PRIVATE CONFLICT REGULATION AND THE INFLUENCE OF PEASANT COMMUNITIES OVER NATURAL RESOURCES

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Abstract: Until recently, the Peruvian government to a great extent has given corporations the responsibility for resolving the increasing number of conflicts with local communities in mining localities. In the literature on political and economic reforms, mobilization, and democratic influence, few studies have addressed the role of corporations in relation to those processes. This study contributes an analysis of how corporate-community relations affect communities' ability to mobilize and influence mining projects. The article is based on two case studies in which local communities pursued different demands and analyzes how corporations used various strategies to deal with demands and protests. The empirical analysis demonstrates that local communities can achieve influence by opposing projects as well as by collaborating with corporations. However, these forms of mobilization have different impacts on the collective identities and organizational structures that are essential to the scope of democratic influence for those groups.

The extraction of minerals in the Peruvian highlands, as elsewhere in Latin America, has increased rapidly as a consequence of increased global demand. The expansion of mining has been surrounded by numerous conflicts related to the distribution of resources, land rights, and socioenvironmental impacts.[1] At the core of the conflicts between corporations and local communities is the influence of the latter over mining projects and their impacts. Various conditions make it difficult for local communities to influence mining projects. The decision-making processes in relation to mining are highly technocratic. Until recently, state-led processes of dialogue and consultation have been rare.[2] The Peruvian government has transferred resources directly to local governments and/or corporations for further distribution to groups that are negatively affected by mining projects. Moreover, mines are often located in remote areas where state capacity is low. In this context, corporations have become the main targets of demands by local communities. Corporations deal with demands and protests by including local communities in participatory processes and offering compensation, as well as making use of coercion and legal repression. The central government has inter-

1. Conflicts have increased from 2 in 2004 to 133 in 2014 (Defensoría del Pueblo 2004, 2014).
2. The law on prior consultation was finally adopted in 2011.

vened in the conflicts primarily in a reactive manner by initiating dialogues after the outbreak of conflicts between local groups and corporations. In this regard, Peru can be contrasted with Ecuador and Bolivia, where the central state plays a more proactive role in arranging prior consultations as well as in conflict mediation (Bebbington 2012, 13; Schilling-Vacaflor 2013).

In this context, a crucial question is how corporate-community relations affect the influence of local communities over mining projects. The aim of this article is to analyze how informal practices and interactions between corporations and local communities shape communities' attempts to pursue their interests and to influence different issues related to the expansion of mining. Some studies suggest that competing interests and power asymmetries reinforce clientelistic tendencies in corporate-community relations (Bebbington 2010; Cheshire 2010). However, the fact that comprehensive protests have in some cases delayed or permanently suspended macroeconomically important mining projects suggests that local communities have a strategic importance that enhances their negotiation leverage and can enable them to influence mining projects.

THE IMPACT OF CORPORATIONS ON THE SCOPE OF INFLUENCE OF MARGINALIZED GROUPS

The increased dependence of Latin American states on international capital has altered the power of the latter vis-à-vis other social forces and affected the scope for marginalized groups to influence politics. As part of the shift toward a market-oriented development model, political mechanisms for resolving conflicting interests have increasingly been replaced by market-based or nonpolitical mechanisms (Oxhorn 2011; Berins-Collier and Handlin 2009, 298–299; Garretón 1999, 67). These reforms have created new opportunities and obstacles for citizens to mobilize and to influence politics (cf. O'Donnell 2007, 2009; Yashar 2005). Philip Oxhorn addresses those changes and discusses the emerging state-society relations in Latin America in terms of neopluralism, "a market-centered mode of political incorporation and social integration" in which market-based principles and incentives have come to define organizational activity; civil society actions can currently be seen as the result of individual, self-interested calculations (Oxhorn 2011, 56). He argues that neopluralism places severe limits on the quality of democratic citizenship and constitutes a challenge for the sustainability of democracy (Oxhorn 2011, 56, 58).

The increased role of transnational corporations in providing social services and engaging in and organizing participatory processes, often as a consequence of pressure from civil society groups (see Crane, Matten, and Moon 2008; Scherer and Palazzo 2011; Soule 2009; Kröger 2013; King 2008; Dougherty and Olsen 2014), can be seen as one expression of neopluralism. Citizens are increasingly engaging with corporations directly rather than influencing them indirectly through the state (Soule 2009). Brayden King (2008) suggests that this may encourage mobilization and shape the outcomes of those processes.

The literature on social movements and state-society relations is still generally focused on how the state shapes mobilization and political influence, and pays little attention to the role of corporations in shaping those processes. This study

demonstrates that corporations should be seen as part of the external context that shapes the scope for exercising influence. In contrast to state-society relations, which are guided by rights and obligations, corporate-community relations are voluntary. Negotiations, protests, and power dynamics, therefore, play a key role in regulating interest conflicts and as mechanisms of accountability (Newell 2005; Frooman 1999). As Peter Newell (2005, 542) argues, protests play an important role in enhancing negotiation leverage and influencing corporations (see also King 2008, 24; Kröger 2013).

Corporations relate to local communities in accordance with a stakeholder logic and thus define their responsibilities in relation to each so-called stakeholder separately (Frooman 1999, 191). These unique, bilateral relations could have, according to Anthony Bebbington, a fragmenting impact on local organizations (2010, 107). Furthermore, corporations provide incentives to frame demands in terms of compensation rather than rights. Corporations thus provide incentives for minor groups to pursue nonpolitical demands, with implications for the capacity of those groups to identify collective interests and to organize in defense of them.

