

EXTRACTIVE SECTOR AND CIVIL SOCIETY:
WHEN THE WORK OF COMMUNITIES,
GOVERNMENTS AND INDUSTRIES LEADS
TO DEVELOPMENT

PERU





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4% of Latin America and the Caribbean's GDP comes from the extractive sector. This figure is equivalent to the amount generated by agriculture in the same region. An effective engagement between governments, companies, and civil society is required to propel sustainable development. With this diagnostic study of Peru, the IDB seeks to shed light on best practices among stakeholders of the extractive sector. It focuses in actions of information, dialogues, consultations, collaborations, and partnerships that are driving development in the country. A roadmap based on the findings of the diagnosis, serves as a guide for the stakeholders to strengthen their engagement.

This booklet focuses on the findings of Peru and is part of a regional diagnosis executed in Argentina, Chile, Colombia, Mexico, Peru, and the Dominican Republic. The full publication is available at: <https://publications.iadb.org/en/extractive-sector-and-civil-society-when-work-communities-governments-and-industries-leads>.

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Leadership, team coordination and contents

Flavia Milano, Operations/Civil Society Senior Specialist, Vice Presidency for Countries, IDB

Content revision and adjustments:

Martin Walter, Extractive Sector Initiative Specialist, INE/INE, BID

Maria Dolores Vallenilla Sosa, Extractive Sector Initiative, INE/INE, BID

Editors:

Irene Irazábal Briceño, Vice Presidency for Countries, IDB

Viviane Espinoza, Vice Presidency for Countries, IDB

General coordination and research:

Volker Frank (Fundación Futuro Latinoamericano)

Javier Caravedo (ProDiálogo)

Iván Ormachea (ProDiálogo)

Mitzy Canessa (Grupo de Diálogo Latinoamericano)

Bruno Gomes (Grupo de Diálogo Latinoamericano)

Research teams by country

Marina Irigoyen, Centro IDEAS – Researcher and focal point, Peru case

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Abbreviations and acronyms

ACM	Asociación Colombiana de Minería
ACP	Asociación Colombiana de Petróleo
AIDSEP	Asociación Interétnica de Desarrollo de la Selva Peruana
AMEXHI	Asociación Mexicana de Empresas de Hidrocarburos
AMSA	Antofagasta Minerals
AMUCEP	Asociación de Municipalidades de Centros Poblados de Huari
ANDI	Asociación de Industriales de Colombia
ANLA	Autoridad Nacional de Licencias Ambientales
ASF	Auditoría Superior de la Federación
IDB	Inter-American Development Bank
CAEM	Cámara Argentina de Empresarios Mineros
CAMIPE	Cámara Minera Petrolera de la República Dominicana, Inc.
CAR	Autonomous Regional Corporations
CEAS	Comisión Episcopal de Acción Social
CEMDA	Centro Mexicano en Derecho Ambiental
CEFOMOMALI	Centro de Formación para Mujeres Organizadas María Liberadora, Inc.
CFE	Consejo Federal de Energía
CIDE	Centro de Investigación y Docencia Económica
CINEP	Centro de Investigación y Educación Popular
CITT	Centro de Innovación y Transferencia Tecnológica
CMAP	Comité de Monitoreo Ambiental Participativo
CODELCO	Corporación Nacional del Cobre
COFEMA	Consejo Federal del Ambiente
COFEMIN	Consejo Federal de Minería
CONADI	Corporación Nacional de Desarrollo Indígena
CONALEP	National College of Technical-Professional Education
CONAP	Confederación de Nacionalidades Amazónicas del Perú
CORMIDOM	Corporación Minera Dominicana
CSO	Civil Society Organization
CVSA	Cerro Vanguardia, S.A.
DGM	Dirección General de Minería
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
ENTRE	Espacio Nacional por la Transparencia de la Industria Extractiva
FALCONDO	Falconbridge Dominicana
FARN	Fundación Ambiente y Recursos Naturales
FFLA	Fundación Futuro Latinoamericano
FOMISAR	Fondos Mineros de la Provincia Sánchez Ramírez
GDL	Grupo de Diálogo Latinoamericano Minería, Democracia y Desarrollo Sostenible
GDMDS	Grupo de Diálogo, Minería y Desarrollo Sostenible
GDP	Gross Domestic Product
ICMM	International Council on Mining and Metals
FDI	Foreign Direct Investment
ILO	International Labour Organization
IMCO	Instituto Mexicano para la Competitividad
INFOTEP	Instituto Nacional de Formación Técnico Profesional
LWR	Lutheran World Relief
MAC	Canadian Mining Association
MBV	Mesa de Buenos Vecinos
MEM	Ministerio de Energía y Minas
MIMARENA	Ministerio de Medio Ambiente y Recursos Naturales

MSG	Multi-Stakeholder Group
MSX	Minera San Xavier
ONIC	Organización Nacional Indígena de Colombia
UN	United Nations
PACMA	Programa de Apoyo a la Comunidad y Medio Ambiente
PAE	Pan-American Energy
PEMEX	Petróleos Mexicanos
PUCP	Universidad Católica del Perú
PVDC	Pueblo Viejo Dominicana Corporation / Barrick Pueblo Viejo
CSR	Corporate Social Responsibility
SEMARNAT	Secretaría del Medio Ambiente y Recursos Naturales
SENER	Secretaría de Energía
SIA	Social Impact Assessment
SMCV	Sociedad Minera Cerro Verde, SAA
SME	Small and Medium-Sized Enterprises
SMP	Social Management Plan
SNMPE	Sociedad Nacional de Minería, Petróleo y Energía
SODOGEO	Sociedad Dominicana de Geología
SPH	Sociedad Peruana de Hidrocarburos
TSM	"Towards Sustainable Mining" initiative
UAGRO	Universidad Autónoma de Guerrero
UASD	Universidad Autónoma de Santo Domingo
UBA	Universidad de Buenos Aires
UNMSM	Universidad Nacional Mayor de San Marcos
UNSAM	Universidad Nacional de San Martín
UTECO	Universidad Tecnológica del Cibao Oriental
YPF	Yacimientos Petrolíferos Fiscales

1. INTRODUCTION

Countries that are rich in natural resources and the consequent extractive activity around those non-renewable resources –minerals, oil and gas– present several possible analytic perspectives or approaches. An economic analysis allows us to estimate investment costs, corporate profitability and the contributions of the extractive sector to the national or regional economy. From the perspective of technological advances, extractive industries require the use of sophisticated, cutting-edge technologies with the potential to help reduce negative impacts. From an environmental perspective, due to the scale of these types of projects, there is an emphasis on the impacts of extractive activities on nature and biodiversity, the competition for the use of water resources, the consequences for crops and the possible contamination of rivers and aquifers, where the aforementioned technologies can play a decisive role in prevention and mitigation measures.

From the social perspective, a similar sophistication is required to analyze the range of opportunities and challenges for stakeholders when dealing with the various phases of large projects, such as exploration, exploitation and closure, particularly considering the neighboring communities, which are generally rural.¹

The following diagnosis analyzes the extractive sector from the perspective of the engagement between the main stakeholders: the Government, the Company and the Communities directly or indirectly affected by extractive activities. This diagnosis differs from the classic approach towards extractive activities as “a catastrophe for natural resources,” preferring to study and highlight those findings where effective stakeholder engagement represented an opportunity for development and contributed to the success of an operation.

As a baseline, the diagnosis used information obtained through previous studies and field experiences, reviewing the fact that extractive activity implies the participation of these three stakeholders in different capacities and spheres of action: (i) the **government** and its role at the national, provincial and/or municipal levels regarding the steps of extractive activity, such as the design and allocation of bidding documents, authorizations, monitoring of implementation, with a shorter period of influence on political decisions (in the absence of institutions that support such decisions) compared to the other two stakeholders, among others; (ii) the **company** that, due to the nature of long-term extractive activity, remains in the field for periods generally spanning decades. After obtaining authorizations and licenses (including social ones), it is situated geographically and becomes



How can governments, communities and industries use their diverse interests and needs to generate mutual benefits for all stakeholders, while respecting the environment and striving for sustainability?





part of the life of communities near the extraction zone. This important characteristic defines extractive activity and helps shape the social fabric and the local economy, impacting the composition of traditional groups; (iii) the **communities**, in addition to being responsible for providing information and understanding the scope of the project before granting the social license to operate, remain on the land for generations and are engaged during each phase of the activity (in the case of “onshore” extraction, from the opening to the closure of activities).

Extractive activity can provide opportunities for communities and can also lead to new tensions within the population itself. These opportunities and tensions include the employability of workers from the communities. Due to their specific requirements and technical profiles, this employability tends to be low, which leads to greater competition for jobs. Sometimes a gap can arise between workers from the communities and other members of the same community without jobs in the company. The communities are susceptible to internal divisions where no previous conflicts existed. This factor is also observed when workers arrive from outside the community and generate significant growth in the local population, with new inhabitants in the area who are foreign to rural traditions and rhythm. This situation also exerts pressure on the same territory with the same limited resources. Other potential conflicts include new infrastructure projects and the time it takes to complete these works, affecting traffic patterns in the communities; a possible increase in alcohol consumption; a disproportionate number of men compared to women; potential increases in gender crimes; start or increase of prostitution activities.

Particularly noteworthy is the company's ability to influence the value chain with different undertakings and service organizations that can gain new development opportunities due to the arrival of the company, often leaving the extractive company at the mercy of a monopolistic fixing of prices for these services.

How can the parties involved use their diverse interests and needs to generate mutual benefits for all stakeholders, while respecting the environment and striving for sustainability?

To answer that question, this diagnosis focused on studying best engagement practices, which have achieved both measurable and comparable results that can be replicated, such as new productive undertakings or significant advances in the education and health sectors, as well as intangible impacts, such as building trust and developing collaborative processes. This approach seeks to discover what works in an activity that, for some countries rich in natural resources, represents more than 50% of tax revenues.² The best practices highlighted in this publication provide guidelines and orientations for consolidating and improving the engagement between these three stakeholders and show ways in which the extractive sector can contribute to national and local development in the countries of Latin America and the Caribbean.

Best practices have shown that good engagement builds trust, leads to agreements on disputed issues, strengthens the local economy, generates environmentally sustainable practices and improves the quality of life of the population. These same best practices also indicate that stakeholder engagement is the result of processes that require a medium- and long-term vision that considers the allocation and investment of human and financial resources.

For this diagnosis, countries within the region that are rich in natural resources but have different profiles and experiences in extractive issues were selected. These countries are: Argentina, Chile, Colombia, Mexico, Peru, and the Dominican Republic.



For some countries rich in natural resources, extractive activity represents more than 50% of their tax revenue

In order to develop this study, each country's experience was validated, and these experiences were corroborated with representatives of industry/business, communities/civil society and governments, to ensure that they all agreed that the experience was considered best practice according to previously defined criteria.³ Subsequently, a second validation was carried out using different sources of information, including written materials, interviews, field visits and working groups.

With the purpose of organizing all the experiences, these findings were grouped methodologically into five engagement levels.⁴



Information:

This level includes the provision of data and background information about the extractive project by the company and the government. It also includes the provision of information by civil society organizations and other interested parties within the territory.



Dialogue:

Dialogue refers to the active, continuous and informal exchange that, through various degrees of contact between stakeholders regarding the extractive sector, seeks to create or strengthen constructive relationships between the parties. These processes can be temporary or permanent over time, and also have the potential to generate positive changes in the relationships.



Public consultation:⁵

Consultation is considered a formal, public and organized process, with stages that respond to legal or regulatory obligations, as well as principles of universal best practices, with the goal of gathering inputs regarding an extractive project.



Collaboration:

These are the actions in which the communities, the extractive company or the government develops knowledge products or in which the community itself participates in training initiatives to add skilled human capital that may benefit local economic growth.



Partnership

These are the actions in which communities are included and financed so that they become responsible for implementing a project or project component related to the extractive project.

1.1. The three stakeholders in extractive activities

All extractive enterprises (mining or hydrocarbons) have three stakeholders that are constantly interacting: the extractive industries, the government and civil society.

1.1.1. Extractive companies

The term “extractive industry” refers to all companies—public or private—that aim to extract natural resources.⁶ It also includes companies that provide services directly related to the extraction process (for example, companies that supply drilling rigs). At the same time, it excludes all companies involved in commercialization, such as pipeline managers, ships, gas stations, etc. In the context of this technical publication, artisanal and small-scale mining is not included.

Extractive companies operate in the peripheral regions of the world, trade in international securities markets, employ state-of-the-art technology, and interact locally with governments and communities. Across the world, extractive companies belonging mostly to global trade associations have been promoting a series of initiatives to strengthen their engagement with local communities. The mining industry has the International Council on Mining and Metals (ICMM), which is a leader in the field of social responsibility within the sector.⁷ This organization is led by industry CEOs and dedicated to sustainable development. Founded in 2001, ICMM brings together 23 of the leading mining and metals companies in the world, as well as 34 regional, national and commodities associations. These companies and associations are committed to improving their performance in sustainable development and the responsible production of the mineral and metal resources that are required on a social level.⁸

Similarly, the hydrocarbon industry has the International Association of Oil & Gas Producers, founded in 1999 as the leading global voice of the industry.⁹ Members of the association produce more than a third of the oil and gas consumed worldwide. The association operates by supporting industry regulators to improve safety and environmental and social performance. It is also a unique space where members of the association exchange knowledge and best practices to improve health, safety, the environment and social responsibility.¹⁰



For industries, the presence of governments with clear regulations and engagement with the local population are key elements for including all interested parties and achieve the greatest success of operations. Experience has shown that companies strive for continuous engagement with local communities, in order to build trust and generate support for the extractive project by a majority of the population. There is a growing trend in which companies consider the population as a potential ally for the project's implementation, with whom it is necessary to build trust, develop effective communication channels and agree on rules for an engagement that may produce positive results and impacts for all stakeholders.¹¹

Thanks to the results of this diagnosis, it was found that most companies promote exchanges with communities that go beyond sharing information or maintaining informal dialogues, promoting and developing engagement plans that may help minimize negative impacts and increase the social and economic opportunities provided by the extractive project. In this sense, civil society has reached a critical mass and—together with responsible companies—has promoted and adhered to voluntary principles on human rights and business practices,¹² while also respecting and advancing other social and economic rights.¹³

It has also been pointed out that there is an interest in promoting local businesses by connecting them to the extractive industry as suppliers of goods and services. This has helped strengthen the local economy, driven by the extractive sector and leading to a shared interest with the government.¹⁴



In the same line, the diagnosis has provided evidence of how the industries manage community engagement and assign human and technical resources.¹⁵ On the other hand, companies dedicated to exploration activities in the first phase of an extractive project usually do not have the financial resources to develop partnerships and collaborative processes, since these require planning and investment of significant human and financial resources, and therefore informative activities and initial dialogues are critical. On another note, some projects in the exploitation phase do not have enough pre-assigned human and financial resources for effective company-community engagement. Since some companies do not have engagement plans, they may fail to communicate the opportunities and limits of their actions¹⁶

During the implementation of a project, the government—both national and local—and the company are in a situation that requires collaboration, and they both have complementary roles in their engagement with the community. However, their respective roles are not always clear, and they do not always possess the skills required to fulfill these roles.¹⁷

This diagnosis has revealed that engagement in the extractive sector has been driven by important progress in the design and implementation of Corporate Social Responsibility (CSR) principles. According to the ICCM, companies have improved their practices in areas such as transparency, human rights and the environment and are looking for ways to contribute to sustainable development at the national level in the territories where they operate.¹⁸ Many extractive companies have CSR policies that include programs which promote productive capacities, as well as health programs, improvement of local infrastructure and formal education.¹⁹

1.1.2. Government

The national governments of the region,²⁰ regardless of their political party orientation, have implemented policies to attract foreign direct investments for projects that include extractive industries.²¹ The high prices of raw materials have increased the tax revenues of the countries of Latin America and the Caribbean and have increased investment and economic activity. Some governments in the region saved a portion of the revenues and others used that income to increase fiscal spending. This is why the price reduction in early 2008 and more strongly between 2012 and 2013 has had different impacts on the development of these countries.²²

The boom in raw material prices has had an impact on poverty reduction and the growth of the middle class in the region.²³ The extractive sector has also had positive effects on employment; however, its contributions have been relatively modest compared to the total Economically Active Population (EAP). In the countries selected for the diagnosis, the percentage of employment in the extractive sector compared to the PEA is around 1%, with the exception of Chile where it exceeds 2%.²⁴

Governments seek to adapt their institutional and legal frameworks to continue capturing revenues through the extractive sector. The price reduction for mining and oil resources since 2013 has led national governments to create attractive regulatory frameworks that ensure the economic and legal stability of investments in the sector, which frequently raises dilemmas in terms of how to balance this situation with its role as a regulator of extractive activities and a guarantor of human rights and natural resources.²⁵



In recent decades, Latin American governments have strengthened their democratic and institutional systems, efficiently managed their macroeconomics and implemented inclusive social policies in order to reduce poverty and inequality. Even so, the end of the boom in raw materials has revealed structural problems in several countries of the region, related to fiscal and institutional matters, as well as other social, political and economic issues.²⁶

National governments create the regulatory and institutional frameworks in which companies and local populations can engage. In terms of safeguarding the rights of the communities that surround the extraction zone, as well as other interested groups, this study shows that some engagement levels are clearer than others. Particularly noteworthy is the consultation with Indigenous Peoples, which has been included in their legal frameworks through the ratification of Convention 169 of the International Labour Organization.²⁷ Peru is the only country in the study in which such consultations are governed by a law, whereas Chile, Colombia and Mexico have regulations at the decree level for this purpose.²⁸

Meanwhile, it was also found that the level of access to information is strongly regulated through legal frameworks. Every country has legal regulations that facilitate general access to information, and environmental laws specifically provide for access to information on the condition of nature. The development and approval of Environmental Impact Assessments often includes significant rights for the local population, such as access to information, consultations and other forms of stakeholder engagement.²⁹

Regarding the institutional framework for the extractive sector, the national government is made up of different ministries that do not necessarily share the same priorities, although their operations are governed by general public policy guidelines. In all the countries in the diagnosis, it is the ministries of Mining and Energy that design the policies for the extractive sector and control their compliance.³⁰ On the other hand, there are ministries that aim to protect the environment and are in charge of approving environmental licenses. Depending on the country, other ministries may also engage with the local population. For example, in Chile the Ministry of Social Development, through the National Indigenous Development Corporation (CONADI), coordinates the action of the State in favor of the integral development of indigenous communities.³¹ In contrast, the Ministry of the Interior leads the dialogue with local communities in Colombia. In Peru, the National Office for Dialogue and Sustainability is the coordinating entity for the rapprochement between the different stakeholders, and is very focused on extractive industries, although its role has diminished in recent years.³²

Besides the executive branch, the countries analyzed in this diagnosis have other government stakeholders at the national level that engage with businesses, communities and the State in the extractive sector. The Ombudsman's Office (Defensoría del Pueblo) acts as guarantor of Human Rights and in some countries, such as Peru, it is also an important promoter of dialogues at the local level. In Mexico, the state-run company

PEMEX designs the engagement policies for the oil sector. The Constitutional Court of Colombia, in the absence of a law regulating prior consultation, has helped provide substance for this international standard.³³ In short, a series of national government stakeholders participate in the engagement between businesses, the State and civil society. Although this activity may cover potential regulatory gaps, it also increases the risk of a lack of coordination between the different spaces, on the one hand, and between these and other stakeholders such as companies and communities, on the other.³⁴

The diagnosis also found that the engagement between the national government and local governments would benefit from a higher level of coordination and communication, which is necessary to reach agreements on standards and conditions for the implementation of extractive projects.³⁵ While the powers over the extractive sector are centralized and concentrated in the national government, local governments play a crucial role as representatives and counterparts for the local population. They are key stakeholders in achieving agreements that include benefits for all the stakeholders.

