cambio Climatico, MAYA, 2009). The setting up of a national REDD programme was supported by German (Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)) and Danish cooperation at the time, and a parallel process was started with the FCPF of the World Bank. The UN-REDD programme was presented for civil society actors in 2010, and four indigenous and peasant organizations approved a capacity-building plan.

Beginning in 2010, different currents both inside and outside the government caused confusion about the Bolivian position. At the People's Conference for Climate Change and the Rights of Mother Earth in Cochabamba in April 2010, where many Bolivian officials also participated, a declaration rejecting all forms of REDD/REDD+/REDD++ was presented.[14] Following the conference, the negotiation team from the Ministry of Foreign Affairs (with representatives from the Unidad de Madre Tierra) brought the Cochabamba position to the climate negotiations in Cancun as promised, while the Ministry of the Environment signed off on the UN-REDD programme on the condition that UN-REDD would respect the Bolivian position against carbon markets.[15] The collaboration with the World Bank was halted, and Bolivia never handed in a signed version of the formal document Readiness Plan Idea Notes (R-PIN).

The confusion and lack of advancement of the UN-REDD programme in the 2008–2011 period also opened up the arena for private actors and NGOs to get involved in REDD-like activities. Local communities have reported that private actors (represented by NGOs, a Santa Cruz-based company and local businessmen) contacted communities, asking them to sign "REDD contracts" that involved the lease of land for 90–100 years, in exchange for untouched conservation areas and the "selling of oxygen". The government later stopped the attempts.

In 2008 the national NGO Friends of Nature Foundation (FAN), with support from the Gordon and Betty Moore Foundation, set up an

indigenous REDD project in the Amazon (Beni Department). The government, originally a partner in the project, withdrew in 2010. Several regional and local indigenous organizations also withdrew, making the argument that the NGO would have too much power over the project and the resources involved. Furthermore, the local communities participating in the project rejected the component regarding quantifying emissions reductions, and the project was left only with select components that addressed sustainable forest management, the enforcement of Brazil nut collection and enhanced control of the area against illegal logging. The project was in operation until 2012.

Later in 2011, a conflict between the central government and the lowland indigenous organization Confederación de Pueblos Indígenas de Bolivia (CIDOB) over a road-building project through the national park TIPNIS led to a rupture in contact among the ministries, public agencies and the indigenous organization, hampering the possibilities for further dialogue about the UN-REDD project. The plan for initiating the participatory planning process for the UN-REDD programme was set on hold. Meanwhile, CIDOB called for direct REDD funding to indigenous areas and for the self-management of funds.

A parallel process was started in 2011 to develop a mechanism for the sustainable management of forests, and joint climate-change mitigation and adaptation efforts. The process involved a number of national NGOs, academics and public entities, such as the Authority for Forest and Land (ABT), the National Institute for Agricultural Innovation (Iniaf) and the Forest Directorate in MAYA. Bolivia hoped that the mechanism could be supported through an alternative REDD scheme outside the carbon market. The mechanism was included in the Law of Mother Earth in 2012, with an emphasis on holistic management of the forests. A team was set up to facilitate the exchange of information and meeting arenas. As public entities had poor official records of deforestation in Bolivia, the participation of the NGOs (e.g. FAN) with such expertise was crucial for the team. Former officials, the Noel Kempff Museum of Natural History and representatives from research institutions and social organizations contributed with important experience and information, forming a final project document that was presented to the UN-REDD in 2012.

In 2011, Bolivia informed the policy board of the UN-REDD programme about its desire to modify its original National Programme document. Two contradictory communications, which were sent from Bolivian officials to the policy board in December 2011 and March 2012, led the board to freeze the funds and send a high-level mission to Bolivia

in June 2012. The mission concluded that there were several challenges concerning the mechanism (e.g. the lack of an incentive system based on verified reductions of emissions, the targeting of drivers, and the lack of full participation from the indigenous organization CIDOB in the making of the mechanism) and that the project was not eligible for full financing by the UN-REDD programme. Later, contrasting declarations about the participation of indigenous organizations in the making of the mechanism were also communicated to the UN-REDD policy board. The mission finally recommended that the National Joint Programme be implemented in its original form, and that it neither be redrafted nor replaced with the new Bolivian mechanism. Bolivia agreed to continue with the programme, and a small part of the UN-REDD financing was channelled to the mechanism (such as the register of all forest initiatives, forest inventory and the mapping of land-use change).[16]

The proposal for an alternative mechanism was marginalized by powerful REDD donor countries in the international negotiations, claiming it would lead to the fragmentation of the REDD project. Finally, in 2013, Denmark, Switzerland and the EU granted support of over US$43 million to the Bolivian mechanism. At the international level, Bolivia has worked insistently with the inclusion of non-market-based approaches, such as joint mitigation and adaptation – methodological issues related to non-carbon benefits – and it continues with its strong opposition to carbon-market mechanisms.

Due to opposing currents both within and outside the Bolivian Government, different actors in Bolivia have pursued slightly different strategies to influence and shape REDD, from complete rejection to the reshaping of the initiatives, locally, nationally and internationally. However, the rejection of carbon markets has been a common position across the majority of actors involved, as well as the integration of indigenous rights and the recognition of different functions of the forests. The role of indigenous organizations and indigenous autonomy is still to be defined in the Bolivian mechanism, along with clear strategies to work with the drivers of deforestation.

In the following section, we shift our focus to analyse ongoing efforts at local and national levels. We will focus on demonstration and readiness activities, and the actors involved in them.

REDD projects in Latin America

An important component of the planning phase of REDD is demonstration and readiness activities. These are projects implemented

at the local level to test the options available for countries and communities. REDD projects can be seen as a means to understand how REDD will unfold on the ground; REDD demonstration activities are seen as means to learn lessons for future REDD implementation. These early implementation projects influence debates about REDD, the ways in which so-called co-benefits are being addressed, and who is involved and who benefits from REDD.

In principle, REDD country strategies to be defined in Phase 1 are the first step in the implementation of REDD national policies. National REDD strategies would define the current situation in each country and the direction in which the country is going to move in terms of reduced carbon emissions from deforestation, addressing so-called co-benefits and defining who would benefit from economic payments. In practice, however, numerous REDD projects are taking place before the design of a country's REDD strategy is finished or in parallel with its development. Early implementation projects are informing the policy-making process in each country and at the global level. Proponents of REDD projects stand in a better position than other actors, who do not have any experience with such projects, to influence REDD debates because not having knowledge about REDD is a barrier for being included in the official debates.

We have identified three approaches employed by actors involved in early REDD planning, implementation and readiness projects, and the consequences of such approaches. The first one is knowledge production and dissemination. Second is the creation of technologies or standards to legitimize or validate projects. The third approach is enrolment in new, emerging or alternative networks. In what follows we analyse these three approaches by highlighting who is involved, the resources mobilized to employ each approach, and the outcome. It is worth saying that these approaches are not mutually exclusive, and different actors within each country put distinct emphasis on each of these approaches.

Creation of knowledge and dissemination of information

Our findings indicate that, to a great degree, networks involving NGOs and international research institutions with support from development cooperation agencies and private actors are creating and disseminating knowledge about REDD in the region. These networks systematize information about REDD in Latin America and at the global level. They are having a great influence in defining what a REDD project is, who the legitimate implementers are, who will benefit from it and how. The Center for International Forestry Research (CIFOR), the NGO Global

Canopy Programme,[17] and the voluntary REDD database[18] created at the Oslo Climate and Forest Conference in 2010 produce compilations and databases that include all types of REDD-like projects.

The majority of REDD projects are being initiated or planned by private actors in private lands, including national and international private companies, and local and international NGOs (WWF, CI, WCS, TNC, IUCN and Rainforest Alliance). In some cases, pilot projects are executed with the participation of state governments in coalition with BINGOs. Fair-trade cooperatives, carbon certifiers and research institutions are also involved in pilot projects. Pilot project proponents act as de facto researchers, testing REDD implementation modalities, and producing information and knowledge about the projects.

As for funding sources for the projects, development cooperation aid money, particularly from Norway and Germany, as well as private funds, is the most important source. But here it is necessary to explain in more detail what types of private fund are involved. The range is wide and includes (1) direct investments in particular projects from investors from the USA, Europe, China and India; (2) direct investments from companies (e.g. the largest Brazilian mining company, Vale); (3) investments that private companies make in BINGOs; and, similarly, (4) partnerships between local NGOs and private companies as part of their CSR portfolio; (5) a plethora of alliances among domestic NGOs and local-level environmental authorities (CARs), national and international business partners (mining and energy-producing companies, plantation companies, forest companies and carbon-marketing companies), international research organizations, development cooperation agencies and indigenous leaders.[19] These alliances influence the emphasis given to particular components in the projects.

The outcome of this approach is that private actors and research institutions, which are often international organizations, are creating knowledge and disseminating information about REDD in Latin America. The consequence of this is that these actors position themselves better than public institutions or national research centres and have better resources to influence the international debate. Even Bolivia, with a government strongly sceptical about NGOs, saw the need to include these actors as they have better forest data (e.g. maps) than the government. The way in which they gain this privileged position is by accessing funding from private sources or international development cooperation agencies, coupled with the privileged position in neoliberal environmental governance that they have maintained since the 1990s. To overcome complex issues such as those related to ownership of the land, most

projects are initiated or planned on private lands. In the following subsection, we focus on measurements to validate REDD projects.

Measures to validate projects

NGOs, corporations and research institutions are involved in creating standards to certify carbon offsets that can be traded in the voluntary carbon market or in a future REDD carbon market. Organizations involved in pilot projects are also creating standards to demonstrate how they involve local populations in REDD projects.

An illustrative example of this is the Rainforest Standard™ (RST). This was developed by Columbia University in New York in collaboration with private environmental funds from Bolivia, Peru, Brazil, Ecuador and Colombia. According to its proponents, "this standard integrates carbon-accounting, socio-cultural/socio-economic impacts and biodiversity outcomes into one single REDD standard[20]". Projects certified with Royal Forest Society (RFS) can be registered in the Climate Community and Biodiversity Alliance (CCBA)[21] and in the Verified Carbon Standards (VCS),[22] to be traded in the voluntary carbon market.

The alliances and associations built among NGOs, the private sector and research institutions contribute to the creation of facts, standards, knowledge and concepts seen as accepted "truths" (cf. Goldman and Turner, 2012). These accepted truths are shaping the direction of REDD in the Amazon basin before governments have managed to put a plan of action into place. For example, in Colombia, where the readiness process is still incipient, BINGOs and local NGOs managed to include the RST as a standard to certify REDD projects by the government in the national REDD strategy. Projects that do not comply with the RST will not be included in the national REDD register of Colombia, and their proponents will not be invited to participate in the debate.

In the following subsection, we focus on alternative channels that different actors are using to engage in REDD. These are particularly relevant in creating a counterbalance to mainstream views and values.

Alternative channels

REDD networks as described above, in which BINGOs and local NGOs, development cooperation agencies, private actors, government agencies and research institutions participate, are channels where REDD knowledge is being produced and circulated. Such networks have a form of agency in the creation of environmental knowledge that is validated and re-enforced at different levels. Access to REDD networks is not open to all of those who could be interested or affected by REDD policies and

projects. Participation in REDD networks is conditioned by overriding narratives on deforestation and by the role of monetary incentives in tackling deforestation (see Forsyth, 2003). Activists seeking to influence existing networks may have to decide between working within such dominant rules and establishing alternative and competing networks (Forsyth, 2003; Taylor, 2012). In this way, networks become important resources to advance alternative views and values.

Initially, indigenous peoples were sceptical about REDD and rejected carbon markets because they did not consider them to be offering real solutions to climate change (see the Anchorage declaration adopted by the participants at the indigenous people's global summit on climate change in 2009).[23] Indigenous organizations in the global South criticize carbon markets and carbon-sequestration projects for their oversimplified portrayal of ecosystems and forests, and for ignoring the socioeconomic, political and institutional implications of carbon sequestration for indigenous peoples.

Indigenous people's organizations in Latin America, and particularly in the Amazon basin countries, have since engaged in existing networks that support REDD, or in alternative networks that are sceptical about REDD and carbon markets. The different paths taken by different indigenous people's organizations are in part explained by previous engagements with other organizations and by their own experiences with REDD. Indigenous people's organizations' choice of position is also influenced by their experiences of negotiating with their governments, and the organization's own visions and priorities.

During the 12th session of the UN Permanent Forum on Indigenous Peoples in 2013, indigenous people's organizations presented two opposing views on REDD, later communicated at COP19 in Warsaw. Some organizations oppose REDD on the grounds that it weakens existing national legal frameworks to protect indigenous people's rights, particularly in regard to territorial and collective land rights, consultation and autonomy, and their opposition to carbon markets and the commodification and fragmentation of nature. Other organizations look at REDD as an opportunity to strengthen the land rights of indigenous peoples and their local management, and to control their territories with the help of direct funding.

The experience of some indigenous people's organizations with so-called "carbon cowboys", particularly in Brazil, Peru, Bolivia and Colombia, has made them extremely aware of some of the risks that REDD projects might entail. Peruvian, Brazilian, Bolivian and Colombian indigenous organizations denounced the fact that

indigenous leaders signed disadvantageous contracts with private companies. On the other hand, some groups are already developing long-term land-use plans that involve REDD mechanisms defined in their own terms. That is the case of the Suruí in Brazil (Toni, 2011).

The Suruí live in a 247,000 Ha reserve in the state of Rondonia, and 93% of their land is still preserved (Suruí, 2009). The Suruí population was 5,000 people when they first made contact with non-indigenous Brazilians, but currently only about 1,000 individuals live inside their lands or in the nearby cities. During the 1980s an intense migration of non-indigenous people to the Western Amazonia took place. By the end of that decade, the population had decreased to roughly 250 members.

Despite this drastic reduction of their population, the Suruí started to organize themselves in the 1980s. They created the Metareilá Suruí Association in 1989 to defend and preserve the Suruí's cultural and territorial patrimony.

In 2000, Metareilá started a participatory diagnosis to assess the potential of the Suruís and their territory. Based on this diagnosis, it designed a plan for the use of the territory for coffee cultivation (one of the crops introduced to their land by the invaders), for the management of Brazil nuts, and for the restoration of areas degraded by illegal logging.

With the support of other NGOs (Associação de Defesa Etnoambiental Kanindé, Amazon Conservation Team, Forest Trends, Idesam), the Suruís decided to set aside 13,575.3 Ha of forests for 30 years, which will avoid emissions that average 7,423,806.2 tonnes of CO_2. The project was validated in conformance with the Climate, Community and Biodiversity Standards in 2012 (RA-VAL-CCB) and with the Verified Carbon Standard in 2013. Despite the broad alliance that prepared the project, Metareilá has full rights over carbon credits and will be the sole recipient of the financial benefits.

The design of the Suruí Carbon Project included an extensive consultation process, training for community members, development of a baseline for carbon accounting, and analysis of the legal framework regarding indigenous peoples and forest carbon. The Suruís initiated this process in accordance with their own demands; they saw the sale of carbon credits as an opportunity to complement a long-term plan for the development of their community.

Conclusion

In this chapter we have looked at different strategies employed by Latin American countries and actors in their meeting with the global forest

and climate initiative, REDD, from resistance to accommodating to assertive strategies. Brazil has been one of the major actors in the initiative after it changed its strategy from resistance to a more offensive approach and managed to align REDD with its own domestic interests. A strong actor such as Brazil has the resources, knowledge and power to shape REDD in its interests, and with the focus on results-based payments, the country is in a privileged position. It has also succeeded in sovereignty issues in international negotiations, such as those related to monitoring, reporting and verification/national forest monitoring systems.

The experiences of the countries that have followed the accommodating strategy show how the history of environmental governance in each country affects the implementation of the REDD initiative. Colombia has, to a large extent, left the initiative in the hands of private actors and local authorities, while Costa Rica has applied a model of "hybrid" governance and a centralized REDD programme. Bolivia has stood out in Latin America as one of the fiercest opponents of carbon markets, something that has affected its possibilities and willingness to take part in the initiative. Bolivia's commitment to the inclusion of civil society demands in environmental governance and the anti-commodification rhetoric has formed its responses to the global initiative. However, there are divergent opinions, especially among the indigenous organizations, about the right path to follow. Indigenous organizations with recognized titles to their land believe that REDD can bring new opportunities. However, although Bolivia's position has been similar to that of Brazil to a large extent, with national sovereignty and opposition to offsets as focal points, Bolivia has instead been seen as the "activist state" that is trying to fragment REDD. It was not until 2013 that Bolivia won support for its alternative mechanism to forest and climate efforts.

These three strategies illustrate how the "black-boxing" of REDD has allowed for the emergence of quite different hybrid models of negotiating environmental governance at the international level.

Our research reveals that there is a constellation of actors shaping the direction of REDD+ in Latin America. That constellation varies from country to country and includes among others, donors, BINGOs and national NGOs, research institutions, and in some cases different levels of government. Through their engagements in networks that promote and advance a narrative in which markets and monetary compensations offer the solution to deforestation, these actors are in a privileged position to participate in the co-production of knowledge and policy, and to advance their agendas.

For some governments, engaging in REDD – at least at the discursive level – does not conflict with their priorities in other sectors, such as oil exploitation, soy expansion, the expansion of large-scale cattle-ranching, and mining and infrastructure development, which all represent threats to the forests and further deforestation. REDD is seen as an alternative that will allow for the ending of trade-offs between forest conservation, poverty alleviation and economic development. A good example of how this change is unfolding can be found in the partnership between Norway and Brazil. Thanks to REDD, Brazil became the largest receiver of Norwegian development cooperation aid, which is an enormous paradox given that Brazil is one of the fastest-growing economies in the world. At the same time, but not necessarily as a consequence of such collaboration, Brazil has drastically decreased deforestation in the Amazon.

NGOs have the technical and rhetorical expertise to participate in negotiations in national and international arenas. They also have connections with farmers, indigenous and traditional populations, government officials and bureaucrats. That makes them a privileged set of boundary organizations (Guston, 2001) that can help to break resistance against REDD and to open channels for the implementation of pilot projects. They have been particularly strengthened by REDD due to this role. They are becoming knowledge-providers to governments, donors and local organizations, which has opened the doors for them to policy-making forums. Environmental NGOs are now in a better position to offer business alternatives to corporations and other private actors. Aside from their role as boundary organizations, they are also brokers in REDD implementation and have a direct stake in the negotiations.

The black-boxing of REDD has allowed for the construction of a large and diverse network that supports the initiative. The widespread questioning of the market premises of REDD has led to a broadening of the concept to accommodate disparate interests, ideologies and representations of what forests are and why they should be conserved. That is why countries that have been vocal against REDD, such as Brazil until the mid-2000s, are engaging in REDD preparedness. Accordingly, some groups that initially opposed the mechanism, such as indigenous populations, have pilot projects in their lands as REDD might offer an alternative to strengthen their land rights. However, many indigenous organizations remain critical of carbon markets.

The way in which REDD is going to be financed is still an open question. Although it was born as a market mechanism to trade carbon, political mobilization from different actors has resulted in discussions

that challenge the market orientation of REDD, and many actors in the Latin American region advocate for a global public fund to finance the initiative. The political opposition of several actors in Latin America has also resulted in a broadening of the focus of REDD to multiple aspects of forests and their related environmental services. In some countries, at the domestic level, it is increasingly assuming the format of a public policy, whereas in the global arena it resembles what Angelsen (2013) has called a "performance-based aid" mechanism. This means that development cooperation funds are used to finance REDD on the condition that countries demonstrate that they achieve certain levels of performance in terms of reduced deforestation.

