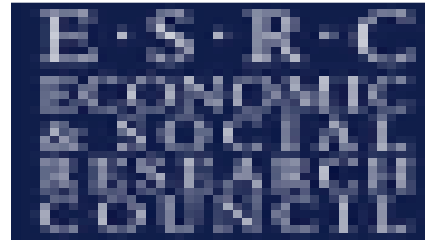




The University of Manchester



Social Movement and (steps towards) the Production of New “Regulatory” Institutions

Anthony Bebbington
University of Manchester
Centro Peruano de Estudios Sociales

Background

- Social mobilization, extractive industries and territorial dynamics in Peru, Bolivia, Ecuador
 - www.sed.manchester.ac.uk/research/andes
- Collaborating institutions:
 - Peru: CEPES, Oxfam
 - Bolivia: CERDET, TIERRA
 - Regional: RIMISP (IDRC)
 - UK: Peru Support Group
 -
- Collaborating researchers and PhD students

Converging on institutions

- Resource curse debate has converged on centrality of governance and institutions
- But it says little about how these institutions will be created
- Institutional emergence is as political as it is a technical process
- Conflict is potentially constructive – a pathway of institutional emergence

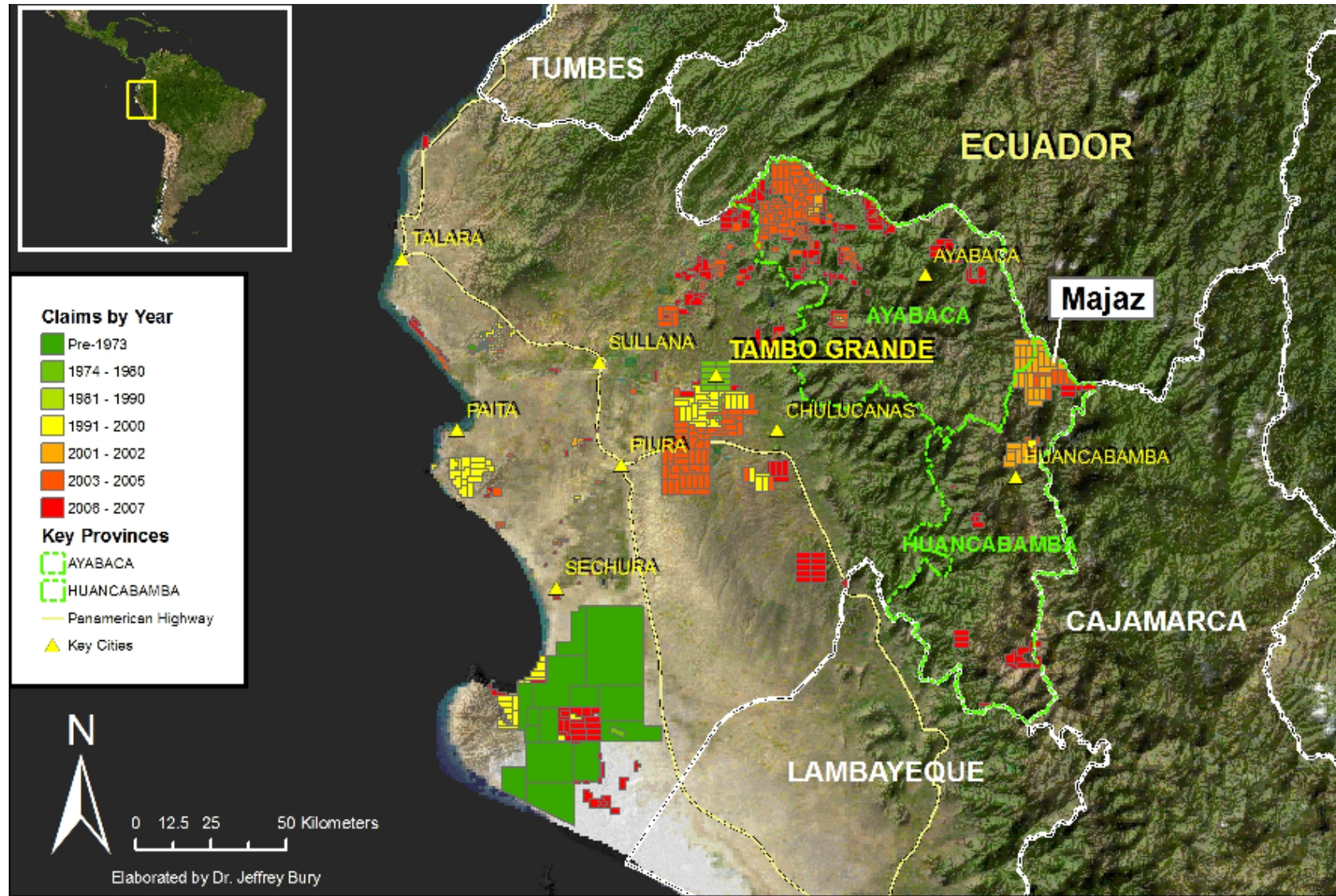
Linked geographies of conflict

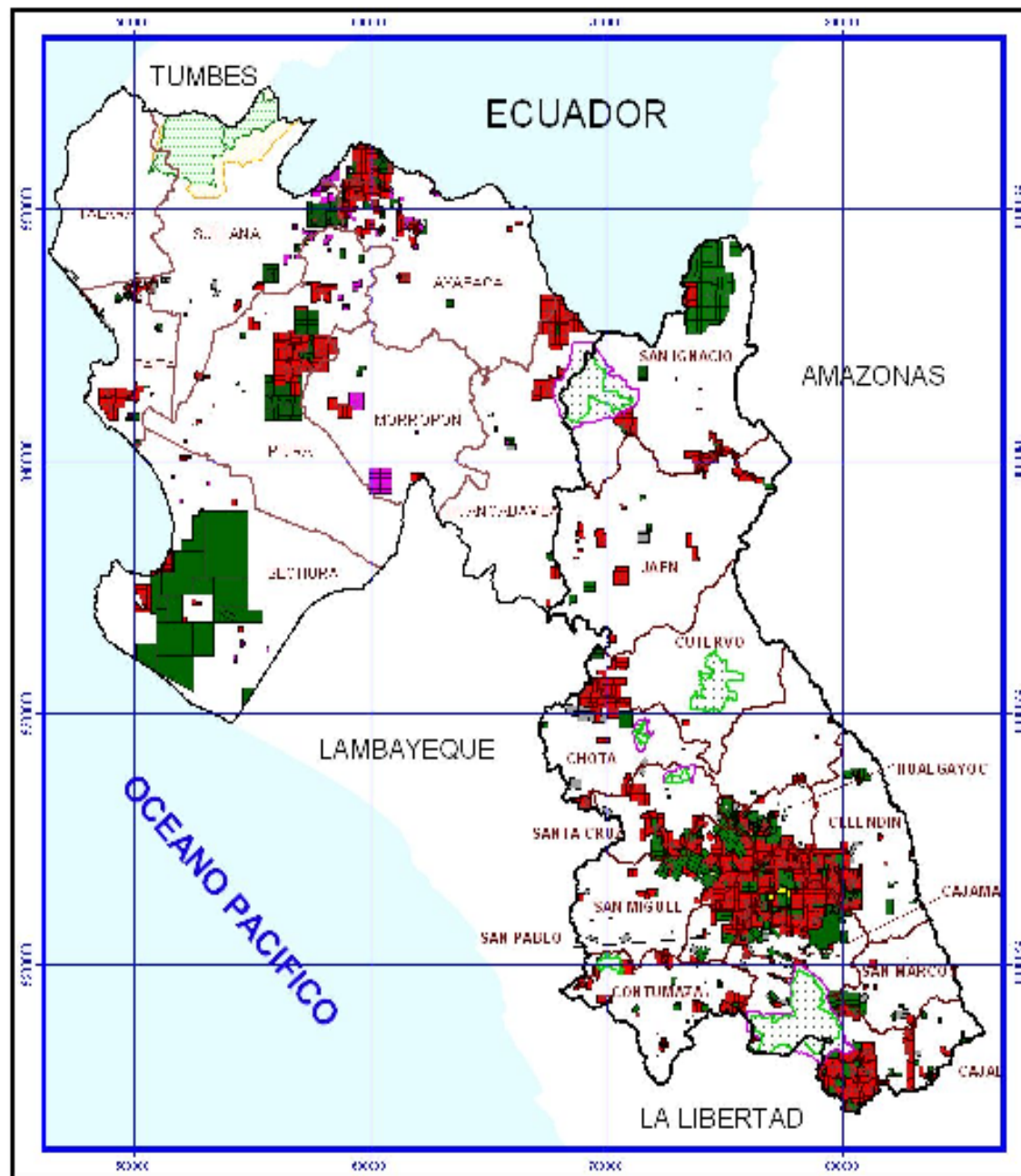
- Conflicts cannot be understood in isolation
- Conflicts constituted by factors operating across range of scales
- Factors/relationships include
 - International demands for metals and energy
 - Global networks of capital flows
 - Regional energy geographies
 - Global and regional policy networks
 - Global and regional activist networks
 - Linked geographies of geology and hydrology
 -

- Relationships *linking* conflicts do not alone *determine* their themes, outcomes ...
 - Local social and political economic histories
 - Sui generis behaviours
 - Coincidental events/serendipity
- What might be the combinations of:
 - Structure and conjuncture
 - History and present
 - International, national and local

..... that have potential to lead to construction of regulatory institutions?

