Dialogue, Conflict and Regulatory Processes in Environmental Impact Studies for Mining Projects: Learning from the Peruvian Experience in the Latin American Context

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Key themes: Governance and Regulation  
Community and Environmental Sustainability

Key countries: Peru and Latin America generally

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Research aims:  
This project examined the role of dialogue and conflict processes in regulatory Environmental Impact Studies (EIS) for mining projects, with the aim to:  
- understand the factors that define and contribute to a successful dialogue process  
- document the ways in which inclusive dialogue is promoted (e.g. gender, minorities)  
- understand the relationship between dialogue and conflict in the approval stage of EIS

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Dialogue, conflict and regulatory processes in environmental impact studies for mining projects: learning from the Peruvian experience in the Latin American context

Mining and its role in the development model of Peru motivate ongoing dynamic debate, with many mining projects at the centre of significant socio-environmental conflicts. One of the project stages where these conflicts are particularly intense is the Environmental Impact Studies (EIS) regulatory approvals stage (and the time immediately before or after). In general, the initial stage of the mining project life-cycle is particularly prone to socio-environmental conflict. During this stage, opposition to mining projects has the most significant chances of influencing project viability and/or design as once the project has been developed, exerting influence becomes harder. Conflicts during the approvals stage are often an expression of underlying conflicts or problems that have not been managed earlier on.

Conflict, together with questions about development, inter-culturality, social inclusion, environmental health, sustainability and economic growth, to name a few, have motivated dialogue initiatives at the project, local, regional and national levels. Some dialogue initiatives seek to transform specific conflicts, including by the creation of agreements between the parties; others seek to build bridges and mutual understandings between parties; others aim to promote a culture and the necessary skills for dialogue; while others seek to support informed debate or to problematize prevalent development models in a constructive way.

This report summarises the main findings of a research and knowledge exchange effort that explored the links between conflict, dialogue and regulatory processes in Environmental Impact Studies (EIS) for mining projects. The emphasis of the exercise was on Peru, with the larger Latin American experience as a reference framework. These activities follow on from an IM4DC Action Research desktop study that explored the same themes, led by the author between 2011 and 2013.

The activities covered in this report include:

- Documenting two workshops where close to 70 specialists from the Americas and Australia examined the links between dialogue, conflict and EIS regulatory processes in the mining sector.
- Interviews with 14 professionals and dialogue practitioners from Peru, exploring the above themes within the Peruvian context.
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Messages from research and knowledge activities funded by the International Mining for Development Centre.

June 2015

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About this report

This report summarises the main findings of a research and knowledge exchange effort that explored the links between conflict, dialogue and regulatory processes in Environmental Impact Studies (EIS) for mining projects. The focus of the exercise was on Peru, having the larger Latin American experience as a reference framework. The activities summarised here were part of two projects led by Diana Arbeláez-Ruiz, from the Centre for Social Responsibility in Mining (CSRM), Sustainable Minerals Institute (SMI), The University of Queensland (UQ), and funded by the International Mining for Development Centre (IM4DC). At various points in time the activities involved collaboration with members of Peru’s Dialogue Group on Mining and Sustainable Development (Grupo de Diálogo Minería y Desarrollo Sostenible - GDMDS), Consultancy Firm Societas Consultora de Análisis Social and CARE Perú.

These activities are the continuation of a first desktop study that explored the same themes, led by Diana Arbeláez-Ruiz from SMI-CSRM and also funded by the IM4DC, between 2011 and 2013.

The activities covered in this report included a series of interviews, and two workshops with specialists from Peru and other countries in the Americas. Many collaborators took part in these activities. The activity teams, including collaborators, are listed below.

**Activity Team - Workshop about Dialogue on Mining and Sustainable Development**

- Diana Arbeláez-Ruiz – Project Leader, Research Fellow, Centre for Social Responsibility in Mining, Sustainable Minerals Institute, The University of Queensland.
- José Luis López Follegatti – Facilitator and Advisor, Member of Peru’s Dialogue Group on Mining and Sustainable Development.
- Omar Varillas – Facilitator and Advisor, CARE Perú.
- Laura Soria – Workshop Coordinator, Societas Consultora de Análisis Social.
- Beatriz Soria – Note Taker, Project Consultant.
- Armando de la Flor Olavide – Administrative Support, Centre for Social Responsibility in Mining, Sustainable Minerals Institute, The University of Queensland.
- Marilyn Ishikawa – Graphic Design and Logistic Support, Societas Consultora de Análisis Social.

