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# Resources and Resistance

Social Movements and the State in Conflicts over  
Natural Resources Extraction  
in Guatemala and Bolivia

Finn Plekkenpol

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## **ABSTRACT**

The global boom in commodities prices has led Latin American states across the ideological spectrum to embrace the extraction of natural resources as a pillar of development, sparking widespread local community protests against extractivism. Using insights from social movement theories on high-risk collective action, transnational activism, embeddedness in issue networks and gender-specific challenges, this paper examines case studies of conflicts in Guatemala and Bolivia, two resource extracting states of opposing ideologies. It argues that the economic and symbolic importance of resource extraction shapes the protest environment, creates legitimacy challenges for human rights defenders and influences the strategies available to them.

**Keywords:** natural resources, extractivism, human rights defenders, transnational activism, Guatemala, Bolivia

## **INTRODUCTION**

It is the intersection of many of the great questions facing Latin America today: conflicts over natural resource extraction. A global boom in commodities prices has led many, if not all, states in the region to embrace the extraction of minerals, oil, and other substances from their soils in order to feed the growth of emerging markets and feel the thrill of undreamed-of resource revenues stream into state coffers.

Across the continent, however, local communities are simultaneously engaged in conflicts over whether or not the resources beneath their feet should be extracted. The violence that frequently accompanies such protests has led Amnesty International to declare the issue of peaceful protest in questions of land rights one of the most urgent human rights challenges facing human rights defenders (HRDs) and other social protesters in the Americas today, constituting the majority of cases on which it took action on the continent between 2010 and 2012 (Amnesty International, 2012: 28).

Reports, urgent appeals and advocacy work by the many local and international NGOs devoted to the issue paint an alarming picture of a myriad of local flashpoints in which an entire spectrum of Latin America's demons – weak governance, lingering authoritarianism, state violence, deep-seated inequality and resulting social polarisation, official corruption, greedy transnational corporations, environmental destruction – all make an appearance at the local level. Indeed, time and again protests confirm the analysis that natural resources to them hold 'almost magical'

qualities to solve the nation's problems (Kohl and Farthing, 2012: 226). Simultaneously, Slack argues (2009: 117), foreign-owned natural resource extraction operations represent 'the face of neoliberalism'. By protesting a small local operation, human rights defenders are at times directing their anger at great, intangible processes such as globalisation which require a physical manifestation (Eckstein, 2001: 13).

This is enhanced by the fact that in many countries, including the two that will be examined in this paper, debates over natural resources are tied up in questions of sovereignty and many references are made to histories of colonisation perpetuated in capitalist structures. It is not a coincidence that at the time he made a move to nationalise the Bolivian hydrocarbons extraction sector, Evo Morales exclaimed: "with these contracts we want to resolve the economic problems of the country ... we feel sovereign over our resources without expelling anyone" (quoted in Haslam, 2010: 209).

What is particularly striking, moreover, is that although Latin American countries are virtually united in their drive to feast on the bonanza of resource revenues, the justifications and policies they use to accomplish this vary widely. Extractivism is both a feature of outspoken left-wing, 'post-neoliberal' Bolivia, which nationalised its hydrocarbons operations, and whose president frequent holds strident discourses denouncing neoliberalism, as it is so in staunchly neoliberal Guatemala, which doggedly holds on to its low-revenue investor friendly policies and frustrates local communities by seemingly failing to prioritise their wellbeing above the much-vaunted 'stability of the investment climate'.

Veltmeyer (2013) argues that this is easily explained: however opposing their ideologies may be, these states and the firms they employ to extract their resources fundamentally share a harmony of interests, to the detriment of local populations who wish to have a voice in their own development. To what extent is this true? Is there truly no difference between these political systems and the choices they have made to shape their political economies?

It is therefore an opportune moment to take this issue of huge significance to the Americas and start a comparative analysis of resource conflicts in both these contexts

and what they suggest regarding the options social movements have when they find themselves opposing their government.

### **Methodology and structure**

This essay will address these questions studying two Latin American states, Bolivia and Guatemala. These two states share a number of characteristics that make it opportune to draw comparisons. To begin with, Guatemala is a state in which free market, neoliberal orthodoxy reigns supreme, while Bolivia since 2005 is among the Latin American states which have most radically (and vocally) reversed the neoliberal policies, notably by reversing the privatisation of its key natural resource, hydrocarbons. Nonetheless, both have development models in which natural resource extraction is a stated priority. While other Latin American states, such as contemporary Colombia and Venezuela may also be found near the extremes of such a spectrum, Guatemala and Bolivia share similar levels of GDP per capita, both being classed as lower middle-income countries and among the poorest on the Latin American continent (World Bank Data); they further demonstrate important demographic similarities, having two of the largest indigenous populations of any Latin American country (Holden and Jacobsen, 2009: 151). Finally, both have a rich culture of social mobilisation regarding anti-extractivism, for an important part among these indigenous groups. Bolivian mass mobilisations demanding that privatisation of natural gas be reversed forced a president, Gonzalo Sánchez de Lozada, into exile as recently as 2004 (Petras and Veltmeyer, 2005: 196). Guatemala has in recent years seen some very high-profile social conflicts regarding extraction, pushing the question onto national and international agendas (Slack, 2009: 128)

This essay is split into two sections: an overview with a theoretical and historical emphasis, 'setting the scene', followed by an in-depth look at certain selected case studies and how these can lead to a greater understanding of the national contexts and what, ultimately, this suggests about the different practices of social conflict about natural resources extraction. It should be noted that while this essay describes social conflict, the text will attempt to balance discussions of the political economy and state policies with discussions of the practice of involvement in a protest movement, including mobilisation techniques, discourse and strategies. This is done to reflect the

central argument of the exceptionalism of the arena of natural resources conflicts working, in part, to alter the effects expected otherwise from social mobilisation.

Chapter 1 will address theoretical issues surrounding the place of natural resources in the political economy and explain Guatemala and Bolivia's current stances on natural resources extraction, and the different ways in which both states justify their extractivist ideologies. Chapter 2 will turn its attention from the national political economy to civil society and social movements. It will first discuss that this type of conflict tends to arise in the local community and discuss some insights regarding identity formation and participation. It will subsequently differentiate grievances and the implications in this context. Finally it will discuss which theories of social mobilisation fit this context best, emphasising Loveman (1998)'s description of mobilisation in high-risk contexts, and the importance of embeddedness in issue networks. This is a crucial question given the argument of this text that different political systems imply different opportunity costs for movements to mobilise.

In the following two chapters, within these national arenas of social conflicts, two cases from each country will be analysed in order to identify characteristic challenges for social movements operating in these environments, and their strategies to mobilise within them. Centring on questions of participatory decision-making, from Guatemala one of the first major mining conflicts of the century will be analysed, along with a more recent example that will contribute further insights, including a clearer gendered perspective. From Bolivia, where participatory institutions are more developed, one case considered a good example of prior consultation will be shown alongside one considered deficient, with local organisational strategy and experience identified as a key differentiating factor.

It should be noted that the Guatemalan examples relate to mining projects, whereas the Bolivian examples concern natural gas extraction operations. This choice was made for two reasons: for one, while the environmental risks differ per subsector, all projects described here posed – or continue to pose - fundamental perceived threats to local communities and their livelihoods, sparking the protests in question. Further, while Bolivia also contains a significant mining sector, its hydrocarbons sector is the only one in which a notable advance has been seen in the practice of prior

consultations (Defensoría del Pueblo [Bolivia], 2013: 4), while as yet Bolivia lacks a specific framework for consultation in the mining sector (Fundación Tierra, 2011: 132). As such, by omitting the substantial experiences in hydrocarbons, this text would lose valuable insights into a possible future path for consultation practice in other sectors and countries in the region.

A further observation regarding the set-up of this paper is that by far the major focus will be on the interaction between social protest movements and the state, rather than the third party in most conflicts, which is the firm or consortium operating the extraction process. This was done due to the fact that in both cases, the state remains the institution to decide over the awarding of concessions, the parameters of foreign direct investment policy as well as the institution responsible for resolving social conflicts.

These examples will provide insights regarding the applicability of resource curse theory, political opportunity shifts in social movement mobilisation and the prospects for participatory decision-making and conflict resolution where natural resource extraction is the central issue. Ultimately, it is suggested that these cases provide an insight into the way in which a state's political economy shapes the prospects of social protest.

# I. The Political Economy of Natural Resources

Does natural resource exploitation hold the key to breaking a cycle of poverty in which developing Latin American nations have been trapped for so long? The rise of China and its hunger for resources have propelled an export boom in primary goods-exporting Latin America that may yet turn out to have a lasting effect on the political development of the continent (Veltmeyer, 2013). Before turning to concrete issues of protests against extractive operations, it is therefore useful to first cast a glance at the national contexts in which they operate.

The aim of this chapter is to demonstrate and explain the primacy of natural resources in Guatemala's and Bolivia's political economies and dominant state ideologies. By providing historical context and discussing previous scholarly contributions in the field, it will set the scene to examine the conflicts over extractivism discussed in following chapters. First the main theories will be discussed explaining how natural resources extraction is expected to lead to development. Subsequently, the recent historical background for both countries will be sketched, explaining how neoliberalism came to shape the sector in both countries, before Bolivia eventually turned to a post-neoliberal ideology, resulting in the striking differences observed today. However, these respective ideologies pose challenges for protest movements opposed to extractive operations. Following Bebbington and Humphreys Bebbington (2011), it will be argued that despite espousing opposing ideologies, in both countries extractivism nonetheless has a place at the centre of state conceptions of national development.

## **Do resources lead to development?**

As is well known, the exploitation of natural resources was one of the original motivations for the colonisation of the American continent (Veltmeyer, 2013: 80). From then on, Latin America's role in the world has always been determined by its mineral wealth and its agricultural production (Hogenboom, 2012: 112). It was in this

role, however, that during the post-war period, a new theory of development took hold. Resources came to be seen as strategic assets and citizens came to resent the domination of foreign capital in their exploitation. As a result, numerous Latin American states nationalised one or more key resources – the first of these being Bolivia, which nationalised its oil production in 1937 (ibid.).