Notes

1. http://unfccc.int/resource/docs/2010/cop16/eng/07a01.pdf. See also Angelsen et al. (2009: 3).
2. The final Readiness Plan Idea Note (R-PIN) was never signed by the Bolivian authorities.
3. http://www.lcds.gov.gy.
4. Other donors contributing to UN-REDD are, in order of the size of their contribution, the EU, Denmark, Spain, Japan and Luxembourg. Germany provides 34% of the total budget of the FCPF. Other donors include Australia, the UK, the USA, Canada, the European Commission, the Nature Conservancy and two private companies: BP Technology Ventures, an alternative energy company with venture investments in projects specific to biofuels, wind and solar energy; and CDC Climat, a company that includes emissions trading and energy investments in its portfolio. The other contributors to the Amazon Fund are Germany and the Brazilian oil company, Petrobras. Sources: http://mptf.undp.org/factsheet/fund/CCF00; http://www.forestcarbonpartnership.org/sites/fcp/files/2013/FCPF%20Carbon%20Fund%20Contributions%20as%20of%20Dec%2031_2012.pdf; http://www.amazonfund.gov.br/FundoAmazonia/fam/site_en/Esquerdo/doacoes/; http://www.guyanareddfund.org/index.php?option=com_content&view=article&id=101&Itemid=116.
5. See Readiness Preparation Plans of Colombia, Peru, Ecuador, Guyana and Suriname.
6. In addition to the four BASIC countries (Brazil, South Africa, India and China), representatives from Argentina, Fiji (as chair of the G77 and China), Paraguay, Peru and Venezuela were at the BASIC meeting. http://www.twnside.org.sg/title2/climate/info.service/2013/climate130904.html
7. The Bolivarian Alliance for the Peoples of Our America is a regional organization launched in 2004 and is made up of eight countries: Antigua and Barbuda, Bolivia, Cuba, Dominica, Ecuador, Nicaragua, Saint Vincent and the Grenadines, and Venezuela.
8. Brazilian environmentalists and NGOs (Instituto Socio Ambiental (ISA), Greenpeace, Instituto Centro de Vida (ICV), Instituto de Pesquisa Ambiental

da Amazonia (IPAM), TNC, CI, Amigos da Terra Amazonia Brasileira (AdT), Instituto do Homen e Medio Ambiente (IMAZON) and WWF-Brazil) launched the Zero Deforestation Campaign. This was based on ideas of strengthening the participation of state governments in forest governance, payments for environmental services, strengthening of protected areas and support for indigenous peoples.

9. According to the former Norwegian oil and energy minister Terje Riis-Johansen, the allocation of Norwegian money to the Amazon Fund contributes to opening doors for the Norwegian oil industry in Brazil. Paradoxically, thanks to the commitment to the Amazon Fund, Brazil – one of the largest and fastest-growing economies in the world – has since 2009 become the largest recipient of Norwegian foreign development aid. http://www.dn.no/energi/article1975276.ece « rainforest millions open oil doors ».
10. The Governors Climate and Forest Task Force (GCFT) brings together subnational-level authorities from Brazil, Mexico, Peru, Indonesia, countries in Africa, and the governors' offices of California and Illinois. In this project, California and Illinois will potentially be able to purchase carbon offsets from projects in developing countries, as part of the cap-and-trade programme of these states, which will use a market-based mechanism to reduce greenhouse gases. The GCFT receives funding from the Gordon and Betty Moore Foundation, ClimateWorks, the Climate and Land Use Alliance, the Norwegian Agency for Development Cooperation (Norad), and the David and Lucile Packard Foundation. Collaborating partners include NGOs from Brazil (Institute for the Conservation and Sustainable Development of Amazonas -DESAM and Amazon Environmental Research Institute – IPAM), Indonesia (Kemitraan), Mexico (ProNatura), a transnational private company (ClimateFocus), and the US-based private research organizations the Carnegie Institution for Science and the Woods Hole Research Center.
11. WWF, CI, TNC.
12. See the report of the due diligence mission of the World Bank to Colombia, 15–27 January and 22–23 March 2012. http://documents.worldbank.org/curated/en/2012/04/16508452/colombia-fcpf-redd-readiness-project-aide-memoire-april-18th-25th-2012
13. In addition to the FCPF, other sources of funding include GIZ through the REDD-CCAD-GIZ programme, which has financed different activities in Costa Rica with special emphasis on forest reference level; the Norwegian development agency (Norad); and USAID.
14. Later it turned out that the Bolivian officials were against the total rejection of REDD.
15. The UN-REDD team respected the Bolivian position at the time and said they would not intervene in the funding for the Bolivian programme.
16. In total, US$1.4 million. *Source:* Diego Pacheco.
17. The REDD desk is funded by the Gordon and Betty Moore Foundation, the Climate and Land Use Alliance, the Department of Climate Change and Energy Efficiency of the Australian Government, GIZ and USAID.
18. http://reddplusdatabase.org.
19. Interview FAN; interviews Colombia.
20. http://cees.columbia.edu/the-rainforest-standard and interview FAN.

21. The CCBA is a partnership between research institutions (CATIE, CIFOR, and ICRAF), corporations (the Blue Moon Fund, The Kraft Fund, BP, Hyundai, Intel, SC Johnson, Sustainable Forestry Management, and Weyerhaeuser) and NGOs (CARE, CI, TNC, the Rainforest Alliance and WCS).
22. The VCS was established in 2005 by the Climate Group, the International Trading Association and the World Business Council for Sustainable Development. It is one of the world's most widely used carbon-accounting standards. Projects across the world have issued more than 100 million carbon credits using VCS standards. VCS headquarters are in Washington, DC, with offices in China and South America.
23. http://www.unutki.org/downloads/File/Events/2009-04_Climate_Change_Summit/Anchorage_Declaration.pdf

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9

Rights, Pressures and Conservation in Forest Regions of Mexico

Leticia Merino

Introduction

The drivers of environmental degradation and the strategies to counter them are the subjects of heated debate. Several conceptual and policy approaches consider the key factors of this degradation to be the weakness and instability of property rights over natural resources. The *commons* perspective, on the other hand, emphasizes the viability and potential of the self-governance of shared resources such as forests. This perspective calls for a better understanding of the roles of local users and their institutions – understood as "rules in use" – with regard to natural resources (Ostrom, 1991; McKean, 2000; Berkes, 2006; McCay, 2007). In this literature, collective action is understood as cooperation and coordination to solve collective dilemmas related to the management of the commons (Cárdenas, 2008; Meinzen-Dick, 2010). The influence of the commons perspective goes beyond academia, gaining recognition among some international funders, environmental agencies and practitioners. It follows the repeated failures of previous efforts of international aid to halt deforestation through the support of governmental agencies.

This approach has led to two important policy proposals: (1) the decentralization of control over common resources to lower levels of government, including local user groups and stakeholders (Ribot, Agrawal and Larsson, 2006; Agrawal and Ashwini, 2009); and (2) the devolution of property rights to local users in order to create incentives and a commitment to sustainability (Whyte and Martin, 2003; Molnar and Alcorn, 2006; Barry, 2008). Although the "commons school" has had limited academic influence in Latin America, the region has been marked by proposals to decentralize forest governance and devolve

rights to local communities. Such initiatives have been coherent with the struggles of local communities over land and natural resources all over the region. The "devolution" of forestlands to local populations has been an intense learning process, with a range of outcomes that need to be better documented and understood. This extends from the forest concessions to "comunitarios" in Petén Guatemala, the official recognition of traditional rights over the lands of the indigenous "mizquito" in Nicaragua, and the indigenous reserves in Panamá, Brazil and Bolivia; to the forest property of Afro-American communities in the Colombian Pacific and rubber tappers in Brazil. Experiences of collective action, local governance, rural development and conservation coexist with cases of conflict, elite capture and forest deterioration. "Community forestry" has been a positive option for conservation and local livelihoods in different regions.[1] However, community-based governance is neither a panacea nor a reality to be taken for granted. The outcomes of these experiences derive from a variety of historical as well as recent factors, on which public policy often has major impacts.

Mexico stands as a singular case of community-based forest governance in Latin America. Mexican communities gained legal rights over lands and forests long before anywhere else in the contemporary world. At the same time, Mexico's deforestation rates were some of the highest in the world for decades (1970–1990).[2] Forests cover more than 60% of the country, providing important ecosystemic services that benefit a range of actors.[3] During most of the twentieth century, the forest industrial sector searched for access to low-cost raw materials. Backed by government agencies that promoted economic growth, their position weakened with the implementation of NAFTA. Since 1994 the Secretaria de Medio Ambiente Recursos Naturales y Pesca (SEMARNAP) has promoted conservationist measures that sought to minimize forest use in order to protect the megabiodiversity within, often drastically limiting human presence in forested and wild areas.[4] Conservationist policies have gained influence in public opinion, backed by national and international environmental agencies. They tend to regard deforestation as a generalized process in the country, mainly driven by collective property regimes and rural poverty. Local communities are the legal owners of the majority of Mexico's forests. Although they were favoured by agrarian reform, they have rarely received coherent policy support to develop forest-based livelihoods and to become forest stewards. Most forest communities have weak political voices and exercise little influence on other social sectors. Community residents value and benefit directly from many of the forest's ecosystemic "services": goods for

domestic consumption and the flow of goods harvested and processed for commercial purposes. For them, the forest has patrimonial value and represents a legacy to be passed down from their elders to their children.

The relationships between relevant stakeholders – including federal and state governments – are permeated by poor coordination, pronounced economic and political asymmetries, and misconceptions. Conservationists tend to dominate in the context of global concern over climate change and biodiversity loss. For international agencies and for the federal government, forests and climate-change policies are the fields of experts and the central government. They favour the recentralization of control over rural landscapes. Forest communities tend to be seen as obstacles to conservation and the mitigation of carbon emissions. Commoners' perceptions of environmental change,[5] their increasing "climatic" vulnerability, their livelihoods and governance are mostly disregarded. The accomplishment of general mitigation targets is often prioritized over local adaptation needs.

Based on empirical research carried out in 103 forest communities, this chapter will discuss some of the main demographic and socioeconomic conditions of Mexico's forest communities, land-tenure features, forest use and local perceptions of pressures on forest areas. In addition, the relationship between local institutions, forest economies and social capital is analysed. Although the analysis focuses on Mexico, the experiences of community forest tenure and community forestry may provide useful insights into the general interaction of local communities with forests. This could be applicable to forest regions and forest policies in other Latin American countries.

Forests in Mexico

Forest tenure and property rights

Mexico has ecological, social and historical features that are similar to those of many Latin American countries. Much of the lands are forested and mountainous, and most forest areas are inhabited spaces.[6] Forest regions are home to nearly 12 million people in Mexico, many of whom are indigenous and are living under conditions of extreme poverty (INEGI, 2010). Community property remained in place during the three centuries of the colonial rule (16th and 19th centuries) and continued to exist in areas where colonial control remained incomplete due to difficult access. During the nineteenth century, many communities lost their lands as privatization policies were imposed by the central government. Indigenous presence and collective property were regarded as

backwards and saw privatization as imperative for economic modernity (see Chapter 1).

Despite these similarities, Mexico is a unique case in Latin America because powerful social movements brought about extensive land-tenure reform when the state tried to resolve popular claims. The government's recognition of collective tenure as the basis for agrarian reform was guaranteed in the 1917 federal constitution. Today, 70% of forestland is under collective tenure, while more than 50% of communities have forest cover (Warman, 2000; Bray and Merino, 2004; Merino, 2004; Bray, Merino and Barry, 2005).

Across the entire world, public property of forests (often under concessions to third parties) is the prevailing institutional arrangement. Only from the late 1980s to the early 2000s did communities and local groups obtain rights over forests in other Latin American countries, such as Nicaragua, Bolivia, Brazil, Guatemala, Peru and Colombia.

There are two legal types of collective holdings in Mexico: *ejidos* and *comunidades agrarias*.[7] *Ejidos* were created when the government granted land to groups who demanded it, including former hacienda workers. *Comunidades agrarias* resulted from the official recognition of the historical rights of indigenous communities. CONAFOR estimates that today 30,305 communities collectively own 105 million Ha of forest. Legally, *comunidades agrarias* are able to incorporate young members at their will, while *ejido* members can only pass on their rights to a single successor. Community forests have to be commonly managed, and their division or sale is legally prohibited.[8]

In spite of the legal status of communities, their rights are clearly limited: the Mexican state maintains the right to regulate forest use.[9] Second, as in most of Latin America, water and underground resources are legally public property, giving governments the right to directly use these resources or to grant them in concession to third parties. Finally, according to Mexican legislation, mining holds a national priority status over conservation and mitigation of global greenhouse gas emissions.

Forest policies

Since the late 1940s, industrial development based on an import substitution model became a national priority in Mexico. As in other large Latin American countries such as Brazil and Argentina, strong centralized governments assumed the role of directly promoting this model.

Small rural producers were given the role of providing staple foods at low cost, thereby enabling low industrial salaries.[10] The state did not

consider members of forest communities to be capable of managing forest operations. Instead, long-term concessions of community forests were imposed in different regions in order to give industries access to raw materials. Similarly, communities lost their rights in almost half of the forestland where logging bans were imposed to protect river basins. From the perspective of some commoners, these policies made forests an obstacle to real ownership of the land. Confronted by continuous local resistance, forest industries were organized for short-term profits and they kept their rate of reinvestment as low as possible. In the 1970s, forest industries were nationalized. The Mexican state used the profits of forest exploitation for investments in other economic sectors. Forest regions under logging bans suffered strong deterioration as private forest industries continued their operation in those areas. Logging activities were carried out without any restrictions or provisional measures (Bray and Merino, 2004; Merino, 2004; Boyer, 2005; Merino and Segura-Warnholtz, 2005; Bautista, 2007).[11]

In the 1970s this economic and political model started to show signs of exhaustion. With regard to forest policies, neither concessions nor logging bans accomplished their economic or environmental goals. Forest deterioration increased while most industrial logging plants operated below their installed capacity.[12] Concessions favoured "rent extraction" over sustained exploitation, reinvestment in forest protection and long-term management systems. This led to a "disinvestment" and consequently resulted in the loss of forest resources, value and productivity.

By the early 1980s, when the concessions were close to expiring, many communities claimed the right to regain the use and control of their forests. Social mobilization, support of civil society groups and the closing of many state-owned industries enabled communities in Mexico to win this struggle. After having worked for concessionaries for many years, community members realized that timber extraction could be profitable and sustainable. Some communities engaged in community forest production. Their initiatives were supported by a progressive group within the federal administration: the Dirección de Desarrollo Forestal (DDF), which held the view that communities could be both efficient producers and forest stewards. The DDF promoted the organization of community unions to create economies of scale that would enable communities to hire technical advisors who were previously provided by the federal government. Through these unions, communities gained a stronger presence both in politics and in the market (Alatorre, 2000; Bray and Merino, 2004; Chapela, 2005). In 1986 a new forest law

banned concessions and granted communities the right to be consulted on the implementation of any policy that restrained their property rights.

Communities with the most valuable forest assets and good organization showed remarkable achievements. They reinvested most of their profits from forest businesses in improved forest-management systems, building and providing for the maintenance of forest roads. They also acquired industrial equipment, and organized their own technical and administrative teams. Not only did forestry provide employment and income to local residents but its profits were invested in local public goods: schools, clinics, community celebrations, roads and transport. Some communities adopted environmental agendas to promote sustainable harvests, minimize environmental impacts and diversify forest use. Since the 1990s a group of communities were granted forest certification under the Forest Stewardship Council scheme. There are currently 39 certified community forests in Mexico, amounting to 655,206 Ha.[13]

These successful forms of community forest management created local incentives for conservation, improved quality of life in marginalized regions, and favoured democratic governance of forest commons. Some certified communities have even gained international recognition.[14] The experience of the *ejidos* of southern Quintana Roo was replicated in the neighbouring tropical forests of Petén-Guatemala, where Mexicans trained local user groups and thus supported the establishment of community forestry operations.

Sustainable forest management and production – one of the strategies proposed to halt deforestation – require coherent and continuous long-term support to local users. However, government support for community forestry faded during the late 1980s and early 1990s. With the implementation of NAFTA, the national market was abruptly opened and community producers were unable to compete with US and Canadian forest producers. At the same time, the over-regulation of forest activities by the Mexican state led to high transaction costs. Finally, subsidies for tropical agricultural, cattle holding[15] and the extension of illegal logging led to the disruption of some community forestry initiatives during that period.[16] NAFTA therefore put pressure on the productive initiatives of forest communities. While some export-oriented subsectors in agriculture, manufacturing and services benefited, many small and medium-sized (urban and rural) businesses failed in the absence of policies to protect and promote their productivity and competitiveness.

In 1994 the federal administration created the Ministry of the Environment, SEMARNAP, with forest management as part of its jurisdiction. SEMARNAP's main natural resources policy was the expansion of the protected areas system and a simultaneous increase in regulations for activities such as forestry. Nevertheless, SEMARNAP also renewed support for community forestry, creating two small programmes: PRODEFOR (Programa para el Desarrollo Forestal) and PROCYMAF (Programa de Conservación y Manejo Forestal), a joint initiative of SEMARNAP and the World Bank. PROCYMAF was a pilot project based on the recognition of a variety of socioeconomic and ecological conditions of forest communities, and on the need to continue to build fine-tuned strategies to address the diversity of local contexts.[17] PROCYMAF was influenced by the international advocacy in favour of participatory, decentralized, pro-poor forest policies that emerged during the 1990s and 2000s. Its main goals were to strengthen communities' social capital, and their productive and institutional capacities. After a few years, PROCYMAF presented some important achievements, such as a growing system of forest area under certification, the creation of numerous community forest enterprises, the adoption of participatory land-use planning, the definition of community rules for local forest governance, and the establishment of regional committees of forest communities.

After the Partido Acción Nacional (PAN) took over the national government in 2000, Mexico's economy and governability were increasingly characterized by corruption and authoritarian practices. Aiming to increase its legitimacy and to show political strength, the PAN government launched an extensive "anti-drug war". In the context of economic and institutional failures, widespread corruption, persistent poverty and inequality, this led to the spread of violence to many regions. Criminality against the population became common, involving criminal gangs but also the police and the army (Cendejas, 2015).

At the same time the PAN administrations (2000–2012) responded to environmental concerns that tried to give forest policy a high profile. Between 2000 and 2008, public investment in forests increased by 7000% (Figure 9.1). The distribution of these public funds expressed a conventional conservationist vision. About 70% was invested in the establishment of forest plantations and massive reforestation programmes. In general, these investments yielded poor results.[18] Some 12% of the funds were used for the Programme of "Payment for Environmental Services" (PES), and were given to forest owners who gave up forest use.[19] Only 10% of the federal forest budget was used to support community forestry (Merino and Ortiz, 2013).

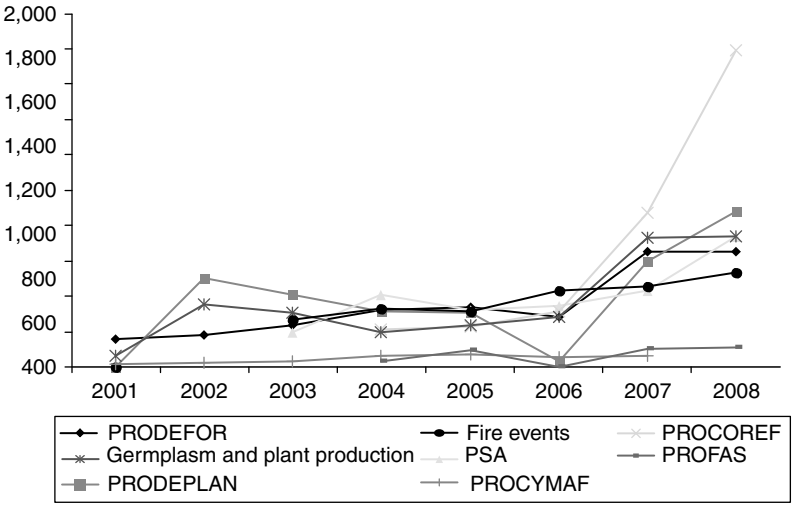

Figure 9.1 National annual budget of CONAFOR according to different forest-related projects in Mexico (in million pesos), 2001–2008
Source: Merino and Ortiz (2013).

Forest communities in Mexico

Forest communities in Mexico exist in a range of socioenvironmental contexts. This study is based on an analysis of a sample of 102 forest communities, which basically tested two main hypotheses (following Cárdenas, 2006):

- forest conditions and sustainable forest use depend largely on the robustness of local institutions;[20]
- institutional robustness relies on interlinked characteristics of forest users, namely, social capital and dependence on forest resources.[21]

The sampled communities are distributed across five states: (1) Oaxaca in the south, where 19 indigenous groups (mainly *Zapotecos* and *Mixtecos*) constitute the majority of the population; (2) Guerrero, also in the south, with an important presence of *Nahuas* and *Mixtecos*; (3) Michoacán in central Mexico, home of the *Purépechas*; (4) Jalisco in the west, whose mountains are home to the *Huichol* people; and (5) Durango in the north-centre, with five indigenous groups, mainly *Tepehuanes*.[22] Together these states add up to more than half of the forestland of

Mexico, where approximately 70% of the nationally produced timber comes from. As a whole, these forest regions have a lower population density and lower deforestation rates than the rest of the temperate forest areas.[23] The remainder of this chapter will provide a detailed analysis of forest conditions, use and governance in the studied areas.