The diagnosis shows that the relationship between national and local governments would benefit from a higher level of coordination and communication, which is necessary to reach agreements on standards and conditions for the implementation of extractive projects.

The possibilities for engagement with local governments depend on their perspectives and policies regarding the extractive sector. The diagnosis shows that, for example, Argentina has provincial governments with regulations that are favorable to the development of a responsible extractive sector, while seven other provincial governments within the country have passed laws prohibiting open-pit mining projects or those that use chemical substances such as cyanide in their processes.³⁶ In Colombia, until mid-2017 the Municipal Councils of five Colombian municipalities have approved popular consultations on extractive projects, and the population has voted against these projects in every single consultation.³⁷

Local governments are not only important counterparts in dialogues and collaborative processes, but also play a central role in ensuring that the resources from the extractive sector are effectively invested in works that benefit the communities surrounding the project. Depending on the country, up to 50% of tax revenues are distributed to local



governments, with Chile being the country in which revenues are most centralized and Colombia and Peru being the countries with the highest proportion of decentralized resources.³⁸ An important condition for resources to contribute to local development is the ability of subnational governments to coordinate investments and carry them out efficiently. Resources are an opportunity for development and for transforming local dynamics and economies, as long as the territories possess the capacities necessary to take advantage of this opportunity.³⁹

The diagnosis shows that coordination between different levels of government, extractive industries and civil society increases the opportunities for resources from the extractive sector to contribute to local development.⁴⁰ For example, in Argentina, the three sectors established a local development agency that helped the local economy—which was based on wool production and was going through a severe crisis—recover and generate productive alternatives. The mining company that operated in the area encouraged the creation of this agency, participated actively in it, and financed some of the projects it prioritized. Another example is the Good Neighbor Roundtable (MBV), which brings together all three stakeholders in a Chilean municipality and directs the investment of the extractive sector towards new possibilities for economic development.⁴¹

For local governments, it is very important that the investment of resources is oriented to a territorial development plan and a territorial planning process, thus enabling resources to be allocated to the works most relevant for local stakeholders, while respecting local government plans in regard to its environmental, economic and social potential; and it is even better if these processes are developed in a comprehensive, participatory manner. According to this perspective, the extractive sector should be “a guest in this process,”⁴² which contributes and adds value to the consensual development plan agreed between the different populations and based on the reality of the territory.

At all levels of government, especially in countries with little extractive tradition, there is a demand for more training and education on issues related to the extractive sector. At the level of local governments, it is necessary to hire more specialized technicians in these areas. A greater knowledge of the extractive sector will facilitate a more equitable negotiation between local governments and extractive companies, and will help consolidate and improve their engagement practices, which in turn will result in more benefits for the local population.⁴³





1.1.3. Civil society

Civil society is made up of a wide range of non-profit organizations and human groups that represent social, cultural and ethnic sectors and interests. Its scope of action can be both rural and urban, as well as local, regional or international. At the national level, there are foundations, professional associations, non-governmental organizations (NGOs), academia, social movements, confederations of indigenous peoples, churches, or foundations of the extractive companies that finance development projects, and trade unions. At the local level, there are communities, community organizations, associations, indigenous groups and afro-descendant groups. Civil society organizations (CSOs) can be formal (legally registered in their respective countries) or informal (groups not officially registered).

The diversity of civil society is also reflected in the different roles assumed by its organizations in their engagement with the private and public sectors in relation to extractive activities. The diagnoses of all the selected countries show a polarization of society between opponents and supporters of the extractive sector. But they also reveal a diversity of positions and roles of civil society regarding the extractive sector, which cannot be reduced to a simple “yes or no” to extractive activity.

On the one hand, the countries analyzed have CSOs that create and strengthen spaces for engagement between companies, the State and the communities themselves and facilitate communication between the three stakeholders at the national and local levels. On the other hand, there are CSOs that implement a critical perspective, seeking to influence public policies and generate information that may help extractive activities respect both community rights and environmental and social standards. Finally, there are several CSOs that unconditionally oppose extractive activity and promote and accompany actions of resistance by the local population .

Civil society has diverse positions and roles regarding the extractive sector, which cannot be reduced to a simple “yes or no” to extractive activity.

The diagnosis revealed that universities in Argentina, Chile and Mexico play an important role, not only in the areas of academic training, research and knowledge transfer around extractive activities, but also in building bridges between stakeholders with conflicting interests. Generally, universities have legitimacy, since they are considered institutions

with a high degree of technical knowledge, and are therefore guided by this knowledge and perceived in a more neutral role. One example is the Negotiation, Mediation and Dialogue Program (Prodiálogo) of the Center for Research and Teaching in Economics (CIDE), one of the most prestigious universities in Mexico that organizes multi-sector forums and workshops to promote dialogue on the extractive sector.⁴⁴



Universities play an important role, not only in the areas of academic training, research and knowledge transfer around extractive activities, but also in building bridges between stakeholders with conflicting interests.

Other key stakeholders are the communities near extractive projects, who are stakeholders with a decision-making role regarding extractive projects. Companies must obtain a social license, which implies a certain degree of consent among the communities in order to develop their project.

This diagnosis includes cases in which the communities near extractive projects consider the projects to be development opportunities and are willing to engage with the company to achieve concrete and tangible results. In these processes, communities have committed to respecting their own visions of development and engaging with companies based on the fulfillment of that vision. They also assume commitments with the national government must establish in order to ensure its institutional presence in the territory and guarantees for the protection of their rights. Access to information, trust, equity in collaborative processes, participation in decision-making and transparency are additional interests that guide the actions of communities in engagement processes.

The diagnosis shows the evolution of engagement with respect to the investment of resources in indigenous territories. Many of the best practices report the strengthening of community assemblies and other traditional decision-making mechanisms through the presence of the company in these spaces in order to share information and seek the consent of indigenous organizations. In Colombia, the intercultural approach towards the Cerrejón company's engagement, with safeguards for the Wayuú people, included respect for their worldview, the use of the Wayuú language and the inclusion of traditional indigenous authorities in the negotiating committee. Thus, the company responded to the indigenous peoples' demand for participation and self-determination, understood as the right to own, control, manage and develop the territory.⁴⁵

1.2. The costs of conflicts

A poor engagement process in which community complaints and concerns add up and go unresolved for long periods of time causes and intensifies conflicts, which in turn has consequences for the company, the State and the community.

At the community level, conflicts generate very high costs. A study that analyzed the costs for the communities of six large-scale investment projects (two agro-industrial, two energy, and two mining projects) discovered the following types of costs generated by conflicts at the community level:⁴⁶

1. Financing the opposition movement (payments for leaders, media and advertising campaigns against the project, social networks).
2. Financing legal counsel in order to present lawsuits against the project.
3. Financing technical studies to contrast with company reports.
4. Financing transportation for mobilizations, informative meetings and visits to political authorities.
5. Depreciation of housing and economic activities that are near the project and assuming environmental impacts.
6. Tearing of the social fabric, since conflicts cause psychological and emotional effects, mistrust, competition and insults between the inhabitants themselves.

For the State, this same study indicates, above all, the expenses related to the increasingly expensive environmental licensing process and to possible lawsuits and expert studies. In addition, the State faces costs for personnel to deal with conflicts, potential police and military expenses, and must also assume political costs. The country as a whole can lose productivity and income, general competitiveness and foreign investment.⁴⁷





The calculation of the costs of conflicts for companies results from the difference between the cost of preventing and addressing conflicts (related to security, recruitment of specialized personnel, training of personnel, among others) and costs arising from the outcomes of the conflict (project modifications, material damages, loss of productivity, reputation, among others).⁴⁸ In addition, the delay in the start-up of the project represents the highest cost mentioned. Particularly noteworthy are the costs derived from the bad reputation generated by a poor engagement, which hinders the search for new capital and the prospects for starting an operation in a new country.⁴⁹

In a consultation conducted by the Fraser Institute, 36% of the mining companies surveyed stated that public opposition to mining has negatively affected the government authorization process, resulting in delays or rejections of permits. The majority said that the arguments made by the opposition to the extractive sector were environmental or pertaining to the rights of indigenous peoples.⁵⁰ Another study indicates that of a total of 200 infrastructure projects that faced some type of conflict, 36 were suspended due to conflicts, 162 faced delays and 116 had cost overruns.⁵¹



According to a study by the international network BDO International, the biggest concern for international mining executives are the existing and potential delays of mining projects. In a survey, high-level financial executives from the United States, South Africa, the United Kingdom, Australia and Canada expressed their concerns about access to capital and loans during 2013, mainly due to the interruptions observed in various mining projects. The main concerns of these executives were related to environmental and regulatory issues, high infrastructure costs and geopolitical conflicts that led to project disruptions.⁵²

In 2008, an analysis of 190 projects by largest companies in the oil sector showed that the time period until the start of operations had almost doubled over the previous decade. The reason was the increase in costs. A more detailed analysis showed that non-technical risks made up 50% of the total risks and that, within this 50%, the most significant risk was engagement with other stakeholders.⁵³ Another study of 19 gold mining companies found that two-thirds of their market valuation was the result of their engagement practices with key stakeholders and only one-third was based on the value of gold in the territory.⁵⁴

The above imply a risk perspective, where the costs of conflicts also indicate the need for timely planning of the engagement between the company, the State and civil society. This engagement must address and balance the diverse needs and interests of all stakeholders and thus allow for a better investment climate and the achievement of common benefits for all parties involved.

2. BEST ENGAGEMENT PRACTICES BETWEEN COMPANIES, GOVERNMENTS AND CIVIL SOCIETY



The following section presents detailed findings on the best engagement practices identified and validated in Argentina, Chile, Colombia, Mexico, Peru and the Dominican Republic. The analysis of each country begins with a summary of the context, best practices, stakeholder mapping and legal framework. Subsequently, best practices, the parties involved and the legal framework in which said best practices are implemented are described in further detail. The main conclusions and recommendations are presented at the end of the document.





2.6. PERU

Marina Irigoyen, Centro IDEAS: marinadelria@gmail.com

2.6.1. Summary

Context



Economic: in 2016, the extractive sector contributed 14% to the GDP.²⁰¹ Copper, gold and zinc were the main contributors. In 2016, the mining and hydrocarbon sectors contributed 64.65% of the country's total exports. In the same year, the total economic transfers from the extractive sector to regional and local governments exceeded 1.35 billion dollars. In addition, there are other contributions such as trusts or the newly created Social Advancement Fund (FAS) for mining. There was decrease in contributions compared to 2015. For example, in the case of the Regional Governments, mining and hydrocarbon transfers represented 5.50% of their revenues for 2015 and 3.30% for 2016. For local governments, transfers represented 17.52% of total revenues for 2015 and 13.89% for 2016.²⁰²

In 2016, mining generated 174,112 direct jobs (61,873 jobs for mining companies that owned their mining operations and 112,253 jobs for mining contractors that provide services to these companies). It is estimated that the mining sector²⁰³ creates 1,567,138 indirect jobs.²⁰⁴

Social: Civil society in Peru is not very compact, but it does have an increasing environmental awareness. There are important movements of intellectuals, activists and communities that oppose extractive activities. On the other hand, there are also communities that negotiate and work with the mining companies, as well as NGOs and universities that engage in partnerships with them.

In December 2017, the Ombudsman's Office registered 169 latent or active socio-environmental conflicts,²⁰⁵ with a decline of these conflicts compared to 2016 (212 conflicts). The Dialogue Group on Mining and Sustainable Development has been encouraging civic dialogue between public and private sector leaders since 1999.

Best practices



Partnership for the promotion of a virtuous water circle: Cerro Verde in Arequipa (2010-2017, Dialogue/Partnership). As a result of social conflicts, a multi-sector partnership was formed with different levels of government for the execution and maintenance of works that provide the collective benefit of water collection through dams, treatment plants and distribution systems. The agreement between the mining company, the State and the community regarding the sharing of costs and responsibilities is the product of lengthy discussions and exchanges in a roundtable with representatives of all sectors.

Participatory environmental monitoring in Orcopampa. Affirming collaboration and dialogue (2007-2017, Dialogue/Collaboration). In the Arequipa Region, an "environmental monitoring committee" has been formed, with delegates from the communities, the mining company, the local government and NGOs, among others. This collaboration allows water quality to be monitored in a participatory and regular manner, and provides an open forum for discussing other issues. The communication between the company and community leaders became more

regular and specific, and conflicts were mitigated, promoting respect, tolerance, perseverance and honesty among the stakeholders.

Huari dialogue roundtable. Association of Municipalities of Population Centers of Huari (2011-2017, Information/Dialogue/Collaboration). Following protests and roadblocks, the government intervened and dialogue roundtables were set up between the company, national and local authorities, and community and civil society representatives. Agreements were reached in two roundtables: environment and social investment. The dialogue began in a climate of confrontation and distrust. Subsequently, the social cohesion of the communities has been strengthened, together with significant lessons learned in all sectors.

REDyPAC in Hualgayoc: An experience in productive development and citizenship formation (2009-2017, Collaboration/Partnership). Two non-governmental organizations and one company made joint efforts and pooled their resources in order to strengthen business networks and citizen participation through collaborative projects designed to improve farmers' income in the direct impact area and surrounding areas. They encouraged decision-making from a "win-win" perspective. The model consists of technical assistance and a supply of technologies for agricultural growth and the promotion of agroforestry, as well as training in citizen participation, engagement with regional and national authorities, and a leadership school.

Dialogue Group on Mining and Sustainable Development (1999-2017, Dialogue). This is a national multi-sector working group of organizations, leaders, companies and institutions connected to the mining sector that promotes the exchange of diverse opinions. It is innovative in the type of mainly informal engagement, and at the same time the dialogue is structured according to different interaction spaces. It has achieved multi-sector agreements and promoted similar initiatives at the regional and local levels.

Stakeholder map



The National Society of Mining, Oil and Energy (SNMPE) stands out as the most significant association of extractive industry companies, which assembles, defends and promotes the interests of mining, oil and energy companies, with a preponderance of the former. The Peruvian Hydrocarbons Society (SPH) is a newer association.

The Ministry of the Environment and its affiliated entities, such as the National Service of Environmental Certification for Sustainable Investments—which is responsible for approving Environmental Impact Assessments—and the Supervisory Entity for Investments in Energy and Mining, which has a growing presence and legitimacy. The Ministry of Energy and Mines as an entity for promoting the sector. The Ombudsman's Office, as an autonomous state entity with a national presence and recognition.²⁰⁶ The Vice Ministry of Interculturality, which coordinates and accompanies consultations of indigenous and native peoples.

Indigenous and peasant communities that do not have a strong, representative national representation, except for communities in the Amazon.²⁰⁷ Environmental and human rights NGOs with increasingly influential voices.