**Activity Team – Workshop on the links between EIS, Conflict and Dialogue**

- Diana Arbeláez-Ruiz – Project Leader, Research Fellow, Centre for Social Responsibility in Mining, Sustainable Minerals Institute, The University of Queensland.
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- Beatriz Soria – Note Taker, Project Consultant.
Armando de la Flor Olavide – Administrative Support, Centre for Social Responsibility in Mining, Sustainable Minerals Institute, The University of Queensland.
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Laura Soria Torres, Project Consultant, Societas Consultora de Análisis Social.

Acknowledgements
The team would like to acknowledge the generosity of those who offered presentations, shared their experiences and contributed to fruitful conversation during the workshop, as well as those who participated in the interviews.

Diana Arbeláez-Ruiz from SMI-CSRM would like to thank the International Mining for Development Centre for the financial support that made the workshop series and interviews possible, and for the funding for initial desktop research that motivated these new efforts. Robin Evans, Deputy Director - Education at the International Mining for Development Centre, was an invaluable source of support and encouragement thought the duration of these activities. Diana also appreciates the collaboration of members of Peru’s Dialogue Group on Mining and Sustainable Development, and the contribution CARE Peru made to the design and facilitation of the workshops and towards the cost of travel expenses of some participants. Diana also extends her gratitude to project team members for their valuable work.
The Centre for Social Responsibility in Mining (CSRM) is a leading research centre, committed to improving the social performance of the resources industry globally.

We are part of the Sustainable Minerals Institute (SMI) at the University of Queensland, one of Australia’s premier universities. SMI has a long track record of working to understand and apply the principles of sustainable development within the global resources industry.

At CSRM, our focus is on the social, economic and political challenges that occur when change is brought about by resource extraction and development. We work with companies, communities and governments in mining regions all over the world to improve social performance and deliver better outcomes for companies and communities. Since 2001, we have contributed to industry change through our research, teaching and consulting.
### Acronyms

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<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>PA</td>
<td>Public Audience</td>
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<tr>
<td>CSRM</td>
<td>Centre for Social Responsibility in Mining</td>
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<tr>
<td>EIS</td>
<td>Environmental Impact Study</td>
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<tr>
<td>GDL</td>
<td>Latin American Dialogue Group</td>
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<tr>
<td>GDMDS</td>
<td>Perú’s Dialogue Group on Mining and Sustainable Development (Grupo de Diálogo Minería y Desarrollo Sostenible de Perú)</td>
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<tr>
<td>IM4DC</td>
<td>International Mining for Development Centre</td>
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<tr>
<td>ONDS</td>
<td>Peruvian Office of National Dialogue and Sustainability</td>
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<tr>
<td>SENACE</td>
<td>Spanish Acronym for National Environmental Certification Service for Sustainable Investments (Servicio Nacional de Certificación Ambiental para Inversiones Sostenibles)</td>
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<tr>
<td>SMI</td>
<td>Sustainable Minerals Institute</td>
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1. Introduction

This report is part of an applied research program of work, led by the Centre for Social Responsibility in Mining (CSRM), Sustainable Minerals Institute (SMI), The University of Queensland – UQ, Australia). This program of work examined the links between dialogue, conflict transformation and regulation in Environmental Impact Studies (EIS) for mining projects in Peru and more broadly within the Latin American context. This involved the following activities:

- An analysis of relevant literature and two case studies about conflict during mining EIS with a focus on understanding the political and institutional frameworks of regulatory EIS processes for mining projects.
- Documenting two workshops where close to 70 specialists from the Americas and Australia examined the links between dialogue, conflict and EIS regulatory processes in the mining sector.
- Interviews with 14 professionals and dialogue practitioners from Peru, exploring the above themes within the Peruvian context.

These activities were funded through two action research grants, and one workshop grant from the International Mining for Development Centre (IM4DC), an Australian Government initiative, granted to Diana Arbeláez-Ruiz, Research Fellow at the SMI-CSRM. The overall effort benefited from the collaboration of Universidad de los Andes (Colombia), Dialogue Group on Mining and Sustainable Development of Peru (GDMDS), CARE Peru and Societas Consultora de Análisis Social (Peru).

This document presents the key messages emerging from the workshops (also documented in individual Spanish language memoires1,2) and from the interviews. The results of the first stage of the program of work, including a review of literature about the political and institutional aspects of EIS regulation, and two case studies of mining conflicts, associated to regulatory approvals or initial project stages, were presented in a previous report, Arbeláez-Ruiz, et al (2013)3.