Forest types and uses

The sampled communities are located in the mountain range along the Pacific coast and the central neovolcanic axis, at high altitudes. These areas frequently have important altitudinal ranges of non-forested lands and different types of forest vegetation, including temperate forests (pine, pine-oak, oak, fir and cloud forests), as well as dry and humid tropical forests (below 1,500 to 500 m above sea level. Distinct types of forest are perceived, used and managed in different ways.

Forest uses vary according to forest type (Table 9.1). Firewood is the only type of wood collected in almost all type of forest. Commercial logging – the most important income-generating forest activity – takes place in about half of the pine and pine-oak community forest areas. Agriculture and grazing – sometimes based on the removal of the forest cover – take place in the dry and tropical forests. Interestingly, community conservation initiatives, sometimes supported by government programmes, are not present in tropical humid and tropical dry forests within the sample. The latter type of forest has the greatest biodiversity and number of endemic species, and it represents the most endangered forest type in Mexico.[24]

In summary, sustainable use options are limited or absent in most of the community forests analysed in this study. The lack of these

Table 9.1 Different uses of forest by community residents in Mexico

Type of forest	Firewood collection %	Grazing %	Agriculture %	Conservation/ PES %	Logging %
Pine	65[25]	60		62	58
Pine-oak	81	60		18	48
Oak	92			80	
Fir	45			70	
Cloud[26]	41		30	80	
Tropical dry	61	75			
Tropical humid		75			

Source: Survey on Forest Communities with Temperate Forests in Mexico, IIS-UNAM.

opportunities endows forests with low social value. Under such conditions, forest areas are prone to highly impactful activities, such as mining or commercial plantations.[27]

Forest size and tenure issues

Forest resources are valuable assets for the majority of the communities, particularly those that own forest resources of commercial value.[28] In most cases, however, forest areas are relatively small. Only 10% of the communities have more than 10,000 Ha, while half of them are smaller than 2,000 Ha and 20% of communities possess forests of between 500 and 300 Ha.

The governance of communal forests has the potential to generate a range of social benefits, including more participation in forest protection (Merino, 2005; Agrawall and Ashwini, 2009). However, collective tenure does not necessarily lead to equal access to forest resources for all community members, or to equal incentives to protect them. The two types of communal forest in Mexico – *ejidos* and *comunidades agrarias* – present important differences. In *ejidos*, which are predominant in Durango, Jalisco and Michoacán, many families do not have property rights, while c*omunidades agrarias* own 95% of the forests in Oaxaca. *Ejidos* also face serious ageing problems – 88% of the rights holders are at least 40 years old and 28% are over 60 years old. In contrast, 64% of the residents in c*omunidades agrarias* are younger than 40. The different age structure results from the legal rights of *comunidades agrarias*, which facilitate the inclusion of new members.

Collective tenure in Mexico remains strong in spite of the many pressures that it faced before and after the 1991 legal reform that enabled the privatization of *ejido* lands (Wayne, 1998; Warman, 2000). Sales of *ejido* lands occurred in 30% of the sampled communities.[29] In 82% of the communities, local authorities declared that the majority of community members favour the maintenance of collective property.

Conflicts over land tenure are not rare in the case studies. In particular, intercommunity conflicts over borders occur in 34% of the cases. Intracommunity conflicts over the limits of individual plots were reported in 21% of the studied communities. Conflicts over borders are more frequent in *comunidades agrarias*, where these problems have remained unresolved for generations. Such conflicts usually have negative impacts on forest conditions due to unclear ownership. According to local authorities, they favour deforestation and illegal logging, and therefore create challenges for implementing protective measures.

Forest Communities performance

The performance of forest communities was measured by five indices: (1) pressure on forest areas; (2) protection and conservation activities; (3) social capital and organization; (4) local institutional strength; and (5) community forest economy[30]. Table 9.2 summarizes the main results, divided into five rank categories.

Table 9.2 Indices of forest communities' performance

Index	Very low %	Low %	Moderate %	High %	Very high %
Pressure on forest areas	10.7	26.2	26.2	12.6	24.3
Protection/ conservation activities	35.9	27.2	22.3	9.7	4.9
Social capital and organization	3.9	23.3	53.4	16.5	1
Local institutional strength	27	27	36	10	0
Community forest economy	69	13.6	7.8	5.4	3.9

N=103.
Source: Survey on Forest Communities in Mexico, IIS-UNAM.

The *pressures on forest areas index* combines (1) occurrence of illegal logging; (2) forest fires and pests; (3) grazing in forest areas; and (4) land-use change. The results show that pressures on forest areas are remarkable in nearly 37% of the sampled communities, while a very similar proportion of the community forests face low levels of pressure. It is worth mentioning that questions have arisen during the past decade about the perception of change (increase or decrease) in forest pressures. Most of these pressures have a socioecological basis. In particular, effects of global change add a level of uncertainty regarding the occurrence of fires and pest outbreaks, as well as in rainfall and drought patterns. A significant share of these communities (16.5%) reported recent forest losses.

The conservation and protection activities index combines variables related to (1) monitoring of forest areas in order to address forest fires, pests and illegal logging; (2) local organizational and technical capacities to face these pressures; (3) initiatives of reforestation; and (4) the

existence of community conservation areas. This index was built to capture practices that favour conservation rather than actual conservation or degradation of forest areas.[31] Protection and conservation practices are low in the majority of the cases (63%). However, in 27% of the communities where conservation and protection activities were ranked as "low", communities perform basic protection activities such as fire-fighting. It is interesting to note that the proportion of communities with very poor conservation practices is similar to the percentage of communities where forest pressures are perceived as "high" and "very high". In communities where conservation and protection measures are moderate (22.3%), residents are engaged in the monitoring of forest areas.

Only in 14.6% of these communities were conservation and protection practices classified as "high" and "very high". A relevant finding is the presence of community conservation areas, particularly in the *comunidades agrarias* with indigenous background (61% of the sampled communities in Oaxaca, and 58% in Guerrero). Community conservation is also significant in 44% of the *ejidos* and *comunidades agrarias* in Michoacán, and among 38% of the *ejidos* in Durango. Many of these conservation areas are located in areas identified as water-capture sites and have been established as part of community projects to protect water sources.

The *social capital and organization* index includes (1) frequency of community meetings; (2) strength of local governance systems; (3) participation in community meetings; and (4) non-paid community work. This index is particularly important as social capital and organization are considered by the "commons school" to be preconditions for forest governance and sustainability (Ostrom, 2009). Social organization in *ejidos and comunidades agrarias* faces a variety of challenges and has important downsides: the exclusion of women and young people; conflicts created by the "elite capture" of benefits of common resources; and the "costs" of traditional practices of governance and reciprocity. Increasing outmigration puts social organization under additional stress, as it drains crucial human resources needed for local governance and generational replacement. This adds to the challenge of maintaining social capital across different generations. These pressures are particularly strong in about one-quarter of the sampled communities (27.2%), where the value of this index is "low" and "very low".

Governance based on local participation takes place through regular community assemblies to discuss collective issues, make decisions and formulate rules about the following issues: use and management of the

forest commons, use of the profits of the communal productive initiatives, and relationships with government programmes. Community members take part in different positions of the local governance system, mostly on a voluntary basis. In addition, non-paid community work – which takes place in many cases – serves as a base on which to build and maintain collective infrastructure, public services, forest protection and forest-restoration activities.

Despite the organizational foundation observed in many forest communities, the low percentage of communities with a higher level of organization and social capital (17.5%) reflects the high costs of community and common forest governance. Within this sample, lower values of social capital and organization are often linked with the exclusion of *avecindados* (family heads living in communities), lack of property rights and little or no rights to take part in meetings or use common resources.

The local institutional strength index is based on (1) the existence of community rules for local governance; (2) rules related to the use and provision for local commons (e.g. public spaces, forests, infrastructure, community profits from forestry or other collectively held activities); (3) community participation in the definition of the agreement; (4) awareness and knowledge; (5) monitoring and sanctioning of compliance with the rules; and (6) community members' trust in rule compliance. Local institutions are considered fundamental for sustainability and governance by the "commons/collective action perspective" as they are the result of collective agreements for commons governance and use. Nevertheless, the definition and enforcement of local institutions are demanding tasks. Community participation and knowledge are required to legitimate local rules and better match the local context. Communities of users and/or owners of common resources coordinate to create collective institutions when they perceive the need and have the conditions that enable them to do so.

In most of the communities under study, local rules refer to local governance and, sometimes, to the extraction and use of firewood. The values of this index express a relative weakness of local institutions: a lower level in half of the communities' local institutions and high in only 10% of these communities (Table 9.2).

This pattern partially reflects the centralized forest governance in Mexico, in which local communities are completely excluded from the definition of use and management rules. As a result, national rules are often inadequate for particular forests or communities in a large and highly diverse country. In addition, frequent changes in laws and

rules increase uncertainty and the ability of forest users to comply with government regulations.

Conflicts between local and national monitoring systems add to the challenges for local institutions. In Mexico a federal government agency (the Procuraduría de Protección Ambiental) is officially responsible for monitoring compliance with federal forest rules. Limited coordination between the Mexican environmental enforcement agency (PROFEPA) and the monitoring initiatives of local communities leads to conflict between the two institutional arrangements. Imposed rules, external – and often inefficient – monitoring and sanctioning, "crowd out" risk, and eroded local institutions have resulted in a favouring of local "open access" conditions (Cárdenas, 2008).

Finally, the *community forest economy* index combines (1) a level of vertical integration of forest production and the capacity to add value to forest products; (2) diversification of forest uses, taking commercial and domestic purposes into account; (3) productive forest assets owned by communities; and (4) ownership of financial assets. This index corresponds to "forest dependence", an important condition for the social value of common forests, and the incentives to commit to their governance and conservation (Ostrom, 2009).

The level of development of the communal forest economy was considered "very low" in 69% of the sampled communities. In half of the communities, forest only provides firewood for domestic use. In the other half, residents harvest and sell non-timber forest products (NTFP) such as mushrooms, resin, medicinal plants and firewood.[32] Individuals or family groups who take part in these activities are often the poorest members of the community. These products deliver very low profits due to market control by intermediaries.

Logging remains the most important (legal) income-generating activity in forest regions. It takes place in one-third of these communities, of which 13.6% sell timber as "stump". In these cases, outsiders perform forest management and extractions with little community control. These operations, which often have a high impact on forests, deliver scarce local benefits, and create mistrust and opposition to commercial forestry.

Forest management and timber-harvesting operations are carried out in only 17% of the communities. About half of this last subgroup produced only raw material (logs) due to limited productive capacities and financial resources to cover production costs. Nearly 10% of these communities have achieved productive vertical integration, including their own forest mills and sale of primarily tables. However, only 4% of the

sampled communities have achieved vertical and horizontal integration as forest producers. They have diversified commercial forest uses, combining timber products with NTFP and/or providing ecotourism services. This low performance reveals the challenges faced by the community forestry industry – namely, the organization of production, how to reach national and international markets, financial and fiscal tasks, efficiency, accountability to communities' assemblies, and the operation of entrepreneurial administrations in the context of local governance systems. Nevertheless, these communities have created local sources of employment and income. They have financed local infrastructure and public services with the profits of their own business. They have also contributed to developing and strengthening human resources, social capital and local governance (Bray, 2007). The following section shows how the community forestry economy is related to forests and communities.

Forest communities and community forestry

Community forestry touches upon the socioeconomic conditions of the community as well as ecological conditions and pressures of the forest. The indexes analysed in the previous section reveal that social organization, forest conditions and forestry are closely related.[33]

Organization around local governance, and commons management and use, is present in many forest communities. However, communities with weak local institutions tend to report a higher level of pressures in their forests. Conflict over community borders is particularly related to increasing pressures on forest areas, which are almost four times as greater as for communities that do not face this problem. In contrast, communities that control forest management and forest production tend to be more involved in protection and conservation activities. Furthermore, communities with internal rules regarding the protection and management of forests tend to be more successful in addressing pressures on forests. Their members engage in the reduction of the risks of forest pests and fires. They also monitor forest areas in order to observe early signs of potential threats. Nevertheless, the level of pressure varies considerably according to the individual forest dynamics. Fires and pests, for example, are multifactorial, in which climatic events such as strong and/or longer dry seasons may play an important role. Therefore, as pressures on forests increase, local rules must be fine-tuned as well.

Not surprisingly, we found a strong relationship among social capital and organization and local institutional strength. Basic organizational

practices, such as collective rules in use and trust, are important for promoting social capital. In general terms, communities with the strongest organization are also those where protection and conservation activities are more frequent and diverse. This pattern reveals the relevance high levels of social organization required to support local coordination and collective action addressing forest protection and conservation activities. A small number of communities, however, perform forest-protection activities at high intensity. This pattern is a possible outcome of government subsidies for reforestation. In contrast, a reduced number of highly organized communities showed very few protection and conservation practices. These cases reveal that communities may be organized for different purposes that do not necessarily coincide with forest conservation. In summary, social organization is an important requirement for performing conservation activities but it is not sufficient for creating incentives to engage in forest protection.

Protection and conservation activities are closely related to the development of community forestry. The forest economy tends to be low where local institutions are weak. As a result, limited protection and conservation activities lead to increased pressure on forests. Interestingly, pressure on forests drops considerably according to the increasing importance of commercial forest activity in communities. In cases where recent deforestation took place, forest economy in the communities is weak. In general, communities with lower levels of pressure on forests are those with the most consolidated economic forest activities. This information suggests that as the incentives, knowledge and technical skills increase – as a result of a more diversified community forest economy – community members are more able and willing to identify and address pressures on forests before their impacts grow out of control.

Communities with the highest level of local forest economy[34] tend to have lower institutional strength in comparison to communities with only vertical integration of forest production. The former needs stronger and more diversified institutions in order to manage industrial and commercial operations, diversify forest production and carry out multiple activities, such as timber extraction and processing. However, as these data reveal, new economic forest activities may lack the institutional support to scale up their commercial activities. If not properly addressed, these "institutional gaps" can undermine common natural resources used in production processes, collective initiatives and community governance itself.

Conclusion: Community forestry beyond autonomy

In highly unequal societies such as those in Mexico and most of Latin American countries, governments and urban societies need to overcome the anti-rural, anti-community, anti-poor biases that are frequent in legal frameworks, and in environmental and economic policies. For decades, Mexican forest communities have faced adverse policies that constrain local initiatives. These have encouraged the abandonment of many forest and rural regions where local livelihoods have become difficult to sustain. Research on local forest use in Mexico and other developing countries (IFRI; Ribot, Agrawal and Larsson, 2009) shows a permanent tension between trends of decentralization and centralization of decision-making rights over natural and strategic resources.

Most Latin American forests are owned by central governments while logging concessions are given to international corporations (Whyte and Martin, 2001). Concessionaires tend to maximize short-term profits of forest operations to reinvest outside the country. As a result, forests become sources of revenue for national governments with limited local control over the impact of extractions.

Not surprisingly, this model of "mining forestry" leads to the marginalization of local people and high environmental impacts. The last two federal administrations in Mexico (2000–2012) responded to global environmental concerns, thereby attempting to give forest policy a high profile. Despite the increased public investment in forests between 2000 and 2008, this budget largely overlooked the needs to promote local productive and governance capacities, and the creation of stable incentives for conservation.

Successful experiences of community forestry have revealed important lessons that can change this trend. They reveal positive synergies not only among common forest management, local livelihoods and conservation but also with maintenance and the development of "commonality" based on local institutions and social capital. The results of this research show that social capital and institutional strength are key factors for the protection of forest commons, and for local capacities to face traditional and emergent pressures on forest ecosystems. Human resources and collective action are critical for resilience. The presence of communities with forest conservation, governance and local development in Mexico shows the viability of these initiatives, even if they still constitute a minority.

Forests are commons whose sustained management and use require high levels of cooperation among relevant actors. Collective action in Mexican communities is even more necessary due to the collective

tenure of the vast majority of Mexican forests. Communal property can be an important possibility for favouring sustainability and the governance of complex ecosystems, such as forests. However, despite the relevance of legal recognition of property rights over lands and forests to local communities, it is hardly sufficient for forest communities to achieve their economic, environmental and social potential. The empowerment of local communities by acquiring technical and governance capacities is equally important in contemporary contexts. The results of this survey show the existence of many communities that suffer forest deterioration and limited social capital. In these communities, the contribution of forest activities to local livelihoods is often very limited. The development of a forestry economy is fundamental not only for supporting the social and institutional development of these communities but also for delivering protective measures for sustainable forest use.

The experience of forest communities in Mexico shows that the synergy between forest economy and conservation does not happen naturally; it requires favourable public policies as well as access to adequate training and technical advice.

The state has undermined community rights and livelihoods, favouring communities' dispossession. This entails a recentralization of land control and resource management, over-regulation of resource use, imposition of high transaction costs on legal forest use, and criminalization of many local uses of natural resources. But if local governance and environmental citizenship are regarded as assets for conservation and governability, the state can play a key role by recognizing communities' rights over natural resources. This would provide favourable legal frameworks for community forest use and governance – by coordinating with local actors to control illegal land use – and would favour markets able to internalize sustainable management costs.

Lessons from Mexico's community forestry experience are relevant for other Latin American countries, such as Guatemala, Nicaragua, Bolivia and Brazil – where governments recognize local collective rights. In countries where most of the forestlands are owned by governments and are used by private companies, local governance, incentives and recognition of communities' rights can be avenues for reversing environmental injustice and deterioration. In summary, community forestry is not a panacea or a fixed model that can simply be replicated inside or outside Mexico. Nevertheless, it represents an important alternative to combine goals of local empowerment, forest sustainability and rural development. While some communities in Mexico seek to distance themselves from the state and the traditional market (see

Chapter 10), other communities may find their sustainable development path through close support from the state and market integration.

Notes

1. I consider "community forestry" to be those cases in which local communities have and practise use and control rights over the forested areas (Schlager and Ostrom, 1992) and where they preserve the forest cover and have instituted use and management rules, regardless of the ways in which they use forest resources.
2. About 3% yearly.
3. The Millennium Ecosystem Assessment defines these "services" as provisional, regulatory, cultural and support services.
4. Mexico has the fifth greatest biodiversity in the world; the top ten megadiverse countries host 70% of the Earth's biological diversity.
5. The Stockholm Resilience Center defines interrelated dimensions of global environmental change as loss of biodiversity, ocean acidification, changes in the cycles of phosphorus and nitrogen, land-use change, depletion of the atmospheric ozone layer, pollution of soils and water, and aerosol atmospheric load (Rockstrom et al., 2009).
6. Some 73% of the land has forest cover, accounting for nearly 142 million Ha.
7. I use the term "community" when referring to both *ejidos* and *comunidades agrarias*.
8. De facto forest division is happening in many communities.
9. In terms of the "bundle of property rights" scheme proposed by Schlager and Ostrom (1992), community members have access, use, exclusion and some management rights over forests. The federal government maintains key control rights over them.
10. The Mexican diet was based on corn and beans, the prices of which were controlled by the federal government for decades.
11. From 1950 to 1970 the national demand for forest products grew continuously and the country's economy grew by 7% annually. From 1950 to 1989, the population growth rates were close to 3% per year. These were also years of strong expansion of the market economy in traditional rural communities.
12. Communities with forests under concessions were not legally able to use them, nor were they free to choose timber buyers or negotiate timber prices, which were fixed by the Ministry of Agrarian Affairs. Nevertheless, they kept the right to allow or refuse logging in their lands.
13. During the last decade, certified forest areas have decreased as certification poses strong demands without giving clear access to better marketing conditions.
14. San Juan Nuevo in Michocán; Ixtlán, UZACHI, Ixtlán, Textitlán, Mancomunados and San Pedro el Alto in Oaxaca; Santiago Papasquiaro in Durango; el Balcón in Guerrero; el Largo in Chihuahua; Nohbec in Quintana Roo.