Legal and regulatory framework



Peru has an extensive legal framework for engagement with the extractive industry. Convention 169 of the International Labour Organization was ratified in 1993 and entered into force in 1995. Peru has a Law on the Right to Prior Consultation of Indigenous or Native Peoples (No. 29785, 2011), which led to regulations (DS No. 001-2012-MC). The Prior Consultation of Indigenous and Native Peoples is required up to three times, according to the Single Text of Administrative Procedures (TUPA) of the MINEM. In mining this is established after the concession, before the mining exploitation, while in oil operations it comes before the oil field is awarded.

The General Environmental Law (No. 28,611) emphasizes the right to information (articles 41 and 42) and the right to submit opinions, points of view and contributions on decisions made in relation to the environment (Article 46). In addition, the Regional Government Law, the Municipalities Law, and the National Environmental Impact Assessment System regulate the different engagement levels.

There are citizen participation regulations for both the mining and oil sectors. As established by the Constitution, subsoil resources are national property and the State has sovereignty over their use. The entity responsible for granting mining concessions is the Metallurgical Mining Geological Institute. Mining companies require explorations to be authorized by the owner of the surface land—which in many cases is a community—and they must also comply with the provisions of the Prior Consultation. The Secretariat for Social Management and Dialogue (formerly ONDS), dependent on the Presidency of the Council of Ministers, was created as an entity responsible for managing socio-environmental conflicts.

2.6.2. Introduction

In Peru, the extractive sector is the main source of foreign exchange that boosts the economy. Resources for regional and local territories depend on international prices. However, the extractive sector is a controversial activity.²⁰⁸ Some fear environmental impacts and the complexity of socio-economic relations generates negative perceptions among the populations affected by the intervention.

There is an extensive legal framework (signing of ILO Convention 169 and Prior Consultation and participation standards) and with advanced environmental regulations, but in many cases these are not fully enforced, such as in the notable case of the Environmental Assessment and Inspection Agency.²⁰⁹

In recent years, the socio-environmental conflicts and the rejection of large mining projects have been analyzed, and the search for proposals has also been influenced by the progress made in the Corporate Social Responsibility of some extractive companies, as well as by pressure from civil society organizations themselves and the expansion of current regulations. This has fostered the emergence of best practices that promote local economic development, spaces for dialogue and environmental management initiatives.

2.6.3. Best practices

This section describes the process followed by five of the best practices identified in order to improve engagement between the mining industry, civil society and communities in Peru. During the study, a total of five best practices were identified and validated for the levels of Information/Dialogue (2), Collaboration (2) and Partnership. At the same time, there are other engagement practices that have been identified but not yet validated by the three sectors: business, civil society and State. However, these experiences reveal efforts that may perhaps be considered for future systematization and dissemination. These experiences are found in Appendix 3.

The following best practices were validated through interviews, field visits, reviews of secondary sources and working groups:

2.6.3.1. Partnership for the promotion of a Virtuous Water Cycle: Cerro Verde in Arequipa

2.6.3.2. Participatory Environmental Monitoring in Orcopampa. Reaffirming collaboration and dialogue

2.6.3.3. Huari Dialogue Roundtable: Municipal Association of Huari Population Centers

2.6.3.4. REDyPAC in Hualgayoc: a productive development and citizen formation experience

2.6.3.5. Dialogue Group on Mining and Sustainable Development

2.6.3.1. Partnership to promote Virtuous Water Cycle: Cerro Verde in Arequipa

ENGAGEMENT LEVEL



Dialogue



Partnership

DURATION

2006 – 2017

MAIN STAKEHOLDERS

Sociedad Minera Cerro Verde SAA (SMCV), Arequipa Energy Company (Empresa de Generación Eléctrica de Arequipa).

Ministry of Energy and Mines; Regional Government of Arequipa; provincial and district municipalities.

Broad Civic Front of Arequipa; Departmental Federation of Workers of Arequipa; Association of Popular Urbanizations of Arequipa; Education Workers' Union of Peru; Front for the Defense and Integration of the North Cone of Arequipa; Coordinator of Fronts (COFREN).





DESCRIPTION

Expansion of copper and molybdenum mining. In 2005, SMCV proposed to double its production (278,000 additional tons of copper and 6,000 additional tons of molybdenum per year) and extend leaching until around 2025 in the districts of Uchumayo and Yarabamba in the Arequipa region.

Conflicts of interest: conflicts arose over the company's potential use of water, in a context of scarcity of this resource and in which the Chili River, the city's main source of water, was contaminated by untreated sewage. Social stakeholders began to demand more and more development resources from the company. Part of the population, together with the district and provincial municipal authorities, began to organize against the company, generating a protest movement directed by a struggle committee formed for that purpose.

Dialogue roundtable: after a march of approximately 3,000 people in 2006, the national, provincial and district authorities, the civil society and SMCV initiated a dialogue process and set up a dialogue roundtable that brought together the Prime Minister at that time, the Minister of Energy and Mines and high-level company executives. The president of the regional government then joined them, along with representatives of popular organizations.²¹⁰ They had biweekly meetings, then monthly meetings, and finally less frequent meeting.

Letter of Agreement: the stakeholders signed the letter of agreement in 2006, which establishes a framework agreement aimed at the protecting the environment, developing infrastructure works and economic, productive and social promotion, convening a working group; this has been called the Arequipa Agreement. The decontamination of water from the Chili River—with a significant contribution from the company—was a central part of this agreement, given its impact on the Arequipa community. This river was contaminated mainly by the city's sewage.

Partnership for water harvesting: the stakeholders designed a strategy that consisted of harvesting more water using dams, building a drinking water treatment plant, improving drinking water distribution lines, removing drains and treating the Chili River. An agreement was made to share costs between the company and the municipalities, and a partnership was formed for execute and maintain the works, establishing an initial trust of 48 million dollars, an amount that was progressively increased.

Challenges and solutions for implementation: difficulties in implementation included that certain sectors of the population refused to sell their land for treatment plants or the delay in the municipality's contribution. Incremental exchanges began to establish trust, and agreements were ultimately reached, thus achieving a collective benefit.



MAIN IMPACT/OUTCOME

Before this best practice, there was competition for water resources among stakeholders with different interests. The expansion of SMCV activities, completed in 2016 and providing the mining company with 30 years of additional operations, was considered a potential threat for both the rural area and for the urban sector, which was already suffering from water scarcity. The best practice has facilitated better relationships between different stakeholders. It has been possible to create a shared vision of the water problem, demonstrating the potential of the work through an agreed-upon development approach that is part of a long-term plan. This will help improve the quality and quantity of water resources and decontaminate the waters of the Chili River for human consumption and agriculture, with a potential economic gain due to the quality of the product that will be offered.



INNOVATION

The innovative aspect of this best practice has been the business contribution, which has a comprehensive vision developed progressively together with the population and the authorities. SMCV was highly innovative when it suggested—for example—to use wastewater from human-use drains, proposing to treat it for its operations, which (according to the available information) is not a common strategy. This was aided by the mine's proximity to the city of Arequipa. The population and their authorities understood that this was a viable solution that could benefit everyone, since there was a guaranteed investment.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the participation of civil society in a wide range of neighborhood organizations in the Arequipa Province, mainly, was very dynamic in setting the agenda and pressuring for its execution. The responsibility for the administration itself has fallen on the regional and local government authorities. The company has regularly provided the public with information channels on the progress of the commitments.

- Relevance by need: water scarcity and the contamination of the Chili River as the main water source were real problems and priorities for the population, which showed an interest in them on a daily basis. The proposed solution is relevant, since it has generated a partnership in a “win-win” approach.
- Institutional sustainability: technically the system has long-term projection, and the company has made long-term commitments and maintained an open dialogue on the subject. There are agreements and contracts signed, which the authorities and civil society are monitoring, and budgets, systems and responsibilities have all been established to sustain the investments.



APPROACHES

Gender Approach: the leaders of the civil society that participated in the process have mostly been men—those who presided the business associations at that time. However, the topic of the agreement—water quality and quantity, environmental improvements, etc.—is a top priority for women who see their household chores overburdened by water scarcity, water transportation, water storage, etc., and also because they demonstrate a greater sensitivity to environmental issues.²¹¹

Sustainable Development Approach: The contents of the agreement are framed within the Sustainable Development Goals referring to safe water.



LESSONS LEARNED

This practice shows that, although water is a scarce resource, it can become an important factor when it is prioritized in company-community relationships. The vision of the entire water cycle makes it possible to maximize its potential as well as attract more stakeholders.

The interaction between the various stakeholders is neither linear nor progressive. It is important to periodically evaluate the progress made and replenish these processes with new initiatives. Periodic updates are required to refresh the advances and operations, so that both the achievements and the commitments may be shared with the population, and so that they are both respected.



VALIDATION

This best practice was validated with the company representatives, social leaders and the NGO Labor. It was mentioned at the working group held on June 6, 2017. It has gained public recognition at various events and with SNMPE



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2.6.3.2. Participatory Environmental Monitoring in Orcopampa. Reaffirming collaboration and dialogue

ENGAGEMENT LEVEL



Dialogue



Collaboration



DURATION

2007 - 2017



MAIN STAKEHOLDERS

Compañía de Minas Buenaventura SAA. National Water Authority, Ministry of Energy and Mines, Arequipa Regional Government, Orcopampa and Chilcaymarca municipalities. NGO Asociación Civil Labor, communities



DESCRIPTION

Mining operation: in 1967, Compañía de Minas Buenaventura SAA began the exploration of Orcopampa (Castilla Province, Arequipa Region)—although this had already been a mining town since colonial times—and mining began in 1972, with a primarily gold and silver underground mine. In 2016, 191,102 ounces of gold and 692,318 ounces of silver were mined.

Water monitoring: in 2007, the Participatory Environmental Monitoring Committee (CMAP) was formed to monitor water quality in the area of the Orcopampa and Chilcaymarca rivers. The company realized the importance of monitoring as a mechanism for preventing possible complaints and conflicts. The NGO Asociación Civil Labor has directed the Technical Secretariat and participates through a team of specialists who have their own funding. The company demonstrates transparency in the information they share, presenting environmental processes through internships, planned visits to experiences, institutions and the facilities themselves, for learning purposes. The municipalities also participate and name their own representatives, while the Mayor of the Municipality of Orcopampa presides over the CMAP.

CMAP members: the committee has 16 delegates from the communities (two from each community, plus substitutes), the company, local government and other entities, who have received adequate training and monitor water quality twice. Each community chooses its delegates and these are renewed almost every year. Members' expenses are covered but no fees are paid.

Training: monitoring calls for a systematic training program (one-day training sessions plus one day of internship) with high-level specialized entities, as well as women with a participation of around 40%. The monitoring is carried out in accordance with the current national protocol (around 40 mining companies carried out environmental and water monitoring in 2016) and with coordination between the Local Water Authority and the Regional Environmental Authority, conducting water quality tests at a certified laboratory chosen by the parties and visited by CMAP participants. A total of 140 community leaders and 30 public sector leaders have received training, strengthened their leadership skills, and conducted monitoring in their communities. Around 20 people

participate in each monitoring action, with field notebooks and instruments facilitated by the NGO as the entity in charge.

Monitoring results: until 2017, two field monitoring meetings were held per year. Monitoring results are communicated to the population by the technical secretary in extended sessions, with group dynamics; for example, the monitoring process is reconstructed by the CMAP members with pictures and pamphlets, using the steps of the monitoring protocol as points of reference. They make presentations with slides and fluid dialogues and distribute a fact sheet and a newsletter. The municipal representative also presents the results at a municipal council session.

Emergency response: the CMAP remains alert in critical situations. In 2014, a tailing pipeline was ruptured, creating a high-risk situation. The CMAP intervened in that situation and clearly followed its protocols.

Expansion of the CMAP to air and soil: the idea is to expand the functions of the CMAP, and several participants are suggesting other environmental monitoring actions, such as air and soil.



MAIN IMPACT/OUTCOME

Prior to the participatory environmental monitoring, only the company performed this action and the other stakeholders did not trust the results. Nor were the results shared with the population or local authorities. This best practice has improved communication and dialogue, generated trust and respect between the parties and mitigated potential conflicts. True information about water quality is also generated and disseminated, with the endorsement of the Local Water Authority.



INNOVATION

It is considered innovative that the CMAP has a highly organized process for capacity-building, which is organic in the sense that it has representations in the communities and districts that are periodically renewed and are representative, together with state and company representations. Similar experiences do not have a consolidated capacity-building process. Similarly, the active presence of women in this process is a noteworthy aspect of this experience.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the CMAP includes representatives of the different sectors, allowing for regular renewal of community members through elections. Monitoring training is available and opportunities for new members—especially young people—to participate are guaranteed.
- Relevance by need: this practice responds to the population's interest in monitoring water quality, since it is a peasant population that uses water and is therefore careful to maintain a quality source.

- Sustainability by consensus: the company, the municipal government and the NGO Asociación Civil Labor value the monitoring actions, the presence of municipal leaders and CSO leaders is supported by periodically presenting the results to them, and they share these results in their own spaces.



APPROACHES

Gender Approach: there is a high degree of female participation in the CMAP. Women proactively assume leadership roles, and there are several techniques that energize the committee.

Diversity Approach: special care is taken to communicate in a simple and direct manner to both the participants and the general community, since a significant portion of the population is peasant and Quechua-speaking, and radio broadcasting also contributes to this.



LESSONS LEARNED

Carrying out monitoring for several years with the participation of the various stakeholders generates trust and minimizes sources of conflict. It also helps build capacities among participants, including young people and women, with certification incentives.

Having an institution of recognized professional prestige and independence interacting with the companies in the Technical Secretariat strengthens the confidence in the quality of the CMAP as a relational space.



VALIDATION

This best practice was validated with company representatives, with social and NGO leaders, and with GDMDS representatives, and has been presented at two national meetings of environmental monitoring committees. Similarly, it has been recognized at the national level, obtaining first place in the “Water Culture” Prize awarded by the National Water Authority.



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2.6.3.3. Huari Dialogue Roundtable. AMUCEP – Municipal Association of Huari Population Centers

ENGAGEMENT LEVEL



Information



Diálogo



Collaboration



DURATION

2011 – 2017



MAIN STAKEHOLDERS

Antamina mining company, Minera Nystar (later Quenuales).

Association of Municipalities of Population Centers-AMUCEP Huari, Ministry of the Interior, Ministry of Energy and Mines, Ombudsman's Office, National Office for Dialogue and Sustainability (now Secretariat of Social Management and Dialogue in the Vice Ministry of Territorial Governance of the PCM).

Communities, population centers.





DESCRIPTION

Start of mining operations: operation of the polymetal mining complex began in 2001, producing copper concentrates (450,000 MT annually), zinc (2,015,810 FMT annually), in addition to molybdenum, silver and lead.

Origin of conflicts: until 2011, there was no perception of evident improvement in the quality of life of the population. Testimonies from the community indicate that, based on the dissemination of a social study carried out by an NGO, high levels of malnutrition and childhood anemia were found in the area, while the population perceived breaches of company commitments; the large mining canon that the municipality received did not benefit the population, and the participatory budgeting agreements were not implemented either. The arrival of a new legitimized leader sparked protests by the Association of Municipalities of Huari Population Centers (AMUCEP), which organized a forceful action, paralyzing communications and traffic flow for three days, and even occupying one of the company mining facilities, in order to apply pressure and demand more attention and investments.

Conflict management committee: due to the scale of the conflict, the government created a high-level committee and signed a document listing the demands and promising to address them, with the intention of eliciting a commitment from the central government. In 2012, two dialogue roundtables were convened: environment and social investment. The dialogues and negotiations began between AMUCEP (representing the municipalities of the population centers, which are grassroots spaces), the Antamina mining company and the government agencies (including the district municipality, the Ministry of Energy and Mines, the Ombudsman's Office and the National Office for Social Dialogue). The Episcopal Commission for Social Action (CEAS) was also invited on behalf of the Catholic Church, contributing effectively to the dialogue.

Interaction between government, industry and civil society: as a result of this dialogue, a partnership was established between the State, the company and the population represented by AMUCEP, to carry out social and economic projects such as afforestation, dams, roads, highways, health infrastructure, irrigation and education. The details of the projects—currently nurseries and reforestation—are agreed between the three sectors. The State and the company share the costs, with over 8 million dollars allocated to afforestation (with 26% contributed by the company and the rest by the Ministry of Agriculture and Irrigation), in addition to others in progress. The comuneros have received temporary jobs in the afforestation project. There are also trainings, internships and exchanges. The NGO Caritas manages the afforestation project. Although with delays and certain breaches by the government, the prioritized works continue.

Long-term vision: the partnership is developed with a long-term perspective and is based on “learning by doing,” while also accepting setbacks and delays. The need was observed to strengthen the social fabric, improve increase coordination between government entities, and generate mutual understanding, in addition to better defining the scope of the mining canon and promote transparency in the use of resources by municipalities.