1.1. Rationale

Mining and its role in the development model of Peru motivate ongoing dynamic debate, with many mining projects at the centre of significant socio-environmental conflicts. One of the project stages where these conflicts are particularly intense is the EIS regulatory

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1 Refer to workshop memoires - Memorias de Jornada de Trabajo: Diálogo sobre Minería y Desarrollo Sostenible en el Sector Minero: aprendiendo y construyendo sobre la experiencia latinoamericana. Lima 19-20 de noviembre de 2013.
2 Refer to workshop memoires - Memorias de Jornada de Trabajo: Aspectos socio-políticos de los procesos de aprobación de estudios de impacto ambiental en el sector minero. Lima 21-22 de noviembre de 2013.
approvals stage (and the time immediately before or after). The work of Davies and Franks\
revealed that, in general, the initial stage of the mining project life-cycle is particularly
prone to socio-environmental conflict. During this stage, opposition to mining projects has
the most significant chances of influencing project viability and/or design. Once the project
has been developed, exerting influence becomes harder. Conflicts during the approvals
stage are often an expression of underlying conflicts or problems that have not been
managed earlier on.

Conflict, together with questions about development, inter-culturality, social inclusion,
environmental health, sustainability and economic growth, to name a few, have motivated
dialogue initiatives at the project, local, regional and national levels. Some dialogue
initiatives seek to transform specific conflicts, including by the creation of agreements
between the parties; others seek to build bridges and mutual understandings between
parties; others aim to promote a culture and the necessary skills for dialogue; while others
seek to support informed debate or to problematize prevalent development models in a
constructive way.

Research undertaken by the author during the first stage of this program of work (Arbeláez-
Ruiz, et al. 2013) highlighted that it was necessary to better understand the links between
dialogue and EIS regulatory processes in mining. That initial research, together with the
interest of Peruvian collaborators, motivated the activities that this report summarises.

1.2. About the program of work – activities, methods and collaborations

The program of work included the following activities and methods, all consistent with the
procedures of the Ethics Committee of the University of Queensland (see Appendix 1 for
more information):

**Literature review and case studies.** The initial stage included a literature review about
regulatory EIS and its political and institutional frameworks. This formed the basis of a
conceptual framework that served to analyse the conflicts associated with two mining
projects in their initial life-cycle stages: Conga in the Cajamarca region and Tía María in the
Arequipa region, both in Peru. The case studies were based mainly on secondary sources,
including a detailed literature and media review. A small number of interviews helped
refine case analysis. For more information on the methodology of this component please
refer to its report (Arbeláez-Ruiz et al. 2013).

**Workshops.** Two workshops explored participants’ perspectives about various dialogue
initiatives in the mining sector and about the conflict and dialogue dynamics and their
relationship with EIS regulatory processes. The first workshop focused on dialogue matters
and the second on the EIS process. The workshops were designed as a combination of
presentations, group work and plenary sessions. The sessions promoted debate amongst
experienced practitioners from Peru and Latin America, and identified shared positions and
regional trends.

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5 Arbeláez-Ruiz, Diana (2013), Multi-stakeholder dialogue spaces on mining in Colombia, Perú and Chile: a rapid
mapping exercise commissioned by the Social Science Research Council. Centre for Social Responsibility in Mining,
Sustainable Minerals Institute, The University of Queensland.
Workshop participants were interviewed based on their participation in dialogue initiatives in the participating countries or based on mining sector experience.

Close to 70 practitioners from ten countries including Peru, Brazil, Ecuador, Argentina, Chile, Panama, Dominican Republic, Guatemala, Colombia, Australia and Canada participated in the workshops, in Lima, Peru, over the space of four days at the end of 2013. Over 70 per cent of participants were from Peru. There was balanced participation of men and women, and diverse social sectors were present, with an emphasis on civil society organisations. For more information on the participants please refer to the Spanish language workshop memoires6,7.

Interviews. A small number of interviews with experienced Peruvian practitioners, identified through the workshop series and through Peruvian collaborators, allowed a more in-depth exploration of the links between dialogue and conflict processes and regulation of mining EIS in the Peruvian context. The interviews provided an opportunity to surface messages that are not easily identified in large group settings (such as workshops).

Fourteen people, including community leaders, industry practitioners, State officials, civil society organisation members, and members of the GDMDS took part in five individual and three group interviews (one with three male community leaders, one with three female community leaders, and one with two industry practitioners). Eight males and six females participated in interviews. Below is further information on interviewees:

<table>
<thead>
<tr>
<th>Regional community leaders (male)</th>
<th>Regional community leaders (female)</th>
<th>State officials</th>
<th>Civil society organisations</th>
<th>Media</th>
<th>Industry</th>
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<tr>
<td>3</td>
<td>3</td>
<td>2 (1 Lima, 1 Regional)</td>
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<td>3</td>
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Collaboration. The project collaborated with members of the GDMDS as a way to gain insights into the context of dialogue processes and the debates on mining and sustainable development. The GDMDS has close to 500 participants from Peru and is part of the Latin American Dialogue Group (Grupo de Diálogo Latinoamericano - GDL) that deals with similar themes. The GDMDS does not cover all the dialogue initiatives about mining in Peru. However, it is one of the longest standing. Collaboration with GDMDS members allowed the project to reach practitioners and community leaders with knowledge and experience on mining and who have lived through mining related conflicts in their regions. This collaboration also facilitated access to the GDL network to gain a regional perspective.