During the 1980s, however, mounting debts and trade deficits spiralled out of control and led to the Latin American debt crisis, which affected both countries described here as it did most of the region. The structural adjustment programmes developed by the international financial institutions and the US government to salvage the Latin American economies at the time contained preconditions for economic reform that would come to be known as neoliberal. They centred on the promotion of free trade, foreign investment, privatisation and the reduction of the size of the state.

As part of this process, these policies advocated for the liberalisation of extractive industries. These sectors tended to be more heavily regulated than others due to the perceived strategic nature of the resources. Their privatisation was a milestone, but regarded as deeply troubling by general publics (Hogenboom, 2012: 113-4).

These policies were advocated in part due to the central role of foreign direct investment (FDI) in neoliberal thinking. FDI policies in Latin America have tended to be cyclical in nature, varying from heavily regulated during times of growth to liberalisation during crises (Haslam, 2010: 211). As an ideology that advocated free trade, deregulated foreign investment was seen as beneficial to bring in foreign capital into economies in need of funds, to create new and high-quality jobs and provide a boost to the rest of the economy. It was expected that states and firms had a broad ‘harmony of interests’, and regarded the ‘contribution of FDI as greatest when least restrained (ibid., 212-3). Nonetheless, as Veltmeyer describes, the attraction of FDI in this particular sector is no guarantee for this – rather the opposite. Resources extraction is a capital-intensive, not a labour-intensive sector, and is therefore unlikely to generate many high-quality jobs. Moreover, it is an industry with a propensity to create enclave economies separated from the mainstream economy and without many forward and backward linkages to domestic firms,(2013: 82, 87). The latter is

considered the key channel through which the benefits of FDI are spread (Zoltán, 2000).

In addition to this, since the early 1990s a branch of the political science field has dedicated itself to the study of economies in which natural resources extraction features heavily. Terry Karl (1999) termed the problem in question the ‘paradox of plenty’, posing the question why so many countries worldwide which possessed abundant natural resources were nonetheless plagued by poverty, corruption and underdevelopment. Most recently, the cause is sought in the effect great windfall revenues have in countries with a weak institutional framework (Kolstad and Søreide, 2009: 216).

Finally, scholars including Weyland (2009) and Mazzuca (2013) have applied the rentier state theory to the ‘post-neoliberal’ states of South America which have emerged in recent years, including notably Bolivia. They specifically class these states together as states that have used the revenue ‘bonanza’ to fund elaborate social programmes benefiting their electoral base, forgoing the usual constraints on which the political right tends to insist. In the process they have become more authoritarian as horizontal checks and balances between institutions have been eroded, while vertical relations and plebiscitarian democracy, with more frequent referendum-style votes (Ellner, 2012: 110). Contrary to the ‘moderate left’ as represented by e.g. Brazil, the radical left has become hegemonic in these states (Mazzuca, 2013). However, Mazzuca (ibid.) and Kohl and Farthing (2012) all consider the Bolivian model to be at serious risk if the current tide of high commodity prices were to recede.

### **Guatemala, neoliberalism firmly anchored**

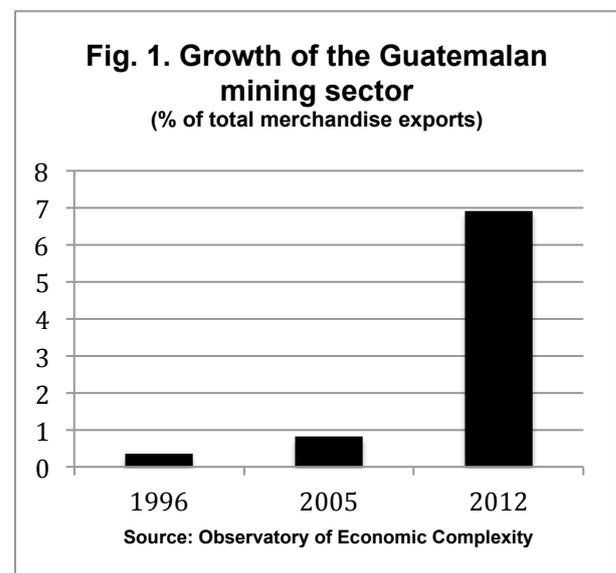
The Guatemalan state position regarding its mining industry is clearly an exponent of orthodox neoliberalism. The start of the current policy on the mining sector was the 1997 Decree 48-97, known as the ‘Mining Law’ which principally slashed royalties on mining profits from 6% to 1%, to be divided equally between the municipality of extraction and the national government (Holden and Jacobsen, 2009: 153). This followed the common neoliberal recipe of wooing foreign investment by deregulating and signalling the country was ‘open for business’ (Haslam, 2010: 213).

Indeed, the arguments the government employs when criticised on its policies frequently address the need to maintain a stable investment climate – implicitly warning against the instability of measures such as the Bolivian nationalisation of gas. The government has boasted of the positive evaluation its FDI policies has received from the UN for trade openness (COPREDEH, 2013: 10). The Guatemalan government explicitly mentions as one of its great questions for development: ‘How to combine the attraction and generation of large-scale investments as a mechanism or way for poverty reduction (..)’ (COPREDEH, 2013: 44).

As to how the government conceives of opponents of this road to development, the same document offers two illuminating quotes. The state mentions it refuses to consider that the right to consultation should ever be used as a veto against investors (ibid.), and officials are generally quick to point to alleged ‘extremist elements’ in movements who are unwilling to compromise (*La Hora*, 07/12/2012). Further, regarding protests against electricity-generating projects, its stance is made clear:

“La oposición de las comunidades locales a nuevos proyectos de generación (...) han salido a la luz, significando las preocupaciones principales de los inversionistas. Se considera que el gobierno debe hacer un compromiso público y hacer visible los esfuerzos por implementar comportamientos prácticos y efectivos para proteger las inversiones y asegurar el cumplimiento de la ley y los derechos de propiedad.” (COPREDEH, 2013: 12)

Guatemala cannot truly be classified as a ‘rentier state’: in sharp contrast to Bolivia, where over half of export revenues come from hydrocarbons alone, in Guatemala mining generates some 7% of net export revenues, and contributes a mere 1% of GDP (ECLAC, 2013: 26). Nonetheless, a historic overview (see Figure 1) of the growth of the mining industry shows the

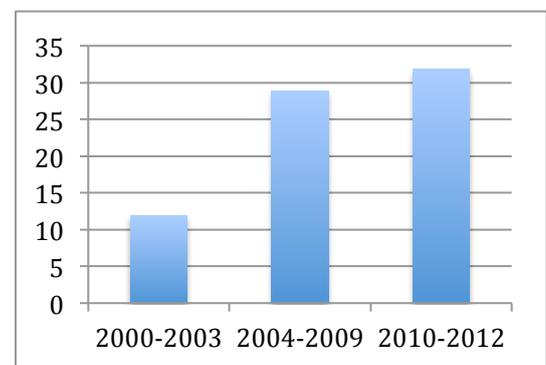


sharp growth – as the state itself phrases it, Guatemala is not yet a great mining player – but it could be, to fulfil its potential (COPREDEH, 2013: 13-4).

While there has been no serious challenge to this paradigm by any of the post-war Guatemalan governments, some attempts have been made to suspend the granting of new mining concessions as revisions to the 1996 Mining Law were being examined, a measure which was announced by president Otto Pérez Molina in July 2013 (*Prensa Libre*, 13 July 2013). However, these efforts encountered serious opposition and lobbying efforts by the Guatemalan Council of Industry and conservative forces in the Guatemalan Congress, where the proposal is currently stalled (*ibid.*). In addition, they have been criticised by civil society representatives, including Yolanda Ouelí of the La Puya Resistance described further on, as not going far enough and not covering controversial mining projects which are already operational (*ibid.*; Mines and Communities 17 July 2013). Moreover, given the concentration of economic and political power in the hands of a small number of elite players in Guatemala, the resulting impression is of a state in which vested interests are likely to defend their privileges from serious attempts at reform (González, 2014).

### **Bolivia, a post-neoliberal context**

To a much greater extent than Guatemala, Bolivia is dependent on natural resources extraction for much of its income, with hydrocarbons alone constituting 52.4% of all exports. Furthermore, Bolivia's trade balance for natural gas improved from 3 to 19% of GDP between 2000 and 2012, by far the greatest leap in Latin America (ECLAC, 2013: 48).



**Bolivia: fiscal revenue from hydrocarbons as % of total gov't revenue.** Source: ECLAC, 2013: 56

Simultaneously, extractivism has also dominated much of Bolivia's recent political discourse. The implementation of neoliberal reforms in 1985 included, as expected, an insistence on widespread privatisation which eventually touched the state hydrocarbons company, Yacimientos Petroliferos Fiscales Bolivianos (YPFB) in 1996. It was 'capitalised' (privatised), to great popular discontent (Postero, 2013: 30). At the start of the new millennium, however, social unrest regarding dissatisfaction

with the privatisation of natural resources and basic services such as water provision came to a head with widespread social mobilisation.

The ‘Gas war’ of October 2003 was a period of extremely heavy social mobilisation that saw major protests around the country, resulting in the death of 67 people and the president, Gonzalo Sánchez de Lozada, go into exile in the US (Hogenboom, 2012: 115). In response to this intense pressure, his successor Carlos Mesa organised a referendum on the key demand of protesters, nationalisation of the nation’s hydrocarbons industry (Petras and Veltmeyer, 2005). Once this passed, it resulted in the 2005 Law on Hydrocarbons, which for the first time incorporated the requirement to hold prior consultations with populations on whose lands projects were foreseen.

However, in the 2005 elections the growing support for the Movimiento al Socialismo (MAS) party had become unstoppable and resulted in the election of Evo Morales. One of Morales’ first acts was to enforce the 2005 law, in part by sending in the armed forces to symbolically ‘reclaim’ 56 gas extraction plants, and changing state takings of oil revenue from 18% to 82% (Ellner, 2012: 102). This is precisely the type of action that according to the Guatemalan ideology and economic orthodoxy ought to drive investors away. However, Haslam (2010: 226-8) has found that, thanks in part to the presence of friendly neighbour states willing to invest in joint ventures and facilitate negotiations, Morales has been able to show ‘that the neoliberal emperor has no clothes’. Given this insight, Haslam argues, the more pertinent question to ask would be why neoliberal governments have been so reluctant to increase regulations and royalties (225).