MAIN IMPACT/OUTCOME

The dialogue and subsequent partnership contributed to stop the confrontations and move towards a spirit of collaborative development. Today, this can be observed in the 3,052 hectares of eucalyptus, pines and native species that were planted. The processing and commercialization of wood and the production of edible mushrooms is foreseen. Also noteworthy are the lessons learned during the dialogue process, the identification of the need to improve preparation, and maintaining a collaborative spirit while prioritizing their demands. Meanwhile, the state representations realized that the State must honor its commitments and continue paying attention to this space



INNOVATION

The roundtable facilitated the capacity-building among the authorities of population centers, a small amount of equipment, and an operating fund for the AMUCEP that gives it a certain degree of autonomy.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: it was very significant that—despite having started with a violent protest—the dialogue roundtable was generated with the participation of all stakeholders and was maintained over time, although not everyone participates with the same intensity.
- Relevance by need: the dialogue roundtable is relevant in the context of the limited opportunities for exchange that previously existed between the parties, and especially because the central government was not committed to local processes.
- Institutional sustainability: the agreements focus on high-profile environmental and economic sustainability projects, such as reforestation and irrigation, as well as continuous dialogue and concerted investments.



APPROACHES

Gender Approach: women have little participation, although many of the demands addressed respond to their interests. Women do not assume leadership roles in this province.

Diversity Approach: the participants of the dialogue roundtable made an effort to achieve a cultural understanding and address language differences.

Conflict Transformation Approach: a goal was to generate empathy, agreements by consensus and responsible compliance, in order to sustain the relationship of trust and prevent crises.



LESSONS LEARNED

The multi-stakeholder dialogue process allows communities to understand how the State, the bureaucracy, competencies, deadlines and requirements all work, as well as internally strengthening the cohesiveness of their demands and prioritizing these.

The state representations have assumed that it is necessary to strengthen their coordination with the Executive level, but also between the municipal, district, provincial and regional governments.



VALIDATION

The best practice was validated with business leaders from Antamina and the Mining Dialogue Group, with representatives of the Ombudsman's Office, social leaders that participated in the experience, NGOs and the Church.



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2.6.3.4. REDyPAC in Hualgayoc: a productive development and citizen formation experience

ENGAGEMENT LEVEL



Collaboration



Partnership



DURATION

2009 - 2015



MAIN STAKEHOLDERS

Gold Fields La Cima mining company. NGO CEDEPAS Norte, U.S. international cooperation agency Lutheran World Relief (LWR)



DESCRIPTION

Beginnings: since 2005, Gold Fields La Cima has been mining copper and gold in the Cerro Corona concession (29,886 fine metric tons of copper and 166,000 fine ounces of gold in 2015), using conventional open-pit methods and sulfide treatment through extraction by flotation of concentrates, in the Cajamarca Region, province and district of Hualgayoc, in the peasant community of El Tingo.

Initiative: the idea to generate joint action came from LWR and CEDEPAS Norte, since both had developed a cooperative relationship with some companies, and CEDEPAS Norte had local contact with Gold Fields. All three institutions signed an agreement that was renewed for up to six years and contributed the financial resources, with Gold Fields being the main donor (around 500,000 dollars over 5 years), besides resources from LWR and CEDEPAS Norte as an implementer. Subsequently, another contribution was secured through state funds for strengthening livestock activities.

Collaboration: the collaborative project Business Networks and Citizen Participation (REDyPAC) aims to improve farmers' income and increase citizen participation within the district. The goal of this partnership is to take better concerted decisions, from a "win-win" perspective.

Challenges: it was not easy to implement the project, since contributions were requested from producers in an area where mining companies had normally distributed free supplies, starting with a small group. When people saw results through productive improvements, they slowly became more interested. In the case of the leadership program, the quality of the proposal—playful, dynamic and featuring internships—helped sustain participation.

Beneficiaries: through the project, around 430 small farmers have received technical assistance with artificial insemination, dosage, seeds for improving pastures, small irrigation systems, micro-reservoirs, promotion of agroforestry, among others, as well as improving their small cheese plants and increasing milk production and revenue (up to 60% in cheese sales).

Citizen participation: the citizen participation and capacity-building components brought together the participants of the productive component and other interested individuals, for a total of 163 people. A small group of participants became the “heart” of the citizen participation component, motivating others to join.

Leadership school: the project created a leadership school, drama exercises, exchanges, internships within the region and in Lima, participation in GDMS sessions, and inter-learning processes, including innovative dynamics and self-reflection, which helped produce strong leaders that favor dialogue, are more informed and possess legal skills, the ability to negotiate and foster dialogue, and the ability to develop viable proposals. Experts and institutions were invited to participate in this program, together with the NGO Prodiálogo. Thus, the leaders were able to develop their skills for engaging with regional and national authorities and business officials, and some young people and women joined.



MAIN OUTCOME

Knowledge and technical capacities (pasture silage, sanitary calendars, best practices of commercialization, hygiene, maintenance, recordkeeping, etc.) have been developed among local producers and 35 artisanal cheese plants have been formed and strengthened, generating five business networks that sell their products cooperatively. Contributions have been made to improve their minimal infrastructure and equipment, with contributions from each producer. Thus, they have managed to raise production levels and sale prices, expanding their client base both in Cajamarca and Lima. The producers see the NGO and the company as potential allies, but they also continue to observe their interventions with a critical eye.

In a scenario of great unrest in the region, such as the opposition and confrontation around the Conga project, the leaderships promoted have contributed to conflicts in the area not escalating towards levels of mass mobilization and violence.



INNOVATION

The innovative aspect has been to combine productive experiences with training programs, developing innovative dynamics, helping to strengthen leaders that favor dialogue, are more informed and possess legal skills, the ability to negotiate and foster dialogue, and the ability to develop viable proposals. They were responsible for new initiatives presented to the Hualgayoc dialogue roundtable, improving the quality of participation. Some leaders were able to develop their skills for engaging with regional and national authorities and business officials.

In the productive area, the innovation has been the adaptation of best productive practices to this area, on a small scale, yielding better prices and quality.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: a continuous participation of 430 producers and 163 social leaders with influence in their local and regional spaces was achieved, while respecting their diverse opinions.
- Relevance by need: the main economic activities of the area were small-scale livestock and cheese production. The development of collaborative leaders was also relevant in an area with an increasing polarization and little experience in dialogue.
- Financial and institutional sustainability: the experience in the productive aspects is sustainable, since those involved are achieving significant improvements in new markets, income, technologies, etc. and environmental care, although they demand technical assistance for a longer time. In the social sphere, more empowered leaders have the GDMDS as a national point of reference, although there is still a need to consolidate regional spaces for the interaction and strengthening of local leaders.



APPROACHES

Gender Approach: Many women are responsible for small-scale livestock activities or artisanal cheese plants, while men leave home to work in other areas or in the mines. This has empowered them, since many have also joined citizen participation activities. During this project's development, 163 leaders have been trained, 70 of whom are women, and a group of younger leaders was gradually incorporated. Women played an active role in the productive component, more than in citizen participation, where one of the challenges is to find forms of participation that are appropriate to their cultural context and may allow them to continue participating.



LESSONS LEARNED

It has become evident that it is possible to generate trust between companies and NGOs through concrete experiences with professional, independent mediation.

This project demonstrates that the challenge of coordinating productive development and citizen participation is valid as long as both components generate feedback and have the opportunity to help generate a culture of dialogue and conflict transformation.

One lesson is that a process of dialogue and collaboration requires highly qualified teams with clear strategies in order to convene and coordinate dialogues and responses to the tense situations that arise, as well as to continuously engage female participants.



VALIDATION

Interviews were conducted with representatives of LWR, CEDEPAS Norte, Gold Fields La Cima, community leaders and local authorities. A field visit was also conducted.



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2.6.3.5. Dialogue Group on Mining and Sustainable Development

ENGAGEMENT LEVEL



Dialogue



DURATION

1999 – 2017



MAIN STAKEHOLDERS

Private companies (Compañía de Minas Buenaventura, Anglo American, Antamina, Milpo, Glencore, among others). State (National Water Authority, Ombudsman's Office, Ministry of Energy and Mines, Ministry of the Environment, Presidency of the Council of Ministers, among others). NGO Asociación Civil Labor (Labor), other NGOs such as Prodiálogo, CARE, private consultants, social leaders, academics.



DESCRIPTION

Multi-stakeholder platform: the Dialogue Group on Mining and Sustainable Development (GDMDS) is a nationally recognized, multi-stakeholder platform that includes professionals, business leaders with a clear social responsibility vision, municipal and community leaders, consultants and NGO professionals.

Beginnings: it was formed in 1999 in the context of a process of privatization of natural resources. The NGO Asociación Civil Labor promoted a series of meetings between people with connections to the mining sector, aiming to generate dialogue on the processes already underway, particularly the reform of the mining canon mechanism.

Exchange: topics of national significance for the sector were presented at the GDMDS meetings, generating a lively exchange of diverse opinions, but with a common denominator: social and environmental responsibility.

Platform structure: four basic spaces for exchange have been set up: (1) The Dialogue Group Forum is the plenary space open to the public (more than 100 participants, twice a year) that includes a series of specific dynamics, reports and current topics; (2) The Direct Dialogue Group is the core dialogue space, and contributes by preparing the



agenda and the larger meetings, but above all, it provides fluid dialogue on sensitive issues, and its meetings (about 5 each year) are closed; (3) The three-person Coordinating Committee is a support space; (4) The GDMDS Electronic Network, which manages Communications. Each year, more than 500 people participate in its various activities, with more than half travelling from regions outside Lima, and even from other countries.

Committees: temporary committees have been established, including Prior Consultation, Environmental Impact Assessments, Sustainable Management of Natural Resources and the Environment, which sometimes issue declarations.

Virtual platform: the virtual mechanism is another space for dealing with conflicts. The open network of the GDMDS becomes highly dynamic at critical moments, offering a space for groups of opinion leaders to present their points of view, which are sometimes controversial.

Financing: its financing (for work sessions, transportation of social leaders and a small support team for coordination and the communications network) is also multi-stakeholder; small company funds and NGOs are its most significant sources.



MAIN IMPACT/OUTCOME

The GDMDS has several ways of expressing agreements: the vision, the GDMDS principles that help establish its rules, and some declarations that help unify the intentions. The document called “Vision of Mining to 2021”²¹² was presented in 2015, with about 120 endorsements.

The GDMDS has helped generate and strengthen several initiatives at the national and international level, such as the Social Leaders Network, the Ancash Group and the Arequipa Regional Agreement, as well as the Latin American Dialogue Group on Mining, Democracy and Sustainable Development (GDL), a Latin American platform for exchange and collaborative work, incubated and composed by multi-stakeholder dialogue groups and initiatives on mining in eight countries of Latin America.



INNOVATION

The space has been maintained for almost 20 years with the participation of representations from various stakeholders in the mining sector, feeding multi-stakeholder dialogues but also those within certain sectors, such as social leaders. The dialogue is face-to-face, virtual, in smaller or larger spaces, and is enriched by the use of playful formats, the treatment of the self, and gender relations, for example. And despite lacking direct, concrete funding, it has different ways of securing the resources required for the sustainability of the space.



PARTICIPATION, RELEVANCE, SUSTAINABILITY

- Inclusive participation: the multi-stakeholder space is high quality, with fluidity and respect for the diversity of opinions by companies, the State and social organizations, and nuanced in terms of the different ways of dealing with of conflicts.
- Relevance by need: the subject matter is highly relevant to the national reality (socio-environmental conflicts, resources, innovative experiences) and the sector, and helps generate informed and contrasting opinion by the participants.
- Financial sustainability: the collective experience is sustainable because of the nature of the subject matter: environmental, social and economic aspects of the sector. The GDMS can be expected to endure, as various supporters help pay for its basic expenses of the space and its participants are highly committed, although this requires a determined effort to secure resources destined to provide transportation for social leaders from remote regions to the events, to facilitate decentralized meetings, and to communicate its actions, etc.



APPROACHES

Gender Approach: There is a growing participation of women that is around 50%.

Diversity Approach: High-level executives from companies and international and national projects participate in the various sessions and levels of the GDMS. The objective is to promote dialogues with leaders of Andean communities with mining projects located in the north and south of the country, which have been increasing in recent years. At the meetings of the Social Leaders Network, special attention is given to using communicative formats and exchanges that are appropriate for different participants.



LESSONS LEARNED

The generation of multi-stakeholder spaces helps expand participants' vision, but requires a recognized leadership, as well as tenacity to bring them together, establish an agenda and manage internal differences.

One tension that must be addressed is whether or not the dialogue space should intervene directly in conflicts in a mediating or negotiating capacity.

Multi-stakeholder spaces require shared responsibility for their management, but their actions remain autonomous.



VALIDATION

The experience was validated through dialogue with business leaders, cooperation agencies and civil society organizations, as well as a secondary bibliography.



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2.6.4. Stakeholder analysis

Next, the key players in the engagement between companies, civil society and the State within the extractive industry are analyzed, including their actions in this field, as well as some of their strengths and weaknesses.

Company

The National Society of Mining, Oil and Energy (SNMPE) is the most significant association of extractive industry companies, which brings together, defends and promotes the interests of mining, oil and energy companies (with the former being predominant). During successive government administrations, the SNMPE has exercised its power, which stems from the significance of mining within the national economy; it can be seen that it pressures government authorities to limit environmental and fiscal controls and request greater State intervention in the prevention and management of social conflicts. A small group of companies subscribes to the principles of ICM, as well as SNMPE itself, although this does not imply that all member companies endorse and practice them. The Peruvian Hydrocarbons Society (SPH) is a new association and seeks its own space to express the interests of the oil industry, emphasizing its competitiveness. It has a proposal that favors dialogue and seeks forms of engagement with best practice standards.



State

The State lacks a legitimized governing body capable of coordinating efforts with regional governments and different sectors, as well as possessing sufficient resources and capacities. This reduces its capacity to intervene in socio-environmental conflicts and invoke dialogue.²¹³ The main responsibility for dealing with socio-environmental conflicts²¹⁴ lies with the central government (more than 68% of cases, followed by regional governments with 17%). Civil society sectors, mainly, do not perceive the Ministry of Energy and Mines to be very neutral in socio-environmental conflicts.²¹⁵ There is a significant development of the institutional framework on environmental issues (rules, regulations, entities such as the National Environmental Certification Service for Sustainable Investments), although its coordination with the other offices and regional spaces is seen as insufficient²¹⁶

The National Office for Dialogue and Sustainability is a coordination entity for communication between the various stakeholders, and is focused on extractive industries, but its reorganization

and subsequent transfer to the Vice Ministry of Social Administration-Presidency of the Council of Ministers, as well as successive changes to its coordination activities, has neutralized his role. According to national surveys, the Ombudsman's Office is the stakeholder most recognized for intervening in socio-environmental conflicts and promoting multi-stakeholder dialogue. Its function is to defend the constitutional and fundamental rights of individuals—including the right to enjoy a healthy environment—and communities, and to monitor the fulfillment of the state administration's duties and the adequate provision of public services.

Civil society

Non-governmental organizations implement lines of action for information, advocacy and dialogue. From a critical perspective, Cooperation-Solidarity Action for Development (Cooperación-Acción para el Desarrollo) and the Citizen's Proposal (Propuesta Ciudadana) consortium, which includes 10 NGOs, both contribute to transparency in the extractive sector through reports and analyses, technical assistance and training processes. The NGO Grufides generates information and conducts regional actions to impose restrictions on the entry or operations of mining companies. The Dialogue Group on Mining and Sustainable Development is a multi-stakeholder forum in which different NGOs (such as Labor or Prodiálogo) play an important coordination role.

The Economic and Social Research Consortium, an association of 48 Peruvian institutions dedicated to research and teaching, executes analysis, design, execution and evaluation of public policies, programs and projects; and seeks to encourage dialogue and interaction between academia, the public sector and civil society. It has a research line: environment, natural resources and rural development, which analyzes the problem of extractive industries and emphasizes its role for analysis and the design of proposals in recent years.

Two representations of indigenous peoples exist in the Amazon. The Interethnic Association for the Development of the Peruvian Jungle (AIDESEP) has important local bases, although it struggles to coordinate actions with them and carries out actions for the defense and environmental monitoring of extractive industries. The Confederation of Amazonian Nationalities of Peru (CONAP) brings together important ethnic groups of the Amazon, although it has less of a regional presence than AIDESEP; it has sought a rapprochement with the State, Perupetro (the Peruvian national oil company) and other extractive companies.

The Peasant Confederation of Peru and the National Agrarian Confederation are two national associations that mostly include federations and associations of Andean populations, which are not necessarily indigenous. The National Coordinator of Communities Affected by Mining is a collective (a type of association and NGO) that was highly prominent around 2010, contributing to the development of mobilization and representation capacities for making visible the problems and demands of different Andean communities. It has been emphatically critical of extractive industries, but in recent years has suffered internal conflicts and is no longer very active. The National Social Leaders Network, formed around 2010, is a forum for dialogue and coordination, consisting of about 50 male and female leaders from communities in mining activity impact areas, grassroots social organizations and associations, as well as regional and local governments, and is in coordination with the GDMS.

Universidad ESAN and the Universidad Católica del Perú (PUCP) are private universities that have some programs or diploma courses on issues of community relations, negotiation and others. The studies and research of these universities are generally respected. The Universidad Nacional Mayor de San Marcos (UNMSM) is the most important public university in Peru and had an agreement with the University of Queensland, Australia to improve the capacities of its professors in social issues and to replicate this in other universities, although this has not yet been done. In addition, the PUCP and UNMSM have recognized schools in mining engineering, geology and related subjects.