However, influence is not only a result of the external context but also of the agency of movements. In order to analyze the agency of movements, it is necessary to consider preexisting organizational structures and collective identities that shape how local communities define their interests as well as their capacity to strategically pursue those interests in relation to corporations.

The capacity of local communities to influence mining projects is to a large extent dependent on the ability to build alliances with other organizations (Bebbington et al. 2008, 2897). An essential challenge is, therefore, to gain access and to scale up localized representative organizations. Jonathan Fox argues that scaling up beyond the local level is particularly important for enabling dispersed rural groups to influence politics. Rural groups "have the greatest difficulty defining common interests and are the most vulnerable to 'divide and conquer' efforts from above" (Fox 1996, 1091). Furthermore, mining is characterized by a specific "scalar logic" that makes it particularly difficult for local groups to build broader coalitions for opposing projects. Protests against a mining project can benefit a smaller group in a locality, while the extraction of natural resources creates benefits for a much broader constituency (Haarstad 2012, 241). To build broader coalitions can therefore be challenging. Given the importance, as well as the difficulties, of identifying common interests and scaling up, it is necessary to deepen our understanding of how corporate-community relations affect the capacity of communities to mobilize and influence politics. This study investigates those issues in the empirical context of the Peruvian mining industry. I pose the following questions: How do local communities mobilize, given the new obstacles and opportunities created by the presence of corporations? How are these different forms of mobilization related to political influence?

Previous research demonstrates that mining corporations affect community mobilization primarily in a negative way (Bebbington 2010; Guzmán-Gallegos 2012; Bebbington 2012). Bebbington (2010), for instance, argues that corporate so-

cial investments affect mobilization processes by reinforcing clientelistic practices and disarticulating an organized opposition. However, as Sarah Soule (2008, 155) argues regarding the close collaboration of corporations with citizens in general, it is insufficient to define those relations as co-optation. There is a need for studies on how corporations, by means of different actions, alter movements.

This study contributes to previous research on close corporate-community relations within extractive industries through an empirical analysis of how those relations are related to political influence. I argue that, even though there are clientelistic elements, these relations could still open up limited forms of influence over mining projects. Furthermore, in contrast to these studies, I argue that how groups define their interests in relation to mining must be taken into consideration, since it affects the outcome of mobilization processes. Corporations can affect how local communities define their interests by creating opportunities to pursue certain demands while obstructing others. However, the interests of local communities in relation to mining are also embedded in historical, political, and economic struggles (Damonte 2008; Bebbington 2012; Guzmán-Gallegos 2012; Crabtree and Crabtree-Condor 2012) as well as local geographical and economic conditions. Protests should not be seen solely as an indication that local communities are opposed to mining, since those groups could engage in protests to enhance their bargaining leverage as well as to oppose a project. Whether local communities are opposed to or accept a project affects both their mobilization strategies and the outcome of those processes.

This study illustrates those differences by using examples from two mining projects in which local communities have defined their interests differently. In the Rio Blanco case local communities have sought to permanently stop the project, while in the Bambas case local communities primarily strived to gain access to the resource flows of the mining project. Hence, these cases illustrate the attempts of local communities to influence different aspects of mining projects. These two cases are relevant for deepening our understanding of the influence of local communities over mining projects not only in Peru, but also in other parts of Latin America and the developing world where state capacity is weakly developed and corporations play a key role in dealing with local conflicts.

The empirical material was collected during fieldwork in 2009, 2011, and 2013 and is based on interviews and primary written sources of peasant organizations and the corporations. I interviewed community members, local authorities, civil society organizations, the employees of the mine in the Bambas project, as well as representatives of public institutions at the national level. In the Rio Blanco project, corporate representatives declined to be interviewed. Fortunately, however, the Rio Blanco case is comprehensively documented by the Ombudsman (Defensoría del Pueblo).[3]

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3. Since Zijin acquired the mine in 2008, the project has in practice been temporarily suspended, with only an administrative office in Huancabamba. The analysis therefore focuses on the period 2003–2008, when Monterrico Metals was in charge of the project.

MOBILIZATION AND REGULATION OF CONFLICTS IN THE PERUVIAN MINING SECTOR

In the 1990s the Peruvian government adopted a comprehensive package of economic liberalizations (cf. Wise 2002). The constitutional protection of collective land of indigenous peasants was weakened in 1993 (Law 26505), something that facilitated a rapid expansion of mining projects in the Andean highlands.[4] This expansion has led to numerous bitter conflicts between peasant-indigenous communities and corporations. In most countries, governments have sovereign control over subsoil resources, at the same time as indigenous peoples, according to ILO Convention No. 169, have the right to be consulted by the state whenever measures are planned that would impact them.[5] However, how prior consultations should be defined and implemented is contested. As Almut Schilling-Vacaflor and Riccarda Flemmer (2013, 5) argue, interpretations range from seeing prior consultation as the guarantor of due process and of freedom of contract rights, to the strong substantive versions that emphasize the procedure's function in protecting indigenous peoples' rights to self-determination and territorial control.

In that sense, mining policies are surrounded by conflicting interpretations and claims. What is ultimately at stake is the scope of influence for local communities over mining projects and their impacts. As essential interests are at stake for local communities, the lack of influence through institutionalized mechanisms gives them strong incentives to engage in collective action.