A prime characteristic of contemporary Bolivia is the intense politicisation of the debate around natural resources. Hogenboom (2012: 113-4) notes one of the main goals of neoliberalism was to de-politicise natural resources and integrate them into the global economy under regular mechanisms of trade liberalisation – indeed, to treat natural resources as regular export products. By contrast, in the popular imaginary these resources, whose benefits ought to benefit the nation rather than foreign investors, this was considered ‘the loss of their nation’s “crown jewels”’. In Bolivia, Kohl and Farthing note, ‘resources appear to be imbued with almost magical

properties and have long been seen as possessing the potential to solve the country's economic problems' (2012: 226).

This viewpoint is not remarkable taking into account the recent history of resources extraction in Bolivia. In 1985, Postero (2013: 30) notes that neoliberalism yielded 'disastrous results for the majority of Bolivians', with most Bolivians believing that neoliberal governments acted solely for the benefit of their own and their foreign cronies' bank accounts (49). Particularly painful, she notes, were the privatisation and layoffs of the gas and mining sectors, considered 'a blow to the dignity of the Bolivian working people', who had previously earned relatively well in the sector and enjoyed the status of working for the nation (37). Kohl and Farthing (2012: 229) note that frames such as "defending" natural resources have been consistently used in popular mobilisations.

As such, the master frame of sovereignty is of great importance in this discussion. The first *Plan Nacional de Desarrollo* formulated by the Morales administration in 2006, connects very clearly neoliberal capitalism and colonialism, arguing that neoliberalism exacerbated the wealth inequalities and exclusion from the economy suffered by the indigenous population as a result of the colonial export economy (Postero, 2013: 33-5). This mindset, expressed by the frames of 'resource nationalism' has imbued political moves such as the re-nationalisation of the Bolivian hydrocarbon industry with such potency (Kohl and Farthing, 2012). However, this unwavering support for expanding the extractive frontier has given rise to a remarkable 'double discourse' in which the extractive industry, framed as a pillar of progress, coexists with strident defence of the *vivir bien* model of life, with an emphasis on living in harmony with the Pachamama [Mother Earth](Postero, 2013: 47-9). Morales has in the past remarked that 'the best way to protect human rights is by protecting the rights of mother Earth' (ADITAL, 05/05/2010). Gudynas (2010) questions whether this can truly be realised while propagating an economic model that risks heavy environmental damage and a perpetual dependency on commodity markets.

Morales reconciles his *pachamamista* discourse with this model, 'because he sees industrialization and economic progress as a fundamental part of his mandate from his

constituents’ (Postero, 2013: 49). Indeed, Morales has very explicitly connected resource revenues to the financing of a number of anti-poverty programmes introduced by his administration, such the conditional cash transfer programmes Bono Juancito Pinto, paid to poor families who send their children to school; the Bono Juana Azurduy which supports pregnant women; and the old-age pension programme Renta Dignidad (Madrid, Weyland and Hunter, 2010: 160-5). This system of funding social programmes with resource revenues has been described as a hallmark of post-neoliberal ‘contestatory left’ states in Latin America (Weyland, 2009).

## **Conclusion**

Both ideological justifications hold serious implications for the legitimacy of social movements that protest extractivist policies. In Guatemala, protests against such operations may be framed as reactionary arguments against national development, or even as sabotage attempts to destabilise the economy, such as seen in the criminal charges against La Puya protests for ‘threats’ and ‘false imprisonment’ (Front Line Defenders, 29/05/2014). There have been reports of at least one defamation campaign in national media against human rights defenders sponsored by the obscure ‘*Fundación contra el terrorismo*’ suspected of ties to the government.<sup>1</sup> NGO professionals working with Guatemalan human rights defenders confirm the risk of being branded a terrorist in this climate (Rowe, interview). This can even result in criminal charges. The UN has observed that ‘protests by communities and social organizations against projects for the exploration of natural resources frequently triggered criminal proceedings with charges such as terrorism and criminal conspiracy, which appear disproportionate to the gravity of the alleged offences.’ (UN OHCHR, 2014: par. 47) The Guatemalan Human Rights Ombudsman has mentioned the preference for the government to use ‘*una política de control*’, by declaring states of siege or states of emergency at protest sites, suspending normal civil rights (Procurador de Derechos Humanos [Guatemala], 2013: 2).

In Bolivia, the complex coexistence of extractivism with highly politicised resource nationalist frames in official discourse creates the risk that protesters are branded as

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<sup>1</sup> Front Line Defenders, <http://www.frontlinedefenders.org/es/node/23758>

<sup>2</sup> The United States government Agency for International Development.

being elitists out of touch with widespread poverty attempting to deny Bolivians the right to their resource revenues; Gudynas describes the ‘blackmail’ of threatening that anti-extractivist attitudes put anti-poverty programmes at risk (2010: 67). He quotes Morales’ remarks following protests in the north of La Paz province in late 2009, near the site of one case study in this paper:

¿De qué Bolivia va a vivir si algunas ONGs dicen Amazonía sin petróleo? ... están diciendo, en otras palabras, que el pueblo boliviano no tenga plata, que no haya IDH [*tax on hydrocarbons*], que no haya regalías, pero también van diciendo que no haya Juancito Pinto, ni la Renta Dignidad ni el bono Juana Azurduy (quoted in Gudynas, 2010: 67).

Alternatively, with particular salience given Morales’ strident anti-US discourse, protesters may be branded a type of ‘foreign agents’. In one case study described below, government officials publicly accused one protesting indigenous movement of receiving funding from USAID<sup>2</sup>, as has happened before with Bolivia’s national indigenous organization, CIDOB (Postero, 2013: 50).

As such, despite their positioning at opposite ends of the political spectrum, both the Guatemalan and Bolivian governments have through their own reasoning arrived at positions where the extractive sector in their national economies is to be encouraged and expanded, while opponents of such policies can expect government rhetoric to be directed against them, challenging their legitimacy. Bebbington and Humphreys Bebbington (2011: 140-2) conclude the same, arguing that there are some convergences between neoliberal and ‘new left’ policies and that ‘the extractive sector seems to channel these convergences’ (140). The question then becomes: what implications does the fact that these states created environments in which extractivism seems a hegemonic discourse hold for social movements attempting to voice dissenting opinions in them?

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<sup>2</sup> The United States government Agency for International Development.

## **II. Social Movements, Human Rights and Anti-Extractivist Mobilisation**

What is the position of social movements and human rights defenders in these political economies? How are their prospects and struggles shaped by this hegemony of resources extraction? As noted by Stewart, social struggles never take place in a vacuum, but rather against a background of a global economy in which the domestic arena is interwoven with the global stage – in her terminology, the ‘nested state’ (Stewart, 2006). Social movements, in turn, can reach out to transnational advocacy networks (Keck and Sikkink, 1998) and so profit from globalisation and, notably, the advances in technology to project their local conflicts to a global audience.

This chapter will serve to show how the literature on social movements in Latin America, particularly their organisational and mobilisation strategies, relates to the argument made previously about the dominance of natural resources in the national economy. After discussing theories regarding the origins of protest, the nature of grievances and strategies of mobilisation, this essay will follow Loveman (1998) and Spalding (2013) in arguing that a syncretic approach combining structural and agency-based approaches to explaining mobilisation is helpful to understand activism in the Guatemalan and Bolivian contexts. It will further pay attention to the main challenges in these national contexts, notably the hotly debated issue of prior consultation, a key point of contention in all the case studies discussed in this paper.

### **Origins of protest**

A fundamental fact regarding all the case studies discussed in this paper is that in each case the main protagonists of the protests have been local affected communities protesting against operations on the lands they inhabit or in their vicinity – they are territorially grounded (Yagenova and García, 2009: 157). This is commonly at the root of many such conflicts in the region (Holden and Jacobsen, 2009: 155). As such,

particularly given the invasive nature of extractive operations, in many cases they involve fears or knowledge that the lands and/or resources on which the community relies, will be damaged or destroyed. They are therefore examples of *reactive* defiance (Eckstein, 2001: 11). Their lack of access to ‘formal or informal non-tumultuous channels of power’, being economically subordinate groups, forces their protests into the public sphere (ibid.: 28). Moreover, in many rural Guatemalan communities there are strong local social and cultural ties binding the community together, conditions which Eckstein describes as making collective defiance at the village level more likely (ibid.: 33-7).

Why do these communities then mobilise? Loveman’s (1998) analysis is particularly relevant to this text in that she examines collective action in *high-risk contexts*, which tend to be unpredictable and unstable, and where moreover the penalties of engaging in such mobilisation can be severe, even lethal; as such, she argues, rational-choice theories hold little explanatory power for such cases (1998: 479-481). Like the cases she describes of the authoritarian Southern Cone countries, the Guatemalan and Bolivian contexts feature mobilisation on issues where the risk of repression is significant (although notably more so in Guatemala<sup>3</sup>) while the chance of collective action paying off is slight, given the fiscal and financial stakes involved in the sector they are protesting. This text will follow Loveman in taking advantage of the diversity of scholarship on social movement theory in assuming that ‘explanations for collective action involve multiple variables whose influences in particular instances of collective action is complexly and contingently interrelated’ (1998: 479).

One factor that may be relevant in this case is an approach emphasising the importance of identity construction by participation in a movement, although ‘theorists disagree over the extent to which identity *explains* or *is explained by*, participation in a social movement’ (ibid.: 482). Two particular dimensions of anti-extractivist protests are of particular relevance in this regard – even if the question of identity is regarded as working two ways: a pre-existing identity might inspire participation which seems consistent with an individual’s values, while an identity may, conversely, also be constructed precisely by participation (ibid.).