15. Some subsidies for small agriculture were created after the implementation of NAFTA, mainly with political purposes. This is the case for PROCAMPO, which provided resources per hectare planted with corn, regardless of its productivity. Subsidies to acquire cattle were maintained until recently, given mainly by state governments.
16. It has been estimated that illegal logging is at least as great as legal production (Consejo Civil Mexicano para la Silvicultura Sostenible – CCMSS, PROFEPA).
17. PROCYMAF worked in the states of Oaxaca, Guerrero, Michoacán, Jalisco, Quintana Roo and Durango.
18. By 2009, Greenpeace reported that official reforestation had a survival rate close to 10%.
19. Payments were established based on the average price of corn at an estimated national agricultural productivity average in areas with no irrigation.
20. Institutions are defined as "rules in use" (Ostrom, 2005).
21. This study was carried out as part of the international programme Forest Resources and Institutions (IFRI). A global database of forests and forest users around the world has been developed since the 1990s (Wollenberg et al., 2007). By focusing on two hypotheses of the IFRI programme (Cárdenas, 2006), a team from the Instituto de Investigaciones Sociales of the National University of Mexico (IIS-UNAM) applied a survey inspired by the IFRI conceptual approach.
22. The universe of the sample includes all the communities in these five states with at least 300 Ha of temperate forest. It is stratified based on the proportion of communities with this characteristic in each state, as compared to the total number of communities with 300 Ha (or more) of temperate forest in these five states.
23. The results of the survey are representative of half of Mexican temperate forests that face less pressure. We could not include the state of Chihuahua (the second largest timber producer in Mexico, which has the largest forest extension and where the conditions of forest regions are similar to those of the state of Durango).
24. Mexico's dry forests are rich in "neo-endemism" (new species that originated in a particular region and are only found there). This is currently the fastest-disappearing forest type. Mexican cloud forests are rich in "paleo-endemism".
25. This is the percentage of forests of each of type within the communities of the sample.
26. During 1970–1980, subsidies for sun coffee based on the removal of the forest were the main driver of the rapid disappearance of cloud forests; since 1990, many communities have grown shade coffee, preserving forests. Some of them are certified as organic sustainable coffee producers.
27. From 2006 to 2012 the areas subject to mining concessions in mountain forests increased by 30%. Much of the medium- and small-scale mining is now controlled by drug cartels, as in the southern sierra of Michoacán, which is rich in iron ore deposits. Other activities with a high environmental impact that are practised in dry forests include the establishment of plantations (e.g. *Agave cupreata*, used for the fabrication of tequila), illegal cropping and extensive cattle ranching.

28. Mainly pine.
29. These are primarily sales of plots among *ejido* dwellers. In most cases, they are not associated with privatization of the *ejidos*. They do not include sales of forestland.
30. See methodology used for the construction of these indices at the site http://www.ccmss.org.mx/documentacion/830-a-vuelo-de-pajaro-las-condiciones-de-las-comunidades-con-bosques-templados-en-mexico-borrador/
31. The assessment of forest conditions requires other types of research methodology and techniques.
32. These are wood products classified as NTFP.
33. For a more detailed description of these data, see Merino, Leticia and Martínez Ana Eugenia, "A vuelo de pájaro. Las condiciones de las comunidades con bosques templados en México", www.conabio.gob.mx.
34. Industrial capacities, diversification of forest production: NTFP, environmental and touristic services and so on.

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10
Local Solutions for Environmental Justice

David Barkin and Blanca Lemus

In the context of the prevailing abundance of diversity (biological, ethnic), the profound social inequalities, and the trends and attitudes of hegemonic forces in Latin America, a coherent process of environmental governance is proving difficult and environmental injustice is aggravated. In virtually every country in the region, increasing subordination to the global market has led to dramatic transformations in productive structures and processes along with the often violent opening of new territories to domestic and foreign investment in renewable energy projects, primary production for international markets, and natural resources exploitation. These changes are provoking direct confrontations between, on the one hand, domestic policy-makers, well-financed investors positioned to operate in international markets, purveyors of technologies, investors with concessions in regions and sectors recently opened to foreign investment, and, on the other hand, organized groups from many parts of society who see these penetrations as a menace to their productive systems, to their livelihoods and their health, while also being destructive of their communities, their cultures and the

We are deeply indebted to the members of the Local Solutions teams participating in the Environmental Governance in Latin America project for their contributions to this chapter; this formulation would not have been possible without the continuing exchanges in the communities over the course of the past three years. The contributions of Gustavo Esteva, Mario Fuente and Victor Toledo have also been important. Special thanks are due to the critical contributions of the participants in the seminar in heterodox economics in the doctoral program in economic sciences at the Universidad Autónoma Metropolitana, and the active participation of the specialists in ecological economics in the participating communities. Of course, responsibility for this text is exclusively that of the authors.

ecosystems on which they and we all depend. Regardless of where one turns in the region, there is an increase in the number and intensity of conflicts between groups committed to promoting economic development (i.e. growth), and those claiming to speak for the planet and/or the welfare of the large majority of the population or particular minorities, who feel excluded from these processes and are bearing the brunt of the negative impacts of these activities.

This chapter addresses some of the underlying causes of these conflicts by giving voice to some of the actors who are actually involved in developing their own alternatives to the development proposals of the hegemonic forces driving the transformations in their societies. These alternatives emerge from groups whose organizations are shaped by different cosmologies, products of their multiple ethnic origins, and by the profound philosophical and epistemological debates of the past half-century that emerged from numerous social movements proposing different strategies for achieving progress, improving wellbeing and conserving ecosystems. While many past confrontations among social groups have produced compromises modifying individual development projects, few have created some space for the emergence of alternative social and productive structures that respond to the demands for local control of the governance process to assure local wellbeing and responsible environmental management.

The analysis draws on an important emerging literature that proposes a different epistemology and methodology, reflecting the direct participation of a diversity of communities around the world in research about themselves and their possibilities for implementing different approaches to improving their wellbeing. In spite of the widely separated regions and traditions from which they come, there are striking commonalities in their reflections on how research should be conducted and how they might collaborate with "outsiders" in their search for ways to advance in their pursuit of an improved style of life and their ability to govern themselves. A notable early contribution from this intellectual and academic current was published by a Maori sociologist (Smith, 2012), reacting to the tendency of scholars from the principal academic institutions in New Zealand to make assumptions about local social structures, production possibilities, and the possibilities of and competence for innovations of their "aborigines". Since this early text, a burgeoning literature has emerged, not only emphasizing the methodological limitations of much Western scholarship in the Third World but also extending the critique to epistemological, ethical and cosmological planes. The contributors to this process argue that since social

categories are deeply embedded in institutions, profound difficulties arise when trying to understand the discourse and proposals of peoples of other cultures, especially those distanced from societies rooted in the Judeo-Christian tradition; the obstacles can be traced back to the very essence of the differences in value systems and the relationship of society itself to the world which we inhabit (e.g. Apffel-Marglin and Marglin, 1996; Apffel-Marglin, Kumar and Misra, 2010; Venkateswar and Hughes, 2011; Stephen and Hale, 2013). The area of intercultural dialogue has proved particularly fruitful, going beyond both universalism and cultural relativism, to engage in cultural relativity and cultural pluralism for a democratic, just and peaceful harmonization of conflicting interests (Panikkar, 1979, 1995a, 1995b; Vachon, 1995; Dietrich et al., 2011). The increasing interest in the commons, as a world emerging beyond the market and the state, expresses the new protagonism in the social and political scene of old and new communities (Ostrom, 1985, 1986, 1990; Linebaugh, 2008; Walljasper, 2010; Bollier and Helfrich, 2012; Barkin and Lemus, 2014; McDermott, 2014).

This approach clarifies the difference between dominant concepts of environmental governance and our understanding of the problem, along with its applicability to the work of the communities with which we are collaborating. As generally understood in Western social science literature, and excellently set forth in the introductory materials in this book, environmental governance is an extension of the process of public deliberation and policy formulation, to integrate into the sociopolitical parameters additional considerations of the impact of society on ecosystems, locally and globally. This relatively new field of political and social action has become poignantly crucial in recent years, as the depths of the environmental crises that we are living have made their impact increasingly evident. In our work we have clearly identified the problem of governance with the challenge of assuring that we examine the origins of the problems and the proposed strategies to address the intimately related matter of social justice.

In this chapter, however, we focus on the contrasting conceptions of the functioning of the political process and the possibilities for change. The dominant conception derives from a vision in which the world economy is central, a behemoth comprising a variety of national and regional units forming a single interconnected network of markets that feed a process of capital accumulation. This network of markets is controlled by a small group of powerful economic interests, backed by their national governments within an international institutional framework that reinforces their control over national and international economies.

The prevailing model of international politics and environmental governance is firmly grounded in the dynamics of the global marketplace, the private ownership of property and the means of production, creating an increasingly unequal distribution of income, wealth and power within societies and on a global scale, as well as producing a devastating impact on the environment.

In contrast, our research identifies myriad local and regional groups trying to overcome centuries of repeatedly being relegated to ever more inhospitable regions while also being targets of oppression, as a result of an unequal form of integration, transforming them from independent peoples into victims of colonialism and (inter)national capitalist "development". By emphasizing their rejection of the market-driven forces that control and distribute resources, they are seeking to design and implement different approaches to decision-making, based on a set of values that generally privilege collective solutions and wellbeing over individual gains and assume a cosmocentric view. These approaches emerge from a different and more complex set of objectives, rooted in historical experience, cultural traditions, and intergenerational relationships and responsibilities that situate their choices in a longer time horizon than that typically considered by the dominant methodologies that guide environmental governance at present. Because they attempt to bring to the centre of social life politics and ethics, displacing from it the economy, they explicitly reject the primacy of an economic calculus in making fundamental decisions about society, economy or ecosystem management. As a consequence, their decisions often result in proposals that are at odds with the policy prescriptions offered by the institutions with which they must interact, whether it is for the management of specific natural resources or for addressing problems of political, social and/or economic dynamics. As a result, these communities are actively building alliances among themselves, regardless of whether they are located in contiguous regions or associated through sectoral or cultural organizations that offer platforms for strengthening their ability to negotiate with local and national authorities, or resist the imposition of policies or projects to which they are opposed. In the process, they are seeking to isolate themselves from the hegemony of these international forces and epistemologies, forging their own institutions to create spaces of greater autonomy, in political, social and productive spheres, defending their ways of life and their territory from assimilation into the international economy or its outright seizure/appropriation by international capital.

These communities, as examined in later sections of this chapter, are searching for new ways to strengthen their societies and improve their ability to govern themselves. In many cases, this involves a redefinition of their identities, combining knowledge of their cultural heritage with present-day understandings of the significance of their cultural roots and the history of their struggles against many of the numerous forms of injustice to which they continue to be subjected. These struggles have "never been a blind, spontaneous reflex to objective economic conditions. [Rather, they have] been a conscious struggle of ideas and values all the way" (Thompson, 1959: 110). As such, the communities have been able "to hold fast to the vision of collective good".[1]

It is striking that a common feature of solidarity in many of these communities is a growing realization of the importance of this heritage and history, its contribution to their own definitions as peoples, as communities, whose collective identities and belief systems have generated unique forms of organization and social dynamics. These organizations are discovering new ways of integrating their belief systems, their cultures and their relationships to their environments into cosmologies that lead to creating contrasting models of society, models that directly address the demands for social justice and sustainability while protecting the whole panoply of traits that define a people.[2] While the current uncertainties have encouraged the emergence of different forms of localism, isolationism and often violent fundamentalism, most communities are not trying to go back in history but to discover in their traditions inspiration, and wise and sensible alternatives for their current predicaments.

While forging these new models of society, the communities are actively engaged in a complex process of defining (or redefining) their identities. It no longer suffices to declare that they are of one or another ethnic origin, or that they are peasants of one or another tradition. This search for identity is complex, involving the combination of numerous concentric and competing contexts, coming from national and local or regional cultures, ethnic origins and environmental features that impact on social structures. Coming, as it does, from a different point of origin, the demand for social justice, for example, cannot consent to the idea that profound inequalities are part of the human condition; or that changes in the legal system can legitimate the plunder of community resources or planetary equilibriums. This discussion necessarily leads to a profound distinction between the nature of the social contract on which each society is constructed, posing the question of whether the individual has the right, in the ultimate instance, to assert his or her

individual interest at the expense of the community's, a right which is generally questioned within the communities with which we are collaborating. For many of them, they are not individuals but singular persons, knots in nets of relations, for whom the community is the first layer of their personal being.

Of course, these discourses also define trajectories for social progress. The dominant market-based approach identifies an increase in material production as the leading indicator. Economic growth, as valued in the marketplace and measured by monetary units aggregated into indices of gross national product (GNP), clearly devalues changes in the status of women, the wellbeing, or the impact of production on natural resources and the ecosystems. In contrast, the version emerging from Latin American community initiatives generally incites broader discussions about lifestyles and community organization; approaches simplified as *Buen Vivir* ("good living"), *mandar obedeciendo* (govern through obedience, command by obeying) or *comunalidad* (communality) are concepts that imply moderation as part of complex strategies for constructing alternative organizations. Our consultations with the communities to which we refer in this chapter identified five basic principles for this process: autonomy, solidarity, self-sufficiency, productive diversification and regional sustainable management.[3]

In what follows, we summarize our direct collaboration with communities and alliances of local groups involved in the process of trying to consolidate their own governance structures capable of responding to their visions of an appropriate society consistent with assuring wellbeing and sustainability. It takes as its point of departure their struggles to consolidate alternative programmes to produce the basic goods needed to assure their livelihoods and to strengthen their ability for self-governance, while attempting to respect the possibilities and limits of their environments. What is striking about these collaborations is the extent to which the participants are well informed of the burgeoning discussions of epistemologies that explicitly question the logical structures of dominant governance and development models;[4] many of these seemingly academic debates have become an integral part of the discussions and design of strategic proposals by these local groups to understand and implement programmes for local and regional advance. If presented in clear and simple terms, complex theoretical debates produce in the communities an "Aha! effect": they have already been discussing the issues.

While most of the detailed fieldwork that we are documenting is based on intensive interactions with communities in the Mexican state

of Oaxaca, the materials for this chapter draw on additional contributions produced by people actually involved in local and regional processes in other parts of the region, and with others who are emerging from resistance movements to implement their own proposals for consolidating a material and institutional basis for improving material wellbeing and assuring their capability for promoting ecosystem balance.

An alternative understanding: A different point of departure

Forging their own solutions is an ambitious endeavour for peoples proposing to overcome discrimination, marginalization and systematic efforts by colonial powers of yore or by today's power elites to relegate them into ever more isolated corners of their territories. What is remarkable about the histories we are discovering and the collaborators we are fortunate enough to meet is the wealth of proposals with which they are experimenting and the tenacity with which they continue to resist efforts to integrate them into national and international economies as underprivileged individuals in increasingly polarized societies. Our efforts to invite various communities to collaborate, helping us to understand their approaches to governance and their aspirations, also added another dimension to our understanding of current day social dynamics, one that is not lost on the analysts shaping the process of globalization, but perhaps is underestimated or even misunderstood by academia. In its assessment of the likely global trends regarding national security in 2015, the director of Central Intelligence, as head of the United States Intelligence Community, was informed by a group of outside experts in 2000 that indigenous resistance movements in Latin America will be one of the principal challenges for national governments in the next 15 years:

> Indigenous protest movements . . . will increase, facilitated by transnational networks of indigenous rights activists and supported by well-funded international human rights and environmental groups. Tensions will intensify in the area from Mexico through the Amazon region . . . [It goes on to report:] Internal conflicts stemming from state repression, religious and ethnic grievances, increasing migration pressures, and/or indigenous protest movements will occur most frequently . . . in Central America and the Andean region.
>
> (Tenet, 2000: 46, 49)

Although we concentrated our efforts on collaborating with groups in a limited number of regions in Mexico with high concentrations of ethnic populations, it quickly became clear that resistance movements are proliferating throughout the hemisphere, partly in reaction to state policies to promote local integration into national and international development projects, by permitting outsiders privileged access to natural resources and to construction of infrastructure, in territories traditionally controlled by these peoples.[5] What we found, however, was that there are also positive developments motivating communities throughout the Americas to strengthen their abilities to govern their territories, by better understanding the relationships between themselves and their surroundings while also engaging in deliberate efforts to build alliances among themselves and transnational organizations capable of defending their claims in international arenas.

The need for this process of organization has become increasingly evident as conditions within each country, and, internationally, changed dramatically. A concerted effort to accelerate the region's internal integration and connectivity with the global economy, as well as to facilitate the access of international enterprises to domestic resources as part of a drive to promote domestic growth, is changing the map of Latin America (Bessi and Navarro, 2014), impacting first and foremost indigenous communities in the hemisphere. These analysts summarized the problem:

> The reordering of territory has blurred borders in both economic and political terms with projects such as the Mesoamerican Project (previously Plan Puebla-Panama) and the Initiative for Regional Infrastructure Integration of South America, which both entered into force after 2000.[6] Their primary objectives include the construction of transportation and telecommunication networks, as well as energy-generation projects such as hydroelectric dams and wind farms. They also plan to designate national parks, protected areas, Heritage for Humanity sites, cross border conservation areas, transnational parks (also called Parks for Peace), ecological and biological corridors and networks of protected areas . . . The design of these projects is indeed strategic, and 'progressive' governments are presenting them as a development opportunity.
>
> (in Navarro and Bessi, 2014)

Ana Ester Ceceña, a Mexican economist, added (in Bessi and Navarro, 2014):

> What will happen with IIRSA is that local governments will be forced to be more disciplined because they will be brought in line with global markets. There are 500 transnational companies that produce half of global gross domestic product; when one looks at IIRSA's design and these companies' projects, they complement one another: The groundwork is being laid for the circulation of communication, merchandise, raw materials and energy . . . Capital needs a reordering of territory – considering this as a type of historical-social construction – in order to continue reproducing itself, as much in terms of materials as in power relations, of accumulation of capital and profits. The ordering enables access on a large scale to certain types of material from the earth.

In characterizing this latest form of neoliberal development, Gustavo Esteva (in Bessi and Navarro, 2014) observed: "Indigenous people are on the front lines of a battle, fighting a war that is on behalf of all of us, because it is there that the capitalist system looks to relaunch a new form of accumulation."

Indigenous peoples are increasingly insistent on demanding the recognition and integrity of their territories, many of which are threatened by the grandiose proposals of global capital; their actions are confronting directly these schemes, and changing the maps of the Americas in the process. They have strengthened their resolve to prosecute their historical claims as they become increasingly skilled in achieving the enforcement of the agreement ratified by the ILO to guarantee prior consent of native peoples with territorial claims for outsiders to undertake activities or exploit natural resources in their regions.[7] Accompanying the changing map is a new consciousness of the significant differences in understandings of even the most elemental concepts in their exchanges with their interlocutors in the states of which they are a part: although a significant discrepancy occurs throughout the Americas, as different social groups and peoples question governmental procedures to charge a single agency with implementing unified policies for the myriad ethnic groups in their countries,[8] an even more serious source of conflict involves the very notion of property and the apparent freedom with which outsiders (government agents) can discuss the possibility of alienating people's claims to land or natural resources. This problem arises because of the profound differences between the historical significance attached to the different concepts of property and territory; for many groups, territory is an all-encompassing term with complex implications that are not easily incorporated into prevailing

market-based understandings of the significance of land or property. This is so essential that even the Organization of American States finds itself obliged to take note of its consequence in the context of the demand to draft an American Declaration of the Rights of Indigenous Peoples. This discussion is central to our understanding of the underlying basis of the prosecution of demands for autonomy by native peoples (OAS-CJPA, 2003: 1–2):[9]

> Territorial rights are a central claim for Indigenous Peoples in the world. Those rights are the physical substratum for their ability to survive as peoples, to reproduce their cultures, to maintain and develop their organizations and productive systems . . . Indigenous Peoples have strengthened their organizations and developed a more organized struggle to reclaim their rights. Central among those demands are the issues related to land, territories and natural resources . . . these rights are not merely a real estate issue . . . Rather indigenous land rights encompass a wider and different concept, that relates to the collective right to survival as an organized people, with control of their habitat as a necessary condition for the reproduction of their culture, and for their own development, or as Indigenous experts prefer, for carrying ahead "their plans for life" ("planes de vida") and their political and social institution.

