



Original Article

Environmental Impact Assessments, local power and self-determination: The case of mining and hydropower development in Guatemala

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ABSTRACT

Environmental and Social Impact Assessments (ESIAs) are instruments required to facilitate large development projects. In this article, we take a closer look at how such processes unfold in the case of hydropower and mining investments in Guatemala. Our findings suggest that here, with ESIs, the responsibility of engaging with affected communities and citizens is left to the private sector, often with poor public follow-up. This has resulted in companies manipulating processes and strategic engagements with communities and local people to advance corporate interests. We discuss ESIs as both technical devices as used by the corporate sector, and as possible spaces for public participation. Furthermore, we explore how communities can influence ESIs for mining and hydroelectric projects in Guatemala, and examine the power relations that determine who are excluded and included in the process. Finally, we analyze how affected communities in Guatemala use ESIs as means to subvert the order that has been imposed on them.

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1. Introduction

Guatemala has been transformed by economic, institutional and political forces since the signing of its peace accords in 1996. Globalization, manifested as a restructuring of the regional economy, higher international migration and the emergence of new global and regional players, has also contributed to a reconfiguring of the economy and politics of the country (Bull et al., 2014). As a result of these transformations, land and associated resources play an important role in advancing capitalist activities (Palencia-Prado, 2012). Some of these economic activities, such as in hydropower development, biofuel plantations, mineral and oil extraction, involve the use of land and natural resources (Hurtado Paz y Paz, 2008; Palencia-Prado, 2012). These activities often compete with and displace agricultural activities, particularly those carried out by small-scale farmers (Hurtado Paz y Paz, 2008). These new economic activities, which take place in rural areas, competing and displacing agriculture and rural livelihoods, are a source of growing conflicts in the Guatemalan context where close to 49% of the population is rural (WB, 2014).

There is a general perception that the distribution of benefits from these projects is highly unfair for the communities and people living in the places where projects are or will be implemented (Prensa Libre, 2014).

Local protests and even violent conflicts related to mining and hydropower development projects have proliferated during the last 15 years in Guatemala. Although current conflicts started to intensify in the 2000s, opposition to mining and to hydropower development has a long and violent history in the country. It intensified during the civil war (ODHA, 1998; CEH, 1999), highlighted by the army's massacre in Rio Negro, north of Guatemala City, in response to local inhabitants refusing to abandon their lands and re-locate to give way to the Chixoy Dam (ODHA, 1998; CEH, 1999).

Mining conflicts in Guatemala have attracted much attention from scholars and activists (Hurtado and Lungo, 2007; Fulmer et al., 2008; Holden and Jacobson, 2009; Yagenova and Garcia, 2009; Nolin and Stephens, 2010; Sieder, 2010; Urkidi, 2011; Rasch, 2012; Yagenova, 2012; Pedersen, 2014; Aguilar-Støen, 2015), whereas hydropower-related conflicts have received almost no attention in the literature (but see Einbinder, 2014). However, as of June 2014, the Ministry of Energy and Mines recognized 19 ongoing hydropower related conflicts (com. pers.). The United Nations High Commissioner for Human Rights in Guatemala has expressed

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concern over conflicts associated with natural resources in the country, particularly those related to mining and hydropower.¹ Aside from protests, local populations have organized community referendums (*consultas*) to solicit the opinions of local inhabitants concerning the development of mining and/or hydropower projects in their localities. An overwhelming majority of attendees oppose the inception of such projects. But despite these opinions and the growing discontent toward hydroelectric power and mine development in the country,² the government, through the Ministry of Energy and Mines, continues to grant mining licenses and to approve concessions for hydroelectric projects.

Scholars have argued that the movements against the extractive industries come about because of local inhabitants' claims of not being adequately consulted before large-scale projects are approved. They are increasingly demanding more meaningful participation in decision-making processes that impact the development of their communities (Urkidi, 2011; Rasch, 2012; Yagenova, 2012; Laplante and Nolin, 2014). The juridification of practices and discourses by opponents to extractive industries as a response to institutional weaknesses and to the failure of governments to take into account the views and desires of indigenous peoples has also been examined (Sieder, 2010). Other authors have focused on the relevance of different activist networks and the key role transnational and national actors play in resource mobilization and discourse formation (Holden and Jacobson, 2009). The role of local communities in the conflict has been stressed in some studies (Yagenova and Garcia, 2009), while other scholars have examined the conflicts through the lens of citizenship, claiming that resistance against mining can be interpreted as efforts to promote a different type of citizenship, to achieve the ultimate claim of [territorial] autonomy (Rasch, 2012). Some authors have concluded that anti-mining struggles seek to legitimate the community as the scale at which decisions on mining should be made (Urkidi, 2011; Pedersen, 2014). Other studies suggest that community referendums are both political and legal means to convey demands of participation to the state (Aguilar-Støen, 2015).

