



## Contesting the hydrocarbon frontiers: State depoliticizing practices and local responses in Peru



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### ARTICLE INFO

#### Article history:

Accepted 17 March 2018

Available online 13 April 2018

#### Keywords:

Extractive industries

Participation

Depoliticization

Repoliticization

Contestation

Peru

### ABSTRACT

Based on primary sources, this article analyzes 150 participatory events related to planned hydrocarbon projects in Peru (2007–2012). Therein, it sheds light on state depoliticizing practices and local populations' contestations thereof. We argue that participation in the extraction sector has not enabled effective participation and has instead been used to pave the way for expanding the extractive frontiers. We find that the state entity responsible for carrying out the events applied three main depoliticizing practices: (a) the organization of exclusionary participatory processes, (b) the provision of pro-extraction information, and (c) the identification of critical actors and discourses in order to formulate recommendations on how to weaken resistance against the planned activities. This study also reveals that local populations often contested the participatory events and identifies subnational patterns of local contestation. We find that higher degrees of contestation were fueled by previous negative experiences with extraction activities and the existence of local economic alternatives. To assess the histories and results of contestation over specific extractive activities over time, the study draws on monthly conflict reports produced by the Peruvian ombudsperson (2007–2016). We find that local contestation was quite influential, leading to increased social investment programs in the affected areas, the withdrawal of several extraction corporations, and Peru's adoption of the Law on Prior Consultation (2011). However, the long-term prospects of the transformations provoked by repoliticizing processes need to be evaluated in the years to come.

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### 1. Introduction

Since the 1990s, different forms of participation have increasingly been established in environmental governance from the local to the global (Bäckstrand, 2006; Leifsen, Gustafsson, Guzmán-Gallegos, & Schilling-Vacaflor, 2017). For instance, principle 10 of the Rio Declaration from 1992, which stated that “environmental issues are best handled with the participation of all citizens concerned,” has entered a significant amount of domestic legislation. In addition, specific participatory rights of indigenous peoples, such as the right to prior consultation and to free, prior and informed consent (FPIC), have been legally recognized by international organizations and states (Rodríguez Garavito, Morris, Ordaz Salina, & Buriticá 2010). Latin America is home to most of the countries that ratified the International Labor Convention 169 on the

rights of indigenous peoples and has recognized the rights of indigenous peoples to the greatest extent.

In practice, however, the great majority of Latin American states have failed to comply with indigenous peoples' right to prior consultation and FPIC (see Flemmer, & Schilling-Vacaflor, 2016; Leifsen et al., 2017). Instead of organizing comprehensive prior consultation and consent processes with indigenous communities affected by planned resource extraction, most states have merely organized public participation events. Interestingly, the large number of such tokenistic participatory practices have rarely been covered by academics, whose work has focused on the comparatively few prior consultation and consent processes (see Rodríguez Garavito, 2011; Flemmer, & Schilling-Vacaflor, 2016; Faletti, & Riofrancos, 2017; Leifsen et al., 2017; Machado, López Matta, Campo, Escobar, & Weitzner, 2017).<sup>1</sup> In this article we share O'Faircheallaigh's (2010) broad understanding of the term “public participation,” which encompasses the full range of ways in which

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<sup>1</sup> Only a few case studies on such practices in Latin America have been published (see Section 3 in this article).

citizens and local populations are involved in decision making about planned extraction projects, spanning from lower gradations of citizen participation (such as manipulation, tokenism, information, consultation and placation) to more influential forms of participation (partnership, delegated power, citizen control) (for a typology, see Arnstein, 1969). Out of the broad range of different participatory mechanisms, this article focuses on participatory events carried out by the Peruvian state about new hydrocarbon projects, including both indigenous and nonindigenous citizens and communities. To find out more about the specific characteristics of these events – especially about the opinions, questions, and claims brought forward by the participants – we analyzed a rich volume of primary data on 150 participatory events. The analyzed data were produced by Perupetro (PP), the state entity responsible for organizing public participation in Peru's hydrocarbon sector. To our knowledge, this paper represents the first systematic analysis of such a large number of participatory events.

The covered events are situated at different sites of Peru's hydrocarbon frontiers. As in other countries, extractive frontiers have expanded here significantly in the past few decades, producing new and diverse places of encounters (Peluso & Lund, 2011). The expansion of the hydrocarbon frontiers has provoked or exacerbated processes of contestation and conflict (see Bebbington, Abramovay, & Chiriboga, 2008; Bebbington, 2011; Bebbington & Bury, 2013a; De Castro, Hogenboom, & Baud, 2016).<sup>2</sup> In this conflict-ridden context the participatory events brought together state and local actors, who debated the future of new extraction initiatives. The state used different practices to depoliticize the events and to tame dissent against resource extraction. In turn, local populations often contested and thereby repoliticized the events and planned resource extraction projects in their vicinity. Our concept of contestation – which is in line with those of Wiener (2014) and Engels and Dietz (2017) – refers to a social practice in which at least two actors are involved and that encompasses claim making, the expression of disapproval, and “objection to specific issues that matter to people” (Wiener, 2014, p. 1). The practices used to express contestation range from subtle expressions like critique to visible forms of protest. Against this backdrop, there are two guiding questions: How did the depoliticizing practices of the state interplay with local populations' contestation over controversial extractive projects and flawed participation processes? What were the results of local contestations, i.e. was repoliticization effective over time?