Indigenous areas, then, are a complex amalgamation on which the very existence of these peoples depends. This is clearly defined in the Brazilian Constitution, which gives renewed strength to the ancestral possession as a basis for the territorial rights characterized by four significant traits: (1) permanent ancestral possession; (2) areas necessary for their productive activities, including the reproduction of flora and fauna; (3) areas necessary for their cultural reproduction, and for their survival as a collective; and (4) habitat with the physical capacity and shape to allow the full functioning of the mechanisms of authority and self-government of the indigenous people. These territories are the habitat necessary for their collective life, activities, self-government, and cultural and social reproduction.[10]

Problems arise when the state seeks to exercise its sovereignty or eminent domain, to build infrastructure, to exploit or license the exploitation of natural resources, or any other action or project that might affect indigenous lands and the use of their territory. International law now restricts this possibility, obliging the previous fair and serious consultation with the affected indigenous peoples (Convention

169, ILO, endnote vii). Since indigenous peoples are consolidating their constitutional and legislative demands to codify symbolic and political elements of autonomy and self-government, as elements of internal self-determination, governments are finding themselves treading on new "ground" as they attempt to reconcile global visions of "development" with local efforts to achieve wellbeing.

Throughout the Americas, governments continue to assume that prices of both landed property and natural resources can be fixed according to market processes, and in the best of circumstances negotiators of goodwill can arrive at mutually beneficial agreements for their exploitation, thus assuring their "unlocking" to promote national development by trading them in the global marketplace. In these circumstances it seems almost incomprehensible to the dominant powers that local groups might object to the terms of these negotiations, refusing to even discuss the possibility of placing a forest enterprise, a mine or a power-generating facility in their regions as it would upset a delicate historical and spiritual balance that they consider threatening to their social structure or cultural integrity, defined in terms of one or more many non-monetary dimensions for which financial compensation is inconceivable.

> The nature and scope of this struggle is very old. At the end of the colonial period, for example, in the XVIII century, the areas claimed by the indigenous peoples in Mexico were called "Indian Republics", meaning they did not represent only a piece of land but a whole way of life and government, in spite of being subordinated to the Spanish Crown. This struggle also has very old precedents: known as the *Magna Carta* and the *Charter of the Forests*, the King and the nobility in England agreed, at the end of "the long twelfth century", to establish limits on their power to assure the subsistence of the commoners (Linebaugh, 2008: Ch. 2). The traditional struggle for land provoked the first social revolution of the XX century, in Mexico, and played itself out with diverse intensity in all Latin American countries during the last hundred years. The upheaval of the last 20 years represents a political mutation from such tradition to a struggle of territorial defense, as expressed in the *Declaración de Quito* (2009) by the International Commission for Integral Agrarian Reform of Vía Campesina: "For the agrarian reform and the defense of land and territory". This implies a profound conceptual shift: "A specific form of relation to the land is claimed which is markedly different to the one imposed by public and private developers in the last 50 years.

> It expresses a sovereign practice of the collective will, which does not contain separatist elements but openly challenges governmental institutions. The political form of this claim is usually presented as autonomy".
>
> (Esteva, 2010: 65)

Territorial defence is also a new central theme in the cities. The old tradition of illegal settlement, which shaped most Latin American cities during the twentieth century, is today complemented by active movements to redefine urban life. The most spectacular case was Argentina (2001–2002), but from Oaxaca (2006) to Brazil (2014), vibrant movements express the vitality of new social subjects and new forms of social protagonism (Colectivo Situaciones, 2002; Mariotti et al., 2007; Zibechi, 2008; Giarraca and Teubal, 2009).

Building the commons: Local solutions are collective endeavours

This complex process of differentiating territory from property and clarifying the significance and importance of social ownership and membership as distinct from individual activities encompasses yet another important dimension: the communities generally think of themselves as part of a regional, and even a global, commons. But unlike the formal discussions of the concept in much of the academic literature, their understanding of the commons cannot simply be reduced to a collection of "common pool resources", such as air, water and other natural resources shared by all that were the focus of the debate set off by Garret Hardin's "tragedy" (1968);[11] rather their activities are much more akin to what one of the leading historians of the process describes as the "active movements of human commoning and the worldwide demands to share wealth and safeguard common resources on every continent" (Linebaugh, 2008: 280). The organizations that are so engaged are not involved in shaping "an alternative economy, but rather an alternative to the economy" (Esteva, 2014: i149). The commons are extended to encompass the social and cultural components of collective life; they are not simply a set of things or resources. Rather, like many other aspects of the societies we are discussing, the organizations they are creating bestow great importance on social relations within the community, as well as a firm commitment to ensure the conservation and even the enlargement of the commons. This relationship reflects a collective and enduring transformation of the way in which society conceives

and manages itself while also developing the basis for collective and communal management.

Protecting, defending and governing the commons are complex and risky processes. Complex, because they encompass all aspects of social and biological existence. Risky, because they involve challenging the de facto powers and questioning the legitimacy of their "rule of law" – that is, the legal system that is creating and perpetuating a profoundly unjust society, exacerbating social disparities and accelerating environmental destruction. This dispute about the nature of the state stems from a rejection of the philosophical underpinnings of the hegemonic order, based on the idea of a single "social contract" that presupposes the possibility of applying universal norms, such as "social justice", "equality" or even "democracy", impartially to attend to the needs of all social groups.[12] For this reason, it also involves a prima facie repudiation of the legitimacy of national "authorities", which assume their right to transfer community resources – the commons – to others, for whatever reason, without regard for the wellbeing of the people, local decisions, or historical and environmental considerations, as is common practice in mining, forestry and water management, although it now extends to complex issues of bio- and nanotechnology in many nations today.[13] Thus the efforts to promote solidarity among diverse social groups call for a political approach that requires each to extricate itself from the dominant social and political institutions that are incapable of attending their particular needs.

But consolidating the foundations of this society entails much more than undertaking specific activities or establishing appropriate institutions for governance or management. The solidarity society requires personal commitments from each member to assume responsibility for the wellbeing of others and for limiting individual claims for access to collective resources (Robles and Cardoso, 2008; Martinez Luna, 2010). To strengthen these foundations it is essential to begin with a common vision of society as a whole, whose point of departure is reversing the historical tendency for the personal enrichment of a few at the expense of the many; as such, they incorporate collective decisions to assure transparency and direct participation in decision-making, and universal responsibility for administration or implementation of this dynamic. This challenges the presumption of the freedom of the individual within the group, obliging each member to carefully measure their impact on others, and the whole, and be guided by reference to their impact on the collectivity in their decisions and actions. In historical terms, and specifically in the light of practice in today's globalized society, it calls for a redefinition of peoples' relationship with their society, rejecting

the notion that one person has the unfettered right to withdraw from, or even oppose, the commonwealth after having participated in the process of arriving at a decision.

This point of departure has important implications for the way in which priorities are determined and activities are organized. Perhaps one of the most striking and demanding of these is the need to reverse the hierarchical organization of the workplace: of course, people should be paid for their work, but they should not have to submit to demeaning and authoritarian social relations to satisfy their basic needs. The existing proletarian organization of society is part of an underlying condition of the helplessness of the workers, unable even to survive without entering the labour force; the alternative under construction here starts from the presumption that all members of society enjoy the legitimate right to a socially determined way of life, independent of their contributions to production or output. Their participation in collective activities becomes rooted in a sense of duty and belonging to the community, but also an obligation that is explicitly enforced by communal authorities. Such an approach eliminates the double alienation of modern labour: from the fruits of work and from the logic of creative activity.

Creating the foundations for communal governance: Generating and managing surplus

The decision to create autonomous forms of self-government within the framework of the nation state represents an audacious challenge to the prevailing model of governance, and of social and economic justice based on representative democracy and its marriage with the free market. Rooted in the commitment to define and defend their territories, the process involves creating new institutions and processes for the social appropriation of both the natural environment and the productive systems that they have created to assure their ability to maintain and strengthen their community, to provide for their basic needs, and to facilitate exchanges with partners (barter) and in the marketplace. The mechanisms established by the communities for management often involve complex dynamics for mutual consultation among different groups within the communities, as well as forms for delegating responsibilities to members on the basis of expertise and social commitment, or for assuring broad political participation and accountability. Thus it is not only the choice of activities themselves but also the implementation processes that are crucial to the design of the social mechanisms that contribute to the desired outcomes related to equity and sustainability.

In the following discussion of individual projects with which we have come into contact (see the next section), an interesting facet of the analysis is not only the choice of technique but also, and often just as important, the nature of the activities themselves; they speak to a concern for addressing the socially defined basic needs of people in the communities while also creating a balance between the use of natural resources and the restoration, regulation of land use, and conservation of the ecosystems from which they are drawn.

What makes these activities unique is that they are being organized by groups that come together on a voluntary basis to ensure their viability and continuity. In many cases they are trying to regenerate the social fabric eroded by both external and internal forces. While we focus on the collective nature of decision-making, it is just as significant to understand the mechanisms that make possible the consolidation of the community and its ability to advance. During our interactions with the communities in their search for solutions that provide the wherewithal for moving forward, we identified a central feature that contributed to this success – one that also explains their ability to consolidate the capacity to implement the collective governance model that is fundamental to society's continuity and its possibility to assure improvements in the lives of its members: the explicit organization of social and productive resources to generate surpluses for "reinvestment" and "redistribution" (Baran, 1957).

The centrality of surplus in community management is an often invisible and misunderstood facet of the administrative process. Much of the literature describes rural communities in general and indigenous groups in particular as living at the margins of subsistence, as the poverty in material means limits their ability to advance and reduces the scope for broadening the range of activities they can undertake. In contrast, our dealings with communities throughout the Americas reveal the ability and commitment of many to produce this surplus and manage it collectively, using it to reward members who have made important contributions in producing it and channelling the rest for collective purposes.

By focusing attention on the processes of producing and managing surplus within the limits for satisfying socially defined needs and the possibilities of their ecosystems, this collective management structure of the diverse local projects has proved effective in constructing a framework for environmental justice that is proving so elusive in the larger societies of which they are a part. Unlike those other parts of society closely tied into the global market economy, these communities

have created possibilities for organizing themselves to ensure that their members need not suffer from extreme poverty and unemployment. As a result, they are generating a productive potential far greater than might be appreciated by a simple accounting of the financial resources that they have at their command. Some of this potential is well documented in the literature, as is the case of the "voluntary" labour that is expected from all members for collective tasks involving building and maintaining infrastructure or conserving ecosystems (e.g. *tequio, minga*). The social mechanism for assigning and rotating administrative and political positions so important for governance is another way in which resources that are often invisible in the market economy or formal accounting calculus are generated in these communal organizations. But, just as important, the commitment to universal inclusion or participation also creates a corresponding responsibility from the members to contribute to collective tasks – assuring that most individuals will be involved in a multiplicity of activities for their own benefit and that of the community.

Surplus has existed in human organization from time immemorial. Even when there were no formal institutions for exchange and accumulation, the construction of large and small projects to channel water or create monuments is testimony to the ability of societies to advance beyond their immediate needs, building projects to increase productive capabilities or the grandeur of their "leaders". What distinguishes the myriad communities guided by cosmologies removed from those based on material gain and individual benefit at the expense of the whole is their ability to promote a broad participation for advancing the general welfare. Most recently, these societies have improved their possibilities for implementing new projects, taking advantage of advances in science and technology while also critically incorporating knowledge and contributions from the past, generating opportunities for increased or more efficient production as well as more effective means for improving their wellbeing and ability to protect their ecosystems. By examining the availability and mobilization of surplus, the communities are better equipped to consider how best to implement their long-term visions. What is striking about the individual experiences with which we have been associated is the clear understanding by many of the participants and the leadership of the ways in which particular activities may contribute to overall goals.

Communal approaches to environmental justice

Communities across the Americas are involved in designing and implementing local solutions that contribute to their broad struggle for environmental justice under circumstances of harassment and overt violence exercised by state powers in the societies of which they are a part. While a great deal of energy must be devoted to protecting themselves from encroachment by forces attempting to control their natural resources and subject them to the various disciplines of markets and political systems, it is remarkable that they continue to mobilize locally and nationally while associating internationally with other communities and NGOs to consolidate new lines and technologies of production, and experiment with ways to improve existing activities.

These actions are the product of the complex interaction of dynamic forces within the communities and reactions to outside pressures. They are part of a search for a unique identity that has become increasingly important as these peoples assert their legally binding rights to self-determination as defined by their varied histories and their understanding of the privileges accorded them by the ILO Convention 169 and similar agreements promulgated by other international bodies, and the ongoing efforts in the Organization of American States (2003) to draft a similar commitment (endnote ix). In Mexico, as elsewhere, this process has a long history, which was codified in its constitution of 1917, as indigenous communities were recognized and granted collective rights by the agrarian reform.[14]

During the last half of the twentieth century, Mexican communities waged an unrelenting and difficult battle to assert their rights to control the lands over which they were able to retain or regain control after the revolution. They were particularly effective in wresting exploitation contracts for their communal forests from private firms that had been given concessions to manage them (Bray and Merino-Pérez, 2004). Today there are a variety of management plans in effect, testimony to skills that the communities have acquired as they attempt to reconcile pressures for ensuring conservation with the need to create jobs and generate incomes. The literature offers rich accounts of this variety of strategies, and many studies explore the relationship between these approaches and the cosmologies of the participating communities, particularly in community-managed forests, which comprise 71% of the nation's forests (e.g. Bray, Merino-Pérez and Barry, 2005; Cronkleton, Bray and Medina, 2011; Barkin and Fuente, 2013; Stevens et al., 2014).[15]

The movement to reassert indigenous identities in Mexico was further strengthened in the aftermath of the 1994 uprising in Chiapas

by the Zapatista Army of National Liberation (EZLN) (Muñoz, 2008).[16] Since then the activity and visibility of indigenous peoples throughout Mexico has increased, along with a gradual recognition of their importance in the population, because of, and in spite of, the growing intensity of repressive actions by the state and other actors, including private corporations given concessions in these territories, and organized groups in various parts of the society.[17] While a recounting of the initiatives being implemented in these communities would be too lengthy for inclusion here, suffice it to say that the discussion of many of them within the framework of the National Indigenous Congress, and the increased circulation of information and meetings among members are contributing to strengthen the resolve and ability of members to carry their projects forward.

In connection with their efforts to gain recognition and elaborate local management strategies, control of water resources has been particularly contentious as communities try to assert their rights to adequate supplies and protect their sources. We are accompanying a number of communities in their efforts to reinforce control in their territories by developing systems for managing water resources and organizing to impede encroachment by national and state-level authorities trying to limit their historical access. These movements are now inextricably combined with others in opposition to large-scale construction projects for dams designed to harness waters for electricity generation or for long-distance transfer between water basins to supply urban areas where ageing infrastructure and excessive growth in consumption are causing shortages due to a lack of administrative and technical capabilities of dominant bureaucracies. As a result, many communities that have historically been able to satisfy their own needs and even share surpluses with neighbouring communities are now finding themselves involved in coalitions with others defending their water sources, along with ecologists who are generally arguing that the engineering and public works approaches of the public sector are inappropriate and simply postponing the day of reckoning with regard to the need for a more ecologically informed approach to water management.

An interesting finding in our collaborations with communities involved with protecting water sources is the combination of traditional and leading-edge technologies applied to protect their natural sources – the streams and springs on which they depend. This combination of technologies with direct community involvement in water management contrasts sharply with the national water authorities' approach that eschews local diversity, preferring a homogenous administrative

model conducive to centralized management and engineering solutions. In response to the great differences in local conditions, there are many examples of water-saving technologies being implemented by communities, such as installing composting toilets and separating grey from black water flows to allow for low-cost and passive biological processing conducive to restorative environmental practices. A particularly noteworthy project, Water Forever, transformed 1 million Ha of barren plateau and steep slopes using "appropriate" technologies to construct a large number of low-impact landscaping projects, including rock dams and ponds to channel surface flows and collect run-off, recreating underground aquifers and structures found in some of the oldest irrigation projects in the Western Hemisphere from the eleventh century. This project, which began in the 1980s, is noteworthy because it combines community-managed agroecological and agroindustrial activities and enterprises belonging to the participants, creating jobs and products that are proving attractive to consumers for their social, ecological and nutritional qualities (Hernández Garciadiego and Herrerías, 2008).[18] In Bolivia, the experience of the "Water War" of 2000 in Cochabamba is still vivid in people's memories as local water committees continue to organize actively while resisting the state's efforts to manage the commons (Fogelberg, 2013; Dwinell and Olivera, 2014).

These community-based management proposals embrace important parts of their members' collective existence but cannot provide for all of the needs of the community. Having adequate water supplies and sustainable models for forest management offer important points of departure for building stronger and more resilient communities. Unfortunately, recently the pressures on national governments to increase energy production from renewable sources are heightening the conflicts with indigenous communities threatened with being flooded out of their territories;[19] in Mexico, the refusal of the government to permit indigenous communities to undertake their own microhydroelectric power projects is clear evidence of the fear of the degree of independence that such activities would promote.

In spite of these obstacles and conflicts in the power and water sectors, numerous communities are undertaking productive activities to supply basic needs and create goods that can be traded for other products. Ongoing efforts are oriented towards identifying new activities that make use of available renewable resources to produce goods that might be advantageously exchanged with others to provide for these

basic needs. The objective of this approach is to induce social dynamics that bring the producers together into stronger organizations that in turn become part of their communities.

As part of this effort, many groups are accompanying communities in introducing complementary activities and assisting them to modify technologies or introduce new ones that would strengthen their organizational capabilities to contribute to the collective wellbeing. The objective of these undertakings is to contribute to community efforts to strengthen their own capabilities to govern themselves. One of the most significant organizations engaged in accompanying people in strengthening their communities and enabling them to better meet the challenges of assuring a better style of life is Vía Campesina (VC). This group has a presence in 73 countries, representing more than 200 million members. Its purpose is to promote food production by using agroecological techniques to move groups of producers towards greater self-sufficiency. In 1996, VC expanded and redefined food sovereignty, associating it with the capacity to determine autonomously what to eat and how to produce it (Rosset, 2013).[20] Its achievements are best reflected in the somewhat controversial decision of the FAO to declare 2014 the International Year of Family Farming (CEPAL/FAO/IICA, 2014), where the organizations declare rather wistfully: "Countries look to family farming as the key to food security and rural well-being." VC also noted that this was the first time in its almost 60-year history that the organization made reference to the theme of agroecology, one of the principal strategies that can assure farmer control of agriculture and an appropriate response to the need for ensuring food security for societies.

Other social groups are actively engaged in activities that promote social, political and productive changes to contribute to improving their own lives as well as those of others while attempting to conserve and enhance environmental quality or sustainability. In Mexico, the local *Caracoles* in Chiapas are contributing to this objective, directly improving the lives of hundreds of thousands of its members while also portraying a model of social organization and change that continues to have a powerful effect on other communities as well as in other countries.[21] There is ample evidence that its activities are improving wellbeing, contributing to diversifying the economy, and increasing productivity in a region where perhaps as many as 500,000 people are participating; they have achieved a high level of self-sufficiency in food, health and education (Baronnet et al., 2011).

In South America, Andean communities are similarly involved in promoting collective strategies known as *Buen Vivir* (*Sumak Kawsay*

is a Latinized version of an expression in Quechua).[22] Throughout the Americas, groups of communities are involved in mobilizations to defend their territories, cultures and societies from trespassing by people who lust after their resources or institutions that would erode the basis of their differences. There are groups such as Idle no More in Canada, the Haudenosaunee (Iroquois) Confederacy in eastern North America, the Landless Workers Movement (MST) in Brazil, the Mapuches in Chile, and numerous others throughout the region, as well as the National Indigenous Congress, the Network of Environmentally Affected Peoples and the Movement Against Mining in Mexico. Similarly, there is a coalition of indigenous peoples in the Americas and a series of international NGOs that are promoting strategies for better resource use, but most of the mobilizations are still defensive groupings helping to defend groups against others trying to take control of their resources, or organizing to forestall activities that might contaminate their lands or their waters (Vergara-Camus, 2014).