7 Refer to workshop memoires - Memorias de Jornada de Trabajo: Aspectos socio-políticos de los procesos de aprobación de estudios de impacto ambiental en el sector minero. Lima 21-22 de noviembre de 2013.
Report structure
The report summarises the key messages from the workshops and interviews, organised as follows:

<table>
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<tr>
<th>Section</th>
<th>Title</th>
<th>Contents</th>
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<tbody>
<tr>
<td>2</td>
<td>Context- conflict, dialogue and mining in Peru</td>
<td>The majority of participants were from Peru, so this section sets the context for later sections taking into consideration dialogue and conflict processes in the Peruvian mining sector.</td>
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<td>3</td>
<td>Messages from the workshops</td>
<td>This section discusses:</td>
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<td></td>
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<td>• Common and differentiated elements of the dialogue initiatives of a range of Latin American countries including how these have approached key themes, opportunities for improvement, challenges and achievements.</td>
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<tr>
<td></td>
<td></td>
<td>• Shortcomings in regulation and regulatory EIS development.</td>
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<td>• The relationship between dialogue and participation in EIS.</td>
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<tr>
<td>4</td>
<td>Messages from the interviews</td>
<td>This section covers the key messages from the interviews regarding:</td>
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<td></td>
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<td>• Dialogue and conflict, including the role of dialogue and of the State in conflict situations, perspectives on how some dialogue initiatives approach gender and cultural difference themes.</td>
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<tr>
<td></td>
<td></td>
<td>• Problems with the regulatory EIS process, in particular regarding participation and public audiences/hearings, as well as some of the approaches that can contribute to more open EIS processes.</td>
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<tr>
<td>5</td>
<td>Summary and concluding comments</td>
<td>This section presents a summary of the messages and conclusions on how they relate to each other.</td>
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</tbody>
</table>

2. Context – conflict, dialogue and mining in Peru

In Peru, mining projects are at the centre of multiple socio-environmental conflicts that often turn violent and emerge from a complex set of causes. These causes include dissatisfaction and fear over poor management of mining impacts and legacies, governance and regulatory shortcomings, lack of trust, and limited dialogue and engagement capacity amongst governments and industry. The conflicts have motivated various responses, including dialogue initiatives ranging from negotiation tables, to less biding dialogue exercises that seek to build bridges amongst social actors through informed debate.
Conflict. Multiple contextual factors contribute to conflict escalation around mining projects. Some of these are:

- Fear amongst local populations because of the environmental legacies of some projects\(^8\) and scepticism because of lack of success in impact mitigation and sustainable development projects\(^9\).
- Limited regulatory socio-environmental supervision of mining projects\(^10\). Historically there has been limited government presence and in some cases government has been positioned closer to industry than to local populations\(^11,12\). This has led to lack of trust in many public institutions other than the Ombudsman, although there is incidental evidence that the Office of National Dialogue and Sustainability (ONDS) is beginning to gather citizen support\(^13,14\).
- Centralised decision-making about mining projects leading to national vs. regional government confrontation, with national government in charge of approvals and regional government destined to live with project impacts.
- Tensions and confrontations resulting from the centralised distribution of decision-making power and the decentralised distribution of mining revenues\(^15\). Mining revenue flows to the regions have increased competition and confrontation for access to mining revenues, while absence of decision-making powers in the regions leads regional actors to escalate conflicts with the national government.\(^16\)
- A strong social movements tradition, with effective mobilisation capacity to demonstrate opposition and demand change in mining activity. Social movements have been successful in motivating dialogue (e.g. Quellaveco project in Moquegua, Cerro Verde expansion in Arequipa), or in creating delay or blocking mining projects all together (e.g. Conga and Cerro Quilish in Cajamarca, Tia Maria in Arequipa).

The intersection of these and other factors results in numerous conflicts. The most recent Ombudsman’s report on conflicts registered 139 active or latent socio-environmental conflicts, with close to 67% or 93 cases linked to mining\(^17\).