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<sup>3</sup> UDEFEGUA [Unidad de Defensores y Defensoras de Derechos Humanos de Guatemala], homepage. Accessed at [www.undefegua.org](http://www.undefegua.org)

First, in both countries there is a considerable overlap between lands containing resources identified for extraction and territories inhabited by indigenous peoples (Slack, 2009: 118; Defensoría del Pueblo [Bolivia], 2013). Indeed, indigenous peoples have often made explicit links to their heritage when protesting extractivism, a notable example being the 2006 declaration of Sipacapa: “As Indigenous Peoples, we have an integral vision of Mother Earth, manifested in the respect and intimate relationship that exists between people and nature” (quoted in Fulmer, 2010: 6). Schilling-Vacaflor (2013: 205) suggests with relation to Bolivia that “the closer the relations of the local people are with the areas they inhabit and use, the more their rights are affected by territorial intervention”. This could provide the required negative “moral shock” (Stewart, 2006: 201) to encourage participation.

In addition to indigenous people’s profile in the protests is that of women. According to Melissa Wong of the Peru-based NGO Red Unión de Mujeres Latinoamericanas (Red ULAM), “Working with WHRDs [women human rights defenders] it is clear to us that women have different concerns to men, which arise from their connection and dependence on the earth and their long term vision of survival” (Wong, interview). Yolanda Oqueli, a community leader, has highlighted the leadership role women occupy in the La Puya movement, stressing the symbolic role of women as givers of life and ‘mothers’ of the community.<sup>4</sup>

### **The nature of grievances**

At this point it may be opportune to examine in greater detail the precise nature of the grievances these communities are concerned about. When discussing extractive operations such as featured in this text, it is important to distinguish opposition by human rights defenders to the extractive sector in itself, or to the procedure in which they are planned, approved and executed (Fulmer, 2010).

Regarding the latter, there has been considerable attention paid to the former case. The question of prior consultations with adjacent communities has featured heavily in discourse around the world in connection to the extractive sector, especially where

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<sup>4</sup> Presentation at the conference “*Guatemala – No Going Back!*” at Amnesty International Human Rights Action Centre, London, 31/05/2014.

indigenous peoples are concerned, and merits closer examination. The fundament for the concept in international human rights law was laid in 1991 with the entry into force of the International Labour Organisation's Convention no. 169 on Indigenous and Tribal Peoples (abbreviated ILO C169). In this text, a great number of issues concerning many indigenous groups are addressed, including notably Article 6 (1) (a):

1. In applying the provisions of this Convention, governments shall:

(a) *consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly.* (International Labour Organisation)

ILO C169 further contains provisions stating indigenous peoples are entitled to 'decide their own priorities for the process of development', including participation in national and regional development plans affecting them (Article 7, par. 1), the right to access to justice in case of violations of their rights (Article 12) and a series of provisions safeguarding ownership and transfer of lands traditionally inhabited and used (Articles 13-19) (*ibid.*).

Fulmer (2010: 3-4) notes that although the convention was hailed as a milestone by indigenous groups at the times of its adoption, there was disappointment that instead of a right to provide *consent* to activities affecting their lands, the chosen formulation was the vaguer '*consultation*'. The treaty has been ratified by 20 countries to date, most of whom are Latin American, including Bolivia and Guatemala (ILO website). Prior consultations 'should not only guarantee [indigenous-peasant communities] control over their lives through political participation, but also contribute to the protection of human rights that might be at stake' (Schilling-Vacaflor 2013: 205). In order to meet the ideal of a feature of deliberative democracy, consultations should, according to Schilling-Vacaflor, include mediators accepted by all parties; allow every affected person to participate; provide the deliberators with equal chances to express preferences; take place in a transparent process under independent scrutiny and with information and arguments that are understandable to all concerned; provide

access to relevant information; and be accepted as binding in nature by all parties (ibid., 204-5).

This novel development in international human rights law has also found an expression in the domestic legal systems of Guatemala and Bolivia. The Guatemalan constitution of 1985, which is ‘literally permeated with human rights norms, which structure the entire document’ (Ropp and Sikkink, 190) contains Article 46, which grants international law to which Guatemala is party the same status as domestic law, thus covering ILO C169 (Procurador de Derechos Humanos [Guatemala], 2013: 15). Moreover, strikingly, the Guatemalan Municipal Code contains detailed provisions on the organisation of referendums on local development projects

In Bolivia, the question of prior consultations has over the years become even more politicised. The 2005 Ley 3058 de Hidrocarburos, already contained a requirement of prior consent; Articles 114-118 stipulates that indigenous peoples have a right to consultation if hydrocarbon activity is to take place on their territory, which is to be carried out by the Ministry of Hydrocarbons. However, it was with the election of Evo Morales that the question took on its full symbolic significance. A key aspect of the MAS’ election programme was the convocation of a constituent assembly to implement the transition to a plurinational state by giving it a new Constitution (Ellner, 2012: 102), which further incorporated it (Articles 30, 343, 352 and 402) (Bascopé Sanjinés, 2010: 174). Moreover, it has been made more concrete by Morales’ Presidential Decree D.S. No. 29033 which regulates that the conditions described in ILO C169 should be adhered to, further facilitating e.g. the use of local socio-environmental monitors (ibid.; Schiling-Vacaflor, 2011: 213).

The importance of this development is clear from the prominent role consultation plays in conflicts such as those described in this text. In practice, however, it is clear that consultations leave much to be desired, to the extent that they take place at all. Every case study described in this paper features grievances linked to faulty or entirely lacking previous consultations, with communities framing demands in the context of the legal guarantees to consultation they ought to enjoy. Some groups, such as the Sipacapa people protesting the Marlin mine in Guatemala, have gone as far as organising their own referendum in the absence of an official one (Yagenova and

García, 2009: 160-1). It has been suggested that while human rights law plays an important part in civil society mobilisation, the utility of treaties such as ILO C169 is perhaps less as a legal recourse, and lies more in the sphere of conferring legitimacy and authority on grievances (Fulmer, 2010: 21). Consultation is, in essence a way of demonstrating that the state takes affected communities seriously.

A more fundamental problem arises, however, in cases where the problem is not so much the procedure by which extractive operations are granted permission, but rather the activity itself. For a variety of reasons, often closely intertwined, social movements may be fundamentally opposed to the extraction of natural resources as a method of development.

On the cultural level, as discussed above, grievances include the view that resources extraction is a method of development that is incompatible with traditional indigenous worldviews, which emphasise a close relationship to the earth and the importance of living in harmony with nature. Bolivian environmentalist groups, too, have been at loggerheads with the Morales government in an ‘almost structural antagonism’ due to their discourse ‘defending the environment through recognition of the rights of the Pachamama [Mother Earth]’ (Kohl and Farthing, 2012: 230). There are also environmental concerns which express – reasonable – fears that extractive operations will endanger vital resources and threaten livelihoods. The ‘significant negative externalities’ of mining in particular (Slack, 2009: 119) pose a threat to livelihoods in the vicinity of operations. The potential damage that could be caused by techniques such as cyanide leaching, used for gold mining in the Guatemalan Marlin mine, would be disastrous, endangering ground water supply by acid mine drainage for centuries to come in a weak regulatory environment ill-equipped to mitigate these risks to any satisfactory degree (Holden and Jacobsen, 2009:150-158).

## **Mobilisation**

As these grievances are articulated, how then do social movements under these circumstances mobilise? This essay will argue that a combination of structural shifts in political opportunity combined with approaches emphasising the agency of the movements are the most useful to understand the context of protest in resource

extraction conflicts in Guatemala and Bolivia. Spalding (2013) has used this approach to explain the transnational integration of anti-mining activism in El Salvador increased in the wake of the Salvadoran civil war and authoritarian regime.

The study of political opportunity shifts places an emphasis on analysing access to institutions and channels of power through which social movements can articulate grievances and exercise influence. Naturally, this approach places the focus on the political context and as such is useful to account for changes in the reality of social mobilisation following changes of government or institutions, the macroeconomic context or global shifts in power. This is useful for the present analysis, given that it compares different political systems. Loveman (1998) argues that human rights mobilisation is shocked into action by *negative* shifts in political opportunity: as traditional channels of influence become blocked or, for example, a government begins to engage in state terror, human rights defenders mobilise who might otherwise not have been moved to engage in high-risk collective action.

An important adaptation of this theory is of central importance to this analysis: the integration into transnational networks. Keck and Sikkink (1998) described the existence of transnational human rights action networks; according to their theory, if a local movement found the national political system and channels of power closed to it, it could turn to transnational networks which could pressure the government on its behalf to comply with human rights norms through such actors as international NGOs with resources and access to influential actors such as foreign donor governments or international financial institutions with the capacity to pressure the government for change. They termed this the ‘boomerang model’, and elaborated it with special reference to Latin America.

While it remains influential and observable, the boomerang model has been criticised for removing the agency of the movements themselves from the picture, and for omitting the risk that power asymmetries might have an adverse effect on the original local movement (Spalding, 2013; Stewart, 2006). Indeed, Spalding (2013) has elaborated a variation of the ‘boomerang model’ that she terms the ‘domestic loop’. It describes a process whereby a local group might seek to pressure the state domestically, but assisted by resources gained through transnational mobilisation. In

particular social movements which internationalise their struggles can strategically ally themselves with two types of international NGO (INGO): the *domesticating* variety, which works internationally but focuses on effecting change in-country; and the *power node* variety which primarily operates in global power centres and benefits from access to influential decision-makers to exert indirect pressure on the government in question. Organisations integrated into transnational action networks can provide resources, such as funding, and facilitate connections to other communities facing similar issues. A further example is the engagement of members of the international scientific community, as a method of combating information and resource asymmetries between local communities and transnational corporations. This strategy has been important to access impartial information on e.g. the environmental impacts of proposed projects (Slack, 2009: 131; Holden and Jacobsen, 2009: 156; Spalding, 2013: 36).

Of course integration into networks need not solely be transnational in character. Eckstein noted that members of subordinate groups are more likely to engage in collective defiance if they have the support of more advantaged groups (Eckstein, 2001: 37). In recent decades, the trend across Latin America has been toward greater organisation and professionalization of social movement and led to a proliferation of organisations now classed as non-governmental organisations numbering tens of thousands (NGOs) (Foweraker 2005: 125-130). This has given rise to networks of human rights defenders and other civil society actors across societies. Loveman (1998) already described the fact that for human rights organisations to be successful in mobilising during the Southern Cone authoritarian regimes, embeddedness into dense interpersonal issue networks was key. In Guatemala, for example, the Catholic Church has for decades been dominated by a strand of theology favourable to liberation theology with a strong inclination toward social justice and a ‘preferential option for the poor’. This has translated itself into Guatemala’s most senior clergy advocating openly and vocally on behalf of the anti-mining movement (Holden and Jacobsen, 2009). However, both countries also contain active networks of domestic human rights organisations coordinating the environment for human rights defenders (for example, the UDEFEGUA in Guatemala), environmental movements and, in particular in Bolivia, organisational cooperation between indigenous social movements. This is visible in joint collective actions various groups have undertaken

such as the highly symbolic Indigenous Marches on La Paz, in a notable recent case against a deficient consultation regarding the construction of a highway through the TIPNIS (*La Razón*, 15/06/2012).