Accompanying these actions of resistance, many communities are involved in other constructive activities, promoting collaboration with university and civil society researchers who are helping to explain the value of the work, while contributing to diversifying economies and improving production in sustainable ways (Toledo, Garrido and Barrera Bassols, 2013; Toledo and Ortiz-Espejel, 2014). One application that has proved particularly illustrative involves the inclusion of unsalable avocados that were causing an environmental burden in diets to fatten hogs in backyard settings, resulting in metabolic changes to produce low-cholesterol meat, improving incomes as they are being marketed at a premium in local markets. In this case, as in others based on a similar paradigm, indigenous women were especially benefiting, as they implemented the projects and were soon recognized for their leadership capabilities (Barkin, 2012; Fuente and Ramos, 2013).

In a different approach, scholar-activists are working with producers in diverse regions to protect and enhance production of a traditional Mexican alcoholic drink, mezcal, modifying the traditional planting and harvesting techniques of agaves, taking care of the forest, and enriching community life by promoting cooperative production that is contributing to raising incomes and rehabilitating ecosystems (Delgado-Lemus et al., 2014). In Guerrero, this work is part of an ambitious programme of the Grupo de Estudios Ambientales (Illsley et al., 2007) for collaborative promotion of local forms of *Buen Vivir* and ecosystem restoration that was awarded the Equator Prize in 2012 by the United Nations Development Programme (UNDP). In another region of Oaxaca,

four communities continue to care for their mulberry trees, raising silk worms to produce the traditional thread that they then weave into highly attractive and fairly priced garments, displayed and marketed locally and through a well-curated textile museum; elsewhere, others are experimenting with new plantings of perennial indigenous cotton varieties (that were cultivated before the Spanish Conquest) that are ideal for handicraft weaving as an alternative to genetically modified cotton that currently dominates the industry. In Peru and more recently Bolivia, a well-established technical promotion and development organization, Pratec, is deploying effective approaches to community-based learning, improving production in the multiple ecologies of the Andean world, focusing on potatoes but carefully balancing its work to support broad-based, diversified progress (Gonzales, 2014).[23] Ecotourism is another, more controversial, activity because it involves an explicit opening of the community to outsiders who are frequently unable to comprehend the magnitude of the cultural and economic chasm that separates them from their hosts (Barkin, 2002).

Elsewhere, indigenous peoples, peasants and industrial workers are all exploring new routes to reorganize their workplaces and contribute to improving living standards for themselves and their communities. New production systems are being invented as workers occupy closed factories, continuing operations by changing management and incentive systems (Ness and Azzellini, 2011). In many cases the initiatives have not only placed the direct producers in control of the enterprises but also often created possibilities that include the community in decisions and incorporate the impact on the environment into the new decision-making calculus.[24]

The prospects for alternative strategies for environmental justice

While these initiatives are changing the map of the Americas (Navarro and Bessi, 2014), many other developments are threatening to erode the possibilities for improving peoples' lives and taking better care of the environment. Throughout the hemisphere, much environmental governance involves attempts to minimize the deleterious social and ecological impacts of the aggressive activities that are the foundation of national and international development. Industrial work is intensifying and ever more alienating, and labour has fewer protections; natural resource concessions are opening up vast new territories to exploration and production, with terrible environmental impacts. The privatization

of public services and the deterioration in the quality of those remaining in the public sector are a palpable threat to peoples in every country.

Even as indigenous communities are asserting their new-found rights to proceed with forestry and water-management activities, governments are encouraging large-scale initiatives by transnational corporations that threaten to upset the delicate balance of productive activities on which the communities depend for their livelihoods and for ecosystem balance. These projects pose fundamental questions about the ability of the communities to defend their territories, including their substantial cultural, social and productive heritage that entrenches them in their ecosystems. The conflicts continue to this day, posing apparently irresolvable differences and often resulting in violent encounters, as mines, ecotourism and other projects (and with the recent reforms, fracking and other forms of resource extraction) threaten the very existence of the communities. The communities generally reject the assumption that the sacrifices that this destruction entails can be compensated by monetary offers that would only force them onto a path of institutionalized marginalization as isolated individuals, a life of limited opportunities without the social support systems and safety nets that their communities offer.

The ongoing initiatives to strengthen or generate "niches of sustainability" by peasant and indigenous communities throughout the Americas are heartening and important. While the momentum in the global marketplace is clearly threatening social groups and environments everywhere, the continuing successful efforts of peasants and indigenous peoples to implement their own strategies for social and productive change that deliberately incorporate the environment in the process offer a window on the possibilities for making environmental justice a reality for increasing segments of the population. This will not happen where the capitalist structure of production and control dominates. Thus the implementation of local solutions that create regions for autonomous action will become even more significant and effective as the spaces dominated by the global market continue to suffer from deteriorating environments and heightened conflict.

Notes

1. Although Thompson was describing the notion of class consciousness in post-war England, it seems appropriate to apply his analysis to indigenous struggles in the Americas.
2. It is noteworthy that the attempt to integrate this rich heritage with the challenges of assuring an acceptable quality of life and the conservation

of the ecosystems appears to be a common trait among communities from different cultures and regions. The rich and abundant literature systematizing the experiences of indigenous peoples who are continuing to defend their own ways of life and prevent their territories from being despoiled or wrought from them clearly demonstrates the possibility of shaping alternative strategies to address the same challenges as those espoused in the dominant discourses of environmental governance that remain tied to the institutions of the market economy.

3. The specification of "regional sustainability" reflects the importance of defining ecosystems in terms of natural rather than administrative or political boundaries. The communities are acutely aware of the importance of respecting natural constructs, such as the river basin, that require cooperation and alliances among communities to implement sustainable management strategies.
4. The significance of these other epistemologies is explored in important contributions to our understanding by colleagues who are involved in exchanges with peoples whose organizations and productive systems are guided by other cosmologies. For an introduction to this other literature, see the contributions of Boaventura de Sousa Santos. His *Una Epistemología del Sur: La reinvención del Conocimiento y la Emancipación Social* (2009) offers a clear enunciation of this approach. The seminal work of Robert Vachon among the Iroquois in North America (1995) and the tradition of Ivan Illich (1977, 1982, 1992) have now abundant heirs.
5. An important effort to systematize our knowledge of these movements is reported in Chapter 2, as well as by the research programme Environmental Justice Organizations, Liabilities and Trade (http://www.ejolt.org), which maintains an ongoing inventory of resistance movements.
6. Both of these projects are very large-scale proposals for infrastructure investments to facilitate the penetration of large-scale capitalist organizations into the less exploited but important and well-endowed regions (cf. http://www.proyectomesoamerica.org/ and http://www.iirsa.org/).
7. The Indigenous and Tribal Peoples Convention 169 (http://www.ilo.org/indigenous/Conventions/no169) guarantees this right and, when ratified by a nation, has the standing of a constitutional mandate. It is noteworthy that of the 22 countries that ratified the convention, 17 are in Latin America.
8. See Benno Glauser's insightful presentation of this problem in his exchanges with leaders of the Ayoreo people in Paraguay (in Venkateswar and Hughes, 2011: Chapter 1). In its seven chapters, this book offers a variegated picture of indigenous activism in many parts of the world.
9. The working group charged with preparing the American Declaration on the Rights of Indigenous Peoples was formed following a resolution of the Organization of American States (OAS) General Assembly in 1989. As of 2014 the declaration had yet to be approved, reflecting the profound differences between the competing interests in the hemisphere.
10. Chapter VII, Article 231 of the 1988 constitution, as summarized in the OAS document mentioned in the previous footnote. Elsewhere in Latin America, these territorial rights are constitutionally protected (Argentina, Bolivia, Colombia, Ecuador, Mexico, Guatemala, Paraguay, Peru and

Venezuela). Moreover, the newest constitutions, like those of Ecuador (1998), included environmental and gender components.

11. At the end of his life, Hardin himself was forced to acknowledge that he only examined the "tragedy" of regimes of open access, as those dominant today, and not the commons (*The Ecologist*, 1993: 13).
12. Luis Villoro (2003) offered an insightful analysis of the differences in the meanings of social contracts in differing social contexts.
13. Mexican laws give the government the right to expropriate common land for public works or public interest. In 2013 the constitution was amended to permit this faculty to be applied for the benefit of private operators.
14. The 2007 United Nations Declaration of the Rights of Indigenous Peoples (http://undesadspd.org/indigenouspeoples/declarationontherightsofindigenouspeoples.aspx) should serve to reinforce the 1992 amendment to Article 4 of the Mexican Constitution asserting the country's "pluricultural character". Unfortunately the legislative changes were not accompanied by adjustments in the legal structure to define the judicial relationship between the state and the dozens of indigenous peoples. Serious conflicts continue to arise because recent legislation (2013–2014) reinforces the state's right to appropriate resources on lands in territories recognized as belonging to many of these peoples in spite of their declared opposition in the terms of the ILO Convention.
15. The efforts to assume collective control of the forests began in the 1970s (Simonian, 1995). Today, Mexico's community forest movement is recognized as one of the most effective and sustainable in the world, encompassing more than one-quarter of the nation's land area with differing management strategies that are cited as exemplary. The MOCAF (Mexican Campesino Forest Producers Network) and the Mexican Civil Society Organization for Sustainable Forestry (http://www.mocaf.org.mx and http://www.ccmss.org.mx) continue to play an important role in coordinating their activities and providing information about their history and achievements.
16. Cf. http://enlacezapatista.ezln.org.mx.
17. The very definition of "indigenous" in the Census was modified in 2010 as a result of the inadequacy of the previous categorization, based on fluency in a native language. While Bonfil Batalla mentioned there being about 8 million in his path-breaking book (1987), the Census reported only 6 million in 1990. Today, however, there are about 18 or 20 million people who consider themselves indigenous (Toledo, 2014). The Mexican indigenous population is the largest of any country in the hemisphere; Bolivia, Ecuador and Guatemala have larger proportions.
18. This project continues to mobilize the participation of more than 100,000 people in a region that has been in operation for more than a quarter of century. By focusing on a range of activities that create numerous opportunities, requiring an ever-increasing range of skills, the region is encouraging people to remain, strengthening communities and improving people's welfare.
19. The scope and intensity of conflicts originating from paradigmatic clashes with regard to the appropriate model for managing water and its use is such that a whole issue of the UNDP's *Human Development Report* (2006) was dedicated to the theme. Similarly, UNESCO's 2013 *World Social Science Report* (2013) addresses the need for a new kind of social science occasioned by the

scope of the social impacts of environmental changes resulting from conflicting models of environmental management and the legitimate rights of indigenous peoples.

20. Cf. http://viacampesina.org.
21. Five Caracoles or Good Government Councils were established in 2003 to implement a local governance structure in Zapatista territory.
22. There is ample literature describing and evaluating this approach, and similar proposals for alternative strategies to improve the quality of life in a "sustainable" manner that emerged from indigenous cosmologies (e.g. Bretón, 2005, 2013; Huanacuni, 2011; Acosta, 2013; Lang, 2013).
23. The breadth of this creativity can hardly be captured in this discussion. For more details about the projects mentioned in this paragraph, consult the following webpages: http://geaac.org, http://www.equatorinitiative.org/index.php?option=com_winners&view=winner_detail&id=67&Itemid=683&lang=es, http://www.museodetexitoaxaca.org and http://www.pratec.org. Among the groups participating in our project, peasant and indigenous communities are engaged in urban agriculture, waste separation for reutilization, and rainwater harvesting. Near the centre of Oaxaca's capital city, one of these initiatives received a national prize for Local Management and Governance in 2012 (http://oaxaca.me/recibe-san-bartolo-coyotepec-premio-nacional-por-el-cuidado-ecologico).
24. A review of many of these initiatives, involving different organizational models and cooperation among producers that encompasses not just the productive aspects but also the governance institutions that are now incorporating whole communities into the management process (e.g. Lavaca, 2003; Rebón, 2004; Giarraca and Teubal, 2005; Sitrin, 2006; Webber, 2011; Bollier and Helfrich, 2012; Burbach, Fox and Fuentes, 2013; Piñeiro, 2013).

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11

Community Consultations: Local Responses to Large-Scale Mining in Latin America

Mariana Walter and Leire Urkidi

Introduction

This chapter studies the emergence and spread of community consultations in large-scale metal mining projects in Latin America. These consultations are different from the free, prior and informed consent (FPIC)-related consultations, or *consulta previa*, that are fostered by national governments. From Tambogrande (Peru) in June 2002 to Mataquescuintla (Guatemala) in November 2012, 68 consultations/referenda have been conducted in Peru, Argentina, Guatemala, Colombia and Peru. In all cases the result has been a large opposition to mining projects. This process is occurring in a context of growing pressures to extract mineral ores in Latin America and an increasing number of related socioenvironmental conflicts (see Chapter 2). The particularity of these consultations is that these are not commissioned by national governments as part of official procedures to consult communities but instead are promoted by environmental justice movements (EJMs), usually with the support of local governments.

The emergence and spread of consultations in Latin America remains poorly studied. Studies addressing mining consultations/referenda have focused on the first four cases: Tambogrande, Esquel, Sipakapa and Majaz/Río Blanco (Muradian, Martinez-Alier and Correa, 2003; Subies et al., 2005; Haarstad and Floysand, 2007; De Echave et al., 2009; McGee, 2009; Walter and Martinez-Alier, 2010; Fulmer, 2011; Urkidi, 2011; Bebbington, 2012a); along with the wave of consultations in Guatemala (Holden and Jacobson, 2008; Rasch, 2012; Trentavizi and Cahuec, 2012).

Nevertheless, the cases that followed, their connections and the institutional features of consultations have received poor scholarly attention. 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.

Analysing the cases of community consultations conducted in Latin America from 2002 to 2012, we claim that these consultations (1) emerge in the context of environmental justice struggles and criminalization; (2) aim to reclaim the right of affected populations to participate, in empowering forms, in high-stakes decision-making that affect their lands and livelihoods; and (3) are a hybrid institution, the product of a dynamic multiscalar process where non-state and state actors, and formal and informal institutions, are mobilized to challenge the centralized governance of extractive activities.

Struggles over the governance of mining activities in Latin America

As mentioned in Chapter 1, there is an ongoing shift in views that frame resource regulation from those that are led by state-based institutions of resource management (government) to a wider environmental governance perspective. The governance approach addresses the myriad of actors and institutions that guide the ways in which (global) environmental issues are addressed across different scales (Bulkeley, 2005).

State-centred frames are increasingly unsatisfactory and anachronistic to understanding different ways in which regulation is constructed and reconstructed. Recognizing the different spatial grammars at play becomes necessary in order to understand the emergence of hybrid forms of environmental governance and their implications (Bulkeley, 2005). Hybrid forms of governance challenge the conventionally recognized social roles of markets, states and, more recently, communities, as new dynamics and alliances are formed. Hybrid governance entails the formation of complex political spaces: networks of social, economic and cultural relations, actors connecting from distant locations, sharing networks with common social and political objectives.

In this chapter we refer to hybrid governance as a process of institutional bricolage where different (non-state and state) actors shape institutions that combine formal and informal components in a multiscalar dynamic. We conceive scale as an epistemological, not an ontological, entity. Leitner, Seppard and Sziarto (2008: 159) conceptualize scale

"as a relational, power-laden and contested construction that actors strategically engage with, in order to legitimize or challenge existing power relations".

Hybrid institutions can be addressed from different theoretical perspectives. Instrumentalist approaches assume that actors are political and social entrepreneurs who actively use their social capital to build institutions that strive for optimal resource management. It is usually claimed that, to use social capital appropriately, institutions must be properly embedded in the cultural and social context from which the norms to support purposive decision-making are drawn (Ostrom, 1990). However, it has been claimed that concepts of embeddedness foster a functional and static conceptualization of culture and tradition that obscures the complex dynamics of institutional construction and evolution (Cleaver, 2001). Cleaver (2002: 17) claims that "the evolution of collective decision-making institutions may not be the process of conscious selection of mechanisms fit for the collective action task (as in Ostrom's model) but rather a messier process of piecing together shaped by individuals acting within the bounds of circumstantial constraint".

In her studies of institutions for common property resource management in Tanzania, Cleaver (2001, 2002, 2013) develops 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 shape institutions in patch-together institutions to change situations (Cleaver et al., 2013). In this dynamic, the resulting institution is a mix of modern and traditional, of formal and informal practices. Institutional bricolage offers a compelling approach to understanding the way in which hybrid institutions can be the result of a complex and dynamic assemblage process where contexts, conflicts, needs, scales, actors, and formal and informal institutions come into play to produce a particular hybrid institution.

Environmental Justice Movements (EJMs)

Latin American anti-mining movements and organizations played a central role in the emergence and spread of consultations. In this section we outline some key features of this actor, its central demands and its scalar dynamics.

Latin American anti-mining movements have been framed as EJMs because they demand socioecological equity and fair decision-making processes in the governance of mining activities (Urkidi and Walter, 2011). Recently, questions of participation and voice have been at

the forefront of environmental justice studies (Schlosberg, 2007). The concept of environmental justice was born in the 1980s in tandem with Afro-American social movements fighting environmental racism (Bullard, 1990). Since then, the concept has travelled among social movements and has been appropriated by other social groups and movements in the world. As a result, national and regional environmental justice networks have emerged in Latin America in recent decades (Carruthers, 2008). Mining concerns and anti-mining movements have a central place in these Latin American networks.

It has been pointed out that the concept of environmental justice entails a politics of scale because it refers to the spatial and social distribution of environmental impacts and economic benefits, and to the scales, institutions and agents that regulate environmental decisions (Kurtz, 2003). Some political geographers express criticism regarding EJMs' "militant particularism" (Harvey, 1996), according to which movements have to find a way to cross the problematic divide between actions that are profoundly embedded in place and local experience, on the one hand, and a wider movement and discourse on the other. According to this perspective, local loyalties and identity politics of resistance movements prevent engagement in wider and emancipating politics of scale. We claim, however, that EJMs tend to transcend place-based militant particularism (Kurtz, 2003). EJMs build strategies and discourses that transcend the particularities of local demands, acknowledging the structural roots of their struggles and establishing solidarity networks with other communities and groups (Urkidi and Walter, 2011). These networks have been key for anti-mining groups in Latin America, such as OCMAL and the No a la Mina platform in Argentina.

EJMs should not be seen as static but rather as learning and flexible movements that expand and contract in space as conflicts unfold and movements jump scales (Smith, 1996; Leitner, Seppard and Sziarto, 2008). There are different spatialities at play in contentious politics (e.g. scale, networks, place, mobility), and participants usually draw on several at once (Leitner, Seppard and Sziarto, 2008). The analysis of EJMs should also acknowledge this spatial complexity. We claim that these features of EJMs played a central role in the shaping of community consultations.

EJM concerns usually address three key dimensions of environmental justice: distribution, recognition and participation (Schlosberg, 2007). These can be seen as key lenses through which EJMs frame injustice. EJMs address not only inequity but also, and sometimes centrally, the

political processes that construct environmental inequities. Anti-mining groups in Latin America frequently argue that the approval of mining projects involves the misrecognition of the material and cultural dependence on water and land of the affected populations and that it ignores the concerns expressed in local participatory stages, or that it lacks such spaces altogether (Muradian, Martinez-Alier and Correa, 2003; Haarstad and Floysand, 2007; Urkidi and Walter, 2011).

The main features of the procedures that govern mining activities are shared by most Latin American countries. Indeed, Latin American mining laws were developed under similar guidelines drafted by international financial institutions (e.g. the World Bank) (Chaparro, 2002; Bridge, 2004). The approval of mining projects is centralized in the national (or provincial, in the case of Argentina) government, and is based on the assessment of an environmental impact report. Participation arenas are set in relation to this technical document and are non-binding. Civil society actors can usually present allegations (e.g. online or on paper) and, sometimes, can express their views in front of a public audience where the technical document is presented. Usually, law requires that these concerns be addressed by the mining company when providing the final environmental impact assessment that has to be approved by the national government (usually by the mining or environmental departments). However, EJMs claim that participation in mining decisions is mainly "informative" and insufficient, when not secretive (Janhcke Benavente and Meza, 2010).