In Peru, the Ministry of Energy and Mining (MEM) has the authority to decide on new mining projects. There are various institutional mechanisms for influencing mining, such as land rights negotiations, prior consultations, the approval processes of Environmental Impact Assessment, *mesas de diálogo* (dialogue tables) on specific projects, and broader state-led land use planning. However, corporations have the primary responsibility for generating acceptance for the mining projects and channeling the demands of community members. During the governments of Alejandro Toledo (2001–2006) and Alan García (2006–2011), involvement and monitoring on the part of responsible governmental institutions were sporadic and often limited to relaying information rather than dialogue and consultation. In order to reach agreements with landowning communities, corporations employed different strategies ranging from participatory processes to bribery, exerting pressure, and threats. According to ILO Convention No. 169, corporations should not be given responsibility for initial contacts with local communities, and the World Bank has also criticized the Peruvian government for leaving this important task, which involves essential rights of community members, to the mining corporations (World Bank 2005, 116). In most cases the state intervenes only after the outbreak of a conflict by establishing a dialogue table

4. The extension of indigenous identities is widely disputed in Peru (see, for example, Stavenhagen 2001, 176) and merits a lengthy discussion. In order to avoid this debate, I will hereafter refer to indigenous or peasant communities as local communities or community organizations.

5. ILO 169 is the convention on indigenous people's rights. The United Nations Declaration on the Rights of Indigenous Peoples stipulates that states should seek the free, prior, and informed consent (FPIC) of indigenous people, which is an important difference, since consent comes close to recognizing the right of indigenous communities to veto projects.

with the opposing parties. Civil society actors have put pressure on the government to adopt laws on prior consultations (Ley de Consulta Previa) and land use planning (Ordenamiento Territorial). Both reforms are aimed at strengthening the mediating role of the state and the influence of society over macroeconomic policies and thus at subordinating natural resource extraction to a democratic process. The law on prior consultation was finally adopted in 2011. Land use planning is a state-led process in which different societal interests are represented and negotiate the usage of the territory and development policies.

The indigenous peasants are strongly organized on the community level but fragmented on the regional and national levels (Panfichi and Alvarado 2010, 5).[6] As base-level organizations, community organizations often lack resources and competent leaders with which to pursue and defend the interests of their members in interactions with state institutions or private actors. Collaboration between communities through provincial or regional peasant organizations is therefore essential for influencing political processes. NGOs have also played an important role in providing communities with information, facilitating access to policy-making processes on the national level and putting pressure on the state to reform mining policies.

In 1999, communities involved in mining conflicts created the Confederación Nacional de Comunidades Afectadas por la Minería (CONACAMI) to protect their interests and rights in relation to mining projects. CONACAMI has weak links to local communities and functions more as an NGO that involves itself in national political processes. However, in terms of organizational strength and collective identities there are important differences at the subnational level, which affect how local communities define their interests as well as their capacity to mobilize. The two cases analyzed in this article clearly illustrate those differences.

This study seeks to explain the outcome of mobilization processes through an analysis of mobilization surrounding two macroeconomically important copper projects in Peru: the Rio Blanco project located in the Piura region and the Bambas project located in the Apurimac region.[7] President García described the Bambas project as "the most significant contract of the century" (*El Comercio* 2010). In 2003, MEM declared the Rio Blanco project to be of "national interest" (Decreto Supremo 023–2003-EM).

In the two cases, the local communities sought to influence the projects in different ways. In the Rio Blanco project, a majority of people within the communities were opposed to the project and sought to stop the project through a combination of protests and negotiations. In contrast, in the Bambas project, the majority were in favor of the project and sought compensation and employment through direct links with the corporation. These different perceptions and strategies on the part of local communities can be explained partly by different corporate strategies, but also by different local conditions and capacity for collective action. In

6. In the Andes, peasant or indigenous communities are the primary form of social organization. Communities are legally recognized, self-governing organizations.

7. The Bambas project involves an investment of US$5,200 million, and the Rio Blanco project US$1,500 million (Ministerio de Energía y Minas 2014).

the Rio Blanco project local communities are organized in Rondas Campesinas, self-defense committees responsible for customary law that were developed in the 1970s. Maritza Paredes (2011, 147) argues that periods of autonomy alternating with struggles against the state have spurred the Rondas Campesinas to scale up their organizations from the local to the regional level and given them incentives to build networks and alliances. Rondas Campesinas also have a long tradition of defending their autonomy in relation to the state (Starn 1992) and, in general, a relatively strong capacity for collective action. Furthermore, local communities' opposition must also be understood in a broader regional context of opposition to mining. The project was initiated in 2003, at the same time as the Tambogrande project was permanently suspended after five years of sustained conflict. A group of organizations and leaders—the so-called Red Muqui, which was involved in Tambogrande—was important, since it provided support for groups opposed to the Rio Blanco project (Bebbington 2012, 73). The proximity to Cajamarca, an old mining region with strongly organized Rondas Campesinas, is also important. A final question that has shaped perceptions of the project by local communities is the regional plan to transform the highland of Piura into a mining area. Hence, it was not just one project at stake but several, with significant impact on the environment and on agricultural activities.

In contrast, the Apurimac, where the Bambas project is located, is the second poorest region in Peru, with 70 percent of the population living in extreme poverty with low access to health care and education (Ministerio de Economía y Finanzas 2010, 27). The high altitude makes it difficult to develop other economic activities, as compared to the lower highlands of Piura that is suitable for agriculture.[8] Community-level peasant organizations have been historically weak (see Valderrama and Escalante 1992; Wilfredo Fernández, interview, June 18, 2013). In the 1980s they were easily eradicated by the Shining Path guerrillas and did not start to recover until the early 2000s, at the same time as the mining project was initiated.