Dialogue. In the last decade, dialogue initiatives have become more frequent amongst responses to conflict in Peru\(^18\). The significant levels of conflict occupy a prominent position

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amongst motivating drivers for dialogue initiatives about mining. Dialogues have emerged
to deal with specific conflicts, seek agreements, promote informed debate, or to build
dialogue capacities, amongst other motivations. Configurations are also diverse and they
include dialogues promoted by the government, multi-stakeholder initiatives, and dialogue
platforms driven by civil society.

The Peruvian state undertakes a number of dialogue activities in the mining sector. Peru has
an Office for National Dialogue and Sustainability (ONDS) that has proposed a national
conflict management system that includes monitoring. The Peruvian state has an
Ombudsman with high levels of regional presence and credibility and a division devoted to
studying and responding to conflict, with ten years trajectory and a conflict classification
and monitoring system. The Ministry of Energy and Mines’ Social Management Office
undertakes efforts as part of the Development Tables that are initiated at the project level
to reach concrete development agreements.

Environmental monitoring committees are included in Peruvian regulation for the mining
sector. These committees allow civil society to monitor the environmental performance of
mining projects, and have assisted conflict transformation and relationship building.
These exercises can also be seen as dialogue platforms. Examples include Orcopampa
(Arequipa), Mallay (Oyón – Lima), Aruntani (Moquegua), Tambomayo (Arequipa), Huarmey
(Ancash), Comoca (Cajamarca), Michiquillay – La Encañada (Cajamarca), Chalhuanca
(Apurímac) and La Granja (Cajamarca).

At the national level there are also dialogue initiatives that have gathered some
momentum, such as the GDMDS. There are other national level dialogue precedents,
although not focused on mining, such as the National Dialogue Table on the Fight Against

18 Willaqniki – Diálogo y Prevención – Garantía de Desarrollo - 05. Available:
http://www.pcm.gob.pe/transparencia/willaqniki/willaqniki05.pdf
19 Arbeláez-Ruiz, Diana (2013), Multi-stakeholder dialogue spaces on mining in Colombia, Perú and Chile: a rapid
mapping exercise commissioned by the Social Science Research Council. Centre for Social Responsibility in Mining,
Sustainable Minerals Institute, The University of Queensland.
22 As discussed by Lederach (amongst others), where conflict is not construed as something negative to resolve,
but a natural process that creates transformations and transforms itself (see Lederach, John Paul. Preparing for
23 Arbeláez-Ruiz, Diana (2013), Multi-stakeholder dialogue spaces on mining in Colombia, Perú and Chile: a rapid
mapping exercise commissioned by the Social Science Research Council. Centre for Social Responsibility in Mining,
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24 Arbeláez-Ruiz, Diana (2013), Multi-stakeholder dialogue spaces on mining in Colombia, Perú and Chile: a rapid
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25 Arbeláez-Ruiz, Diana (2013), Multi-stakeholder dialogue spaces on mining in Colombia, Perú and Chile: a rapid
mapping exercise commissioned by the Social Science Research Council. Centre for Social Responsibility in Mining,
Sustainable Minerals Institute, The University of Queensland.
26 Further information about dialogue initiatives in Peru can be found in the Office of National Dialogue and
Sustainability Reports Willaqniki – Diálogo y Prevención – Garantía de Desarrollo - 05. Disponible en:
http://www.pcm.gob.pe/transparencia/willaqniki/willaqniki05.pdf
In an environment where conflicts are frequent in the mining sector, there are also abundant responses to it. The range of Peruvian dialogue initiatives attests to this. Regulatory reform has also been designed in response to conflict. An example to highlight is the creation of SENACE (the Spanish acronym for the National Environmental Certification System for Sustainable Investments), which at the time of writing was in the early stages of implementation. 

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27 SENACE website, see: http://www.senace.gob.pe/nosotros/avances-de-la-implementacion/etapas-de-implementacion/
3. Messages from the workshops

Workshop participants included representatives from the various groups or dialogue tables on mining and sustainable development linked to the Latin American Dialogue Group (GDL) and based in Chile, Argentina, Brazil, Ecuador and Peru, as well as representatives of groups emerging in Panama, Dominican Republic and Guatemala. The participants shared experiences and discussed specific mining EIS cases from their countries of origin. The key messages of the workshop were as follows:\footnote{More detailed summaries of the activities can be found in the Spanish language memoires: Memorias de Jornada de Trabajo: Diálogo sobre Minería y Desarrollo Sostenible en el Sector Minero: aprendiendo y construyendo sobre la experiencia latinoamericana. Lima 19-20 de noviembre de 2013. and Memorias de Jornada de Trabajo: Aspectos socio-políticos de los procesos de aprobación de estudios de impacto ambiental en el sector minero. Lima 21-22 de noviembre de 2013.}

Message 1: Multiple dialogue initiatives promoted by civil society have emerged in Latin America in the context of mining activity that have common principles and challenges.