As shown above, it would not do to neglect the movements' agency in setting up such strategic alliances, particularly as there appears to be a dialectic relationship between the local and the transnational. Movements may use collective frames of a universalist character to frame their struggles in a broader context through diffusion, or internalise international norms (Tarrow, 2005; Ropp and Sikkink, 1999). In particular in high-risk contexts in which attempts from officials or influential social actors to delegitimise human rights defenders are rife, recourse to universal human rights language may provide such actors with additional legitimacy and credibility in the eyes of the general public (*ibid.*; Wong, interview). However, local circumstances can influence this considerably; transnational cooperation may also serve to *de-legitimise* human rights defenders in contexts where there is a high degree of nationalism in official discourse (Rowe, interview). During the Cold War, Guatemalan governments frequently referred to the insurgency as the nation being under threat by destabilising forces supported by international communism (Ropp and Sikkink, 1999). As mentioned before, the nationalistic frames used by members of the Bolivian government can mean social movements engaged in transnational networks may be discredited if they are perceived as 'connected' to organisation or governments in Europe or North America (Rowe, interview).

## **Conclusion**

Where does this overview leave this analysis as it turns to a discussion of concrete case studies? As has been shown, social movements contesting extractivist operations tend to originate in local communities protesting (planned) operations affecting them. These may either contest the decision-making process and flawed or absent consultations; or they may be directed against the sector in itself. Consultation is held to be a method for local communities to participate on a democratic and non-discriminatory basis in decisions of governance affecting them. People may be moved to participate despite a high-risk context because of the perceived injustice and threat and/or may feel compelled to do so for identity reasons.

Of particular relevance given the different political contexts that feature in this comparative analysis is the effect of different levels of political opportunity and access to power. On the basis of such theories, it is to be expected that a closed political system brings movements to seek transnational alliances and embed in networks both domestically and transnationally. In a more open system, this may be less prominent, although it can still serve to resolve power asymmetries and strengthen actors' credibility and legitimacy. Attention to the discourse and collective frames used by movements in this regard may serve to illuminate this. This may also be the case for transnational organisation, although the domestic context may undermine the utility of such connections in the realm of legitimacy. Given these insights, it is an opportune moment to turn to the concrete case studies in both countries to see to what extent these expectations hold true.

### III. Guatemala: case studies

As Guatemala was ravaged by a brutal civil war for much of the period between 1960 and 1996, foreign investment was low and Guatemala characterised as ‘the leading underexplored country in the world’ (Holden and Jacobsen, 2009: 153). An exception was the El Estor nickel mine in the 1960s, which faced intense protests, which were violently repressed (Slack, 2009: 127).



Source: Google Maps Engine

The country is still characterised by extremely high levels of violence and impunity alongside one of the highest levels of inequality in the hemisphere (González, 2014). As a result of it, human rights defenders in Guatemala engaged in public protests run a significant risk of being attacked or even killed, particularly where they challenge powerful interests. The national NGO UDEFEGUA documents hundreds of killings of human rights defenders annually, a number which has increased in recent years<sup>5</sup>.

The Guatemalan political and economic systems have been dominated by elites and oligarchies for much of recent history, resulting in a closed political system in which elites hold a veto position, demonstrating a ‘stubborn defence of privilege’ (González, 2014: 415). This is further demonstrated by corruption, which is a significant problem as shown by the country’s ranking of 123<sup>rd</sup> of 177 countries surveyed worldwide (Transparency International, 2014).

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<sup>5</sup> UDEFEGUA [Unidad de Defensores y Defensoras de Derechos Humanos de Guatemala], homepage. Accessed at [www.udefegua.org](http://www.udefegua.org)

The implications for the expectations for the case studies described below are therefore as follows. Given the high-risk environment, the likely outcome is the strategy of mobilisation with an emphasis on embeddedness in issue networks (Loveman, 1998) and linkage with transnational action networks in a ‘domestic loop’ or ‘boomerang model’ pattern (Keck and Sikkink, 1998; Spalding 2013) as a response to the closed channels of power. In addition, symbolic, visible forms of protest are likely given the high levels of inequality (Eckstein, 2001: 28).

### **The Sipacapa case**

The following case study is of the first major mining concession that was awarded following Guatemala’s liberalisation of the mining sector in 1997. It is a case that garnered huge international attention, in part due to effective strategy on the part of the protesters.

The mine in question is the Marlin mine, operated by the Canadian corporation GoldCorp. The Guatemalan Government speaks warmly of the fact that it managed to attract a global player and had hopes that this would be the catalyst for more companies to move into Guatemala (COPREDEH, 2013: 14). However, the local indigenous community of Sipacapa on adjacent lands was not consulted and began to protest when plans for the mine were made public in late 2004. Despite promises the mine would bring employment, many were skeptic about the real, long-term benefits this would bring the local community if they materialised at all. In 2006, the mine only represented 1.5% of employment in the area (Holden and Jacobsen, 2009: 159; Fulmer, 2010: 5). In protest, after the entirely deficient environmental assessment process had finished, the community took to ever more public protests, including a road block outside Sololá which was violently broken up by police; it resulted in the death of a protester, with a dozen others convicted on terrorism charges (Slack, 2009: 127; Fulmer, 2010: 7).

While the community was angered over the lack of consultation, grievances also included an ever greater fear for the environmental consequences of the mine. The Marlin mine would use not only vast quantities of water, a scarce resource locally, but also use cyanide heap-leaching as a method for gold extraction, which contains a very

high risk of poisoning ground water supplies in perpetuity (Holden and Jacobsen, 2009: 157-9). The protesters used strong indigenous identity and discourse to frame their demands (Fulmer, 2010: 6), not in the least because open pit mining as an activity was ‘utterly alien to the Mayan cosmovision’ (Holden and Jacobsen, 2009: 159). Given that at this point the Guatemalan environmental regulations were still entirely untested, it was considered that the country simply did not possess the competence to mitigate the risks (ibid.; Slack, 2009: 126) – in addition to doubts the government was capable of transparently administrating the revenues in the first place (Fulmer, 2010: 5).

The community mobilised in various other ways. First, they organised the country’s first community referendum independently. The voting was held on 18 June 2005, resulting in a 98% No vote to the operation (Yagenova and García, 2009: 158). This referendum was challenged by the national government, although the community argued it should by law be binding: not only does the Municipal Code foresee in the organisation of referendums with sufficient participation, but in addition, article 46 of the Guatemalan Constitution incorporates international law into domestic law, and as such ILO C169 would guarantee them the right to a consultation (Procurador de Derechos Humanos [Guatemala], 2013). Ultimately, the community was unsuccessful in its court case, as the initial positive Constitutional Court verdict was successfully appealed. ILO C169 did, however, come to represent an important symbolic support for the community’s efforts, citing it as ‘a basis for the legitimacy of their undertaking’ (Fulmer, 2010: 7).

Embedding the movement in the Guatemalan human rights issue network was a further important aspect of the community’s strategy. An alliance was made with the Catholic church, which in Guatemala has tended to fiercely oppose mining from a theological standpoint favourable to liberation theology (Holden and Jacobsen, 2009). Both the National Council of Indigenous Peoples and the Catholic Church have questioned the benefits of mining as an industry for Guatemala (Slack, 2009: 128). Influential national environmental NGOs such as Madre Selva began to actively assist the community (ibid.). They further managed to contract an independent expert, Robert Moran, to conduct an impartial environmental impact assessment which was used in the court case (Holden and Jacobsen, 2009: 158). A further successful move

was the integration of the Sipacapa community in the newly formed Council of Western Peoples (CPO), which retains an important representative voice in social anti-mining questions, such as when they rejected the proposed moratorium on new mining licenses proposed by President Pérez Molina (Mining and Communities, 17/07/2013).

The Sipacapa people have further taken their legal claims to the Interamerican Commission on Human Rights (IACHR, 2011), which in 2010 ordered the Guatemalan government to shut the mine down due to human rights concerns while it considered the request from the Sipacapa population for protective measures. In 2011, however, the IACHR revised this temporary judgement, still demanding some protection for the community's water supply but less other safety measures than previously (ibid.).

The government's attitude to the community's demands is perhaps best summed up by the terse comment that a right to consultation cannot result in a veto of projects (COPREDEH, 2013: 45), possibly made in reference to this case. It also stalled its implementation of the IACHR verdict for a year, then submitting new information to the IACHR arguing the mine did not pose a threat (IACHR, 2011). Violent dispersal of the peaceful roadblock and criminalisation strategies were employed against the community, as mentioned. From an analytical standpoint, the Marlin mine protests appear to conform to both the boomerang and domestic loop models, which suggest transnational organisation would take place as a result of the reluctance of the national government to negotiate with the community, as well as to the predictions of Loveman's analysis that under these circumstances, movements engaged in high-risk collective action can persist by integrating into existing issue networks, such as in this case the transnational and domestic civil society networks.

### **La Puya Resistance**

The most recent of the case studies described here, La Puya is included because it may constitute an example of a novel high-profile way of anti-mining activism in Guatemala that highlights the different outcomes when the protagonists in the movement in question are, in their majority, female.

In 2010, a mining concession was awarded to the area between the villages of San Pedro Ayampuc and San José del Golfo, to the north of Guatemala city, without consultation of the local community, which only found out gradually over the subsequent months. On 1 March 2012, Estela Reyes, a local woman, sat down on the entrance road, blocking access; within days, a roster was drawn up and community members took turns in maintaining the blockade (GHRC, 2014). This has been the principal and most visible method of community resistance used in the two years since the start of the protest movement, which was given the name Resistencia “La Puya”. As has been pointed out by Eckstein, road blockages are particularly suited to countries with lesser developed road networks as they cause significant disruption (2001:16).

