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

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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?
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