

Dialogue between Authors

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Marcela Torres Wong, *Natural Resources, Extraction and Indigenous Rights in Latin America: Exploring the Boundaries of Environmental and State-Corporate Crime in Bolivia, Peru and Mexico*, London and New York, Routledge, 2019, 164 p.

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Latin America has received significant attention in research on “prior consultation” —the norm that the state must consult Indigenous communities impacted by new legislative or administrative measures. Grounded in government ratifications of the International Labour Organization’s 1989 Indigenous and Tribal Peoples Convention (ILO 169), national constitutions, laws, and regulations in the region reference and detail prior consultation processes. Scholarship on prior consultation has criticized the implementation of the institution in Latin America, and particularly in hydrocarbons and mining. Studies reveal a lack of genuine state engagement with communities and their interests during consultations (Pellegrini and Ribera Arismendi, 2012; Schilling-Vacaflor and Flemmer, 2015; Merino, 2018) and how states have denied communities prior consultation altogether (Eisenstadt and West, 2019; Leifsen *et al.*, 2017). Due to the lack of representation offered to Indigenous people through prior consultation, some communities have become disillusioned and refused to be consulted (Rodríguez-Garavito, 2011).

Marcela Torres Wong’s *Natural Resources, Extraction and Indigenous Rights in Latin America: Exploring the Boundaries of Environmental and State-Corporate Crime in Bolivia, Peru and Mexico* contributes to this literature by tackling the important question of whether prior consultation has prevented development and/or generated compensation for impacted communities, in Bolivia, Mexico, and Peru. Her

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Received and accepted for publication on November 15, 2022.

novel comparative design brings together cases of hydrocarbon and mining projects that vary in terms of whether communities were consulted. At the outset, the book casts doubt on the potential for prior consultation to affect the outcomes of interest, by uncovering a puzzling phenomenon: in all completed prior consultation processes in the three countries, participating communities, which had the opportunity to express opposition to extraction, nonetheless approved of it.¹ The book's empirical chapters explain variation in the development trajectories of and compensation packages for eleven proposed extractive projects. Torres Wong's causal framework rests on two key variables: community support for extraction, and Indigenous organizational capacity, or political power, at the local level. Within the study sample, only powerful, anti-extraction communities blocked development, and they did so without being consulted. The organized communities that favored project development participated in prior consultation processes and negotiated compensation. Weak communities neither blocked projects nor secured compensation.

These trends hold in Bolivia, Mexico, and Peru despite cross-national variation in government ideology, the overall political influence of Indigenous movements, and the design of prior consultation laws and regulations (which were rooted in the previously ratified ILO 169). The book also effectively employs comparisons to rule out the argument that external allies, and specifically international environmental nongovernmental organizations (NGOs), shape community power and positions toward extraction.

The analysis draws on Torres Wong's impressive, in-depth research that included fieldwork in eleven Indigenous municipalities. The rich case studies present fascinating detail on the coexistence of local Indigenous authority structures and (non-Indigenous) subnational political institutions. As the author notes, the study's conclusions are limited by the fact that in none of the countries did the state consult anti-extraction communities (p. 151). The book also lacks cases of powerful communities that supported extraction but were not consulted, other than two mining projects not treated in the text but scored as having been canceled in a summary table in Chapter 4. Aside from considering the role of NGOs, the study might also have assessed other potentially promising project-level explanations, such as company corporate social responsibility policies or the salience of a project for the development goals of firms or governments.

Some of the book's empirical findings, combined with the author's explicit normative stance against hydrocarbon and mining development on Indigenous lands, lead logically to policy recommendations (in Chapter 5). The book develops a con-

¹To explain this pattern, Torres Wong argues that the states consulted only pro-extraction communities because the former wished to streamline development, and because communities that recognized the limitations of prior consultation would not participate in consultation processes.


vincing structural explanation for varying community positions toward extraction. Communities with subsistence economies pragmatically welcomed extractive projects, to generate income. In contrast, established ties to economic hubs like regional agricultural markets allowed and motivated communities to eschew hydrocarbon and mining development. Based on this portion of the analysis and with the aim to foster conditions that could halt new extraction, Torres Wong proposes that state agencies strengthen Indigenous political organizations, and that environmentalists support non-extractive economies, to encourage communities to mobilize against hydrocarbons and mining (p. 138).

Although Torres Wong's examination of and comparisons among the cases within her sample are careful and illustrative, the reader is left with questions about her case-selection choices, perhaps especially because the sample consists entirely of projects that fit within the book's causal framework. Torres Wong justifies her selection of some projects nicely. For example, she presents Block 192 as the only case in which highly organized Peruvian communities participated in prior consultation. In contrast, it is not clear why she includes the Río Grande conflict and not another case involving a powerful, consulted Bolivian Guaraní community. Similarly, why Block 164 and not a different Peruvian hydrocarbon project that impacted poorly organized communities? Why certain cases of powerful mobilizing against mining development in Peru and Mexico, and not others?

Readers also may desire the acknowledgement and incorporation of outliers. What of organized Indigenous communities that opposed extraction but failed to block it, as in the prominent case of gas development in the Bolivian Aguaragüe National Park? And although the book emphasizes the organizational capacity of apparently unified communities, it also might have discussed a case in which groups within fractured communities prevented project development, as was true, for instance, of the Peruvian Block 116 hydrocarbon conflict (in which a 2017 legal victory stands out).

Two final case-selection issues arise when reflecting on the projects for which communities were not consulted. First, the analysis would benefit from further discussion of the choice to score communities as Indigenous and thus potentially eligible to be consulted, even if they did not see themselves as Indigenous, as in the Mexican and Peruvian San Luis Potosí and San Esteban de Chetilla mining cases, respectively. Presumably, a community that did not consider itself Indigenous might view prior consultation as not relevant, a perception that could affect community strategies and, ultimately, the outcomes of interest in the study. Second, non-consulted communities in the book appear to have confronted different prior consultation structures than consulted communities. From the opening chapters, the reader anticipates a cross-sectional comparison of cases from each country-period in which prior consultation laws were in place. Consistent with this framing,

the prior consultation cases (in Chapter 3) occurred after the installation of these laws. However, several of the cases in which the state did not consult communities unfolded during earlier years. For instance, the antimining movement in Challapata, Bolivia, seemed to have concluded its organizing by 2011, before the government introduced prior consultation in mining, with a 2014 law. Similarly, the San Esteban de Chetilla conflict centers substantially on events in the first half of the 2000s, although the Peruvian prior consultation law was not passed until 2011 (after which organizing did continue). The book could be enriched by a discussion of the choice to analyze cases from before and after the installation of the laws of focus, and by comparisons across the two periods.

Despite questions that may arise about case selection, *Natural Resources, Extraction and Indigenous Rights in Latin America* teaches us much about the impact of prior consultation—and the lack thereof—for Indigenous communities and lands, through its appealing, parsimonious explanation of two crucial outcomes: the fate of extractive projects and community compensation for projects that move forward. The book is a major contribution to scholarship on prior consultation and Indigenous representation more broadly. 

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