Projects affecting indigenous communities are under specific regulations. Most Latin American countries (all those studied in this chapter) have subscribed to the 169 ILO Convention, which requires the prior and informed consent of communities before decisions about activities that could affect them are made, a process that should follow customary procedures. This right is usually ignored or misapplied (Janhcke Benavente and Meza, 2010). However, even if put in practice, the way the 169 ILO Convention and other international documents (e.g. the 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; Janhcke Benavente and Meza, 2010). As the cases presented in this chapter illustrate, and as pointed out by other studies (e.g. Janhcke Benavente and Meza, 2010), the way decisions regarding mining activities exclude or mistreat local actors, their values, concerns and institutions is fuelling unrest and frustration among the affected communities.

The rise and spread of mining consultations in Latin America

In order to study the process of emergence and spread of Latin American mining consultations, we identified and analysed all cases of metal-mining consultations/referenda fostered by EJMs from 2002 (Tambogrande) to 2012 in Latin America. We considered those consultations/referenda that were not fostered by the central government or private companies as part of an official consultation process, and aimed to consult the local citizens at large whether or not a community/municipality/district was in favour of large-scale metal mining activities in their territory.

We reviewed and triangulated primary and secondary, and activist and academic, sources (e.g. newspapers, activist and government websites, reports, scientific papers). As the analysis unfolded, we identified the main commonalities and differences, and developed a series of hypotheses for the emergence and spread of consultations that made us revisit and expand our sources: an iterative process that led us to refine the findings outlined in this chapter.

We identified 68 metal-mining consultations in five Latin American countries: Peru (2002, 2007, 2008, 2009, 2012), Argentina (2003, 2012), Ecuador (2011), Colombia (2009) and Guatemala (57 municipal consultations from Sipakapa in 2005 to Mataquescuintla in 2012) (Tables 11.1 and 11.2). We grouped the cases into three main "travel paths" according to the connections and similarities of consultation cases, not their chronological order. In this vein we aim to identify how consultations have been transmitted from conflict to conflict as a useful participation institution. For each "travel path" we highlight the key elements of the leading case(s), identify how consultations emerged, their institutional features and the EJMs involved, and analyse the multiple spatialities at play in the transference of consultation experiences among EJMs.

The first travel path presents the main features of the first consultation case in Tambogrande (2002), the spread of the experience to other Peruvian communities and its arrival in Ecuador. The second travel path outlines the key features of the Argentinean process triggered by Esquel (2003). The third travel path addresses the Guatemalan wave of consultations born from Sipakapa (2005), and the arrival of this experience in Colombia. The case of Guatemala presents some particular features. While the first case of consultation (Sipakapa) occurred in the context of an active conflict, most of the following cases were part of a regional campaign to prevent the expansion of mining activities in the country.

Table 11.1 Mining consultations in the context of active mining conflicts, 2002–2012

	Consultation case	Conflict duration	Date of *consulta*	Mining project and mining company	Consulta						
					Secret/ non-secret	Uses official voters list (Y/N)	Type of *consulta* (legal framework) municipal ordinance (MO)	Participation (% eligible voters)	% against mining	% in favour of mining	% whites/ null
Peru	**Tambogrande case** district of Tambogrande (Piura)	1990–2003	01/06/02	Tambogrande project, Manhattan Minerals (Canada, junior), gold and silver	S	Y	Consulta Vecinal (MO)	27,015 (69%)	93.85%	1.98%	4.17%
	Majaz/Río Blanco case Ayabaca and Pacaipampa district (Ayabaca municipality) and Carmen de la Frontera district (Huancabamba municipality), Piura.	2002–today	16/09/07	Majaz project, Monterrico Metals (UK, junior), sold in 2007 to Zijin Mining (China), copper and molybdenum	S	Y	Pacaipampa (Consulta Vecinal, MO) Ayabaca (Consulta Vecinal, MO) Carmen de la frontera (Consulta Vecinal, MO)	6,091 (71.47%) 8,873 (50.09%) 3,053 (59.26%)	17,033 (94.54%)	285 (1.58%)	699 (3.88%)

Table 11.1 (Continued)

Consultation case	Conflict duration	Date of *consulta*	Mining project and mining company	Consulta						
				Secret/ non-secret	Uses official voters list (Y/N)	Type of *consulta* (legal framework) municipal ordinance (MO)	Participation (% eligible voters)	% against mining	% in favour of mining	% whites/ null
Candarave case districts of Candarave, San Pedro, Cairani, Calacala; Talaca, Yucamani, Calientes and Pallata (Tacna, Atacama)	1990s–today	17/02/08	Toquepala project, Southern Copper Corp. (US- Mexico), copper and molybdenum	S	Y	Consulta Vecinal (MO)	3,478 (67%)	3,215 (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, Southern Copper Corp., copper	S	Y	Cocachacra* (Consulta Vecinal, MO)	3,131 (49%)	2,916 (93%)	139 (4.4%)	76 (2.4%)
				S	Y	Punta Bombón* (Consulta Vecinal, MO)	2,004 (43%)	1,883 (94%)	71 (3.5%)	50 (2.5%)
				S	Y	Dean Valdivia (Consulta Vecinal, MO)	2,304 (53%)	2,211 (96%)	52 (2.3%)	41 (1.8%)
				S	N	Mollendo (Consulta Popular)	3,643 (n.i.)	3,573 (98%)	9 (0.3%)	61 (1.7%)
				S	**	Mejía (Consulta Vecinal)	272 (n.i.)	245 (90%)	26 (9.8%)	1 (0.4%)

					S	N	Islay-Matarani (Consulta Popular)	837 (n.i.)	765 (91.4%)	61 (7.3%)	11 (1.3%)
	Kañaris case three districts (San Juan Bautista de Cañaris, Huacapampa, Congona), Lambayeque	2004–today	30/09/12	Cañariaco project, Candente Copper (Canada, junior), copper, gold and silver	S	Y	Consulta Comunitaria (ILO 169)	1,896 (47.4%)	1,719 (95%)	106 (6%)	71 (4%)
Argentina	**Esquel case** (Chubut province)	2001–today	23/03/03	Esquel project, Meridian Gold (US, junior), sold in 2007 toYamana Gold (Canada, Junior), gold and silver	S	Y	Compulsory Consulta Popular (MO)	13,845 (75%)	11,046 (81%)	2,561 (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 and molybdenum	S	Y	Compulsory and Binding Referendum (to approve MO)	2,588 (72%)	2,125 (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 and copper	S	N	Consulta Comunitaria conducted by Juntas de Agua to its members	1,037 (66.6%)	958 (92.38%)	47 (4.53%)	18 (1.73%)

Table 11.1 (Continued)

	Consultation case	Conflict duration	Date of *consulta*	Mining project and mining company	Consulta						
					Secret/ non-secret	Uses official voters list (Y/N)	Type of *consulta* (legal framework) municipal ordinance (MO)	Participation (% eligible voters)	% against mining	% in favour of mining	% whites/ null
Colombia	**Mandé Norte Project** two municipalities (Carmen del Darién, Murindó), Chocó	2007–today	28/02/09	Mandé Norte Project, Muriel Mining (US, junior), copper, gold and molybdenum	NS	N	Consulta Inter-etnica, ILO 169	799 (n.i.)	100%		
Guatemala	**Sipakapa case (San Marcos)**	2003–today	08/06/2005	Marlin project, Montana Exploradora (Goldcorp-Canada, senior), gold, silver and open pit	Both (depending on communities)	Y	Consulta Comunitaria (MO)	2,564 (45%)	95.50%	1.40%	1.60%
	Minera San Rafael (Santa Rosa) and Mataquescuintla (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 and others	S	Y	Mataquescuintla (Consulta Comunitaria MO)	10,375 (53%)	97%	1.6%	1.8%

Notes: * In these consultations, two questions were asked. We only present in this table the answer regarding acceptance or rejection of mining activities.
** There is divergent information among sources regarding the role of the local government in this consultation.

Table 11.2 Guatemalan wave of preventative consultations against mining activities, 2005–2012

Department/ region	Projects/ licences	No. of *Consultas*	Municipalities/ dates	Participation	% saying no to mining	Types of *consultas*	Consequencies/ results
San Marcos	Exploitation in San Miguel Ixtahuacan and Sipakapa (Goldcorp – Canada: gold, silver, others). Exploration licences in every municipality with *consulta* (Goldcorp's subsidiaries Canada: gold, silver, nickel, cobalt, polimetalics, 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 *consultas*. 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 *consulta*, support from communitarian and municipal governs. Non-binding consultations for national government. National government tried to regulate *consultas* in 2011, against consulted communities' wishes. Consultas meant the empowerment/of communities. Creation of networks against mining. Despite many exploration licences, only those very advanced projects have prospered after consultations (Sipakapa and San Rafael)

Table 11.2 (Continued)

Department/ region	Projects/ licences	No. of *Consultas*	Municipalities/ dates	Participation	% saying no to mining	Types of *consultas*	Consequencies/ results
Huehuetenango	Exploration licences in almost every municipality with *consulta* (Goldcorp's subsidiaries – Canada and Tenango S.A. Canada: gold, silver, others; Guatemala: copper: copper/cobalt; Minas de Guatemala: polimetalics; other companies). Few 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 Ixcoy 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 *consultas*. ILO 169 and Municipal Code. Non-secret vote. In six of them just registered people can participate, in the other 22 all the community can 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 *consultas*. 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 *consultas*. 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 *consultas*. 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 *consulta*. Secret vote. Under Municipal Code
Jalapa	Exploration licences (Tahoe Resources Canada/USA: silver, gold, others: Escobal project; Goldcorp: gold, silver, others)	1	Mataquescuintla 11/11/2012	10,375 people	97	Municipal i. Secret vote. Under Municipal Code

We explain the Sipakapa consultation in more detail and refer to the following cases as a regional process.

Emergence and spread in Peru and Ecuador

Tambogrande conflict (Piura)

Tambogrande is located in one of the poorest departments of Peru (Piura), with an arid climate that requires dams and irrigation canals (built with World Bank support) to sustain its agricultural export-oriented activities. 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, led by a local farmer and agrarian engineer who had emigrated from Lima, 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 the National Coordinating Confederation of Communities Affected by Mining (CONACAMI) (Portugal Mendoza, 2005).

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 Godofredo García Baca was shot dead by a hooded gunman (Muradian, Martinez-Alier and Correa, 2003). These events made the mining conflict nationally and internationally known (*The Economist*, 23 June 2001), thereby engaging new national and international support. Professionals from Piura and Lima constituted a working group to elaborate technical arguments and reports against the project, succeeding in involving transnational organizations and networks in the local struggle (Bebbington, Humphreys Bebbington and Bury, 2011).

Local tension was growing and social movements became concerned with a possible escalation of violence (Portugal Mendoza, 2005; Cabellos and Boyd, 2007; McGee, 2008). 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* (neighbours' consultation), a peaceful and democratic mechanism to channel local unrest and express local views (Portugal Mendoza, 2005; Subies et al., 2005; Bebbington, Humphreys Bebbington and Bury, 2011).

The municipality of Tambogrande issued the Municipal Ordinance No. 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, national and municipal rights, and on laws regarding citizen participation (international treaties, national and municipal laws, constitutional articles 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 consultation ordinance (it was added in the following Majaz/Río Blanco municipal ordinances), it was used in activist discourses (Fulmer, 2011).

The National Office of Electoral Processes initially recognized the *consulta* and agreed to provide support. However, a formal complaint of unconstitutionality and illegality by the Ministry of Energy and Mines (MEM) 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 and the financial collaboration of transnational organizations such as OXFAM were key to conducting the consultation (Portugal Mendoza, 2005; Bebbington, Humphreys Bebbington and Bury, 2011). Moreover, organizations such as the Mineral Policy Center, the Environmental Mining Council of British Columbia, OXFAM, and Friends of the Earth from Costa Rica and Ecuador contributed to building the legitimacy of the consultation by acting as observers, supporting and disseminating the experience (Muradian, Martinez-Alier and Correa, 2003).

On 2 June 2002, the *consulta* calling all district inhabitants 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.) (see Table 11.1). The consultation was not recognized either by the mining company or by the national government, which claimed that the EIA formal assessment was the legally binding decision-making process. The following month the *Frente* prevented three public audiences through organized protests. Finally, the public company revoked the Manhattan mining licence based on administrative grounds, thereby suspending the project. In November 2002 the president of the *Frente,* Francisco Ojeda, won the municipal elections (Portugal Mendoza, 2005).

Majaz/Río Blanco conflict (Piura, Peru)

As the Tambograde 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 to create a bridge of experience, technical expertise and strategies among movements (Bebbington, 2012a).

The Majaz mining project was located in the peasant communities of Segunda y Cajas and Yanta (*comunidades campesinas*), 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).

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, Remberto Herrero (April 2004) and Melanio García Gonzalez (July 2005) (Bebbington, 2012a). From 2004 to 2007, local activists denounced cases of activist kidnapping, tortures and persistent criminalization (discredit campaigns, unjustified imprisonment, legal prosecution) that even reached the UK justice courts (OXFAM, 2007, 2009; Cobain, 2009).

In 2005, mayors, local leaders and social organizations fostered the formation of the Frente por el Desarrollo Sostenible de la Frontera Norte del Perú (FDSFNP). The organization, critical of the mining project and the role of the national government, was composed of provincial and district government representatives, peasant communities, *rondas campesinas*, defence fronts from Huancabamba, Ayabaca, Tambogrande, and other anti-mining groups from the region.

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 (Diez Hurtado, 2007; Red Muqui, 2009; Bebbington, 2012a). 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 *consulta* 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 national ombudsman of Peru 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.

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

After these two consultations in Piura (North of Peru), there were three others on the south and central coast of Peru, where national organizations and networks played a key role in spreading the experience and providing support. The following consultation in Candarave (2008, Tacna region, Atacama Desert) is different from previous cases because it took place in an area with ongoing large-scale mining activities. The conflict that led to the consultation emerged when the mining company started negotiations to expand its water-use permits. Local and provincial governments, the 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 agricultural production and forcing peasant outmigration, and to the need to compensate for these impacts. In January 2008 the mayor of Candarave called for a *consulta vecinal* (Municipal Ordinance No. 001-2008-MPC/A) with the support of the provincial governor, local defence fronts and the Junta de Aguas. The *consulta* 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 activities.

The fourth mining *consulta* 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

Southern Copper Peru Corporation Tía María large-scale copper mine project (Gutierrez 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, the mayor of Valdivia and national organizations such as the CONACAMI, Cooperacción, 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 (CAOI, 2009; Gutiérrez Zeballos, 2011). The process was observed by a national congressman, members of the Flemish NGO Broederlijk Delen, and the Peruvian NGOs Transparencia Civil and CONACAMI (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 audience to present the project's EIA. With the assistance of national and transnational organizations, around 3,000 technical comments on the EIA project 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 United Nations 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 MEM to suspend the project.

The fifth *consulta* of Perú took place in 2012 in the northern district of Kañaris (region of Lambayeque). The Kañariaco mining project was a large-scale copper mine, in exploration stages, owned by the junior Canadian company Candente Copper Peru SA. 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.

The community consultation followed the procedures of regular communal elections (secret, registered voters) without the support of local governments; the result was a 91% mining rejection (1,896 votes, 47.4% turnout). The process was supported and observed by CONCAMI, the Red Muqui and leaders of local organizations. The regional governor, the Ministry of Agriculture, and representatives of regional offices of development and production, and energy and mines, also participated as observers (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 FPIC according to ILO 169, triggered a wide debate (Greenspan, 2013). While the national ombudsman and transnational indigenous groups recognize the FPIC for Kañaris, the government denies this right and claims that the government consultation is the valid one. In 2013 the Candente mining company stopped mining exploration, pointing to low copper prices as the reason.

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 (Pérez Guartambel, 2012). The idea to conduct a consultation emerged in the context of growing pressure from the national government to promote mining activities in the country, in the midst of verbal and legal delegitimation 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 Latin American indigenous, anti-mining and human rights movements, in particular from Ecuador and Peru (interview with national anti-mining movement leader, 2012). In June 2011, local indigenous leaders led the organization of a continental peoples meeting with a strong emphasis on the impact of mining agendas on the environment and indigenous groups (Pérez Guartambel, 2012).

A community consultation was called by the Junta de Aguas, an indigenous and peasant organization that administers access to household water. The consultation was grounded in ILO 169, the UN Declaration on the Rights of Indigenous People and the Ecuadorian Constitution (Pérez Guartambel, 2012). The vote was carried out in the parishes of Victoria del Portete and Tarqui. The organization was led

by local leaders of the Federation of Indigenous and Peasant Organizations of Azuay, with the support of national indigenous organizations (Ecuador Runakunapak Rikcharimuy/Movement of the Indigenous People of Ecuador (ECUARUNARI), La Confederación de Nacionalidades Indígenas del Ecuador/Confederation of Indigenous Nationalities of Ecuador (CONAIE)) and the mayor of Victoria del Portete. The consultation followed the Junta de Aguas election procedures: one vote per water right (a family can have more than one right). The vote was secret and for registered water right owners (head of family, not individuals). 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 activities. Provincial and national governments did not recognize the vote and led a strong, discrediting campaign.

Argentina

Esquel project (Chubut)

The second consultation conducted in Latin America took place in Esquel in March 2003. The city of Esquel (28,089 inhabitants) is a main settlement of Argentinean Patagonia, an arid region also inhabited by Mapuche indigenous communities. In 2002 some 25% of the population were unemployed and 20% were under the poverty line. The arrival of Meridian Gold, a US junior mining company, with the intention to extract a gold and 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 neighbours' assembly (Asamblea de Vecinos Autoconvocados (AVA)) opposed to the mine. The AVA brought together neighbours and organizations with different backgrounds, specialists in law, chemistry, medicine, geography, journalism and education, Mapuche groups and inhabitants of Esquel's poorer areas who became key information channels to marginal areas of the city. The movement deployed a 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, organizations and networks, the

Esquel conflict started to be understood as part of an environmentally unjust process affecting many communities in Latin America (Urkidi and Walter, 2011).

Members of the AVA became acquainted with Tambogrande's consultation via the internet. The AVA also established contacts with the Mining Policy Center (now Earthworks), an NGO that supported the Tambogrande consultation and that would later finance (along with Greenpeace Argentina) the visit of an American hydrogeologist, who had also been in Tambogrande, to Esquel (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.

A few days after the *consulta popular*, which resulted in an 81% rejection of the mining project (75% turnout), mining activities were halted and the Chubut legislature approved a provincial ban on open-pit mining. The Esquel case 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 Latin American activists.

The Esquel case showed the strong political power that a non-binding consultation could have. In the years that followed, as mining investments were rising, more EJMs tried to foster similar consultations. In particular, the Government of the Province of Catamarca, the poorest province of Argentina where the oldest and largest mine operates (La Alumbrera), managed to stop at least three attempts of consultation in Tinogasta and Andalgalá in court.

Lonco project (Neuquén)

The second consultation in Argentina took place in the municipality of Loncopue. After a series of legal setbacks and different intimidation campaigns aimed at social movements and Mapuche indigenous communities, exploration activities were advancing without permits or consultation procedures. A local priest became 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, neighbourhood 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 favour of a mining prohibition, but the provincial government presented a legal claim of unconstitutionality to disable the referendum (Yappert, 2009).

Guatemala and Colombia

Guatemala: Sipakapa, Escobal and the wave of consultas *in West Guatemala*

The third Latin America bottom-up mining consultation after Tambogrande and Esquel (Argentina) occurred in Sipakapa (Guatemalan highlands) in June 2005. In 2003, Montana (now owned by the Canadian GoldCorp) obtained the exploitation 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. In Sipakapa, 87% live in relative poverty and 33% in absolute poverty (SEGEPLAN, 2002).

Research and interviews underline the fact 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 among many community leaders in regard to information activities. Indigenous leaders met local priests and national groups (Movimiento de Trabajadores Campesinos, MadreSelva, Centro de Acción Legal Ambiental y Social de Guatemala (CALAS)) in order to get information about mining (Van de Sandt, 2009). These national organizations were already within Latin American networks (e.g. MadreSelva within OilWatch) and distributed information about the environmental impacts of mining activities. Local leaders from Sipakapa visited other gold-mining areas in Central America, such as Valle de Siria in Honduras, and got in touch with regional networks against mining (e.g. Central American Anti-Mining Network).