These different conditions and trajectories of peasant mobilization have affected perceptions of the mining projects of local communities as well as their capacity for collective action, and thereby shape how they seek to influence mining projects. In cases where local communities are in favor of mining projects and primarily strive to gain access to social programs and employment, influence can, as Chris Ballard and Glenn Banks (2003, 298–299) argue, be related to "the management of projects, the flow of benefits, and the limitation or redistribution of mining impacts." In cases where local communities are opposed to a project, such as the Rio Blanco project, struggles for influence are aimed at delaying or permanently suspending the project (cf. Kröger 2013). Different mobilization strategies are required for achieving these goals. Whereas corporations are the primary targets of demands for compensation, local communities often seek to suspend or substantially influence the implementation of projects by combining protests with demands for access to more formal, state-led processes. However, a combi-

8. The community is located at 3,800 to 4,600 meters above sea level (Xstrata 2010, 8).

nation of protests and negotiations has characterized mobilization processes in both cases, which is often necessary for influencing corporations (King 2008, 24).

TWO DIFFERENT MODELS OF CORPORATE STRATEGIES

As previously mentioned, according to the ILO Convention No. 169, governments have a responsibility to consult indigenous peoples before taking decisions that affect their land, resources, livelihoods, and culture. Until 2011, the Ministry of Energy and Mining (Ministerio de Energía y Minas, MEM) arranged consultations for providing information (see Decreto Supremo 028–2008-EM). Schilling-Vacaflor and Flemmer (2013, 3) argue that these consultations did not enable community members to take part in any form of active decision-making process or influence the projects in any significant sense. In many cases corporations have, in their attempts to secure support among and negotiate with the landowning communities, already established a relationship with these groups before the consultations have taken place.[9] The strategies corporations employ in this phase are therefore crucial for the capacity of local communities to influence the project. However, it is of course also important how local communities respond. The two corporations adopted very different strategies for negotiating with local communities.

Monterrico Metal, the corporation responsible for the Rio Blanco project, is a UK-registered so-called junior corporation that is engaged in high-risk ventures exploring the presence of minerals and then seeking investors to initiate the costly mineral extraction. Compared to large, integrated mining companies engaged in long-term mineral extraction, junior companies often lack resources, time, and motivation to adopt participatory planning and contribute to sustainable development, which makes them prone to conflicts (Bridge 2004, 240; Bebbington 2010, 103). Monterrico Metals is a typical junior corporation in that sense. It initiated negotiations with local communities without a well-planned strategy. Rather than achieving the acceptance by a two-thirds majority as required by law (Law 26505), the corporation signed an agreement to perform "seismic tests" with just a few leaders. MEM approved the project based on this invalid agreement (Defensoría del Pueblo 2007). However, in January 2004, the community took the formal decision to reject the project and withdraw approval for seismic tests. After the negotiations with the community collapsed, the corporation attempted to penetrate the organization from below by offering individuals employment and compensation. This in turn not only produced conflicts within the community but also strengthened the already existing rejection of the project.

In 2004, MEM organized a consultation, at a point when corporate-community relations had already become polarized and it was difficult to establish a dialogue. Later, in 2004 and 2005, local communities organized two marches to the mining camp. During those marches two peasants were killed, which further

9. Corporations have a legal obligation to reach an agreement with the landowning community (Law 26505).

escalated the conflict. After that, it was difficult for the corporation to repair the broken trust. Between 2005 and 2008 Monterrico Metals alternated between offers of social investments and employment, on the one hand, and legal persecution and media campaigns against leaders, on the other. In 2008 the project was sold to the larger Chinese Zijin Mining Group, which has thus far not attempted to advance the project. The project is temporarily suspended.

In contrast to Monterrico Metals, the Swiss corporation Xstrata, the owner of the Bambas project from 2003 to 2013, is an integrated senior corporation that is one of the four largest copper producers in the world (Xstrata 2011), with clear policies on and significant investments in corporate responsibility.[10] Furthermore, in the Bambas project the government intervened and arranged for an unusual and ambitious consultation process before transferring mining rights to Xstrata in 2004. A comprehensive information campaign was conducted, and funding for social investments was offered. A social fund of $64 million was also established for investing in development projects. When the consultation process had ended, the government largely terminated its monitoring of the process, and Xstrata assumed the primary role for responding to the demands of local communities, in particular in relation to the communities directly affected by the project. Xstrata had a well-planned strategy firmly grounded in local conditions, something that Michael Dougherty and Tricia Olsen (2014) argue is essential for achieving acceptance for a project. By engaging NGOs, independent evaluators of community development and a large community relation team, the corporation interacted with local communities and established participatory processes, thereby learning about their concerns and the emerging discontent.[11] The community relation team played a key role in dealing with demands and working to prevent protests among local communities (Livio Palizo, director of Xstrata's community relations team, interview, March 28, 2011). In contrast to Monterrico Metals, which negotiated with leaders or minor groups within the communities, Xstrata has negotiated primarily with community organizations. At the same time, the corporation marginalized intermediate organizations, such as the Peasant Federation, which acquired some capacity for collective action in 2004–2008. While in the Rio Blanco project corporate-community relations rapidly became polarized, which has resulted in the temporary suspension of the project, in the Bambas case the governmental consultation process, the social fund and a well-planned strategy for dealing with different groups has facilitated the advancement of the project, the exploitation phase of which was to begin in 2015, twelve years after the initial negotiations. However, the developments of the two projects can only in part be attributed to corporate strategies; it is also explained by the perceptions and capacity for collective action of the local communities.