The nature of the grievances of the community is twofold. While initially, the main anger was expressed at the absence of any kind of consultation before a concession was granted and the community was presented with a *fait accompli*, there is a deeper concern among the protesters as to the environmental damage the El Tambor mine is likely to cause in their vicinity, again due to an important part to the use of resources (Ouelí, 31/05/2014).

As the protest became a prolonged community action, however, the backlash from both the Guatemalan state and non-state actors potentially connected to the mining operation has been considerable. The state has, as in the previous example, engaged liberally in delegitimising public statements denouncing the protest (Ouelí, 31/05/2014). Human rights defenders have been branded enemies of the development of the nation. According to Daniel Rowe of Red ULAM, La Puya’s status as a strictly peaceful protest is not only desirable but very necessary to prevent being labelled terrorists (Rowe, interview), in what can be regarded as a reproduction of the old fault lines of a polarised post-conflict society in the wake of a highly traumatic civil war and genocide (Procurador de Derechos Humanos [Guatemala], 2013: 1).

Physical violence has also been a persistent threat. Yolanda Ouelí, a community leader at the protest and a vocal spokesperson for the group, was shot in the night of 13 June 2012, narrowly escaping alive. In response to this, the IACHR ordered

protection measures to be implemented for her benefit (IACHR, 2014). Following an earlier attempt to break through the blockade on 8 May 2012, on 6 December 2012, a large-scale police operation against the protesters, aiming to clear the entrance to the mine, left several wounded (GHRC, 2014). In a reaction, Minister for Governance Mauricio López Bonilla claimed ‘radical groups’ were among the protesters who wanted nothing but impose their will’ (*La Hora*, 07/12/2012).

The next step in the counterforce against the protesters was the criminalisation of a number of members of La Puya. Official charges of false imprisonment, coercion and threats were filed against four of the human rights defenders, including Yolanda Oqueli. While Oqueli was eventually acquitted (Front Line Defenders, 29/05/2014), the three other protesters were handed sentences of 9 years imprisonment, decried by human rights organisations as unfounded (GHRC, 2014).

At the time of writing, the final major development at San José del Golfo took place in the early morning of 23 May 2014 when a mixed force of regular and military police arrived at the entrance to the mine and proceeded to break up the protest in an action in which over 20 protesters and a dozen police officers were wounded (UN OHCHR, 26/05/2014). Members of the La Puya Resistance have since been kept from the entrance, but they maintain a public protest in the vicinity and continue their advocacy work (Oqueli, 31/05/2014).

Given the Guatemalan government’s position on mining, this is another useful case on which to test the validity of theories of embedding into transnational networks as a strategy. Again, the ‘moral shock’ of the announcement of mining operations proved the catalyst for human rights mobilisation.

In terms of access to the political system domestically, the channels of influence in the political system have remained closed to the protesters. While the La Puya community has been diligent in filing detailed police report with the Prosecution Service on every incident of intimidation and other threats, particularly the attempt on Yolanda Oqueli’s life, no action appears to have ever been taken on these reports (Rowe, interview). Indeed, there was a time lag of three months between the date when the IACHR ordered protective measures for Oqueli due to the imminent risk

and the actual implementation of the measures by the Guatemalan state (GHRC, 2014).

As for the ability to voice their demands and influence policy, some inroads were made by the protesters but ultimately with unsuccessful outcomes. A meeting between representatives and the Guatemalan president Otto Pérez Molina took place on 12 June 2013, who installed a round table to maintain a dialogue, but both stalled without a tangible change in the situation on the ground. There has been a similar lack of support from other state organs, with the exception of the Human Rights Ombudsman, who Yolanda Oqueli herself has praised as having been more supportive to the La Puya protest than to others and the office played an active mediating role during the confrontation in May 2014 (Oqueli, 31/05/2014).

Given this reality domestically, the La Puya protesters conform to Spalding (2013) and Keck and Sikkink's (1998) models of transnational engagement. Indeed, the La Puya protesters have very actively engaged with both domestic and transnational human rights networks. Congruent with the domestic loop model, representatives – notably among them Yolanda Oqueli – have used domesticating international NGOs such as the London-based Latin American Mining Monitoring Programme (LAMMP) and regional networks of human rights defenders such as Red ULAM to share their strategies by cooperating with movements in other regions and countries in the region. The protesters have benefited from security grants by the Irish INGO Front Line Defenders, an example of the use of transnational resources to pressure domestically.

A further aspect of the La Puya differentiates it from the previous case study of Sipacapa and merits specific attention here, namely the protagonism of women. La Puya has retained a strong, but certainly not exclusive female presence among its members. This carries a set of implications that differentiate it from protests that do not share this characteristic.

Women human rights defenders (WHRDs) face additional risks and obstacles in protests that male HRDs do not. Thus, due to persistent gender stereotyping in Guatemalan society, women are excluded from protest activities; they may even face hostility from male colleagues or family members if they do wish to partake in such

activities; and they are frequently not taken seriously as HRDs or as community representatives. In addition, they must face the threat of widespread sexual violence and must carefully assess the complications of combining in high-risk activity with the protection of their families, given that women are still regarded as the primary carers (IM-Defensoras 2013).

These factors all mean the symbolic value and practical implications of a women-led protest movement are different to those that are male-dominated. Moreover, the Guatemalan women's movements have in the past struggled to bridge racial, economic and urban-rural divisions (Berger, 2006: 105-6). The La Puya protest is one of the first in Guatemala to have such a visible inclusive female presence (Oqueli, 31/05/2014). In terms of framing, it has allowed the protesters to employ a discourse with an emphasis on women in the role of carers for the community in a close relationship with the land. Yolanda Oqueli's acquittal in the court case against the four La Puya members was the only protester to be acquitted was, according to her, due to her gender – indeed, the judge personally referred to it in his judgement, asserting that she as a woman, she could not have threatened someone with a knife, and furthermore ought to be at home with her family instead of engaged in protesting (Oqueli, 31/05/2014; Front Line Defenders, 29/05/2014). However, it may also prove a powerful tool for diffusion of La Puya's message across Guatemala. Yolanda Oqueli frequently travels to give lectures to women's groups across Guatemala with concerns of their own, who have been inspired by the La Puya protest (Wong, interview). This may well contribute to a greater involvement of women in future community anti-extractivist protests; collective participation in protests has been identified as one way for women to overcome their traditional exclusion from the sphere of human rights activism (Bermúdez Rico et al, 2014: 20).

In sum, La Puya represents a protest movement that has, in ways similar to the Sipacapa community, combined symbolic protests, the well-represented female identity of the movement and energetic strategic embedding in domestic and transnational networks in attempts to overcome the blocked domestic channels of power. While they have been successful in garnering attention, they have faced an uncooperative state and inadequate protection from violence.

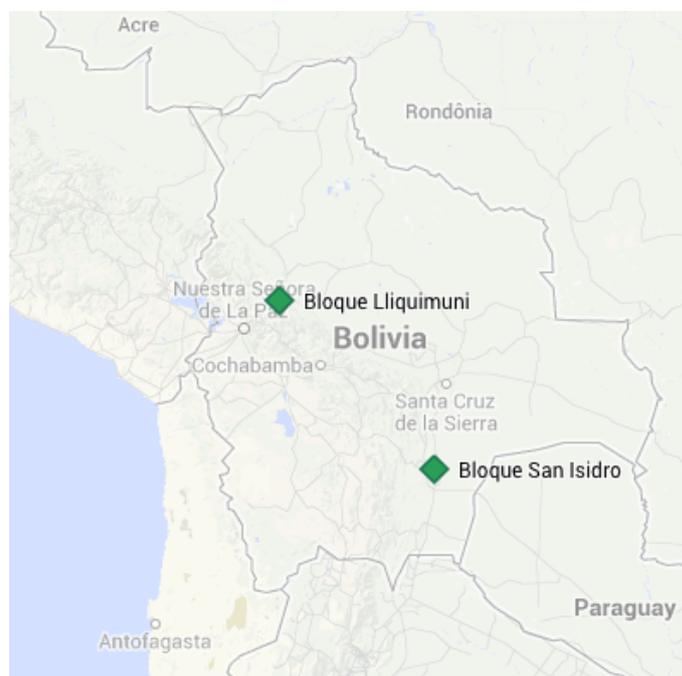
## **Conclusion**

These two case studies suggest a few things about the protest environment in Guatemala. Both cases have suffered official attempts to delegitimise their grievances, whether by dismissing concerns as based on misinformation, protesters being branded unpatriotic, anti-development or terrorists; or indeed the apparent instrumentalisation of the criminal justice system to criminalise peaceful protests. This is likely connected to the central importance government ideology accords the mining industry in its status as foreign investors who should be protected. More worrying still is the violence protesters have suffered. While there should be a strong caveat here that Guatemala is a post-conflict society with extremely high levels of violent crime and impunity (González, 2014), it is especially worrying that the state has been reluctant even to implement IACHR mandated protection measures. Combined, this suggests that the status of mining as a strategic sector of the economy has shaped the protest environment in Guatemala, making it unlikely protesters will find the state on their side while they protest dominant ideology.

In strategy, embedding in national networks and alliances with transnational activist networks have featured heavily in both cases. This is consistent with the expectations that blocked domestic channels of power lead a movement to seek transnational support, and that in situations of high-risk collective action human rights organisations can mobilise by taking advantage of pre-existing issue networks. Both overlap somewhat; the importance of domestic human rights networks, including vocal support from the Catholic church leadership, human rights defenders and environmentalist movements has been clear, as well as the advantage of external scientific assistance, resources from INGOs and networking with similar protest movements in other countries in the region. In both cases, the Inter-American Commission of Human Rights mandated protection measures. Finally, symbolic protest, another feature of high-risk collective action, has also featured strongly. The Sipakapa community framed their demands by seeking recourse in ILO C169 and even organised a community referendum to demonstrate community opposition; as for La Puya, notably the strong female representation in the movement may have given the protest access to a new community and changed the likely outcomes.