Piura, Peru: pathways to institutional change?





CONCESIONES MINERAS

SIMBOLO	DESCRIPCION
	Declarados Vencidos en Trámite
	Declarados Vencidos Liquidados
	Declarados Vencidos Esquematizados
	Zonas de Beneficio: Carteras Mineras
	Declarados Vencidos por expiración de la Ley 20050



MAPA DE CONCESIONES MINERAS DEPARTAMENTOS DE PIURA Y CAJAMARCA

Fecha: Diciembre de 2008 Ubicación: Piura-Cajamarca
Escala: 1:250,000 Fuente: NECEC

Brief timeline

- 1999-2003: the Tambogrande process
- 2002-5: Minera Majaz – Proyecto Río Blanco
 - Exploration
 - Community rejection
 - Protest and violence
 - “Reconstitution” of Tambogrande support network
- 2006: the Ombudsman’s involvement
 - August: *report 1*: various constitutional citizenship rights infringed
 - November: *report 2*: Ministry (MEM) knew MM had not satisfied legal provisions to gain surface rights, but gave permission anyway
 - MEM affirms MM surface rights; effectively ignores Ombudsman’s report
 - Opinion of staff at Ombudsman’s office: MEM is going against the law

- 2007
 - March: Two supreme decrees further limit citizen participation and municipal powers to affect exploration and exploitation phases
 - Opinion of staff at Ombudsman's office: decrees are explicit form of ignoring Ombudsman's report
 - *Informe Extraordinario de la Defensoría del Pueblo «Los conflictos socioambientales por actividades extractivas en el Perú»*
 - Peru Support Group report "*Minería y Desarrollo en el Peru con especial Referencia al Proyecto Rio Blanco*"
 - Effects in press: La República series
 - Ownership shifts from UK company to Chinese consortium
 - September: Consulta Vecinal (Tambogrande model of local referendum)
 - Consulta rejected by government; accusations of terrorism

- 2008
 - Ecological zoning process begins (NGO and local government)
 - Legal decrees: easing sale of community lands and conversion to non-agricultural use
 - Amazonian strike
 - China and Peru: APEC, investment
- 2009
 - Río Blanco EIA process “fails” again: MEM does not help company
 - Apparent evidence of torture on Río Blanco site
 - Defensoría del Pueblo: study of the right to Consulta

Potential institutional effects

- Increased visibility of consulta mechanism: DdP study will generate national debate on this
 - Increased pressure on MEM to properly regulate for *consulta previa*; signs of change in parts of MEM?
 - Increased visibility and early experience of ecological zoning/territorial planning
-
- Early, faltering steps towards enhanced regulation?
 - National consequences of a local conflict?

Sources of institutional innovation?

- Local histories and strength of rondas / political consciousness
 - Manages resistance
 - Forces debate
- Involvement of Defensoría
 - “Chance” contemporaneity with changes in Defensoría
 - Translates arguments of movement
 - Leverages debate
 - Opens spaces for reformists?
- Authoritarian state responses
 - Increases visibility of issues raised and institutional experiments
 - “Scales up” Majaz issues

- Company authoritarian responses and ineptitude
 - Deepens conflict
 - Loses allies/sympathy
- Institutional learning among *parts of* movement
 - Translating talk about ecological zoning into practice
 - Strategized staging of international-local links (PSG)
 - albeit with tensions among movement organizations
- Resistance all along the chain
 - If investment fails will sector learn that authoritarian approaches also fail?
 - scope for institutional change?

Caveats

- Resistance may continue inducing authoritarian response rather than institutional change
 - Executive style
 - Geopolitical significance (Peru-China relations)
- Regional government development plan
 - Water management and canon minero
 - Río Blanco and public investment
- Capacities of SM to innovate and learn?

Wrap up

- Recurring cycles of conflict are a resource curse for everybody
 - Regulatory change is essential
- For regulatory change to be possible requires
 - Sustained resistance and conflict (essential?)
 - Pressure exerted from multiple points

- For regulatory change to occur requires
 - Private and, importantly, state bodies that can translate conflict into viable proposals
 - Social movement organizations that
 - Learn
 - Have capacities to innovate and propose
- Existence of these factors requires conjunction of local, national (and international) factors
 - Will only exist in a few cases
 - The importance of *emblematic* conflicts with potential to induce national institutional change on basis of local dynamics