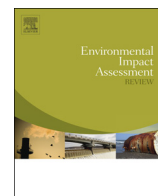




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Bottom-up responses to environmental and social impact assessments: A case study from Guatemala

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ABSTRACT

In this article we take a closer look at resistance to the practice of Environmental Impact Assessment (EIA) in mining and energy projects in Guatemala. Collectivities resisting mining and hydropower projects in Guatemala are increasingly using the evaluations of EIAs conducted by international independent professionals. Reaching out to international experts is facilitated by local communities' engagements in transnational networks bringing together activists, NGOs, scientists, journalists and others. We argue that resistance movements resort to international professionals to challenge the limits imposed on them by the national legislation and institutional arrangements as well as by the way in which EIAs are performed in the country. Further, the engagements in networks that facilitate access to knowledge contribute to strengthen the legitimacy of communities' claims. Challenges to and complaints about EIAs are ways in which affected communities try to reclaim their right to participate in decision-making related to their local environment and the development of their communities. Both complaints about EIAs and the use of transnational networks to attain better participation in decision making processes at local levels, illustrated in this study for Guatemala, are common responses to the advancement of extractive industries and hydropower development across Latin America. The widespread of initiatives to challenge EIAs involving international experts in the region show that EIAs have become a sort of a transnational battleground.

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1. Introduction

On February 2013 a local resistance group that opposes a mine in Guatemala, popularly known as “La Puya resistance”, was invited to a press conference. During the press conference they gave the word to an environmental engineer from the USA who expressed that the Environmental Impact Assessment (EIA) that had been presented to apply for the exploitation license for the gold and silver mine “El Tambor” was severely inadequate. On June 2014 a new press conference was announced. Another expert from the USA, with expertise in geochemistry, hydro ecology and water quality, confirmed that the EIA was full of dubious information, erroneous data and ambiguities. Experts lamented that the Ministry of Environment and Natural Resources had approved an EIA of so low quality. In both cases, the experts presented their results to a local resistance movement. Contact with these international experts and their work is but one of many initiatives and actions that the resistance movement in Guatemala has taken to confront the installation of mines and hydropower projects in their communities.

Resistance is never external to power (Foucault, 1978) and in this paper we will use resistance to illuminate power relations, how they work and the methods used to exercise and resist power. There has been an increasing recognition of the power embedded in “technical” processes, but we still need to examine deeper how power works in the specific case of EIAs (Cashmore and Richardson, 2013). Cashmore and Richardson (2013), reviewing the literature on EIAs and power, suggest three thematic areas in which research has concentrated. These areas can be summarized as conflicts and decision making in which EIAs function as arenas where conflicts about development can be negotiated; participation and EIAs thought about as spaces for empowerment of subaltern actors; and lastly a focus on power/knowledge in how EIAs function to legitimate knowledge production and the knowledge used in decision-making.

Some scholars argue that EIAs might serve as tools to smooth out and remove conflict from decision-making when there is a discursive alignment between actors involved in EIAs (Runhaar et al., 2013). In Guatemala however, EIAs have become one of the very issues that are contested and at the center of conflicts. The question we want to explore in this paper is how EIAs enable and constrain the resistance's conditions of possibility? To do so we use a case study on opposition to mining and hydropower in Guatemala. This article is organized as follows.

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We start by presenting our analytical and methodological framework. After that a results and discussion section is presented followed by the conclusions section.

2. Analytical framework

Extractive spaces like those where mining and hydropower development takes place are created by a combination of mental, material and social practices (Lefebvre, 1991). Several changes in the global and domestic economy in the 1990s brought about a renewed focus on mineral extraction and hydropower development as a source of income revenues for the government of Guatemala and as means for rural communities' development in the official discourse (Aguilar-Støen and Hirsch, 2015; Aguilar-Støen, 2015; Dougherty, 2011). Through history, rural areas in Guatemala have been imagined as “empty spaces” to justify the launching of various cycles of resource dispossession (Aguilar-Støen, 2016) and contemporary mining and hydropower development are no exceptions (Aguilar-Støen and Hirsch, 2015; Aguilar-Støen, 2015; Aguilar-Støen, 2016). Mining and hydropower development in Guatemala fall within the logic of territorial restructuring, necessary to secure continued accumulation of capital within a global context of better commodity prices (Holt-Giménez, 2007). This territorial restructuring though, threatens peasant livelihoods and the environment and results in increased conflicts (Holt-Giménez, 2007).