One of the recently created entities is the Center for Studies on Mining and Sustainability of the Universidad del Pacífico, a space for research, education, dialogue and reflection on the mining sector. Its efforts seek to integrate the State, companies and communities by reaching agreements on public policies and business management. It was recently created and seeks to consolidate itself as a technical and independent point of reference for consultancy and training at the national and international levels, designed to promote the sustainable development of this economic activity.

2.6.5. Legal framework

According to the Political Constitution of Peru (1993), both renewable and non-renewable natural resources are national property, and the State has sovereignty over their use. The locations from which natural resources are extracted receive the canon. Mining canons are the participation of local governments (provincial and district municipalities) and regional governments in the total income and profits obtained by the State for the economic exploitation of mining resources (metal and non-metal).

The Metallurgical Mining Geological Institute (INGEMET) is the entity responsible for granting mining concession licenses in Peru, managing the national mining registry and the payments made by mining companies to keep their mining rights.

Currently, hydrocarbon licenses in Peru are assigned by Perupetro, which grants the contract if the company complies with the requirements specified in the regulatory framework for companies to receive qualification, hire employees and sign contracts. The license is dependent upon the approval of the lot through public tender or direct negotiation. In terms of tenders awarded, in 2015 and 2016 there have been no cases of bidding processes in the hydrocarbon sector.²¹⁷



Information

The Political Constitution of Peru, the Environment and Natural Resources Code (in Article 6 of its Preliminary Chapter) and the General Environmental Law consider the people's right to be informed in general and about measures or activities that may directly or indirectly affect people's health, the integrity of the environment and natural resources, as well as to participate in the creation of the general policy and the implementation of measures related to the environment and natural resources.

In the mining sector, General Mining Law No. 23,453 (1992) and the Regulations on Citizen Participation in the mining subsector, DS No. 028-2008-EM and DS No. 052-2010-MEM/DM, emphasize providing timely and adequate information on the activities being planned or executed, promoting dialogue with people in the impact area and their representative organizations, considering the opinions of the population



Dialogue

This same Law recognizes dialogue roundtables as participatory spaces. A Relationship Protocol, Citizen Participation Plan and Community Relations Plan have all been created, along with a mandatory Community Relations Guide. In hydrocarbons, the Regulations on Citizen Participation for conducting hydrocarbon activities (DS No. 012-2008-EM, Arts. 17 and 18) established the Citizen Monitoring and Surveillance Program.

In hydrocarbons, the Regulations on Citizen Participation for conducting hydrocarbon activities (DS No. 012-2008-EM., Arts. 17 and 18) established the Citizen Monitoring and Surveillance Program. It also considers the stages of the citizen participation process: in the negotiations or tendering and award of contracts for the exploration and/or exploitation of hydrocarbons; during the preparation and evaluation of environmental studies; and after the approval of environmental studies. However, specialized entities note that "it has been verified that Perupetro does not fulfill its function and does not guarantee citizen participation during the tendering and negotiation stages, as stipulated in the regulations, which indicate that: "it is up to Perupetro S.A. to conduct the Citizen Participation process in the areas in which it is negotiating or bidding for the award of a Contract for the Exploration and/or Exploitation of Hydrocarbons."²¹⁸



Consultation

There are a significant number of regulations referring to the participation of the populations that live near extractive industries. Some of this has to do with the realization of environmental studies. There are different types of environmental studies: Environmental Impact Statements (EIS), Semi-Detailed Environmental Impact Assessments (sdEIA) and Detailed Environmental Impact Assessments (DEIA). They must all include a Citizen Participation Plan.²¹⁹ Although environmental studies are divided into categories, there is a similar process for each of them, which includes: (1) dissemination in the areas most affected by the project, with information and

documents in a simple, clear format that asks the community or its representatives to provide information or observations on the proposed investment project; (2) public invitation to citizen participation processes, through the most widespread mass media and electronic means of communication; (3) a public hearing will be held in the area where the investment project will be developed, ensuring that the chosen location allows for the greatest possible participation of those potentially affected; (4) the public participation process must be properly documented and recorded in the file, with all information produced by said consultation being public knowledge.


The Law on Private Investment in the Development of Economic Activities on the Lands of the National Territory and of Peasant and Native Communities (Law No. 26,505) establishes that people have the right to participate responsibly in the decision-making processes on matters referring to mining activity. Any actions or measures taken by the authorities, the mining companies or the population involved that blocks or hinders the start-up, development or termination of a citizen participation process constitute transgressions of the legal provisions on citizen participation. The competent authority will determine the mechanisms to be considered in citizen participation processes, as appropriate, according to the particular characteristics of the impact area of the mining activity, of the project and its magnitude, of the population involved, the surroundings and other relevant aspects.

In 2008, DS No. 028-2008-EM and Ministerial Resolution No. 304-2008-MEM/DM, modified by Ministerial Resolution 009-2010-MEM/DM, which expands its provisions to the modification of Semi-Detailed EIAs, the modification of Category II mining exploration activities, the modification of environmental studies through the expansion and modification of mining exploitation or development activities. It should be noted that it recognizes the right to information, citizen oversight and continuous dialogue. Companies are required to have a Citizen Participation Plan and a Community Relations Plan, and it is established that citizen participation mechanisms should preferably include the implementation of a Permanent Information Office or a Participatory Environmental Surveillance and Monitoring Committee. These remain in force even though the specific regulations for exercising the right to Prior Consultation have been recognized.

Convention 169 on Indigenous and Tribal Peoples of the International Labour Organization (ILO) was ratified by the Congress of the Republic in 1993 and entered into force in Peru beginning on February 2, 1995. In 2011, the Law on the Right to Prior Consultation (Law No. 29,785) was approved and enacted. In addition to the Law and Regulations on Prior Consultation (DS No. 001-2012-MC), a Methodological Guide has been published by the Ministry of Culture.²²⁰

Law No. 29,785 indicates that the result of the consultation process is not binding, “except for those aspects in which there is agreement between the parties.” It also indicates that the Ministry of Culture, through the Vice Ministry of Interculturality, is in charge of providing, arranging, articulating and coordinating the state policy on implementing the right to consultation. In this framework, a Directive of the Official Database of Indigenous Peoples has been developed, which (as of 2016) had identified 55 indigenous or native peoples. The first Prior Consultation on hydrocarbons in Peru was that of Lot 169 (Ucayali Region), while the first one in mining only began in 2015; these experiences are being progressive adjusted.

3. CONCLUSIONS AND RECOMMENDATIONS

An aerial photograph showing a complex landscape of a wetland or mangrove system. A winding, light-colored river or channel meanders through the area, surrounded by dense green vegetation and patches of brown, possibly exposed mud or sand. The background is dominated by a thick, dark green forest. The overall scene depicts a natural, undisturbed environment.

The national regulatory frameworks, as well as the regulations regarding extractive industry, the environment, taxes and development in the six countries studied, heavily favor establishing standards for access to information and public transparency, which helps provide citizens with relevant information about the company, the project evaluation process, and in some cases the public revenue.

3.1. Conclusions

On the economy, extractive industries and engagement with other stakeholders

- The extractive sector continues to play an important role in terms of its contribution to the Latin American economy, despite the end of the so-called “super cycle” of mining and hydrocarbon commodities. National regulatory frameworks were adapted to encourage the arrival of big investments in this sector, as can be observed in the opening of the hydrocarbon sector in Mexico—which was previously a state monopoly—with the energy reform of 2014. These policies have contributed to the arrival of international corporations that have raised community engagement standards and, as a result of greater tax revenues, and together with civil society, have helped promote multi-stakeholder mechanisms that favor transparency, such as the EITI, which has been operating successfully in some countries of the region.

On regulatory frameworks and engagement levels

- The national regulatory frameworks, as well as the regulations regarding extractive industry, the environment, taxes and development in the six countries studied, heavily favor establishing standards for access to information and public transparency, which helps provide citizens with relevant information about the company, the project evaluation process, and in some cases the public revenue. Although these are not directly related to the extractive industries, the information they provide to the State as part of their obligations is subject to this regulatory framework and can be accessed publicly, without requiring a change in the law, but rather a better application of the law in the sector.
- Similarly, rules that consider citizen participation as a right to participate in the different stages of extractive activities are quite common in the six countries studied, and the public consultation mechanism appears as one of its dimensions.
- The information analyzed for each country shows that there are no specific regulations referring to other engagement levels, such as collaboration or partnerships; the exception is Peru, which instituted a rule in 2010 that establishes a prior commitment by the company towards the communities in the impact area as a precondition for developing extractive activities.
- In general, these are forms of engagement that are based on the corporate policies of the extractive industry. Dialogue is a mechanism that is found, in a broad sense, at all levels of community engagement and is incorporated into segments of the current regulations on participatory and consultation processes.
- Most of the countries in this study have signed ILO Convention 169, with the exception of the Dominican Republic, but only Colombia, Peru and Chile have designed regulations to implement it. In fact, in other countries the process depends on the interpretation of companies and local authorities, with the possibility of questioning the process or taking it to court, thus causing instability and insecurity for the parties.

On practices, engagement levels and coordinating dialogue

- When practices are made up of several engagement levels, it is often the Dialogue level that articulates them. Broadly speaking, dialogue takes place through regular meetings and spaces with broad, diversified and inclusive participation by the various stakeholders, mainly from the impact area of the extractive project. Dialogues can evolve towards the creation of specific work agendas.
- Due to the degree of complexity required for its implementation, engagement at the collaboration and partnership levels usually occurs through a multi-stakeholder dialogue, in its more structured version, which is mainly used as the most appropriate mechanism for clarifying the interests and needs of the parties, as well as to build the necessary trust demanded by these complex processes and to negotiate mutual beneficial agreements.
- Multi-stakeholder engagement through dialogue, when properly organized and managed with a strategic, comprehensive perspective, can help contribute by implementing projects that are connected to local development plans, magnifying stakeholders' voices, influencing operational decisions and engagement plans, improving relationships and obtaining or renewing social licenses.

On the main stakeholders

Civil society

- Civil society organizations, especially NGOs and social movements, assume different roles in the extractive industry: as suppliers or contractors that execute development projects; building bridges and promoting collaborative processes; remaining critical of the how the industry has been operating; promoting discussions; advocating for public policies; guaranteeing the individual and collective rights of communities; or openly opposing extractive activity through resistance actions.
- Universities that enjoy legitimacy are important local resources, because they are trusted by a significant number of stakeholders and have the ability to build networks with key stakeholders with different characteristics, both in terms of producing knowledge and building capacities. They are seen as a specialized and impartial stakeholder for technical matters and for conducting research on the extractive industry; its contributions to the economy and development; water quality studies; education and training; social management and conflict prevention and transformation; among others.
- CSOs also play a role as a third party in engagement processes between communities and companies, either by impartially facilitating dialogue or negotiations between the parties, providing consultancy for these processes, training the company and/or community for adequate and constructive participation, acting as observers, or monitoring the implementation of development projects.

State

- The relationship between the National/Federal Government and the Regional/State/Provincial and Local Governments tends to create tensions that are caused by policies and measures related to the governance of natural resources. In extreme situations, these tensions have eventually led to open opposition and rejection of the extractive industry. In Argentina, for example, some provinces have declared a ban on large-scale mining. It is therefore important that the different levels of government establish coordination mechanisms and inter-governmental dialogue for the concerted discussion and implementation of public policies related to sustainable economic development, and establish the role of extractive industries in the development of the country and its local territories.

Companies

- Improving engagement with other stakeholders requires the commitment of companies and their associations to go beyond the tenets and requirements established by current regulations.
- The teams dedicated to social management and community engagement are essential for field operations, in coordination with the other areas of the companies. This internal coordination is important and necessary. In some cases, companies decide to hire or sign agreements with consultants, commercial or civil society organizations/entities specializing in social management and community engagement in order to promote it. In some cases, considering an external team to support community engagement can facilitate dialogue events, as well as providing an external perspective on the process.
- The main purpose of extractive industry associations is to represent the interests and needs of their affiliated companies. They can also help their members through other strategies such as capacity building, research, publications, databases and communication campaigns related to their activities, among others. They have the potential to be important contributors to sustainable development through projects designed to help companies with their community engagement processes by developing innovative perspectives, such as the best practice of the Social Basins of Argentina, where the Salta Chamber of Mining coordinates the engagement between different mining companies operating in a territory and the surrounding communities.

On the issues related to practices

- Best practices can cover a very broad range of themes, related to the human needs and unfulfilled rights in social environments and to the operational needs of extractive projects. From a basic level of information about the project, all engagement levels allow for the inclusion of multiple issues, such as:
 - » Environmental issues, such as those related to water, air, noise, land use;
 - » Search for jointly agreed solutions with the community that are related to operational needs (health infrastructure, roads, electricity, drinking water, among others);
 - » Product manufacturing;
 - » Education and other basic services;
 - » Issues that concern specific groups such as women, senior citizens, indigenous communities and other groups in vulnerable situations;

- » Local development issues;
- » Establishment of continuous engagement within the framework of sustainable development and social licensing;
- » Strengthening community and local institutions, among others.

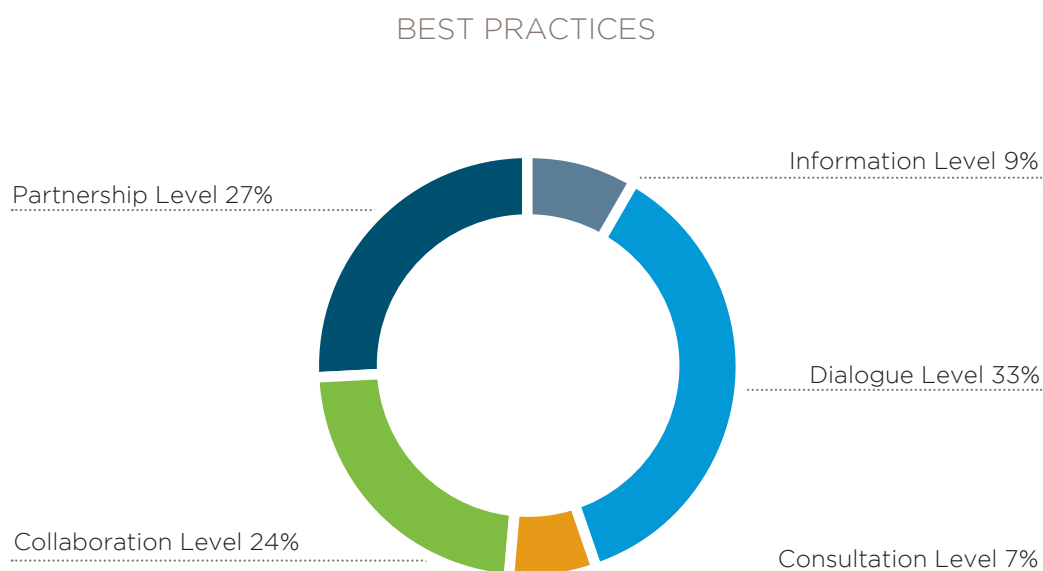
On engagement

- *Contribution of the extractive sector to the national and regional economies:* all stakeholders acknowledge that the sector makes relevant contributions to the national economy. However, in some countries, local communities still feel that the industry has an outstanding debt in terms of strengthening local development.
- *Minimum engagement standards:* the extractive industry, unlike other economic activities, considers the issue of community engagement in the impact area a relevant matter, sometimes even a key aspect of the business, and not as a merely voluntary process. There is an awareness of the potential costs that a context of social risk may impose on the development of an extractive project.
- *What is required and what is voluntary:* engagement processes illustrate that industry and company behaviors are a result of both the standards defined by the State and the internal policies of companies (codes of conduct), as well as industry standards at the national and international level. However, the State is beginning to assume a more active role in defining minimum engagement standards based on recognized best practices, thereby reassuring both companies and communities on the best way to establish harmonious, constructive relationships oriented to sustainable development. In addition, the industry continues to make progress on voluntary policies that benefit the development of the territory in which the operation is located.
- *Civil society organizations:* in the last 5 years, CSOs have played an important role, achieving a certain degree of influence on public policy decisions in terms of proposing, accompanying and ensuring compliance with the regulations that govern extractive industry projects. Different levels (local, regional/provincial and national) of influence have recognized their contributions to achieving goals shared with the industry. Undoubtedly this influence was favored by the massive use of social networks and the increasing digital transformation.
- *Civil society engagement as a continuous process:* the task of building trust is a priority. In addition, those who facilitate and participate in these spaces for creating best engagement practices must be stakeholders with knowledge and experience in this area, capable of promoting exchanges; impartial stakeholders capable of building a permanent and useful engagement while recognizing the differences of each party.
- *Perceptions of extractive industries:* the extractive sector still generates backlash in some sectors. This is usually based on the perception that the growth of extractive activity has not led to better living conditions for some communities that coexist with extractive projects, and that in some cases have seen previously existing economic activities decline (agriculture, local tourism, livestock, among others), thus causing dependence on a finite activity, in addition to the concerns surrounding the environmental and health impacts that this activity could bring.

- *From conflict to negotiated agreement:* a review of some practices studied shows that the relationship between the extractive industry and the communities has changed from a process of conflict and opposition to a transactional negotiation process that compensates communities with social benefits, employment and infrastructure works. This dynamic eventually contributes to local development processes. In many of the experiences studied, during the dialogue processes environmental impacts become a secondary issue and are not sufficiently taken into account, and the issue of social compensation—or rather negotiation—plays an important role.
- *Internal fabric of communities:* often, the complexity of relationships within communities has caused tensions that translate into complaints that are difficult to understand. Companies lack methodologies for dealing with conflicts in a broader, more comprehensive manner, and this has often led to distrust, causing breakdowns in the relationship and even resulting in conflicts within communities.
- *Role of the State:* the historical response by the State has been to maintain a distant position and observe from the outside the engagement processes that occur at different levels between companies and communities. However, in recent years it has become a key player at the consultation level.