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10. In 2013 Xstrata merged with Glencore, and in 2014 the project was sold to MMG (*El Comercio* 2015).

11. During the most intensive phases, fifty employees worked with negotiating and interacting with local communities (Livio Palizo, director of Xstrata's community relations team, interview, March 28, 2011).

STRUGGLES TO INFLUENCE THE RESOURCE FLOWS OF MINING: THE BAMBAS CASE

The Bambas project has a direct impact on thirty-eight communities with a total population of 13,500, and one of the communities, Fuerabamba, will be re-settled (Xstrata 2010, 24). Xstrata has focused its interventions primarily on Fue-rabamba and a few of the most affected communities. The majority of the members in these communities are in favor of the project, as they perceive it as an opportunity to gain access to social investments and employment through the corporation. These communities live in extreme poverty and are weakly repre-sented in local government (Cuadros et al., 2005, 21). In a report on the Bambas case, the Ombudsman has pointed to the weak presence of the state, which leads to the population perceiving the corporation as almost the only provider of basic services (Defensoría del Pueblo 2009, 11). In interviews, community members em-phasized the accessibility and efficiency of Xstrata, which was contrasted with the bureaucratized forms of resource allocation on the part of the state.

The arrival of the mining corporation gave peasant communities incentives to reinforce the existing provincial Peasant Federation of Cotabambas (Federación Provincial de Campesinos de Cotabambas, FPCC) (Echave 2012, 70). Between 2003 and 2010, FPCC organized campaigns and protests and sought to influence the negotiations, particularly with regard to Xstrata's and the government's responsi-bilities to contribute to sustainable provincial development. The FPCC in particu-lar succeeded in unifying local communities behind protests against the govern-ment's inefficient administration of the social fund. However, in relation to the corporation, FPCC has been less successful in unifying the communities behind a common agenda. FPCC has made a few attempts to create broader participatory processes for negotiating over Xstrata's social investments. Those attempts have, however, failed. The capacity of FPCC to engage communities in sustained collec-tive action is weak. Part of the explanation is that Xstrata has bypassed FPCC and interacted for the most part directly with community organizations (Echave et al. 2009, 164). In that way, community organizations rather than intermediate peas-ant organizations have become primary actors in negotiations for access to social investments. Consequently, FPCC never succeeded in overcoming the historical fragmentation in order to be able to represent peasant communities in negotiation with Xstrata.

Corporations can distribute social investments in different ways. This can be done through social funds or partnerships with public institutions, which are in-stitutionalized and formally regulated forms of resource allocation that in the best case entails the corporate investment contributing to the development plans of lo-cal governments. Corporations can also establish bilateral links with community organizations that operate in parallel with state-led forms of resource allocation and land use planning. In some cases, corporations do not respect community or-ganizations and give in to pressures from strongly organized groups or individu-als. The forms and the arenas for negotiating over corporate investments thus can differ significantly, even though most corporations use all these strategies to varying extents and in different combinations. In the Bambas project, Xstrata

has distributed its social investments through social funds, partnerships but also through bilateral links with different groups. In recent years, Xstrata started to give in to pressures from some minor groups. This stands in contrast to the Rio Blanco case, where Monterrico Metals used bilateral links with specific groups as a strategy to break down opposition to the project. These different forms of resource allocation have different impacts on the capacity for collective action on the part of community organizations.

In Fuerabamba, Xstrata is the primary provider of social services, infrastructure, and employment (Fuerabamba and Xstrata 2010). In the other communities, depending on the degree of negative impacts, support is limited to smaller projects, the formulation of community development plans, and a few rotating employment opportunities per community. In contrast to Monterrico Metals, whose social investments were aimed at breaking down opposition to the project, Xstrata had a more favorable situation and sought primarily to display positive development outcomes.

In a context of weakly developed collective identities and intermediate structures, demands tended to have a particularistic character. The stakeholder logic further reinforced demands that were only weakly connected to broader collective identities. However, an important difference between Xstrata's and Monterrico Metal's interventions is that the first negotiated mainly with community organizations, while the latter was negotiated with minor groups or individuals. Gerardo Damonte argues (2013, 12–13) that those negotiations have given community organizations experience and strengthened their political position in the locality. However, my empirical analysis demonstrates that these relations affect community organizations differently, depending upon whether they control resources that are attractive for the corporation or not. Moreover, while some previously marginalized groups and individuals have gained access to resources, peasant communities have not necessarily strengthened their capacity to mobilize and influence politics in a more sustainable way.

This is primarily related to the compensatory logic of corporate social investments, which tends to counteract the construction of collaboration between community organizations. Most community members are well aware that corporate social investments are compensation for negative impacts, and in most cases they are willing to accept those impacts if compensated for. There are directly and indirectly affected groups, and within the first group there are three different degrees of being affected. The definition and boundaries of being affected are deeply contested. Protests play an essential role in these processes, as illustrated by the following statement of a community leader: "If the relationship becomes too harmonious, we will not receive any support" (Samuel Quispe, interview, March 12, 2011, Challhuahuacho).