In Guatemala we are currently witnessing a process of state re-configuration. This emerging state does not aim at national territorial control but adopts a differentiated logic to channel productive and coercive resources to target areas that can be articulated in capitalist accumulation (Hale, 2011). This territorial re-configuration follows a market and enterprise logic in which certain institutions, organizations and even individuals that are removed from a centralized state apparatus, end up being responsible for carrying out activities that were previously performed by state agencies (Sharma and Gupta, 2009: 21). The geography of mining and hydropower increasingly challenges state sovereignty. For our case study, the Central American Free Trade Agreement with North America (CAFTA) and supranational organizations (e.g. World Trade Organization) also shape national states' obligations in relation to mining and hydropower. As suggested by Spalding (2013) the CAFTA precipitated opposition across a number of sectors, not only because the agreement challenges state's sovereignty but also because it was perceived as little open to wider civil society participation. At the same time, international agencies (e.g. World Bank, United Nations Environmental Program, International Development Bank) have since the 1980s been promoting the standardization of instruments to evaluate the impact on the environment of – among others – the extractive industries, as part of the decision-making process prior to the implementation of an initiative, project, plan or policy (Wood, 2014). It is within this context, we argue, that EIAs can be placed.

The end of the civil war in Guatemala by the signing of the Peace Accords in 1996 was a process of political change involving the transformation of the state. During this process of political transition, a range of actors including domestic elites, international donors, intergovernmental institutions and civil society attempted to advance different and often conflictive visions of the state and governance. One of the realms in which this transformation was evident is the law (Sieder, 2001). Several legislative changes were implemented and the content, spirit and provisions of some laws more often than not, create tensions between different actors' aspirations and visions. Some laws were crafted with strong influence from the private sector whereas others responded to pressure from civil society or development cooperation agencies. Among the first category are the laws and regulations related to mining and hydropower. A new mining bill (Decree 48-97) was passed by the congress in 1997 and the General Law of Electricity (Decree 93-96) that regulates hydropower development was approved in 1996 and modified in 2007. These laws give private actors a greater responsibility

in the implementation of mining and hydropower activities, including environmental and social impact assessment and mitigation measures. In the second category are the Municipal Code (Decree 12-2002), the Law of the Rural and Urban Development Councils (Decree 11-2002) and the Decentralization Law (Decree 14-2002). All of these aim to increase citizen's participation and responsibility in development and local decision-making. We are interested in shedding light into the tension that is created by these two types of laws and the institutional reforms that the laws required.

The second analytical focus will be on the politics of place. The enterprise logic guiding a territorial re-configuration of the state in Guatemala is also resulting into struggles over resources, subjective meanings and political control in the making of local places. While various state practices make local places governable (cf. Scott, 1998), this is not a process that happens without friction or resistance, nor is it ever totally completed. Inspired by the work of Massey (Massey, 1991, 1994) we understand places as networks of social relations that are dynamic in time. Places are continuously changing, as they are the product of both their internal features and their connections with other sites. Through migration, commerce and cultural exchange, places expand and their economic, institutional and cultural character changes. As we will examine in more detail below, resistance to different aspects of globalization including the extractive industries is organized in transnational networks in which activists groups organize around seemingly “local” issues like for example the environment (see also Featherstone, 2003; Sharp et al., 2000; Goodman et al., 2008). We define networks as “symbiotic alliances between people, organizations and the non-human realm in which resources, arguments and knowledge flow” (Selman, 2000: 119). Networks are not totally “local” neither “global”. They represent ways and means of rescaling initiatives and struggles. Resistance to mining and hydropower development is simultaneously local and transnational as it has been observed by other authors (Bebbington, 2007).

Access to experts like the ones described in the introduction happens to a great extent through transnational networks. In that sense, there are certain actors who might act as “gatekeepers” controlling and forming the way in which local actors interact with international experts. Here we want to contribute to understand how and why local resistance movements arguably need these experts to legitimate their claims and how they gain access to networks and experts, and by doing so engage in the politics of place.

In the following we will focus on three aspects. First, we analyze how institutional and legislative instruments and practices set the frame and the limits of what is possible to do for resistance movements. We understand power as “networks of social boundaries that delimit fields of possible action” (Hayward, 1998: 9). In that sense, laws, rules, norms, customs, social identities and standards that constrain and enable inter- and intra- subjective action can be thought about as the mechanisms of power. Second, we focus on practices associated with EIAs processes. Finally we analyze how networks and experts engage with social movements and the ways in which such engagements allow the advancement of certain claims, values and interests. The increasing attribution of tasks previously carried out by state institutions to non-state institutions, corporations, consultants and even individuals, can be thought about as a consequence of the emergence of an entrepreneurial state. Below we will argue that anti-mining and anti-hydropower movements in Guatemala are using EIAs to challenge official notions of participation and the business-like organization of the state.

3. Methods

This article is based on qualitative research conducted in Guatemala between 2009 and 2014. Qualitative fieldwork here refers to a group of methods commonly used in the social sciences such as interviews, participant observation and secondary sources (Denzin and Lincoln, 2011). These tools are useful to investigate issues in which there are conflicting

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