Workshop participants included members of the dialogue groups of Chile, Argentina, Brazil, Ecuador and Peru, as well as representatives of groups emerging in Panama, Dominican Republic and Guatemala.

**Shared elements.** There is a shared ethic amongst the participating groups. Central to it are principles such as empathy, active listening, inclusiveness, and promoting a peace culture. Being largely open and non-binding in nature, these initiatives were able to bring together a diverse range of actors in a non-threatening environment to begin building bridges.

**Unique processes.** Dialogue groups or tables have emerged based on a range of motivations ranging from addressing specific mining conflicts, to promoting a culture of dialogue, or promoting informed debate on mining and sustainable development. There is wide variation in longevity as well. Peru has one of the longest standing initiatives (over 15 years), while initiatives in other countries such as Chile were in their first years of work.

**Benefits and achievements.** Some of the key achievements and benefits relate to personal change amongst participants who have become more open to dialogue, bringing diverse actors together that would otherwise not have opportunity to interact, contributing to identifying relevant multi-stakeholder dialogue agendas for the medium and long-term, providing a platform to exchange national and regional experiences, and some instances of significant influence on public policy.

**Shared challenges.** Key challenges for the dialogue groups related to ensuring ongoing participation by key actors in particular the state and industry, bridging differences between those with diametrically opposed views and conflicting timelines, having sufficient resources to ensure continuity in dialogue activities, low trust and highly polarised environments, and balancing regional and national engagement needs.

**Support needs.** Some of the most important support needs (at the time of the workshops) were on funding, institutional support and increasing opportunities for exchanging experiences, as well as having more state participation and legal mechanisms to make some commitments binding.
Message 2: Thematic and strategic approaches to issues of cultural and gender difference, crucial to debates on social inclusion, were still nascent amongst the dialogue groups known to the participants.

Participants expressed that key activities such as addressing women’s and indigenous actors’ participation or building structured thematic and action agendas on gender and cultural differences, were largely still to be implemented in most cases and that there were opportunities to develop stronger approaches. Amongst the barriers to addressing gender dimensions was that gender is seen by some as a difficult topic to discuss because it can polarise some actors. Opportunities for improvement included developing gender and sustainable development agendas, and integrating a gender perspective in the analysis of conflict, human rights, migration and social fabric deterioration in mining regions.

Cultural difference matters, such as inclusion of indigenous peoples were also nascent in their development. There were recognised knowledge and capacity gaps including difficulties in identifying legitimate leaders and lack of reliable information about the situation of indigenous territories. There were also difficulties in ensuring ongoing indigenous participation. A matter of some concern to participants was that there were instances where indigenous affairs were dealt with in dialogue spaces (not necessarily the ones present in the workshops) without indigenous participation.

Message 3: Opportunities to improve dialogue processes include improving participation, strengthening leadership, improving links between dialogue initiatives, ensuring continuity, selecting appropriate territorial scales for dialogue, increasing State capacity for dialogue and promoting transparency.

The following were highlighted as some of the most important opportunities for improvement in dialogue processes:

Improving participation. The ongoing efforts by dialogue platforms could be made more effective if they can increase their convening power, in particular with governments and industry, through higher levels of institutional support and legal formalisation. This will assist increasing participation from these actors.

Strengthening leadership. Leaders at all levels including national, regional and local, need support to ensure ongoing capacity development to allow appropriate responses to ever increasing challenges, and to ensure leadership promotes open dialogue processes.

Ensuring continuity and sustainability. Dialogue is a long-term endeavour that requires ongoing institutional and financial support so that it can be sustained over time.

Building linkages. Better results from dialogue processes can be achieved through stronger links between existing dialogue initiatives and between those and social actors driving similar agendas. It is also necessary to link discourse and practice, so that dialogue can influence practice. Both these linkages can strengthen convening capacity.

Identifying scale and territorial level. Choosing the right scale and territorial level is crucial in ensuring dialogue is relevant to participants and that the topics dealt with are addressed in the most fruitful environment.

Increasing transparency. Many participants felt there was a transparency deficit and that dialogue participants need to be more open about their expectations and interests.
**Understanding the role of States.** A key question for participants was: How can States be mediators or be neutral in the context of dialogues about mining, considering they have citizen protection responsibilities, regulatory duties and investment promotion functions? In other words, how can States balance these seemingly conflicting responsibilities?