Negotiations and contestations of the boundaries of being affected is common in mining localities, as noted by Damonte (2009, 15). These processes tend to reinforce identities and interests according to a stakeholder logic. Xstrata has not created division within existing communities but rather reinforced those organizations by negotiating with them. However, as being affected is related to specific issues—pollution of water, construction of roads, purchases of land, price

increases—it becomes difficult for different communities to define common interests in relation to the mining project and to come together and defend those interests. Even though FPCC organized some comprehensive mobilizations in 2005, 2006, 2007, and 2011, those were primarily protests against the involvement of the central government in the social fund. At present, some groups and individuals are continuously involved in exertion of pressure, protests, and negotiations in relation to different impacts. For these groups, a fragmented rent-seeking behavior has become the predominant form of "collective action." Various informants tell of how they seek to gain access to corporate resources, with varying degrees of success, through pressuring and protests. Romulo Cambio, a former employee of the community relations team, told of being approached often by community leaders who threatened to organize a protest if they did not receive money (interview, June 9, 2013, Challhuahuacho). In his view, by giving in to social pressure, Xstrata had contributed to a rent-seeking type of behavior and even corruption. By the same token, Livio Palizo, the director of the community relations, stressed how they strove to be accessible and to respond rapidly to local community demands and needs but also admitted that Xstrata sometimes "gives too much" in order to avoid conflicts (interview, March 28, 2011, Challhuahuacho).

Hence, even though Xstrata, by including communities in negotiations, had some positive impacts on these organizations, this dynamic had a negative impact. Leaders and other communities are often viewed with suspicion and accused of being "bought by the mine." The legitimacy of leaders of community organizations and peasant organizations as promoters of collective interests is thus undermined. Bebbington (2010, 107) argues that corporate social programs often contribute to dissipating conflicts between the corporation and local groups, while exacerbating conflicts within and between different local community groups due to the increased competition between these groups over access to these programs. Consequently, these disagreements undermine the capacity and willingness of local communities to engage in collective action in order to defend common interests.

Corporate-community interactions also affect the dynamic and the agenda of communities. An examination of the minutes of the assemblies in the community of Pumamarka over several years revealed not only that corporate representatives participated at most assemblies, but also that the discussion at the meetings was focused on what support Xstrata could offer and how they could gain access to that support. These discussions came to overshadow the main purpose of the assemblies, that is, to organize agricultural production as well as to articulate sustainable strategies for dealing with the opportunities and challenges generated by the expansion of mining.

These bilateral negotiations between the corporation and minor groups have also reinforced dependency relations between those groups and Xstrata. In particular, Fuerabamba, which is to be resettled, has become isolated from the local government, NGOs, and other community organizations and is to a large extent dependent upon Xstrata for providing health care, education, employment, and so on. Fuerabamba has rejected support from FPCC and NGOs and has been unwilling to include the local and provincial governments in the negotiation pro-

cess. Two leaders claim that these actors only seek access to resources, which they consider unfair since Fuerabamba has to bear the social costs of the resettlement. A perceived diverging interest between Fuerabamba and FPCC has thus created a division between these actors. Still, Fuerabamba has, without the support of these actors, succeeded in reaching a relatively generous agreement with Xstrata concerning compensation for its lands. However, during the fieldwork in 2013, information that the project was about to be sold caused concerns, since community members worried that the new owner would not live up to Xstrata's commitments.

How, then, have corporate-community relations affected the influence of communities in relation to the mining project? Xstrata has been relatively accessible and responsive, which has facilitated access of the communities to social investments for some groups. While achieving some influence through pressure and negotiations, corporate-community relations have also promoted apolitical demands and identities and thereby reinforced an already existing fragmentation of peasant communities. This dynamic is, however, generated by the demands of local communities as much as by corporate strategies. Still, the fragmentation of communities is in one way functional to corporate interests, since these fragmented groups lack the clout to challenge corporate power and do not constitute a major threat to the project.

STRUGGLES TO HALT THE EXPANSION OF MINING: THE RIO BLANCO CASE

The Rio Blanco project is located on the lands of two communities, Yanta and Segunda y Caja, in the highland of Piura. These two communities have, since early in the negotiation phase, sought to suspend the project permanently. The communities claim that the project will have negative impacts on the environment and agricultural activities, something that is denied by the corporation (Rio Blanco Copper 2008). Since there is neither legal nor political support for this demand, local communities have used protests as well as different formal political mechanisms to pursue this. At the same time, Monterrico Metals sought to counteract opposition groups. This affected the organizational structures and thus the capacity for collective action of those groups, although not only in negative ways. Monterrico Metals offered material support and employment to individuals within the communities. These actions fomented conflicts and fragmentation within the communities. However, these strategies also increased opposition to the project and reinforced an already existing "us against them" identity (Paredes 2011) and gave local communities incentives to organize and develop alliances. In 2006 they created the regional organization Frente por el Desarrollo Sostenible de la Frontera Norte del Perú (FDSFNP) by drawing on preexisting organizational networks. In the Rio Blanco case, the creation of a regional organization has been combined with alliance formation on the national and international levels, something that has been essential for the capacity of the organization to pursue its demands. John Crabtree and Isabel Crabtree-Condor (2012, 54) have emphasized the importance of external networks for the ability of Peruvian communities to negotiate with external actors.

At the same time as local communities developed FDSFNP, Monterrico Metals became more assertive and supported the creation of parallel community organizations, such as the Frente de los Intereses de Desarrollo de la Comunidad Segunda y Cajas (FIDCSC), which claimed to represent community members in favor of the project (Antonio Rivera Laban, vice president of FIDCSC, interview, March 9, 2011, Huancabamba). In 2007 the organization, supported by Monterrico Metals and a few parliamentarians, accused thirty-five of the most prominent leaders of the FDSFNP of terrorism. In response, community members opposed to the mine claimed that the corporation tried to manipulate the elections of community leaders and therefore formally excluded a large number of pro-mining community members.[12]

A similar division between groups opposed to and in favor of the mine arose in the provincial Rondas Campesinas organization, and in 2010 it split into two branches. The attempts on the part of the corporation to subsidize groups in favor of the mine and to intervene in community organizations thus produced divisions and altered organizational structures. The group opposed to the project has nonetheless been significantly more successful in striking alliances on the regional, national, and international levels.