This paper examines the role Environmental and Social Impact Assessments (ESIAs) play in mining and hydropower-related conflicts. We argue that ESIAs are spaces through which processes of exclusion are legitimated. Although conceived as neutral instruments to evaluate the possible environmental and social impacts of projects' development and to help in decision-making, in practice the investors only view an ESIA as a prerequisite that should be fulfilled as part of a set of bureaucratic procedures. In this article we explore the institutional spaces in which ESIAs are conceived and conducted, highlighting power asymmetries between ministries, private companies and local communities, the role assigned by the government to private actors, and the various ways in which private actors appropriate such role and fill the ESIAs with meanings and practices that are in their interests. Interestingly, affected communities are also using ESIAs to contest their exclusion from decision-making processes.

2. Environmental and Social Impact Assessments (ESIAs) as spaces for participation and decision-making: a conceptual approach

Broadly, ESIAs are formal procedures in which both positive and negative environmental and social consequences are identified. They inform decisions concerning the implementation of an initiative, project, plan or policy, and include planned measures to

mitigate the possible negative impacts of the proposed intervention. Decisions are expected to be based on the results of the assessment. In an effort to standardize national instruments for evaluating the potential adverse environmental impacts of large-scale projects, international agencies (e.g. World Bank, United Nations Environmental Program, International Development Bank) have promoted ESIAs since the Earth Summit in Rio 1992 (Wood, 2014).

In general, ESIAs are regulated by the specific laws and regulations in each country. Those laws and regulations also often establish the scope of public participation and consultation (Modak and Biswas, 1999). According to the legislation currently in place in Guatemala, the final approval of a license for mining exploitation or concession for a hydropower development is contingent upon the approval of the ESIA. In theory, at least, consultations and citizens' participation in ESIA leads to improved decision-making, in turn helping to prevent unacceptable social and environmental outcomes (Wood, 2003).

We argue that ESIAs as conceived by international organizations and Guatemalan institutions are technical devices. With technical devices we mean ways to delimit, define and characterize an intelligible field appropriate for intervention (Li, 2007). Identifying a priori the problem that a hydropower or mining project could cause implies that a solution defined in a similar way is also available. Usually, this solution is thought about as a technical one. In general the ESIA is the responsibility of the project owner, who often prepares it with the assistance of external consultants who are considered "experts" in particular fields. Proponents suggest that ESIAs should ideally be carried out by multidisciplinary teams. The public agency responsible for receiving and reviewing the impact assessment report is also responsible for providing guidelines on how the ESIA should be carried out and how the reports should be used in the decision-making process. In this way, there are some experts to whom diagnoses, techniques and prescriptions are available (Li, 2007) for suggesting a solution to the problems that the hydropower or the mining project may cause. The ESIA and the technical solutions it proposes are also practices that depoliticize the project to be developed. As Li (2007:7) suggests "questions that are rendered technical are simultaneously rendered nonpolitical... [experts tasked with ESIAs] exclude the structure of political-economic relations from their diagnoses and prescriptions..." However, as the conflicts around mining and hydropower operations show, decisions related to them are highly political. Conflicts often arise as a result of unequal distribution of and dispute around resources and decision-making power (Robbins, 2011). Approaching political questions concerning land, resources and the distribution of benefits arising from projects as technical problems that could be solved with technical interventions has strong depoliticizing consequences (Ferguson, 1990). As we will discuss below, the ESIAs can be seen as part of broader efforts to mitigate challenges to the status quo. However, this does not imply that those promoting mining or hydropower projects necessarily conspire against local populations to maintain control over land and resources. Generally, ESIAs are carried out and are accepted as schemes that will allow for a comparison of projects and impacts. Proponents believe in their superiority as technical exercises *vis-à-vis* other options, and not necessarily because they offer the best solution in every context (cf. Fairhead and Leach, 2003).

Proponents of ESIAs also suggest that consultations with affected communities and participation can take place at every stage of the process, including in the design of proposed actions, screening, report preparation and the final decision. In the 1990s, "participation" gained currency as an indispensable ingredient in development planning; several development agencies and multilateral donors began to use the word, and to demand

¹ [http://www.ohchr.org.gt/documentos/informes/InformeAnual2013\(eng\).pdf](http://www.ohchr.org.gt/documentos/informes/InformeAnual2013(eng).pdf).

² http://www.prensalibre.com/noticias/comunitario/Continua-fuerte-rechazo-mineria_0_1069693059.html.

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