Message 4: Problems with participation and engagement in EIS for mining projects and high expectations on the EIS process make it prone to escalating conflict. Those responsible for EIS need to build capacity for engagement and for implementing participatory processes. Dialogue should begin in a timely manner and continue well beyond the EIS, as the regulatory process cannot manage all the tensions that emerge around proposed mining projects.

Group analysis of case studies presented (from countries including Chile, Argentina, Ecuador and Peru) by participants identified some of the factors that contribute to conflict emerging during the EIS regulatory approvals stage. Common elements amongst the cases analysed included:

- Lack of dialogue during the EIS and on the lead up to it.
- A merely ‘technical’ approach to EIS.
- Tokenistic participation done only to deliver on legal requirements.
- Difficulties in identifying who to involve in the EIS.
- Capacity and coordination issues amongst regulatory agencies involved in the EIS.
- Cumulative impacts that render project-by-project exercises irrelevant.
- Dissonance between the tight timelines of the EIS regulatory process (approvals) and longer timelines needed to address citizens’ concerns.

The regulatory EIS is mostly seen as a discrete process but there are often significant expectations that it will resolve important questions and even conflicts. To many participants those are misconceptions that position the EIS like the only mechanism for debate on proposed projects. However, in reality it is not possible for an EIS to address all debates, questions or tensions. There must be other mechanisms implemented. After all, the EIS has tight timelines that, according to several participants, do not allow appropriate data collection and validation in a participatory manner, let alone appropriate communication of the findings to stakeholders.

Message 5: In order to prevent violent conflict, strengthen responses to conflict, and build lasting relationships, it is important to recognize the political and relational nature of EIS processes. The EIS is a structured regulatory process, different from a dialogue process. However, the EIS is not only technical evaluation but also debate. Solid relationships are as crucial as having reliable, quality information and both these aspects are interdependent.

A shared concern amongst many participants was that the EIS is often treated as a merely technical affair, leaving aside its relational nature, and forgetting it is important that it be not only truly accessible but also reliable in the eyes of stakeholders. Alternative approaches were discussed in the workshops, including participatory or independent environmental monitoring processes from Peru as well as participatory evaluation methods implemented in Australian and Canadian cases. These experiences highlighted the importance of:

- Implementing mechanisms to make sure information is accessible and reliable, such as participatory monitoring and collaboration with independent laboratories.
• Early establishment of dialogue, decision-making and information handling procedures so as to avoid improvisation and to have a platform when difficulties arise.
• Understanding the EIS as a negotiation process and a mechanism to build relationships and trust.
• Promoting political support for participatory, flexible impact assessment so as to prevent conflict escalation to violent levels.
• Integrating EIS with regional planning processes, in particular with territorial organisation and regional development planning so that the EIS can, in the words of a workshop participant, *emerge from the territory and not from a desk*.

These collectively built messages are consistent with the findings of the first stage of the program of work, where case studies of conflict during mining EIS were analysed. The debates in the workshops contributed a broader perspective by highlighting the need to give more attention to the life-cycle of the mining project beyond the EIS approvals stage.

4. Messages from the interviews

Insights emerging from the interviews included general messages about the context of dialogue in the mining sector and about conflict transformation, ranging from analyses of the underlying causes of conflict, and of the role of the State in conflict situations, to analyses of dialogue processes from a gender perspective. Specific EIS related themes were also discussed, incorporating how they are defined and the pitfalls faced in implementation.

4.1 General messages on dialogue and conflict transformation in mining

Mining-related conflicts, even those occurring concurrently with the EIS, result from complex dynamics that go well beyond the regulatory approvals stage of the EIS. This message was consistent both in the workshops, documented in detail in Spanish language memoires29, and in the interviews summarised here. Interviewees offered general perspectives on conflict dynamics, and on the role of dialogue and of various actors in conflict transformation. These perspectives can be summarised in the following messages.

**Message 1. The causes of mining-related conflict are multiple and complex. Amongst them are the magnitude of mining activity impacts, difficulties in managing those impacts, capacity issues, limited information and limited dialogue.**

Interviewees identified some of the key factors that contribute to conflict emerging in relation to mining projects as follows:

- Environmental legacies and cumulative impacts on water availability that drive negative perceptions of mining.
- Lack of information and communication on behalf of government.
- Limited capacity for dialogue amongst industry actors.
- Industry and government not fulfilling promises.
- Capacity issues amongst regulatory agencies in charge of EIS supervision.
- Lack of information and technical knowledge amongst some community leaders.

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This resonates with previous studies that have identified, amongst other drivers of conflict, this combination of poor impact management, dialogue and communication shortcomings, and issues of technical capacity in institutions and communities.