## IV. Bolivia: case studies

How has this tension between social movements and the state in conflicts over resource extraction taken shape in a different context? And indeed, does Bolivia's political system encourage respect for the autonomy of local populations to be a partner in development decisions to a greater degree than in Guatemala? This chapter will describe two case studies from Bolivia, both of which involved hydrocarbon extraction projects. In one, the Lliquimuni case, a deficient consultation took place but the failure was likely ultimately due to a lack of strategic movement unity of strategy and demands, in which distrust by the



Source: Google Maps Engine

community of movement leadership featured notably. The San Isidro case, meanwhile, shows that even following a deficient consultation, a movement united in its demands and with organisational expertise in dealing with consultation processes can ultimately have a significant influence on the planning of an extractive operation. This points to the importance of the agency of movements. Structural conditions may have made success more likely given that neither movement claimed to be fundamentally opposed to extraction.

### **The Lliquimuni case**

The first of the case studies presented here involves a hydrocarbon project situated in the “bloque Lliquimuni” in the TCO of the Mosestén people, and partially the Leco people who inhabit nearby areas. This gas field is located toward the northeastern border of La Paz department. In 2008, a concession was awarded to the joint venture Petroandina, a society owned for 60% by state extraction operator YPF and with

40% participation by PDVSA, the Venezuelan state oil company (Schilling-Vacaflor, 2013: 133-4).

The exploration in this area was of particular strategic interest to President Morales, as it was the principal move in a strategy to expand the extractive frontier to the north of La Paz (*La Razón*, 1 June 2013), which does not have a history of extractive sector activity. Indeed, currently it is estimated the finds in the Lliquimuni field contain a trillion cubic feet of natural gas (just under 10% of current national proven reserves) as well as 50 billion barrels' worth of oil reserves, or 23% of current national proven reserves (*La Razón*, 3 August 2014). As the site lies in a mixed zone partially inhabited by the Masetén and Leco people and part by 'intercultural' settler communities, Petroandina decided to organise a two-part consultation. The first consultation was held with the settler community, who support the government (Schilling-Vacaflor and Vollrath, 2012: 134). The consultation lasted less than two days (Fundación Tierra, 2011: 132).

In particular the subsequent consultation with the Masetén community stands as an emblematic case of a deficient consultation, with numerous irregularities which undermined the 'organic structure' of the Masetén people. In fact, the Masetén are a well-organised community united in the Organización del Pueblo Indígena Masetén (OPIM), which is itself a member organisation of the umbrella organisation Central de Pueblos Indígenas de La Paz (CPILAP) (Bascopé Sanjinés, 2010: 62). However, their social structure was severely undermined by the consultation process.

Inhabitants of Simay village report that 'from one day to the next' ministry representatives arrived in the community and announced they were to carry out a seismic exploration, and pressured local community representatives into signing off on it by pretending the exploration had been agreed through a treaty between the Bolivian and Venezuelan governments (LIDEMA, 2010: 66). CPILAP sent a letter of complaint to the Ministry, with a list of preconditions regarding the organisation of a consultation. Eventually it successfully called for a community-wide Consultative Assembly to be gathered to discuss the question (Bascopé Sanjinés, 2010: 67). Incomplete information was given regarding an environmental impact assessment (EIA). At one meeting to discuss the finding of the EIA, the figures discussed in fact

originated from an EIA carried out in the Chaco region on the other side of Bolivia (ibid.).

Whether deliberate or not, in particular the fact that ministry representatives set up negotiations not through the experienced and adequately resourced CPILAP but with local community leaders individually appears to have undermined the process. Due to a lack of trust by local communities in the CPILAP leadership to administer compensation funds in a transparent way, they chose to receive social investments as compensation instead (Fundación Tierra, 2011: 128). Local agreements were made for small-scale investment such as the construction of satellite antennas and building community centres; the then head of OPIM stated in an interview that representatives claimed the investment was contingent on the actual finding of oil in the subsoil (Bolpress, 06/01/2010). A further damaging fact was that it appears funds were handed to *caciques* (community leaders) in person with minimum transparency in an apparent attempt to subvert the official, scrutinised process, leading to further confusion as the amount of money which exchanged hands and its relation to the official compensation payments (ibid.).

As eventually, as discussed above, the findings were substantial, the first oil well is expected to be operational in December 2014, while Carlos Villegas, president of YPF, has stated that Lliquimuni is the key departure point for further expansion of the extractive frontier into Beni and Pardo provinces (*La Razón*, 3 August 2014).

The grievances of the Masetén people regarding this flawed consultation process, some of which have been mentioned, are legion. A major point is, as mentioned, the attempts by company representatives to undermine the organic structure of the Masetén community. Initially CPILAP was excluded from negotiations and direct dealings with local community leaders undermined the capacity of the Masetén to unite and collectively formulate strong conditions (Schilling-Vacaflor, 2013: 132). This is doubly damaging given that Bascope Sanjinés holds a firm belief that indigenous organisations of the North of La Paz offered the Executive a number of fronts where negotiation was possible, given that “these same social organisations, above all the indigenous ones, themselves believe that development and the use of natural resources in the national interest is important” (2010: 84-5).

However, local spokespeople such as Lorenzo Paredes, CPILAP's Secretary of Natural Resources, have expressed their frustration that their willingness to negotiate, on the condition that due process be respected, was ignored (LIDEMA, 2010: 78). Doubly damaging in this respect is the fact that the seismic exploration activities have caused disruption to the local environment and wildlife and violated previous agreements. Moreover, rather than bringing high-quality jobs to the area, Bascopé Sanjinés reports that local inhabitants employed at the site were paid a lower salary than workers from elsewhere in Bolivia, despite doing the same work (2010: 78-9).

Government spokespeople have engaged in a campaign of de-legitimisation against the Masetén people, casting them as being against the national interest and accusing them of being financed by USAID (Bascopé Sanjinés, 2010: 73). As Lorenzo Paredes states:

Entonces por esto el Gobierno nos ha tratado de derechistas, (..), que nosotros somos financiados por USAID, que no es tan cierto. (..) Era un argumento más de manejar, que USAID está dando dinero a los indígenas, que los indígenas están conspirando contra el interés de Bolivia, y esto es falso. (LIDEMA, 2010: 78-9)

While CPILAP had received some funds from international NGOs, this illustrates the obstacle many Bolivian HRDs face in that outside assistance or transnational connections are seized upon to cast aspersions on the protesters' 'true' agendas (Rowe, interview). This is reflected in the fact that CPILAP throughout the process phrased their complaints with reference to procedural violations of domestic legal provisions such the Constitution's requirement for two, not one, required consultation, rather than international human rights law. In this climate of disappointment, in 2011 CPILAP decided to join other indigenous groups in the 9<sup>th</sup> Indigenous March on La Paz (*La Razón*, 15/06/2012), a symbolic protest activity with a long track record in Bolivia and a key ingredient of the indigenous mobilisation repertoire since 1990 that has often included demands for sovereignty of natural resources and prior consultation (Petras and Veltmeyer, 2005).

It is further worth touching briefly upon gender issues in this case. Despite the fact there exists a Masetén organisation with a gender equality focus, the Organización de

Mujeres Indígenas Mosestén (OMIM), this organisation does not appear to have been included in official dialogue between OPIM, CPILAP and the Ministry (Bascopé Sanjinés, 2010: 62-8). Vilma Mendoza, OMIM's head, called for the settlers and indigenous communities to unite as Bolivians at an improvised meeting of hundreds of people in Tucupí and heard voices in the crowd calling for her to be burnt (Bolpress, 06/01/2010). There are signs of increasing female mobilisation, however, with June 2014 seeing the first Indigenous Women's March being announced, in protest against the new Mining Law (Red LAMDDAS, 24/06/2014).

In sum, the Lliquimuni case describes a clearly defective process with an unsatisfactory outcome for the protesters involved. Grievances in this case were more procedural in nature, although the protesters still faced a de-legitimisation campaign. While negotiations were held with Ministry officials and it is suggested that ample interaction with government officials took place, and little overt transnational organisation took place, the Mosestén did decide to embed in domestic networks and stage a symbolic protest. Ultimately the lack of organic unity of movement appears to have undermined the Mosestén ability to negotiate a more satisfactory outcome (Schilling-Vacaflor, 2013).

### **The San Isidro case**

The case of the consultation process in the Tacobo and Tajibo fields of the "bloque San Isidro" in the Chaco region of Santa Cruz province is, by contrast, a rare example of a consultation process in which an indigenous organisation was able to successfully demand substantial changes to a plan and have them accepted (Schilling-Vacaflor, 2013: 213).

The region in question lies in the southwest of Santa Cruz province in the Chaco zone, and is inhabited by the Guaraní people of Charagua Norte. They are members of the umbrella organisation Asamblea del Pueblo Guaraní (APG), founded in 1987. The Chaco region has a long-standing history as one of Bolivia's biggest gas production regions. Indeed, 'natural gas has come to dictate the terms of the relationship between the state and indigenous groups in the Chaco' (Crabtree and Chaplin, 2013: 128). However, the previous non-transparent administration of funds has left a history of

corruption and poor investment decisions (ibid.: 110-117). Nonetheless, this also meant that the APG has substantial experience in the negotiation of gas extraction consultations.

Following an initial agreement of understanding signed by community leaders and the MHE on 22 January 2010, the MHE started a deeply flawed consultation process. Information consisted of little more than a PowerPoint presentation of what the MHE later admitted was incomplete information. (Bascopé Sanjinés, 2009: ). The APG complained about this, as well as their grievance that the meeting had not been done in an adequate cultural form. As a local community leader commented:

“No queremos talleres, no queremos explicaciones teóricas en Power Point, queremos explicaciones en nuestro idioma, queremos hacerlo con nuestros usos y costumbres y de acuerdo a los criterios técnicos que nos indican los monitores socioambientales Guaraní que viven en la zona” (Ronald Gómez of Territorio Indígena Originario Colectivo Charagua Norte<sup>6</sup>).

As such, the APG demanded a new consultation; the MHE agreed that it had not met the requirements (Bascopé Sanjinés, 2009: 3). The APG then drew up a comprehensive plan, carrying out a comprehensive deliberative process. Three community assemblies were organised with various roundtables to identify potential impacts (ibid.). The AOG carried out detailed socio-environmental monitoring field mission with their own local monitors and the MHE, using advanced technology and independent expertise. Finally, the consultation process ended in formal consent after substantial changes were put in place, and a mutually agreed contract was signed on 24 June 2010 (Bascopé Sanjinés 2009: 5).