Sections two and three of this article briefly outline the methods and empirical data used and review previous literature from political ecology and development studies on the depoliticizing and repoliticizing effects of participation. Section four then provides information about the historical background and legal framework of public participation in Peru's hydrocarbon sector. Section five illustrates three practices that the state used to depoliticize the participatory events. Section six sheds light on the different manifestations of local contestation expressed in the events. All events were classified according to a scheme we elaborated, which distinguished four degrees of local contestation according to their intensity. Moreover, we georeferentially map all events and briefly discuss the different degrees of local contestation in subnational contexts. Section seven assesses the results of depoliticizing and repoliticizing practices in the short run and in the long run by reconstructing longer histories of contestation sur-

rounding 13 hydrocarbon concessions. This required us to draw on an additional database elaborated from the monthly reports on social conflicts produced by the Peruvian ombudsperson (2007–2016). In the final section, we reflect upon our findings and their broader implications regarding participation and contestation over extraction activities.

## 2. Data collection and data analysis

This article's findings are foremost based on the systematic analysis of two complementary sources of data: PP reports on 150 participatory events carried out about new hydrocarbon concessions in Peru (2007–2012) and monthly reports from the Peruvian ombudsperson on social conflicts (January 2007–June 2016) (Defensoría del Pueblo, 2007–2016).

The 150 participatory events covered in this article concerned 72 different hydrocarbon blocks (i.e., the concessions of specific areas for carrying out future oil and gas projects). The data about these events comes from reports that PP sends to the Ministry of Energy and Mines (MEM) after the conclusion of each event. The reports are detailed and akin to internal administrative documents given that their main objective is to inform the MEM about the events. Once PP completes the events, the MEM is responsible for further environmental licensing procedures. Despite Peruvian transparency laws that oblige PP to make this information accessible, most of the reports were not published online. PP only gave us the reports in the form of digital copies (14 CDs) after several months of insistence. The reports cover all informative events about new hydrocarbon concessions carried out between 2007 and 2012, except the cases along the Peruvian coast and offshore projects.<sup>3</sup>

PP's reports document the content of the events, information about the participating persons and institutions, the characteristics of the events, and information on participants' perceptions, critiques, conclusions, and/or recommendations. Each report has an annex that contains the following documents with varying levels of detail: attendance lists, transcripts of the participants' questions, maps of the relevant hydrocarbon block, photos of the event, the PowerPoint presentations that were shown to the participants, written declarations or flyers from participants, and/or participant surveys concerning hydrocarbon projects before and after the event. Interestingly, the reports also contain detailed information about any “extraordinary incidence,” such as the presence of extraction-critical institutions/persons or participants who were reluctant to sign the attendance list. PP reported all incidents meticulously in order to inform the MEM about relevant local actors and their stances toward hydrocarbon projects. Consequently, we were able to gain detailed insights into the contested character of these events. Hence, despite the fact that the PP reports clearly present a biased view, they provided us with highly relevant primary data.<sup>4</sup> In order to systematically analyze the events, we elaborated a scheme and then coded the text corpus accordingly. We used ATLAS.ti software for the qualitative analysis, Microsoft Excel for the descriptive statistics, and QGIS for the georeferential mapping. In the first phase, we assessed the general characteristics of the participatory events. In the second phase, we focused

<sup>2</sup> According to the Peruvian ombudsperson, the percentage of socioenvironmental conflicts from the total number of conflicts in Peru has exponentially increased from 31 percent in March of 2007 to 79 percent in March of 2016 (see Defensoría del Pueblo, 2007–2016). Hence, the highly visible conflict of Bagua in 2009, which caused the death of at least 33 people, was only the tip of an iceberg. The lack of participation or, more specifically, the passing of dozens of governmental decrees that restricted collective rights without the prior consultation of indigenous peoples played a major role in this conflict (see Hughes, 2010; Acuña, 2015).

<sup>3</sup> According to internal regulations, three events should be carried out in each hydrocarbon block in order to (1) inform local populations about the initiation of the licensing process, (2) announce the closure of the application process, and (3) present the selected company.

<sup>4</sup> In terms of data and privacy protection it was critical that extraction-critical institutions and persons were often listed by name and with personal details within PP's reports. Due to the sensitivity of these data, we have anonymized such information in this paper. In the following, reports will be cited by their official numbers (see Online Appendix for an overview of all participatory events and their official numbers).

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