SEEKING INFLUENCE OVER THE PROJECT THROUGH DIALOGUE WITH THE GOVERNMENT

Affected groups have weak institutionalized access to the decision-making process of mining projects. According to the government, in a context of social conflicts, weak political institutions, and mediating channels, temporary dialogue tables are a mechanism for negotiating competing interests and create trust (PCM 2013, 17). However, Joachim Chinchay, councilor in the province of Huancabamba, emphasizes the reactive rather than preemptive function of those processes: "First, there have to be killings or road blocks, and only after that does the government create a high-level commission to resolve the problem" (interview, January 2, 2011, Huancabamba).[13] In the Rio Blanco project, the government gave in to FDSFNP's demands to create a dialogue process in 2006 and then in 2007. In both dialogue processes, the government was reluctant to recognize FDSFNP as a representative of local communities (*La República* 2007b). Instead, the government as well as the corporation attempted to negotiate directly with community leaders (Carlos Martínez, president of FDSFNP, interview, March 20, 2011, San Ignacio; Eusebio Guerrero, former community leader, interview, March 24, 2011, San Ignacio).

FDSFNP not only had strong local support but it also developed contacts on the national and international levels that provided resources and information and put pressure on the government. The primary issue that FDSFNP wanted to negotiate with the government was the illegal presence of the corporation on communal land. They also articulated broader demands for institutional reforms of the

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12. Letter of community members to the governor, December 28, 2009.
13. The governmental report from 2013 confirms that between 2006 and 2011 dialogue tables were often established when a conflict had already escalated (PCM 2013, 23).

mining sector, such as the implementation of land use planning processes, prior consultation, and the need for an independent environmental authority (responsible for the approval of the Environmental Impact Assessments).[14] On other issues, such as the demand for an independent environmental authority and national land use planning, FDSFNP supported demands for national reforms pursued by other groups. Collaboration with other actors enabled FDSFNP to translate initial locally specific demands into political demands for institutional reforms that would facilitate access to policy-making processes of mining for the communities. It was, however, difficult to pursue those demands through the dialogue process, which finally collapsed due to the unwillingness of the participants to engage in a genuine dialogue (Bebbington et al. 2007, 4).

In sum, temporary dialogue tables have constituted a mechanism through which the government has dealt with emerging conflicts on an ad hoc basis. More recently, the government has attempted to develop this mechanism for resolving mining conflicts (PCM 2013). This case, however, suggests that the primary purpose of these processes has been to temporarily appease opposing groups.

SEEKING INFLUENCE THROUGH AUTONOMOUS STRATEGIES AT THE SUBNATIONAL LEVEL

The difficulties for the communities in the Rio Blanco project to pursue their interests through protests directed at the corporation or through dialogues with the government have spurred FDSFNP to open up new, temporary political spaces at the local level—an autonomous consultation process and land use planning. As illustrated by the two cases, the Peruvian government has implemented the principles of ILO Convention No. 169 in a selective and in many cases highly deficient way. Local groups, social and political movements, and NGOs have, in this context, put pressure on the state to regulate the law on prior consultation in order to create consultation processes, not only with procedural outcomes but with substantial outcomes as well. The Peruvian government has interpreted ILO Convention No. 169 to mean that indigenous people have the right to be consulted, which could entail participation without any real influence over actual decisions.

In 2007 FDSFNP organized an autonomous consultation process in which citizens in three districts voted on the project. Of the 60 percent of the population that participated in the voting, 93 percent voted against the mining project (*La República* 2007a). FDSFNP was aware that the consultation lacked legal force but tried to present the opinion of community members with regard to the project in order to create democratic legitimacy for their demand. The consultation illustrates FDSFNP's perception and demand that local communities should have the right to veto a project (Carlos Martínez, president of FDSFNP, interview, March 20, 2011, San Ignacio). There is no legal support for vetoing a project in ILO Convention No. 169 or elsewhere. The risk of advisory referendums is obviously that the

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14. FDSFNP, letter to Jorge del Castillo, September 24, 2007. In 2012 Servicio Nacional de Certificación Ambiental para las Inversiones Sostenibles (SENACE) was created and the responsibility for approving the EIA was transferred to this unit.

government decision will be perceived as illegitimate and undemocratic. Deliberative processes, such as dialogue tables, can in that way be less polarizing but also less effective, since it can be difficult for participants with opposed interests to reach consensus, as was seen in the previous section.

Different public institutions and the corporation counteracted the implementation of consultation. The national election agency, Jurado Nacional de Elecciones (JNE), declared the referendum "illegal and antidemocratic" and threatened that legal processes would be initiated against the organizers (*La República* 2007a). The Ombudsman, in contrast, argued that the organization of advisory referendums was a constitutionally recognized right (*Andina* 2007). Even though the Peruvian state is to a great extent hostage to business interests (Crabtree and Crabtree-Condor 2012, 50), these examples illustrate how conflicting interests can be articulated in various arenas of the state.

In order to undermine the referendum, the corporation offered the two communities a week before the voting a social fund of $80 million if they accepted the project. The communities rejected the offer and carried out the consultation. After the consultation, President García argued that the voting was neither legal nor valid and "that with better information we could overcome attitudes contrary to investments" (*Andina* 2007).