In the end, factors of success were the strong and united organisation able to formulate coherent demands (ibid.), as well as the deeply participatory structure of communal decision making in the communal assemblies organised by the APG, which conformed to a deliberative decision-making model (ibid.). This model was appropriate for the local cultural norms, Bascopé Sanjinés emphasises that

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<sup>6</sup> quoted at Territorio Indígena y Gobernanza ([http://www.territorioindigenaygobernanza.com/bov\\_17.html](http://www.territorioindigenaygobernanza.com/bov_17.html))

.. a participatory consultation process ultimately led to a binding agreement between the Guaraní organization of Charagua Norte and Isoso and the Bolivian government. This success demonstrates that effective consultations are possible in a context where both parties demonstrate good faith and openness. (2009: 6)

Indeed, cooperation between the APG and the state has deepened. The Guaraní monitoring network was later empowered further by an agreement in May 2010 between the Ministry of Hydrocarbons and Energy and the APG, to set up a formal training course for 26 indigenous students in socio-environmental monitoring at a local university in Camiri. The success of the course led to a second cohort of 50 students, who graduated on 2 April 2013, with further courses will be rolled out in other departments in the south of Bolivia (MHE, 2 April 2013).

Government representatives also showed sensitivity to local cultural norms, despite the trouble frequently encountered with this because of the technical nature of the subject and the fact that many indigenous communities do not enjoy high formal levels of education. The presence of ‘experts familiar with local realities’ and socio-environmental monitors is an enabling condition for participatory consultations (Schilling-Vacaflor, 2013: 213).

It is further suggested that organisational experience of the APG in dealing with such issues has contributed to the successful resolution of the dispute (Schilling-Vacaflor, 2012). The network of socio-environmental monitors was already set up in 2008 with 15 monitors integrated into the APG structure following the formulation of DS No. 29033, in order to empower the community in the face of existing hydrocarbon operations in the area (Bascopé Sanjinés, 2009: 5; TIG). This network enabled close interaction and facilitation with the state at a technical level. It may demonstrate conditions under which the channels of political influence can be utilised by local communities to at least remedy some of the more overt information and power asymmetries.

There is no evidence that any kind of de-legitimisation campaign or other coercive measures were undertaken to undermine the APG or Charagua Norte communities’

demands, which likely demonstrates a spirit of good faith. However, it should be noted that the community of Charagua Norte was never critical of the operations in themselves. As such, the question remains how the state might have reacted to a complete absence of support. Nonetheless, this should not detract from the fact that the consultation process in Charagua Norte proved an empowering experience that gave the local community strength and a real say in their own development process (TIG; Bascopé Sanjinés, 2009: 6).

## **Conclusions**

What do these two Bolivian experiences suggest regarding the standard and future of prior consultations and the prospects for peaceful and satisfactory resolution of resource conflicts? Naturally, compared to Guatemala, the attention paid by state officials is a key difference. While Bolivia's Constitutional requirements seem as yet to be implemented in too much of an ad hoc way to really speak of guaranteed rights in state practice (Crabtree and Chaplin, 2013: 129), it has been shown that at least when a well-organised movement such as the APG can steer a consultation and work with state representatives in good faith, advances are possible. The Lliquimuni case has shown, however, that there is still an unfortunate likelihood that endogenous weaknesses in community and regional organisations can derail such a process. On the whole, however, the institutional context seems much more promising than Guatemalan circumstances.

This leads to an interesting conclusion regarding Veltmeyer's argument (2013) of state and firm interests which coincide and are directed against dissenting communities. This argument has been proved to be partially inapplicable in these cases, as it turns out the Bolivian state has been willing to adapt plans and take local community preferences seriously in at least one instance. On the whole, the cases here correspond to a greater extent to Bebbington and Humphreys Bebbington's finding (2011) that while extractivist orientations under types of post-neoliberalism and neoliberalism do coincide, Bolivia does appear to have a better environment, which at least provides a way in for movements to conduct a meaningful dialogue with the state – although as mentioned, were the movement in question entirely opposed to extraction, then the outcome might be more in doubt.

# Conclusion

Communities faced with the negative shock of a planned extractive operation that does not respect their right to decide their own paths for development are becoming ‘ever more’ organised (Procurador de Derechos Humanos [Guatemala], 2013:1). However, from the cases described here it is clear that huge asymmetries in power and leverage will continue to persist for some time to come. The dominance of the strategic importance of natural resources still, for now, tends to trump all other concerns.

This essay has sketched the contemporary political economies of Guatemala and Bolivia and argued that these shape the environment in which movements protesting extractive operations operate, describing human rights activism within a political economy framework. What insights has it provided? First, as has been demonstrated, natural resources hold not just economic but also symbolic importance for both states. In a way regardless of ideology, in both cases natural resources form an underpinning of the dominant, indeed hegemonic ideology and visions for national development. In Bolivia, this is the resource nationalist ‘*proceso de cambio*’ formulated by Evo Morales and the MAS since 2005. Natural resources were nationalised and brought back under sovereign control of the nation to assist it in realising its potential; natural resource revenues have shot up and provide a funding stream for social programs. In Guatemala, Otto Pérez Molina’s government remains committed as ever to maintaining the business- and foreign investment-friendly environment in which foreign-owned transnationals in the mining sector must be accommodated.

As a result, human rights defenders in both countries involved in protests against these operations find themselves challenging the dominant narrative and interests. However, the case studies have shown a number of modalities should be applied to the perhaps overly reductive model of governments and firms whose interests are in harmony (Veltmeyer, 2013). Protests in the two Guatemalan cases have certainly had less effect when one looks simply at the outcomes. Legal recourse to ILO C169 has not proven successful, the temporary mining license moratorium has been lifted – and

in any case, it only ever applied to new licenses, as does the moratorium currently contemplated.

Regarding mobilisation strategies, this paper argues that there is evidence that Loveman's (1998) expectations of successful mobilisation in high-risk collective action due to embeddedness in issue networks applies to this case. In all cases, the domestic community combining NGOs, scientists, indigenous organisations, sympathetic clergy and others provided important support to these movements, allowing them to maintain their protests.

As for transnational organisation, expectations there that the openness of the political system would condition to what extent transnational organisation is necessary or indeed desirable, hold true in these cases. Guatemala's more closed political system may have ostensibly dialogued with protesters, but in reality it is in Bolivia where genuine participation and negotiations on something approaching an equal footing have taken place. As Bebbington and Humphreys Bebbington (2011) have observed, the Bolivian system may be far from a guarantee of the right to consultation, but on the whole its government appears more 'open and able to deal and negotiate with its indigenous and *campesino* critics' (141).

One observation that may be of significance regarding the grievances articulated is the following. In both case studies in Guatemala, the movements are in principle opposed not just to procedural violations such as deficient or lacking prior consultations, but also for an important element to the mining industry in itself, not least due to valid environmental and livelihood concerns. While dismissed by officials, the assistance of outside scientists and independent reports has bolstered these concerns and added to fears and distrust that the government is neglecting essential regulatory steps to mitigate risks in its enthusiasm to attract foreign capital.

This is in marked contrast to both examples from Bolivia. Although in Bolivia communities are also faced with at times highly disruptive extractive operations, and movements similarly employ collective frames that emphasise a need to live in harmony with nature, both communities accept the principle of an economic model sustained by resources extraction, their grievances based primarily on violations of

the due process of consultation. Particularly given that extraction is more widespread in Bolivia, this is remarkable. Bebbington and Humphreys Bebbington (2011: 139) describe indigenous movement leaders' frustration at wanting to contribute to the far-reaching changes sweeping their country, if at least their constitutional rights are respected and they are taken seriously as dialogue partners. If there is no influence at all to be had on plans then the term 'prior' consultation may not hold much significance any more given that communities are rather presented with a fait accompli.

It would be overly optimistic to suggest protesters do not face an uphill struggle still if they are opposed to natural gas extraction in their environment. Cases such as the Lliquimuni where, although a consultation is held and compensation is paid, clear deficiencies persist as to equality of participation and a comprehensive auditing of differing opinions, remain more rule than exception. Nonetheless, cases such as San Isidro do demonstrate that in the Bolivian climate, it is possible for a well-organised, united indigenous movement with the know-how and infrastructure in place to reclaim the right to be consulted, challenging the legitimacy of the state. This has made it a 'rare example of "good practice"' (Schilling-Vacaflor 2013: 134).

Entering from the findings of this comparative analysis into some directions for future research, naturally a great matter of speculation is the prospect of respect for legal safeguards in Guatemala regarding prior consultation. While this will not appease critics of the mining industry in itself, it may at least improve the quality of democracy in showing that Guatemalan communities can be taken seriously as authors of their own development process, much in the spirit of ILO C169. This would require a robust state apparatus ideologically and practically committed to curbing the influences of powerful lobbies and an oligarchical social structure. However, neither should the potential attractiveness of such an electoral programme to a substantial segment of the population be underestimated. Pérez Molina has demonstrated a political awareness that gentle criticism of the mining industry is a majority-pleasing discourse, given his proposal for a moratorium on new concessions. A 2011 independent poll found that a vast majority of Guatemalans (69.7%) believed that protection of the environment ought to take precedence over economic development rather than vice versa (14.4%) (Latinobarómetro, 2011).

The above suggests that the idea of an extractivist development model is much less problematic to these Bolivian movements, even when it is to take place on their ancestral lands. Postero (2013) has also argued this. Future research may want to investigate this further, in particular such factors as the politicised legitimisation of extractivism by linking it to direct anti-poverty and economic development programs; the articulation of policy by a president with roots in indigenous movements and subordinate economic groups; or indeed simply the presence of extensive legal requirements for consultation. It is to be hoped strongly that in the future a model will be found in which communities can genuinely find their place as partners in their own 'development', able to live their lives as fully fledged citizens, 'moving ahead while looking back', as the Bolivian Aymara have expressed it (Ellner, 2012: 107)– aware of the weight of a history of marginalisation but moving forward, ever forward, nonetheless.

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