On engagement practices

- In the diagnoses of the six countries, this study found 27 best practices at all engagement levels: 5 at the Information level, 18 at the Dialogue level, 4 at the Consultation level, 13 at the Collaboration level and 15 at the Partnership level. It should also be said that most best practices represent two or more levels simultaneously.



- Major progress: The best practices in this study demonstrate that there has been significant progress towards improving the relationships between the industry and the communities, such as the implementation of corporate engagement policies, teams of specialized professionals and financial resources. However, there are still weaknesses in the engagement between civil society and extractive industries. Well-documented experiences have contributed to the creation of new and innovative engagement practices that can be learned, improved and replicated in other projects.
- It is often thought that the extractive sector has a great deal of experience with best practices that are recognized and validated, with positive results for quality of life and stakeholder engagement, and that this work should be oriented to communities, academia and the companies themselves. The companies can count on the Academy and independent consultants to continue the task of systematization, research and dissemination of engagement experiences.
- One conflict observed in most of the best practices studied is community opposition to the project, due to the way the project coexists with its surroundings (environmental, social, cultural) and/or due to the lack of direct benefits and development for the community. Dialogue is most obvious channel for resolving these situations, as an alternative for reaching agreements and negotiating with the community. Dialogue spaces are necessary in order to solve the problems of small rural sectors near large extractive exploitation. For example, a partnership to improve livestock production.
- Spaces for Early Citizen Participation: Decisions made regarding large-scale national projects often do not enjoy effective participation or consensus from local governments and communities within the territories. Without this step, which gives the project a degree of social legitimacy, citizen participation processes (including prior consultation) can become complex, slow and/or confrontational.
- Partnerships between CSOs have started to play a community outreach role, as in the case of the Coahuila Energy Cluster, one of whose roles was to provide information on the implications of the energy reform and the new role of companies in the region. Civil society mediation can help in making the information more reliable and therefore better accepted by the communities.

3.2. Recommendations

For companies

- Have early, timely and long-term plans for engagement with communities that may contribute to economic progress while addressing social and environmental issues in the territories where their projects will be developed.
- Have an area dedicated exclusively to social management and community relations. This study has confirmed that having a capable area and work team has helped companies develop best practices.
- Consider the particular characteristics of the territory and understand that recognizing the rights of different communities is best practice. Including among their due diligence protocols a detailed survey on the dynamics of the territory and the communities present in the impact area is highly recommended, either executed jointly with the community or subsequently validated by it.
- Regular coordination with community leaders from the beginning, involving them in the different engagement levels: Information, Dialogue, Consultation, Collaboration and Partnership.
- Generate actions at each level (Information, Dialogue, Consultation, Collaboration and Partnership) that:
 - » Are systematically reviewed, including deadlines for their review
 - » Are flexible enough to be reformulated
 - » Have clearly established goals, targets and timelines from the beginning
 - » Comply with the law
 - » Aim for an engagement with permanent and systematic accompaniment
- Monitor the actions derived from the environmental and social legislation related to extractive industries, with compliance and continuity of the agreements of the dialogue roundtables with multi-sector and inter-governmental coordination.



- Strengthen business associations and organizations representing companies that can participate in the most diverse spaces for dialogue and compromise to achieve a more fluid engagement.
- Promote training to foster partnerships with projects in the territories and encourage community participation.
- Consider the leading Multilateral Development Banks (MDBs) in Latin America and the Caribbean—with their experience in citizen engagement²⁷¹, their interdisciplinary approach in the region and their comparative experience in civil society issues—as technical allies in the development of engagement plans, as well as national CSOs with territorial experience, in order to strengthen the principles of engagement between companies and communities through their technical knowledge and close ties to the community.
- To the extent that extractive activities are going to cause environmental damage, companies should prioritize environmental compliance within the framework of national legislations, as well as social engagement with timely, accurate and transparent information, promoting dialogue with communities in order to analyze problems and make decisions.

For civil society

- Form an organic structure that provides representative community leaders with legitimacy to share information in a timely manner, interacting with the government, companies and other communities, as the case may be, to create joint initiatives in the context of a systematic and not just circumstantial engagement.
- Clearly identify community leaders and counterparts at the national and local levels in areas impacted by extractive activities, so that an early, constructive coordination may be used to find solutions. Due to the disparity of cultures, rhythms and traditions, it is necessary for the State and companies to adapt engagement spaces to this reality. In addition, to achieve effective results the communities themselves should identify resources that may help implement closer approaches in a timely manner, reviewing international experiences as points of reference that may strengthen their capacities while safeguarding their autonomy.
- Ensure that community leaders include community members in the decisions submitted for consultation, as well as in other spaces of influence, through thematic roundtables that take into account gender disparity, and in order to facilitate capacity-building, as well as the appropriation of knowledge by the community. The work of community leaders to ensure the meaningful participation of the community, as demonstrated by the practices analyzed, has been key to transforming the perception of communities regarding the extractive industry, improving existing relationships and preventing the emergence of conflicts.
- Community leaders should encourage and promote the dissemination of timely information, as well as dialogues with community members and company representatives whose work is relevant to them, for the development of engagement plans and strategies throughout the different phases of extractive activity.

- Community leaders and companies can support accompaniment, education and training processes aimed at strengthening the capacities different community groups (women, young people, minorities) in processes that adopt a comprehensive view of the territory, so that sustainable development may be achieved independently of the company's presence.
- Contact impartial actors (such as universities) in order to solve problems and make decisions regarding internal conflicts within the community or between the community and other stakeholders (governments, companies).

For the State

- Implement regular monitoring activities in order to obtain feedback on the perceptions of both civil society and companies. Experience shows that monitoring is important for involving other stakeholders and sectors, communicating about the practice, providing greater transparency and making necessary adjustments according to local specificities.
- Have methodologies for public consultations that include local authorities, minorities (women's groups, the elderly, young people). It is suggested to build systematic and regular processes at the Information and Dialogue levels, facilitating collaboration with anonymous complaint mechanisms that are accessible for the community.
- Promote early citizen participation, which is crucial for creating engagement spaces that promote opportunities for growth and mitigate potentially negative impacts of extraction operations, to prevent conflicts, to build trust and social legitimacy, as well as to optimize potential value in the regions.
- Regulate the application of ILO Convention 169 with minimum standards for public consultations. Support the work of the agencies in charge of overseeing, inspecting and monitoring environmental studies, maintaining and refining the mechanisms of participation and Prior Consultation (ILO Convention 169). It is essential to strengthen institutions such as the Ombudsman's Office and other institutions that defend society and citizens' rights.
- Strengthen the environmental instruments that allow environmental authorities to monitor compliance with mitigation plans and commitments regarding the closure of extractive projects must be strengthened. Early planning of economic and environmental closures is crucial for limiting environmental and social damage and ultimately improving the perceptions of communities and the general population in the impact area regarding the projects.
- Strengthen transparent mechanisms for managing the funds generated by extractive activity income, supporting new projects which in turn generate new ventures in regions rich in natural resources, in order to ensure alternative sources of job creation that may strengthen local economies by innovating and generating long-term income.
- Train local governments on issues that affect the interests of their territories, supporting the formation of political and technical capacities to support and coordinate territorial planning processes.

For all three stakeholders

- Use new technologies that favor more effective forms of engagement. The maturity of democratic systems in the region, along with the use of social networks and new technologies, is providing an unprecedented opportunity for government officials, company executives and community leaders to use new instruments for rapprochement and information to discuss common territorial interests.
- Governments, companies and communities find it relevant to foster and participate in engagement spaces that promote: timely and reliable informative actions; dialogues that include minorities; public consultations in accordance with sectoral regulations and prior spaces for information and dialogue; collaborations for capacity-building that foster sustainable territorial development; partnerships in participatory monitoring and/or small businesses development activities.
- Developing engagement plans initiated by any of the main stakeholders with clear activities builds trust, and therefore a more active role by the government and large corporations in the promotion of spaces for agreements, where communities participate after previously having received the information and training necessary to present their interests and concerns, represents, as the findings show, a tool for advancing sustainable growth.
- Generating dialogue builds trust, so a more active role by the government and large corporations in the promotion of spaces for agreement, where the rights and duties of citizens, companies and the government are presented, discussed and agreed upon, would be a step forward. These spaces should allow the different voices of civil society to be heard, including critical ones.
- Universities that enjoy legitimacy are important local resources, because they are trusted by a significant number of stakeholders and have the ability to build networks with key stakeholders with different characteristics, both in terms of producing knowledge and building capacities. It is important to use them and call on them more often.
- To the extent that extractive activities are going to cause environmental damage, companies should prioritize environmental compliance within the framework of national legislations, as well as social engagement with timely, accurate information, transparency and dialogue with communities, their leadership and authorities, as a way to make its business and investment feasible and decrease socio-environmental risks.
- Include other existing resources, local CSOs, and especially universities with legitimacy in order to strengthen a sustainable engagement.
- Inform and review the projections on the resources of the extractive industries and the limits for invigorating the economy, recognizing that this activity depends on a series of external variables that do not depend on specific plans. Specifically, subnational spaces must plan their activities by considering resources from other sources and from the extractive sector, in order to avoid causing frustration due to potential variations in the transfers from the national government. In this sense, it is important to complement the data and analyses from extractive industry projections with civil society authorities and leaders, building on the transparency actions currently underway in extractive industries.

4. ROADMAPS

Next, four roadmaps are prepared based on the findings of this diagnosis. They aim to provide clear guidelines for representatives of companies, government agencies and civil society, strengthening the coordination between these three stakeholders, promoting spaces for exchange that focus on the territory, and responding to the needs of communities. The ultimate goal is to contribute to the efforts made to promote a responsible extractive activity as a synonym of development.

Three of the roadmaps are based on specific countries studied in the diagnosis (Colombia, Peru and the Dominican Republic), while the fourth is a regional exercise that seeks to improve engagement between the different stakeholders involved in the development of responsible mining in Latin America and the Caribbean.

These roadmaps seek to use the findings of the diagnosis in Peru, Argentina, Colombia, Chile, Mexico and the Dominican Republic, in relation to the five engagement levels: Information, Dialogue, Consultation, Collaboration and Partnership, as well as adding other regional experiences with an emphasis on multi-stakeholder dialogue.





Roadmap for Peru

Stakeholders: During the development of this Roadmap, it was observed in Peru that there would be a special interest in strengthening the participation of the Secretariat of Social Management and Dialogue of the Presidency of the Council of Ministers (PCM).

According to Art. 58 of the Regulations on Organization and Functions of the PCM, this body, with regulatory technical authority at the national level, is responsible for preventing, managing and resolving controversies, differences and social conflicts; and since it is part of the PCM, it is responsible for coordinating national policies of a sectoral and multi-sector nature.

GOVERNMENT:



Information Level

The Peruvian regulatory framework promotes various participatory mechanisms that emphasize providing timely and adequate information regarding projected or current extractive activities and promoting dialogue with the population of the impact area and their representative organizations, while gathering their opinions. Drawing on the experience of the Dialogue Group on Mining and Sustainable Development, that encourages multi-stakeholder engagement at the national level, it may be good to consider decentralized spaces in areas with high concentrations of extractive companies, so that the various government authorities can provide quality information on issues related to mining development. Participatory monitoring experiences, as in Mexico, represent other opportunities for providing information. The relevance and quality of their information is valued, as well as their forms of communication with an intercultural perspective.



Dialogue Level

The regulations for the mining subsector of Peru recognize mechanisms for dialogue such as citizen oversight and environmental monitoring, indicating that companies should include a Permanent Information Office or a Participatory Environmental Surveillance and Monitoring Committee. There are at least 40 participatory monitoring committees. The National Water Authority, the Local Water Authority and OSINERGMIN as a supervisory entity, can share their monitoring knowledge and practices, generating a space for exchange and dialogue regarding the monitoring findings, facilitating decision-making on protection of the water resource.

The Secretariat of Social Management and Dialogue, through the involvement of the Ombudsman's Office, can play a role in promoting a decentralized Dialogue Roundtable that may contribute to bringing together several companies and communities, in areas with multiple interventions; the GDMDS experience illustrates this process at the national level. It is especially important to facilitate rapprochement with methodologies that favor productive, face-to-face dialogue in "safe spaces" capable of addressing asymmetric conditions. This will probably require a facilitator for the work sessions. As in Argentina, the regional authority can assume a coordination and oversight function by inviting company and community representatives to share their experiences and help build bridges when faced with different positions.



Consultation Level

Convention 169 of the International Labour Organization has been incorporated into the Peruvian Constitution, and there is also a law on the Right to Prior Consultation of Indigenous or Native Peoples (No. 29,785 of 2011) with its respective regulations. The application of these legal frameworks is relatively recent, as of 2015 in the case of mining, and procedures are being progressively adjusted, although there is still criticism from civil society. The Ministry of Culture could emphasize the exchange with the Ministry of Energy and Mines for carrying out transparent Prior Consultation processes with an intercultural perspective, strengthening the intervention of the Ombudsman's Office and other entities recognized as impartial. For this purpose, a possible model may be the best practice of the dialogue with the Wayuú People in Colombia, which, although related to a different engagement level, provides important intercultural elements that can serve as a point of reference.



Collaboration Level

In Hualgayoc, two NGOs and the GoldFields mining company were able to join forces with the state program FondoEmpleo for the productive improvement of poor farmers. But the involvement of the State is complex due to the nature of requirements and processing times, which warrants its revision. Also in Colombia, various government agencies were part of an initiative to promote sustainable forestry and productive projects with companies in areas affected by coal mining. This experience highlights the commitment of the State and its involvement in development planning and monitoring. Even agricultural educational institutions are active participants, which constitutes a referential model.

In order to enhance results, it would be convenient for Peru to consider (through the Ministry of Energy and Mines and the National Mining, Petroleum and Energy Society) promoting multi-company collaborative actions in spaces where several extractive interventions overlap.



Partnership Level

There are few occasions in which the Peruvian Government establishes partnerships with third parties. Somehow there have been opportunities in which collaboration and partnership for productive development are combined (although not for capacity-building). The legislative framework is limited in this field, and it needs to be made more flexible in order to effectively include capacity-building in the planning of budgets, along with clearer guidelines for authorities on its implementation.



Information Level

The participatory environmental monitoring committees in Orcopampa and in Mexico and the roundtables have been presented as spaces for civil society organizations to gather and request information on environmental issues and report on ongoing actions with the company, taking the opportunity to share it with their communities or groups of influence. Having adequate and timely means for dissemination, such as bulletins, news programs, radio programs, etc., contributes to the quality of the information.

CIVIL SOCIETY



Dialogue Level

Civil society has been a tenacious promoter of multi-stakeholder dialogue in Peru. The Dialogue Group on Mining and Sustainable Development has become a space for exchanges between multiple stakeholders, incorporating innovative approaches such as the use of playful formats, self-reflection, gender relations, with various forms of support for the sustainability of the space. Civil society is committed to generating decentralized spaces based on the political and administrative configuration (region, municipality) or basin, convening institutional representations for development as in Argentina or through a more individual participation by multi-stakeholder leaders. Any of these will require working together with state entities such as the Secretariat of Social Management and Dialogue.



Consultation Level

There are no Prior Consultation experiences systematized in Peru that have been presented as successful practices. The Vice Ministry of Interculturality, as a technical body specialized in indigenous matters under the Executive Branch of Peru, would benefit from systematizing the Prior Consultation experiences in both hydrocarbon and mining activities, convening academic and civil society entities for this purpose.



Collaboration and Partnership Levels

NGOs and universities have participated in collaborative actions or partnerships with both companies and the State, and illustrate processes that combine different knowledge and specialties to yield a higher quality proposal, whether in environmental issues, proposals for economic development, etc. It is noteworthy that they have retained their autonomy and put professionalism first, as well as the agreements defined. Thus, they have provided guidelines that should be replicated and may be strengthened by working with transparency and accountability.



COMPANY



Information Level

Peruvian regulations are productive in terms of the requirement to provide timely and adequate information regarding activities being planned or executed, promoting dialogue with the impact area population and their representative organizations, gathering the opinions of the population. The company must play an active role in providing information, recognizing the right of the population and the community to be informed of the actions taking place in the territory. By drawing on the environmental monitoring process and establishing collaboration and dialogue, the company will be able to exchange information on its environmental management systems and the results of monitoring water (and soil or air) resources in safe dialogue spaces, with municipal delegates and authorities, providing responses to the environmental concerns of the population.

The Huari Dialogue Roundtable has been an opportunity for various stakeholders to meet and share information and concerns regarding development. In Argentina, a common space has been created by bringing together several companies and communities so they may raise their concerns and obtain a single, concerted response from the business sector, in a process managed by the State. In its first phase, the space was mainly focused on the exchange of information regarding projects.