Triggered by the Amazonian strikes, the congress adopted the law on prior consultation in 2009. According to the Ombudsman's lawyers, the consultation in the Rio Blanco case was also a crucial case for justifying this initiative and indicating how to respond to similar conflicts (Bebbington 2012, 79).

Land use planning processes (Ordenamiento Territorial, OT) are another mechanism promoted by peasant organizations critical of the technocratic and closed processes through which MEM approves mining projects. These organizations demand that the expansion of mining industries should be subordinated to planning processes at different levels (local, regional, and national) in which civil society should be represented. As it is a political process, the state would assume a mediating role in relation to different societal interests with regard to the usage of the local territory and broader development policies.

The law on OT is still being developed by a technical committee, in which different societal interests are represented. The powerful interest organization of the extractive industries, Sociedad Nacional de Minería, Petróleo y Energía (National Society of Mining, Oil and Energy, SNMPE), initially participated but withdrew in 2011 in protest against what it perceived as a legislative proposal that was too environmentalist (Doris Rueda, director of the office of Ordenamiento Territorial, Ministerio del Ambiente, interview, February 28, 2011). In a few cases, such as in Cuzco and Cajamarca, the regional governments have carried out land use planning processes autonomously and have passed ordinances to halt concessions that have already been granted or to veto the future expansion of mining without incorporating decision-making authorities on the national level. In both cases, the Constitutional Tribunal has declared the processes unconstitutional, since only MEM has the authority to take decisions concerning large-scale mining. In order to be legitimate, the territorial development processes are subordi-

nated to national legislation and must therefore include the relevant actors from different public institutions. They might also be employed as strategies in order to "establish a conflict with the national government" (Maximiliano Ruiz, regional vice president of Piura, interview, February 26, 2011, Piura) and, thus, be a way of pursuing regional or local interests in contradiction to national policies.

In 2009, the local government in Carmen de la Frontera, in collaboration with an NGO, initiated an OT process. The local government carried out the land use planning autonomously, without coordinating with provincial, regional, or national authorities, as required (Decreto Supremo 087–2004-PCM). The final report omitted information on the existence of mineral deposits. From the local government perspective, the political spaces offered on the regional and national levels were insufficient for pursuing their interests and also entailed risks of co-optation of leaders (Ismael Huayaman, mayor of Carmen de la Frontera, interview, February 21, 2011, Huancabamba). The communities therefore employed subnational political arenas and made use of existing legal mechanisms in order to open up new political spaces for pursuing their interests. The asymmetric power distribution between the national elite and the corporation, on the one hand, and local communities, on the other, makes it difficult to manage these processes. The Ministry of the Environment finally disapproved of the OT process, and the autonomous strategy, similar to the referendum, did not have any direct impact on decision making. It is difficult to evaluate the impact of each of the strategies employed in the Rio Blanco case. Still, the different strategies and strong pressure from the local to the international level have contributed to the temporary suspension of the project. There are, however, no guarantees or signs that the project will be permanently cancelled.

CONCLUSION

This article has analyzed how local communities mobilize, given the new restrictions and opportunities created by corporations, and discussed how this mobilization is related to different forms of political influence. In the Rio Blanco case, local communities have a history of struggles with the state for developing their autonomy, which has enabled them to develop collective identities and scale up their organizations. In the Bambas case, local elites and later the Shining Path guerrillas have counteracted attempts at peasant mobilization. The cases also illustrate how different corporations deal with the demands and conflicts of local communities. The impact of corporate-community relations on mobilization and on the scope of influence for communities must be analyzed in this broader context.

In relation to how the majority within the communities defined their interests in relation to the two mining projects, it can be concluded that in both cases these organizations have been able to exercise some, though limited, influence over the projects. In the Bambas case, directly affected groups sought to influence the resource flow of the corporation and succeeded in this, while in the Rio Blanco case local communities sought to suspend the project but have only temporarily

delayed it. These forms of influence are nevertheless based on power, as corporations accommodate to the pressures of strongly organized groups. Thus local communities differ widely in their capacity to pursue their interests.

An essential question is how these struggles and forms of influence have affected the capacity of these groups for collective action and political influence in the longer term. In the Rio Blanco case, those struggles have created distrust and divisions within and among local organizations, which continue to shape subnational political processes. As Bebbington (2012, 4) argues, distrust is difficult to overcome and is often drawn upon in new forms of collective action. At the same time, broader political coalitions have been reinforced and specific local issues have been translated into broader demands for institutional reforms with the potential to expand the political space of mining policy making.

In the Bambas case, FPCC's attempt to create a broader political process for putting pressure on the state and the corporation to contribute to long-term provincial development was undermined in a context of weak collective identities and FPCC's lack of organizational strength. This weakness was reinforced by the bilateral corporate-community negotiations that gave local communities few incentives to organize. A fragmented, rent-seeking dynamic was thereby reproduced, which in the longer term will most likely undermine the political representation of those groups and their capacity to engage in collective action for pursuing broader collective interests. Hence, corporate-community relations create both opportunities and obstacles, at the same time as local communities differ in their capacity to pursue their interests through these interactions.

These two cases provide important insights into the particular dynamics of neopluralism in rural areas. The cases show how market-based incentives and threats shape peasant communities organizational activities by reinforcing as well as weakening collective action. The empirical analysis furthermore points to the importance of seeing private corporations as part of the external context that shapes social movement dynamics. To enhance our understanding of these processes is essential, since they are intrinsically linked to the political influence of rural communities.

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