In December 2004 a community that blocked the passage of a truck heading to the mine in a neighbouring province was strongly repressed by police and military forces, resulting in the death of the peasant Raul Castro Bocel (Prensa Libre, 18 January 2005; Castagnino, 2006). The

public resonance of these events forced the mayor of Sipakapa (in favour 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 (2002) 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 Development Council (Consejo Municipal de Desarrollo (COMUDE)), 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 in to verify the process. The Guatemalan Constitutional Court rejected an appeal of Montana to ban the consultation. On the same day of the consultation, flyers saying that the *consulta* was not going to occur were distributed in Sipakapa, presumably as a boycott by Montana.

However, 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 that the Sipakapa consultation was valid under ILO 169 and the Municipal Code, but that it was non-binding since such conventions and laws were imprecise and not coherent with the constitution, and also because mining activities were of national public interest. Hence the municipality of Sipakapa had no authority to decide on the matter (Xiloj and Porras, 2008).

The Marlin mine was in full operation in 2013, 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. The experience has been reproduced in 56 other consultations on metal mining in the country from 2005 to 2012 and more than 600.000 people have taken part in them, becoming one of the most relevant political processes of recent years in the country. A documentary on the Sipakapa *consulta* (Revenga, 2005) played a central role in spreading the experience throughout Guatemala and Latin America.

Some 52 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. The Western People's Council (WPC), where the Huehuetenango Natural Resources Assembly had a central role, led the spread and organization of consultations. The WPC is a regional network organized in 2008 as a coalition of provincial organizations working in the defence of natural resources and local leaders of the municipalities that have held consultations. Its main objective is to develop a community-based strategy against mining. There are also national and international networks and NGOs[2] supporting the development of the consultations. However, one key characteristic of the Guatemalan process is the synergies between the anti-mining movement and the municipal governments in the organization of most consultations, and the active incorporation of local leaders in the regional network (Mérida and Krenmayr, 2010; Urkidi, 2011).

More recently, other cases of consultations that are not directly related to the WPC work are emerging in other areas of Guatemala. The consultation on the Escobal project in Santa Rosa is not part of the wave of consultations of western Guatemala, even if it has also been influenced by the Sipakapa experience. The context of Santa Rosa differs from the highlands, as most of its population are 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 related 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 San Rafael Las Flores; the mine is in operation, the local population are highly divided, and violent events and criminalization processes have taken place over the last few years (OCMAL, 2013).

Apart from Sipakapa and Santa Rosa, the rest of the Guatemalan consultations are not associated with imminent mining projects but with exploration or research licences, so that they could be understood as preventative consultations. Indeed, no new exploration licences were granted in the country from 2008 to 2012. Table 11.2 presents more details about the cases of preventative consultations of Guatemala. The Guatemalan Government has not accepted community referendums and has proposed to regulate them with a specific law (Prensa Libre, 23/02/2011). The WPC defends that the current legal framework is sufficient to accept the consultations and their results, and that further regulations would just lead to more restrictive conditions for participation (Nisgua, 2011; Prensa Libre, 23/02/2011).

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 Municipal Code (2002)), by secret ballot or by show of hands, in municipal or just communitarian *consultas*. In some cases, mainly in Huehuetenango, non-registered people have been able to take part in indigenous community meetings. 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, 2010). Such *consultas* have also spread to other extractive projects in Guatemala, such as hydroelectricity.

Colombia, Mandé Norte project (Carmen de Darién, Chocó)

Between 24 and 28 February 2009, the first community consultation on mining in Colombia took place. The conflict started with the arrival of Muriel Mining (Río Tinto and other companies), and the initial consultation activities led by the government and company to obtain the communities' approval to explore for copper, gold and molybdenum ores. 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 and communities 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 militarized mining areas, intimidating and limiting community access (Jahncke Benavente and Meza, 2010; Movice, 2012).

Communities, inspired by the Sipakapa experience, promoted the organization as an interethnic consultation, following their own procedures (own language, registered, older than 14 years old). Human rights, indigenous, church and anti-mining organization representatives 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 and

legitimacy 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, in the year that followed, campaigns to delegitimize local communities and further intimidation actions were conducted by the government in the area. In January 2010 the Colombian army conducted air bombings (Movice, 2012).

Consultation attempts have also been deployed by other non-indigenous communities in Colombia. During 2011, social movements in the department of Santander tried to conduct a popular consultation framed around the protection of water to stop gold-mining developments 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 activities, resulting in a 60% participation and 99% rejection of a large-scale mining project to be carried out by Anglo Gold Ashanti (EJOLT, 2013).

Discussion

The cases of consultation analysed in this chapter represent an innovative governance experience that seeks to ensure inclusive participation in mining activities. Moreover, this governance perspective goes beyond local/global, formal/informal, state/non-state divides. These points lead to four aspects of consultations, which are elaborated in this discussion.

Contexts: Conflicts, exclusion, criminalization and violence

The mining conflicts that led to consultations involved high-stake struggles. Mining disputes revolve around how the spatial and social distribution of uncertain benefits and impacts of mining activities are defined, and which are the legitimate scales of participation and decision-making to govern this activity. Consultations are neither the first nor the only action deployed by EJMs, but instead are promoted alongside a range of strategies (e.g. negotiations, mobilizations, legal and technical allegations, dissemination activities) aimed at influencing and challenging centralized mining governance institutions.

The discourses deployed by anti-mining movements in our cases reflect Schlosberg's (2007) key dimensions of environmental justice: recognition, distribution and participation. Anti-mining groups see the approval of mining projects as the misrecognition of their material and cultural dependence on land and water, and also as a disregard of their views and customary procedures (Muradian, Martinez-Alier and Correa, 2003; Haarstad and Floysand, 2007).

Social movements opposing mining activities claim that developing mining activities jeopardizes local (and supralocal) livelihoods. Communities in Peru, Guatemala, Colombia and Ecuador signal the risks to their livelihoods, which are dependent on agriculture, cattle and forests. Concerns about health also appear, with high relevance in Esquel (Argentina) regarding cyanide use. Worries about water quality, and availability for local economic activities and household use, are common to all studied cases.

While the affected communities signal such concerns as grounds to redraft or even stop a mining project and national mining plans, governments and companies claim that these decisions are not for local communities to make. Central governments argue that mining is an issue of national interest and experts within a national decision-making process should have the last word. Governments and mining companies frame local alarm as an exaggeration that undermines the positive impacts of mining. Moreover, critical communities' and EJM's views are being labelled by Latin American national governments as irrational, ignorant, anti-development, politically driven, promoted by foreigners' interests or by a radical, subversive environmentalism (Bebbington, 2012b), hand in hand with criminalization processes (OCMAL, 2011).

Official participation arenas become frustrating spaces given the partial information that is shared and the powerless participation modes they offer (Cole and Foster, 2001). As decision-making procedures are unable to address local communities' concerns, disputes form around these procedures and their decisions (Muradian, Martinez-Alier and Correa, 2003; Suryanata and Umemoto, 2005; Walter and Martinez-Alier, 2010; Urkidi and Walter, 2011). It is becoming increasingly common for EJMs to prevent or boycott public audiences, as these are seen as an empty requisite for project approval (Jahncke Benavente and Meza, 2010). There were cases of boycotts of public audiences in Tambogrande, Toquepala, Tía María, Esquel and Loncopue. Indigenous communities rejected and misrecognized the alleged consultation processes led by mining companies and governments in Peru, Colombia and Guatemala. In Ecuador and Argentina, indigenous communities claimed that formal consultation never occurred (Urkidi and Walter, 2011; Pérez Guartambel, 2012).

Furthermore, one of the findings of this research has been the role played by violence in the fostering of consultations. Human Rights claims have been identified as a particular root of Latin American EJMs (Carruthers, 2008). Mining referenda have emerged in contexts of repression and criminalization of activists, where concerns regarding the physical and psychological integrity of activists were rising. In this

line, consultations can be seen as an innovative form of protest that aims to foster participation, promoting a democratic setting that protects its participants. These consultations have succeeded in pacifying local tensions, at least for a while.

While contexts of activist and protest criminalization and repression are not new in mining struggles, the particularity of these cases has been the ability of EJM to transform a risky protest environment into a democratic participation process. To do so, EJMs have constructed a hybrid participation institution.

Community consultations: A hybrid institution

Latin American mining consultations/referenda are based on the claim that communities – whether indigenous or not – have the right to participate in high-stake decisions that affect their livelihoods, a right deemed legitimate by affected communities. This right is recognized in a variety of indigenous and non-indigenous, international, national and municipal norms and rights (Jahnchke Benavente and Meza, 2010; Fulmer, 2011). However, how participation is framed by regulations and actors varies widely, being mostly informing and non-binding. As analysed by Arnstein (1969) in his eight-rung participation ladder ((1) manipulation, (2) therapy, (3) informing, (4) consultation, (5) placation, (6) partnership, (7) delegated power and (8) citizen control), there are different levels of exclusion/involvement and empowerment. As pointed out by Arnstein, as we step down the ladder, frustration rises. Communities are struggling to climb this ladder.

Community consultations reclaim and rebuild the right of affected communities to participate, in meaningful and empowering ways, in decisions regarding high-impact activities that affect them. With this aim, in each context, communities strive for local participation rights appealing to, combining and reshuffling available regulations, rights and local traditions. This process of institutional bricolage draws on a particular mix of formal and informal, and modern and traditional, institutions according to the particular context.

For instance, communities are expanding and resignifying, in their discourse and practices, the way "consultation" is framed in ILO 169 – and the United Nations Declaration on the Rights of Indigenous People – forcing new debates about the convention's reach (McGee, 2008; Fulmer, 2011). ILO 169 asserts that consultations should be conducted by states. However, the studied consultations are not organized by the central government (Jahncke Benavente and Meza, 2010; Fulmer, 2011). Community consultations appeal to ILO 169 consultation rights,

stretching the convention's reach according to what is considered just and legitimate by affected communities. In a similar vein, the way in which consultations appeal to national, municipal and international participation laws and rights in order to allow for a local referenda on mining challenges the national-government scale monopoly in mining decisions.

In each context, this hybrid institution is legitimized by reference to tradition and/or to the social perception of what are the acceptable ways of doing things (Cleaver et al., 2013). A relevant source of (internal and external) legitimacy of *consultas*/referenda is rooted in the procedures used to consult people that appeal to democratic values and to indigenous consultation rights. In most cases, communities put in place hybrid procedures that combine democratic participation institutions (e.g. official election procedures), indigenous customary rights, and experiences/lessons from previous consultations. In most consultations, including many indigenous communities in Guatemala, the consultation followed the same procedures as those of a regular election: formal call to vote, registered voters, the secret vote and the quality of the process as certified by external observers, as in Tambogrande. In Sipakapa, each of the 13 communities consulted chose its own procedure: some followed a traditional Western election format, while others voted by a show of hands or other formats. However, the consultation was called by the municipality and all members of the municipality could vote (even non-indigenous). In Sipakapa, indigenous customary votes were the most criticized by the government and by companies that claimed that their result could be manipulated (Fulmer, 2011). The consultation conducted by indigenous groups in Colombia followed the example of Sipakapa by merging procedures.

Some forms of (hybrid) governance that would include diverse social actors and visions a priori have been criticized because they continue to exclude disempowered groups (Ford, 2003; Cleaver et al., 2013). In contrast, consultations are organized by, and take into account, marginalized groups such as indigenous peoples, women and peasants. As a result, consultations usually stretch the reach of formal and informal institutions in order to foster local participation.

Consultations are more than the sum of existing regulations and rights but, while grounded on these, they reclaim their scope and meaning based on what is deemed legitimate and just by local communities. Moreover, the significance of community consultations is that communities are not only mobilizing and discursively struggling to contest the governance of mining activities but are also deploying innovative

strategies to demand empowering and democratic participatory institutions. The community consultations studied here are a form of political mobilization, a form of protest grounded on democratic and indigenous, formal and informal institutions.

The roles of movements, governments and state bodies

While EJMs have played a key role in the emergence and spread of consultations, a particular feature of community consultations has been the role played by local governments. Community consultations combine the formal and informal capabilities (i.e. rule-making, management, communication) and different forms of power (e.g. legitimacy, networks, resources, trust) of social movements and local governments.

Cases of 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 activities (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, Sipacapa), sometimes adopting a position that differs from their national political parties.

However, the legitimacy of consultations is in dispute by different actors within states and governments. While national governments and mining departments reject, ignore or criminalize (define as illegal acts) these participatory events, some local and provincial governments – as well as 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).

The alliance with local governments was key to building the legitimacy of consultations (Red Muqui, 2009), framing them as a formal local (and democratic) participation institution, not a mere anti-mining social movement strategy (Muradian, Martinez-Alier and Correa, 2003). The fact that the first cases of consultations were conducted with the support of local ordinances contributed to building 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 in Peru and the Kimsakocha case in Ecuador). 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 Guatemalan consultations, the fact

that actors not directly related to the municipal government were also promoting the *consultas* was pointed out as a source of local trust and willingness to participate (interviews Guatemala 2009; Mérida and Krenmayr, 2010). We could also say that the legitimacy of consultations is, in part, both a cause and a consequence of the hybrid alliances formed between local governments and social movements.

The involvement of local governments and the diverse positions adopted within state and government bodies regarding community consultations reflect the heterogeneity of interests and values across these structures. This feature of consultations points to the need to further problematize the role of governments and the state in environmental governance frameworks. Hybrid institutions led by civil society, such as community consultations, do not necessarily aim to "bypass governments" (as pointed out by Delmas and Young, 2009) but, on the contrary, to anchor part of its legitimacy in some of its bodies (local governments).

Currently, the strength of the consultation's legitimacy grounded in its "legality" (i.e. formal institutional support) is becoming a weakness as the struggle is now revolving around the formalization of consultation rights (i.e. regulating consultation procedures) by central governments, with risks of co-optation, exclusion and denaturalization of the institution.

A multiscalar institutional bricolage

Finally, we would like to point out that, while consultations could be framed as a hybrid institution that exemplifies a process of governance from "below" (Paterson, Humphreys and Pettiford, 2003), the strength and legitimacy of this institution is multiscalar. Analysing the spread of consultations in Latin America, we identify that this institution was fostered hand in hand with a diversity of spatial processes that have been key in its emergence, spread and legitimation in Latin America. Along these lines, consultations can be seen as the result of a dynamic multiscalar process of institutional bricolage.

Mining consultations are promoted by social movements composed of a myriad of groups, including indigenous and peasants' movements, farmers, (urban) professionals, local priests, teachers, community leaders and NGOs. As mining conflicts unfolded, these social movements engaged with networks and organizations (e.g. environmental, anti-mining, human rights, indigenous, Catholic) that move across multiple geographical scales. In the wave of consultations in Guatemala, national anti-mining networks fostered the participation of local actors and

leaders. These networks circulate information, experiences and strategies, and promote the mobility of activists to learn and share experiences among communities, to Latin America and international forums, to foreign (e.g. UK courts in the Majaz case) and international tribunals (e.g. Sipakapa to the Inter-American Commission on Human Rights).

Additionally, among the EJMs and networks driving the spread of consultations, some were born from the first mining consultation experiences: Tambogrande, Esquel and Sipakapa. These first cases are relevant mining conflicts at national and transnational scales and have become milestones in the mining consultation processes in Latin America and in their own countries. Red Muqui, born from the Tambogrande conflict, was a key provider of information, experience and materials for the Majaz/Río Blanco case and following consultations. The "Noalamina" platform, coordinated by the Esquel anti-mining movement, is a key provider of information and resources for Latin American communities. In Guatemala, the great multiplication of mining consultations is partially grounded in the national and international repercussion of Sipakapa's experience. With the support of different national NGOs and associations, two regional networks were created around mining and hydropower conflicts (Huehuetenango Natural Resources Assembly and the Western Peoples Council). There has been an experience-sharing process, where new consultations have been organized by knowing and learning from previous ones, via these national and transnational organizations and networks (Red Muqui, 2009; Jahncke Benavente and Meza, 2010).

Organizations and networks have not only played a key role in spreading the experience of previous consultations but also provided logistical, technical and sometimes financial resources. A range of transnational actors have also supported consultations as observers, contributing to building the international legitimacy of these processes. OXFAM, Friends of the Earth, Greenpeace, the Mineral Policy Centre, Peace Brigades International, Nisgua, Catapa, Rigths Action in Sipakapa and Mining Watch are among the international observers that have been present in Latin American mining consultations.

Furthermore, as consultation experiences multiplied in Latin America, national and transnational networks have deployed efforts to systematize and strengthen the ongoing experience and its lessons, by organizing international events (e.g. Bi-national encounter Ecuador-Peru on Community Consultations, 28 February 2012) and elaborating reports (e.g. McGee, 2008; CISDE-ALAI, 2009; Jahncke Benavente and Meza, 2010; Mérida and Krenmayr, 2010; Duthie, 2012). National and

transnational movements have also supported legal strategies – to defend the legality of consultations and condemn human rights abuses – at national and international tribunals (Constitutional Court case in Colombia, Interamerican Human Right Commission presentation of Sipakapa), thus systematizing and denouncing the growing number of criminalization cases (e.g. OCMAL, 2011).

When considering how consultations have travelled among Latin American communities, we point out that the internet and documentaries are powerful transporters of testimonies and experiences among distant people and 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 processes.

Sipakapa's documentary was a key source of inspiration in the organization of the Embera Katio indigenous consultation in Carmen de Darien (Colombia, 2009) (interview with Colombian activist, Jahncke Benavente and Meza, 2010). An indigenous leader that led the consultation of Ecuador also underscored the relevance of videos and documentaries to explain the implications of large-scale mining activities.[3] The documentaries on the Choropampa mercury spill in Cajamarca (Peru) and the cases of the Tambogrande and Sipakapa consultations have been widely distributed in the region (Choropampa: el precio del oro, 2002; Sipakapa no se vende, 2005; Tambogrande: mangos, muerte, minería, 2007). These and other documentaries have shown the impacts of large-scale mining activities and the strategies of anti-mining groups, contributing to a regional EJM learning process. In this regard we agree with Bickerstaff and Agyeman (2009) that there is a promising line of research to be explored in relation to the development of "assemblage" perspectives – coming from the actor-network theory (ANT) – when analysing how people, texts, machines, devices and discourses relate and collectively constitute environmental justice scales. How to conceptualize the role of these devices in processes of institutional bricolage could be explored in further detail.

Colombian activists highlight how Carmen de Darien's indigenous communities were moved to see – in the documentary on the Sipakapa consultation – other indigenous groups faced with similar struggles, telling similar histories and learning from their consultation experience (interview with Colombian activist). Documentaries played a central role in making affected communities acknowledge that their conflict was not local but simultaneously local, national, regional, global and

structural. In this process, a common perspective is constructed and solidarity linkages are strengthened.

The construction, the spread and the sources of legitimacy of this hybrid institution (i.e. community consultations) are embedded in a complex and dynamic interplay of actors, discourses, networks and strategies that move among multiple scales. The political power of consultations is related to the ability of supralocal social movements to move and disseminate these events at multiple scales, creating new supports and reactions. Consultations, whether *vecinal*, *popular*, *comunitaria or inter-étnica*, are embedded in municipal, national and international norms and rights that are reclaimed by EJMs. In this regard, Latin American mining consultations are a multiscalar institution since they are constituted by (and constitutive of) actors, strategies, regulations and discourses rooted in different, multiple and changing scales.

Conclusions

The process of meeting, consulting and voting is part of the functioning of many indigenous and peasant communities and organizations in Latin America. However, the mining consultations studied in this chapter, while nurtured and legitimated by these traditions, are something different. Mining consultations constitute a common institution in the current Latin American anti-mining protest cycle. Consultations reclaim and resignify the right of the local population and indigenous peoples to participate, in empowering ways, in high-stake decisions affecting their lands and livelihoods. Consultations are put forward not just as a form of protest but also as a decision-making event that challenges official decision-making institutions. Moreover, consultations show how we should move beyond analytical polarizations and try to understand the tensions and dynamics in the process of governance hybridization through cross-scale interactions, discourses and practices.

Notes

1. In 2010 the Inter-American Commission on Human Rights ruled in favour 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, Network in Solidarity with the People of Guatemala – NISGUA or Rights Action, among many others).
3. Interview conducted by Sara Latorre and Stalin Herrera with local leader, shared with us.

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