One of the main systematic efforts to provide specialized Information is the Extractive Industries Transparency Initiative (EITI), which is being implemented in several countries, including Mexico. This initiative promotes transparency in the economic flows derived from the exploitation of minerals, oil and gas in its member countries. A coalition of governments, companies, civil society organizations, investors and international organizations participate in this space. EITI is also being implemented in Peru and its findings should be disseminated more broadly throughout society in coordination with the media.



Dialogue Level

A broad multi-stakeholder dialogue process was generated in Arequipa around water and in Huari for development works, in both cases after a conflict emerged, which shows how all stakeholders, including the company, need to develop their dialogical capacities, remain open to dialogue and use bilateral channels to deal with conflicts when necessary.



Consultation Level

In Peru, the Prior Consultation of Indigenous and Original Peoples has only recently been applied, both in hydrocarbons and mining. Nor are there many systematized experiences in other countries of the region. In the Dominican Republic, there has been progress in the involvement of communities based on broad consultations regulated by law, in the planning of development at the municipal level, with the intervention of the company and the State.

Third-party accompaniment is suggested for Prior Consultation processes in the extractive sector in Peru, in order to analyze and systematize their development, reviewing the role of companies, which generally do not participate in the process directly.



Collaboration Level

In the case of Peru, there have been many efforts by companies that individually carry out Collaborative actions with civil society organizations. Participatory monitoring, developed in Peru with the active participation of companies, as well as in other countries such as Mexico, delegate technical work to a specialized and recognized entity, leading to positive changes in the company's perception, communications and relationship with the community, and strengthening long-term engagement. But the impact is enhanced with when companies join forces, as in the case of the Management Committee for the Sustainable Development of the Lower Urubamba Basin (CGDBU), which brings together the members of the Camisea Consortium, responsible for gas exploitation, to meet the demands of the indigenous populations.

The challenge is how to develop Collaborative actions at the company group level, overcoming the limits of bilateral action to advance towards actions of greater impact. In Colombia, there have been positive results with the collaboration implemented by various companies for forestry development, as a result of the impacts on a group of communities. Similarly, in Argentina with the Social Basin Project and in Chile with the Good Neighbor Roundtable of Sierra Gorda, companies that work in the same area join forces to carry out initiatives in the impact areas of their operations, involving communities and local governments.



Partnership Level

The REDyPAC Project in Hualgayoc illustrates how a collaboration and partnership action between an international cooperation agency, an NGO and a company can successfully promote an innovative productive development program (livestock and cheese production improvement) by strengthening capacities for the exercise of citizenship. Similarly, the partnership to promote a Virtuous Water Circle is an example of a multi-sector effort between a company and different levels of government for the execution and maintenance of works of collective benefit for the collection, treatment and distribution of river water, which has helped improve the relationships between the different stakeholders and build a development perspective consistent with a long-term plan, as well as clear benefits in the quantity and quality of water for the population.

In Peru, the creation of partnerships between companies and NGOs for the development of entrepreneurship initiatives could be more deeply explored, as has been done in the Dominican Republic based on their expertise and commitment.

Endnotes

1. Most of the extractive projects located in rural areas and the surrounding communities are the main affected stakeholders, with whom the companies seek to engage with initially. Other important stakeholders are small municipalities with a large rural population. Projects near medium-sized or large cities, such as the case of Arequipa, Peru, or Chile, are less frequent, see for example: *Valor Minero, 2017: Los desafíos para el desarrollo futuro de la minería en la zona central, Las Condes*; *Valor Minero*, http://valorminero.cl/site/docs/2017/desafios_desarrollo_futuro_mineria_zona_central.pdf.
2. Cameron, Peter, & Michael Stanley, 2017: Oil, gas and mining – A sourcebook for understanding the extractive industry, Washington: The World Bank, p. 19.
3. The criteria, as well as details on the methodology used, can be found in Appendix 1.
4. See conceptual methodological framework (Appendix 2). For more information, see IDB, 2018: IDB Group-Civil Society, <https://www.iadb.org/en/civil-society/home>.
5. See Milano, Flavia & Andrea Sanhueza, 2016: Public Consultations with Civil Society: Guidelines for Public and Private Agencies, Washington: IDB, <https://publications.iadb.org/handle/11319/7499?locale-attribute=en>.
6. For the purposes of this investigation, non-renewable resources are oil, gas and metal minerals at any stage of the extraction cycle (prefeasibility, feasibility, exploration, exploitation).
7. The ICMM website is <http://www.icmm.com/en-gb>.
8. The members of the ICMM have committed to complying with 10 principles for contributing to sustainable development, see: ICMM, 2015: Sustainable Development Framework: ICMM Principles, London: ICMM, http://www.icmm.com/website/publications/pdfs/commitments/revised-2015_icmm-principles.pdf.
9. The IOGP website is <http://www.iogp.org>.
10. To this end, IOGP has formed different committees, such as the environment committee, which aims to respond to the demands of different stakeholders, see: IOGP, 2018: Our committees, <https://www.iogp.org/our-committees/>.
11. Wilson, Emma, Sarah Best, Emma Blackmore & Saula Espanova, 2016: Meaningful Community Engagement in the Extractive Industries, London: International Institute for Environment and Development, <http://pubs.iied.org/pdfs/16047IIED.pdf>.
12. On one hand, the Voluntary Principles of Security and Human Rights were launched by the governments of the United States and the United Kingdom, together with companies and some non-governmental organizations, in 2000, see: The Voluntary Principles on Security and Human Rights, December 19, 2000, http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/voluntary_principles_english.pdf. They are the only Human Rights standards designed exclusively for the extractive sector. Currently, 30 companies have adhered to the principles, see: Voluntary Principles, 2018: For companies, <http://www.voluntaryprinciples.org/for-companies/>. Meanwhile, in 2011 the United Nations published the guiding principles on business and human rights, which apply to States and all transnational companies and others, see: Office of the High Commissioner, United Nations, 2011: Guiding Principles on Business and Human Rights – Implementing the United Nations “Protect, Respect and Remedy” Framework, New York and Geneva, UN, http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.
13. Salmón, Elizabeth (coord.), 2016: *La Progresiva Incorporación de las Empresas en la Lógica de los Derechos Humanos*. Lima: Instituto Democracia y Derechos Humanos de la Pontificia Universidad Católica del Perú (IDHPUCP), pp. 17-18.
14. Various studies confirm the challenges of a greater link between the local economy and the extractive sector in the Latin America countries. See for example: Rudas, Guillermo, 2014: *Notas sobre la minería de carbón a gran escala en Colombia*, in: FES (Friedrich Ebert Stiftung): *La minería de carbón a gran escala en Colombia: impactos económicos, sociales, laborales, ambientales y territoriales*, Análisis 1/2014, pp. 5-22. Albrieu, Ramiro, 2012: *La macroeconomía de los recursos naturales en América Latina*, in: Albrieu, Ramiro; Andrés López, y Guillermo Rozenwurcel (coord.) *Los Recursos Naturales como Palanca del Desarrollo en América Del Sur: ¿Ficción o Realidad?* Montevideo: Red Mercosur de Investigaciones Económicas, pp. 105-147.
15. Ed O. Keefe, director of Synergy Global, in an interview with Sarah Busque, on December 10, 2013, in: Borealis, 2013: *Claves para mejorar las prácticas en las relaciones comunitarias*, <https://www.boreal-is.com/es/blog/mejorar-relaciones-comunitarias/>.
16. Wilson 2016, Op. cit.
17. Ibid.
18. ICMM, 2012: Mining’s contribution to sustainable development, InBrief, June 2012). See also: López-Morales, José Satsumi, y otros, 2017: *Estrategias de responsabilidad social en América Latina: un análisis de contenido en la industria extractiva*, in: Ad-Minister (Universidad Eafit), No. 31 julio a diciembre 2017, pp. 115-135.
19. Oxfam Internacional & Social Capital Group (SCP), 2007: Corporate Social Responsibility in the Mining Sector in Peru. <https://www.oxfamamerica.org/publications/corporate-social-responsibility-in-the-mining-sector-in-peru/>
20. It is important to differentiate executive branch of the national government from other public stakeholders such as the judiciary or the legislative branch. The analysis below refers to the executive branch, except when indicated otherwise.
21. See Penfold, Michael y José Luis Curbelo, 2013: *Hacia una nueva agenda en inversión extranjera directa. Tendencias y realidades en América Latina, Serie Políticas Públicas y Transformación Productiva*, N° 10/2013. Corporación Andina de Fomento (CAF).
22. Medina, Leandro, 2010: *Efectos dinámicos de los precios de las materias primas en las posiciones fiscales de América Latina*, CAF Working Papers No. 2010/02.
23. Marczak, Jason & Peter Engelke, 2016: Latin America and the Caribbean 2030: Future Scenarios, Washington: IDB, p. 21. <https://publications.iadb.org/handle/11319/7978>
24. Data from the diagnoses of this study. These figures do not include indirect employment.
25. Monge, Carlos, 2017: *Minería y marco institucionales en la región andina*, Lima: NRG/GIZ, pp. 3-14.
26. Marczak 2016, Op. cit., p. 21.
27. The only country in this study that has not ratified Convention 169 is the Dominican Republic.

28. In Argentina, there is no legal standard that regulates the agreement. In Mexico, the constitutional reform of 2011 incorporated ILO Convention 169 into the Constitution, which is regulated by a protocol of the National Commission for the Development of Indigenous Peoples (CDI), published by decree, see: Castillo Lara, Clara, 2017: *La constitución mexicana y el Convenio 169 de la OIT sobre pueblos indígenas y tribales*, in: Alegatos, No. 97, p. 575.
29. Data extracted from each country's diagnoses that form the main part of this publication.
30. In Chile, there is a Ministry of Mines and a Ministry of Energy.
31. Corporación Nacional de Desarrollo Indígena (CONADI), 2018: <http://www.conadi.gob.cl/>.
32. Data extracted from each country's diagnoses that form the main part of this publication.
33. Salinas Alvarado, Carlos Eduardo, 2011: *La consulta previa como requisito obligatorio dentro de trámites administrativos cuyo contenido pueda afectar en forma directa a comunidades indígenas y tribales en Colombia*, accessed at: <https://revistas.ueh.net.co/index.php/derest/article/view/3019/3055>.
34. Wilson, Emma, 2016, Op. cit.
35. Ibid.
36. Data extracted from each country's diagnoses that form the main part of this publication.
37. In fact, "in many Latin American countries, popular consultations on mining have become a conflict between national governments, on the one hand, and local governments and social stakeholders," see: Dietz, Kristina, 2017: *Consultas populares mineras en Colombia: Condiciones de su realización y significados políticos. El caso de La Colosa*, en: *Colombia Internacional* (93), 93-117, p. 96.
38. ECLAC (Economic Commission for Latin America and the Caribbean), 2014: *Pactos Igualdad - Hacia un futuro sostenible*, pp. 294-298.
39. Sanborn, A. Cynthia, y Juan Luis Dammert, 2013: *Extracción de recursos naturales, desarrollo económico e inclusión social: Perú*, Americas Quarterly, p. 26. Perry, Guillermo y Mauricio Olivera, 2009: *El impacto del petróleo y la minería en el desarrollo regional y local en Colombia*, CAF, documentos de trabajo 2009/06.
40. Higher incomes for local governments do not necessarily translate into an improvement in the quality of life. See for example: Paredes Gonzales, Maritza Victoria, 2016: *Los efectos del boom de las industrias extractivas en los indicadores sociales - países andinos*, Natural Resource Governance Institute. Ministerio de Minería, Comisión Chilena de Cobre, 2013: *Minería en Chile: impacto en regiones y desafíos para su desarrollo*, Chile.
41. Data extracted from each country's diagnoses that form the main part of this publication.
42. IIED, and others (International Institute for Environment and Development, Mining, Minerals, and Sustainable Development Project, World Business Council for Sustainable Development), 2002: *Breaking New Ground: Mining, Minerals and Sustainable Development*, IIED, pp. 165-166.
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44. Data extracted from each country's diagnoses that form the main part of this publication.
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47. Watkins, Graham, Sven-Uwe Mueller, Hendrik Meller, María Cecilia Ramirez, Tomás Serebrisky, Andreas Georgoulas, 2017: *Lecciones de cuatro décadas de conflicto en torno a los proyectos de infraestructura en América Latina y el Caribe*, Washington: BID, p.20-1.
48. Davis, Rachel & Daniel Franks, 2014: *Costs of Company-Community Conflict in the Extractive Sector*, Harvard: Harvard Kennedy School.
49. Ibid., p. 21.
50. Wilson, Alana & Miguel Cervantes, 2013: *Survey of Mining Companies 2013*: Vancouver: Fraser Institute.
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52. Saade, Hazin, 2013: *Desarrollo minero y conflictos socioambientales. Los casos de Colombia, México y el Perú, Santiago de Chile*, CEPAL.
53. Franks et al. 2014, Op. cit., pp. 75-76.
54. Ibid.
55. ECLAC: Argentina: National Economic Profile, http://estadisticas.cepal.org/cepalstat/Perfil_Nacional_Economico.html?pais=ARG&idioma=english.
56. Prepared using the INDEC database: https://www.indec.gob.ar/nivel4_default.asp?id_tema_1=3&id_tema_2=2&id_tema_3=39, según categoría: Minas y Canteras.
57. Law No. 23,548 - Federal Tax Co-Participation. Periodo 2017 (1): <http://www2.mecon.gov.ar/hacienda/dncfp/provincial/recursos/esquemas/ley23548.pdf>.
58. It is worth noting that the hydrocarbon sector has a greater preponderance in the number of registered jobs, with 66.6% of the jobs registered in 2016, compared to 33.4% of employees in the metal mining industry for the same year. Prepared using the database of the Argentine Integrated Pension System (SIPA): http://www.trabajo.gob.ar/left/estadisticas/novedades/novedad_empleo.asp.
59. Jueguen, Francisco, 2017: *El desempleo terminó 2016 en 7,6%, según el Indec*, in: La Nación, 16 de marzo de 2017, <https://www.lanacion.com.ar/1994231-el-desempleo-termino-2016-en-torno-al-76-segun-el-indec>. According to this article, the EAP was 18 million people in 2016.
60. *Asamblea de Vecinos Autoconvocados de Esquel por el No a la Mina 2002-2017*, www.noalamina.org.
61. Fundación Cambio Democrático, 2017: *Plataforma Argentina de Diálogo para el Uso Sustentable de los Recursos Naturales*, Capital Federal, <http://cambiodemocratico.org/2017/02/07/plataforma-argentina-dialogo-para-uso-sustentable-recursos-naturales/>.

62. The Environmental Justice Atlas is led by Leah Temper and Joan Martinez Alier and coordinated by Daniela Del Bene, from the Institute of Environmental Science and Technology (ICTA) of the Universidad Autónoma de Barcelona. Its purpose is to gather stories of communities fighting for environmental justice around the world. The data is sent from different countries by academics, concerned citizens, informal committees and non-governmental organizations. An editing team verifies the data. It is important to mention that the type and number of conflicts registered depends on the perspective of those sending the data, so it is not an objective data. In this document, the Atlas' data are used when there are no figures that are more reliable in the country, as in the case of Argentina. For more detail on the Atlas methodology, see: Leah Temper, Daniela del Bene and Joan Martinez-Alier. 2015. Mapping the frontiers and front lines of global environmental justice: the EJAtlas. *Journal of Political Ecology* 22: 255-278. The access link to the Environmental Justice Atlas is: <https://ejatlas.org/>.
63. CIPPEC, Fundación Vida Silvestre, y Consejo Empresarial Mendocino, 2015: *Minería responsable para el crecimiento con equidad. El caso de Mendoza*, <https://www.cippec.org/wp-content/uploads/2017/03/1052.pdf>.
64. Chubut (Law 5,001 of 2003), Tucumán (Law 7,879 of 2007), Mendoza (Law 7,722 of 2007), La Pampa (Law 2,349 of 2007), Córdoba (Law 9,526 of 2008), San Luis (Law 634 of 2008), Tierra del Fuego (Law 853 of 2012).
65. Famatina Conflict: since 2004, camps, marches and roadblocks have been held in Famatina, La Rioja Province, to prevent government officials and company representatives from entering the mine. Thus, the population has managed to prevent the projects of companies such as Barrick Gold, Osisko Mining Corporation and Shandong Gold, as well as Midais from Salta, under the slogan "Don't Touch Famatina."
Esquel Conflict: in July 2002, the Meridian Gold company officially authorized the purchase of a project located ten kilometers from this city. Different groups of neighbors began to organize. In October 2002 they held an assembly in the Normal School, and in November the Council of Self-Convened Neighbors Saying "No to the Mine" was born. After several marches, the Deliberative Council approved a popular consultation. On March 23, 2003, 81% of Esquel voters rejected the gold and silver mine. Although the consultation was not binding, the results caused the execution of the project to be suspended.
66. Velarde Ponce de León, Claudia, 2018: *Defendiendo a comunidades del avance del fracking en Argentina*, <https://aida-americas.org/es/blog/defendiendo-comunidades-del-avance-del-fracking-en-argentina>.
67. Several other practices identified have not been validated in the framework of this study. These experiences can be found in Appendix 3.
68. The field research concluded in 2017, and therefore the duration of the best practice can only be assured for this year, which does not exclude the possibility that it may still be valid in the future. This observation applies to all best practices.
69. This space is accessible to the community, which has posed some problems within it, for which solutions have been sought (lack of firewood – donations, lack of mining training – mobile classroom, lack of communication – free WiFi for the entire community).
70. Innovation refers to practices that were novel at the time of their validation in the respective country.
71. Each best practice was evaluated according to the dimensions of participation, relevance and sustainability, based on previously designed indicators. For more information, refer to the conceptual and methodological framework, 4.3. (Appendix 2).
72. All best practices included in the diagnosis were analyzed considering the following approaches: participatory approach, regulation of rights and obligations approach; sustainable development approach; diversity approach; gender equality approach; conflict transformation approach. The definitions can be found in the conceptual framework (Appendix 2). If the approaches are not mentioned in the best practice analysis, it means that no elements have been found to indicate their inclusion in the best practice implementation.
73. Boon, Johannes, 2017: "Corporate Social Responsibility, Relationships and the Course of Events in Mineral Exploration – an Exploratory Study," Carleton University, Johannes Boon, Ontario, p. 194.
74. Ibid.
75. Information provided by PAE.
76. Cámara Argentina de Empresarios Mineros: HMS, <http://www.caem.com.ar/hms/>.
77. Just to give an example, the La Rioja Province can be mentioned with its conflict in Famatina and the position of the provincial governor. DyN, 2011, Beder Herrera asked environmentalists to "stop fucking" with mining, *Clarín Noticias*, 05/31/2011, https://www.clarin.com/medio_ambiente/Beder-Herrera-ambientalistas-joder-mineria_0_Skl-TiWawXx.html.
78. One important organization is the *Fundación Ambiente y Recursos Naturales* (Environment and Natural Resources Foundation, or FARN). FARN has conducted various studies, including one on Lithium mining. Regarding extractive activities, they argue: "The social and environmental effects of this type of activity are devastating: ecological destruction, loss of natural forests, soil deterioration, contamination by agrochemicals, displacement of local communities, no generation of quality employment and even violation of rights, among others. FARN affirms that there are no extractive policies that are friendly to society, nor to the environment." (<https://farn.org.ar/extractivities>).
79. One example is the Council of Self-Convened Neighbors for the "No to the Mine," a neighborhood movement that was formed in the town of Esquel, Chubut Province, and expanded to other locations. According to its website, they are already present in 15 locations throughout the country. It does not have a formal structure with positions and roles. Their actions and their presence as a group opposed to mining are very strong in Argentina. For more information, see: *Asamblea de Vecinos Autoconvocados de Esquel por el No a la Mina 2002-2017*, Op. cit.
80. Universidad Nacional de San Martín, <http://www.unsam.edu.ar>
81. As an example, Universidad de San Martín and Universidad Tres de Febrero trained teachers from the communities belonging to the Bajo La Alumbrera mine impact area for several years.
82. Ministerio de Desarrollo Social Presidencia de la Nación, 2015: *Instituto Nacional de Asuntos Indígenas (INAI), Tierras y registro nacional de comunidades indígenas*, <https://www.desarrollosocial.gob.ar/wp-content/uploads/2015/08/6.-INAI-Tierras-y-registro-nacional-de-comunidades-ind-igenas.pdf>.
83. For example, regarding the participation spaces in the Environmental Impact Assessment framework. Some examples are: *Ley N° 123 de Evaluación del Impacto Ambiental de Buenos Aires*, last modification published on 05/18/2012. *Ley de Evaluación de Impacto Ambiental, provincia de Santa Cruz*, published on 08/21/2003. *Ley 10.208. Política Ambiental Provincial* (Córdoba), published on 06/27/2014.
84. Ministerio de Ambiente y Desarrollo Sustentable, 2016: *Informe del estado de ambiente 2016*, Buenos Aires. https://www.argentina.gob.ar/sites/default/files/mayds_informe_estado_ambiente_2016_baja_1_0.pdf.

85. Covo, María Julia, 2013: *Derecho de minería y energía – El principio de congruencia de la ley general del ambiente en el Derecho Minero*, in: Anales de la Facultad de Ciencias Jurídicas y Sociales; año 10, no. 43, pp. 151-160; p. 153.
86. Oil and gas production is marginal in Chile and the author did not find macroeconomic figures that included oil. Oil production is concentrated in ENAP, a national company whose purpose is the exploration, production and commercialization of hydrocarbons and their derivatives. There are 10 companies that produce Natural Gas, and they are have their own business association. ENAP's sustainability report indicates that oil production in Chile, (Magallanes Region) was 987 million barrels for 2016; meanwhile, natural gas production in Chile (Magallanes) was 1 billion standard cubic meters (5,909,500 equivalent barrels). ENAP exports were 0.42 million cubic meters of oil products, equivalent to 3.8% of the total production of its refineries.
87. Consejo Minero, 2018: *Cifras actualizadas de la minería*, <http://dev.consejominero.cl/wp-content/uploads/2018/03/Cifras-actualizadas-de-la-miner%C3%ADa-Marzo-2018.pdf>.
88. Comisión Nacional de Productividad 2016: *Productividad de la Gran Minería el Cobre*, <http://www.comisiondeproductividad.cl/productividad-de-la-gran-mineria-del-cobre/>.
89. Consejo Minero, 2018, Op. cit.
90. Comisión Nacional de Productividad 2016, Op. cit.
91. Accessed at: Sociedad Nacional de Minería, *El nivel de empleo en la minería es el más bajo de los últimos siete años*, <http://www.sonami.cl/site/noticias/el-nivel-de-empleo-en-la-mineria-es-el-mas-bajo-de-los-ultimos-siete-anos/>.
92. Comisión Chilena del Cobre, 2017: *Anuario de Estadísticas del Cobre y otros Metales 1997-2016*, Santiago de Chile, <https://www.cochilco.cl/Lists/Anuario/Attachments/17/Anuario-%20avance7-10-7-17.pdf>.
93. Comisión Nacional de Productividad 2016, Op. cit.
94. Instituto Nacional de Derechos Humanos, 2015: *Mapa de Conflictos Socioambientales en Chile*, Santiago de Chile, <http://bibliotecadigital.indh.cl/bitstream/handle/123456789/989/libro.pdf?sequence=5>.
95. Comisión Minería y Desarrollo de Chile Consejo Nacional de Innovación y Competitividad, 2014: *Minería. Una Plataforma de futuro para Chile*, http://valorminero.cl/site/docs/2017/mineria-una_plataforma_futuro_para_chile.pdf.
96. Findings of the Extractive Industries Working Table, held on August 18, 2017 in Santiago of Chile for this study.
97. Alianza Valor Minero, *Seminario Valor Minero Inversión y Diálogo para el Desarrollo*, http://valorminero.cl/site/docs/2017/informe_seminario_inversion_dialogo_desarrollo.pdf.
98. *Informe Sistematización Caracterización Socio-Ambiental Proyecto Acuerdo Territorial Para El Desarrollo-Localidad De Sierra Gorda*. Agencia de Cambio Climático – Alianza Valor Minero, septiembre 2017.
99. Ibid.
100. There is no information on the amounts of companies' social investment in Sierra Gorda.
101. Alianza Valor Minero is a public-private institution that brings together multiple stakeholders with the aim of creating the conditions for transforming Chilean mining into a platform for virtuous, inclusive and sustainable development, Valor Minero, <http://www.valorminero.cl/valor-minero/>.
102. *Chile Transparente*, Transparencia Caimanes, Santiago de Chile, <http://www.chiletransparente.cl/project/transparencia-caimanes/>.
103. Nueva Unión, 2017: *Corproa elige a Nueva Unión como "Empresa Destacada del Año,"* <http://www.nuevaunion.cl/noticias/2017/corproa-elige-a-nuevaunion-como-empresa-destacada-del-ano>.
104. Ibid.
105. *Política de Pueblos Indígenas Nueva Unión*. Accessed at: Nueva Unión, Sustentabilidad, <http://www.nuevaunion.cl/sustentabilidad>.
106. *Desarrollo Futuro de la minería en la zona Central. Diagnóstico y recomendaciones para la sostenibilidad*. Alianza Valor Minero. Noviembre 2017.
107. Other initiatives between different sectors are: National Council on Innovation for Development, Advisory Council for the National Territorial Planning Policy, Sustainable Exploration Group, Working Group for Agenda 2030, Working Group on Women, Mining and Best Practices of the Ministry of Mining.
108. Alianza Valor Minero, Op. cit.
109. Alianza Valor Minero, Op. cit.
110. Ministerio de Minería, Misión Institucional, <http://www.minmineria.gob.cl/mision-institucional/>.
111. Mapa de las organizaciones de la sociedad civil 2015. Centro de Políticas Públicas Universidad Católica (2016).
112. Villalobos, Fernanda, 2017: *Ambientalistas y rechazo a Dominga: Quiénes gobiernan "están tomando las decisiones correctas,"* Santiago de Chile, <http://www.emol.com/noticias/Economia/2017/03/10/848734/Organizaciones-ambientalistas-por-rechazo-a-Dominga.html>.
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116. Delamaza, Gonzalo, 2011: *Espacio público y participación ciudadana en la gestión pública en Chile: límites y posibilidades*. Revista de la Universidad Bolivariana, volumen 10, N° 30, 2011, pp. 45-75.
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122. According to the DANE figures, in 2016 the total employed population was 22.8 million. The definition of "employed population" includes people in one of the following situations: 1. Worked at least one hour paid in cash or in-kind during the reference week. 2. Did not work the reference week, but had a job. 3. Unpaid family workers who worked during the reference week for at least one hour.

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135. Gestión Ambiental Estratégica. *Informe a las Autoridades Ambientales ANLA y Estratégica*, febrero 2014. Bogotá, Colombia. Grupo Prodeco.
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141. Departamento Nacional de Planeación, 2016: *Evaluación de operaciones de las Corporaciones Autónomas Regionales y de Desarrollo Sostenible, que mida la capacidad con la que cuentan para lograr sus objetivos y proponer acciones de mejora para el fortalecimiento integral de las mismas y el mejoramiento de la gestión ambiental en el país*, Bogotá, https://colaboracion.dnp.gov.co/CDT/Sinergia/Documentos/CAR_Producto_4_Informe_Resultados_v20161128.pdf.
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147. In general, the *amparo* is a set of procedural acts or processes that culminate in a judicial resolution or sentence, which constitutes their common final cause, and in a strict sense, it is a right or a power that a person has to demand that any violation of their individual guarantees be repaired in their favor. The Mexican Constitution of 1917 establishes the Federal Judicial Power as a constitutional control body, empowering it to modify acts of authorities or laws that violate individual guarantees, and provides that through the *amparo*, acts or laws of any of the three branches of government can be challenged, thus creating the trial of *amparo* against, also, judicial resolutions. Accessed at: GMORR, 2009: *Juicio de amparo en México*, <https://www.gestiopolis.com/juicio-de-amparo-en-mexico/>.
148. Environmental Justice Atlas, Op. cit.
149. Enciso, Angélica, 2016: *Hay en México 420 conflictos socioambientales*: Investigador, <http://www.jornada.unam.mx/2016/02/10/sociedad/038n1soc>.
150. David Shields, analyst, journalist and energy industry consultant. General Director of the Energy Up For Debate project; and Jorge Arriaga, PhD in Regional Development from the Sorbonne Université in Paris, was a Deputy Manager of the Social Organizations Office at PEMEX and is currently a consultant for the energy industry.

151. "First of all, the ASF (Superior Auditor of the Federation – SC) declares that there are regulatory gaps, since the Guidelines on Donations from PEMEX and Other Agencies do not establish clear lines on the follow-up procedure for the use of resources and goods. This leaves a wide margin for discretion and makes it difficult to control them. Thus, these guidelines do not regulate the deadlines for application and verification of donations, nor the periodicity and deadlines of application reports that must be delivered by the beneficiaries," in: De la Fuente López, Aroa, 2017: *Donativos y Donaciones de PEMEX: Deficiencias e Irregularidades*, México, pp. 2-3, <http://www.fundar.org.mx/mexico/pdf/ASF-Donativosydonaciones.pdf>.
152. Morris, Stephen, 1992: *Corrupción y Política en el México Contemporáneo*, México, pp. 76-79, https://books.google.com.mx/books?id=H1_dodEHuloC&pg=PA72&lpg=PA72&dq=paternalismo+en+mexico+pemex&source=bl&ots=Vrtsu6fuc0&sig=_oDNsdtrNbJW16XNi7jQB9VFM&hl=es&sa=X&ved=0ahUKEwjTqMKt5_rYAhWQ7VMKHdw1CYYQ6AEIZDAJ#v=onepage&q=paternalismo%20en%20mexico%20pemex&f=false.
153. Diario Oficial de la Federación, 2014: *Ley de Hidrocarburos*, México, http://www.dof.gob.mx/nota_detalle.php?codigo=5355989&fecha=11/08/2014.
154. Interviews with academic experts in energy.
155. Interviews with social stakeholders in the framework of this diagnosis.
156. Secretaría de Energía, 2016: *4º Informe de Labores de la Secretaría de Energía 2015-2016*, México, p. 69, http://transparencia.energia.gob.mx/rendicion_cuentas/archivos/SENER-4oInformeLabores.pdf.
157. As of November 2017, the pipeline had still ceased operations on the Guaymas-El Oro section. Accessed at: Zúñiga, Norma, 2017: *Pide CFE liberar ducto Guaymas-El Oro*, México, <http://www.reforma.com/aplicacioneslibre/articulo/default.aspx?id=1262784&md5=0164b194d21007299490c50495577918&ta=0dfdbac11765226904c16cb9ad1b2efe>.
158. Resolution on the prior, free and informed consultation on the Sonora gas pipeline. Accessed at: Gob.mx, 2015: *Resolutivo de la CPLI a la Tribu Yaqui*, México, https://www.gob.mx/cms/uploads/attachment/file/194673/Resolutivo_de_la_CPLI_a_la_Tribu_Yaqui.pdf.
159. Comments to the diagnosis from the General Director of Social Impact and Surface Land Use of the Secretariat of Energy.
160. Federal courts ordered the three governing bodies to stop the gas pipeline. Accessed at: Escobar, Amalia, 2017: *Tribunal ordena a secretarías frenar obras de gasoducto*, México, <http://www.eluniversal.com.mx/articulo/estados/2017/07/27/tribunal-ordena-secretarias-frenar-obras-de-gasoducto>.
161. The interviews with the different stakeholders in each project and with civil society organization employees allow us to make this statement, which in no way intends to be generalized.
162. That is, the historical clientelistic ways have had to change to ways based on international agreements for carrying out indigenous consultations, for example, where prior information and consultation are principles that must be respected.
163. PEMEX subsidiary company that finances the project.
164. The Social Management Plan is included in the guidelines established by the Secretariat of Energy (SENER) for the social impact assessment contemplated in the Law on Hydrocarbons. Accessed at: Secretaría de Energía, 2016: *Disposiciones administrativas de carácter general sobre la Evaluación de Impacto Social en el sector energético*, www.cofemersimr.gob.mx/expediente/14565/mir/34590/archivo/948300.
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185. The environmental liabilities were the results of operation by other companies, including ASARCO, which subsequently sold their concessions to Grupo México. During these companies' operations, Mexico lacked environmental regulation, so the remediation of environmental liabilities was not a requirement for companies.
186. A total of 490,000 m3 of vegetable soil was recovered and saved for restoration actions.
187. This project will cost more than 2 million dollars, since the remediation process calls for the removal and encapsulation of the contaminants that were dumped by other companies. It is important to point out that New Gold, as a strategy to safeguard and comply with the commitments defined as part of its participatory environmental closure plan, has paid a bail to the Federal Treasury for almost 30 million dollars that supports a 100% biophysical and socioeconomic closure. Thus, the *Patio Paseo Victoria* is currently one of the entity's most important urban recovery works, as well as a palpable example of the legacy that New Gold/Minera San Xavier will leave for current and future generations in this municipality.
188. "Pueblos Mágicos" is a program implemented since 2001 by the Mexican Secretariat of Tourism (SECTUR), to promote tourism in the country, in places where its inhabitants and local governments have managed to protect their cultural wealth, being recognized as sites with great historical-cultural attributes. These places promote local crafts, festivities and gastronomy, as well as tourist products based on adventure tourism, hiking or ecotourism.
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191. *Industry*: industrial sector representatives include Petróleos Mexicanos (PEMEX), Asociación Mexicana de Empresas de Hidrocarburos (AMEXHI) and Cámara Minera de México (CAMIMEX). These organizations include the main companies in the hydrocarbon sector in Mexico and the mining companies that generate approximately 90% of the country's mining production. *Civil society*: civil society representatives were elected by a group of approximately 40 CSOs that were invited to national and regional workshops and informed of the government's intention to adhere to this standard by a driving group consisting of Transparencia Mexicana, FUNDAR and PODER. A group of representatives and alternates was elected: PODER, Economic Research Institute of UNAM, Alianza para la Sustentabilidad del Noroeste Costero (ALCOSTA), Transparencia Mexicana (TM), Universidad Autónoma Metropolitana (UAM) and the University Development Studies Program (PUED) of UNAM. Currently, ALCOSTA is not part of this group of representatives and alternates. The government formed an Inter-Secretarial Group (IG) consisting of: the Subsecretariat of Revenue, Finance and Public Credit (SHCP), the Secretariat of Economy (SE) (through the Subsecretariat of Mining) and the Subsecretariat of Hydrocarbons (SENER). Today, the IG is responsible for presiding over the Subsecretariat of Mining.
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