Message 2. There are diverse perspectives on the role of dialogue in conflict transformation. It can be seen as an opportunity to narrow the gap between social actors, as a space for debate or as a negotiation space.

Some interviewees believe that in conflict situations dialogue should allow actors to understand diverse perspectives, while others believe dialogue should also contribute to reaching agreements so that conflicts can be transformed. To some it was a concern that sometimes “dialogue tables do not give results” and others cited examples considered successful such as Arequipa’s experience where concrete commitments on water infrastructure and social projects were agreed upon to ensure the social viability of the Cerro Verde expansion project.

Message 3. The State’s response to conflict should be timely and technically rigorous, it should integrate a critical perspective and should aim at protecting citizens. This will allow the State to facilitate dialogue while strengthening its credibility.

According to interviewees, the most critical aspects to the success of State intervention in conflict situations are:

- An early intervention, as any delay can exacerbate conflict.
- Technical rigour in dialogue preparation, including a knowledge base on the actors and relevant dynamics that can guide the design of processes that are context sensitive.
- Capacity to generate dialogue spaces.
- Adopting a critical position, that defends citizens’ rights and strengthens institutional credibility.
- Collaboration amongst government departments to share information and capacity while respecting functions and responsibilities.

These observations highlight State capacity for dialogue and also independence. Studies of the Peruvian case, including Peruvian government studies (undertaken before the creation of the ONDS) identified issues of capacity and credibility of independence in State institutions different from the Ombudsman. As mentioned before, there is incidental evidence that the ONDS is beginning to gather citizens’ trust.

Message 4. According to female study participants, gender matters are receiving limited attention and as a result important dynamics, that if better understood would contribute to an improved appreciation of women’s role in dialogue, are rendered invisible.

Some participants, mostly female, discussed the following gender dynamics that need to be considered in implementing dialogue processes:

- Women need a lot of strength to claim their space in dialogue platforms because there are efforts to push them outside with intimidation tactics such as implying that involvement in dialogue detracts from traditional gender roles or responsibilities.

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Ironically the cost of women’s participation in dialogue, in terms of time that would otherwise be invested in income generation and family care, is not considered when assessing the value of their participation.

There are difficulties in ensuring participation of younger women because there is still work to be done to better prepare them and because in some cases their participation is structured to be only tokenistic.

There is no strategy or agenda to address environmental issues in the mining sector from a gender perspective.

In summary, gender dynamics received limited consideration in dialogue spaces where the participants had been involved, and there were a number of barriers emerging from rigid gender roles.

4.2 Messages about the EIS regulatory process

The interviews with specialists from Peru explored the links between conflict and EIS regulatory processes. Participants shared their perspectives about how these processes connect, including design and implementation deficiencies in the EIS that contribute to conflict potential, opportunities to build trust and relationships that are missed because of short-sighted understandings of the EIS, and the need to build capacity to promote better EIS processes in mining. These can be summarised in the following messages that speak to the Peruvian case.

Message 1. There are quality issues in the engagement and participation processes implemented as part of many mining EIS and in the lead up to the EIS. These limit possibilities for dialogue within the EIS.

Several interviewees and workshop participants stressed that conflicts that emerge during the regulatory mining EIS approval stage reflect complex dynamics associated with the evolution of mining projects from earlier stages. Issues of quality in engagement and participation programs implemented around mining projects by their proponents are also visible during the EIS stage. According to interviewees, transparency issues and lack of openness to dialogue amongst some companies contribute to tensions bottling up and limit actors’ capacity to build mutual understandings and relationships from the early stages. Later when the projects must be discussed in the public arena, such as in a Public Audience, all tensions come together and conflicts can be triggered.

Interviewees explained that the traditionally ‘technical’ nature of the EIS makes it difficult to understand for local communities, and that more efforts should be made towards higher accessibility, including as part of the Public Audiences (or public hearings) (PA). However, PAs have many limitations (see below), including tight timelines that make it difficult to engage in dialogue.

Several interviewees stated that the limitations in engagement and participation implemented by proponents and the limited dialogue during EIS come from an overall lack of willingness and openness on behalf of some project proponents. An interviewee mentioned that the EIS is kept “very secret” and that with few exceptions the overall approach is one of selective engagement and disclosure. Besides this, as one interviewee put it:

“There are remnants of an aristocratic and class hierarchy culture in Peruvian mining, and some companies are afraid of dialogue. [In addition] dialogue is excessively process driven and this adds barriers to proponent participation”.
Message 2. An incomplete understanding of the area of influence of projects leads to equally partial identification of the actors to involve in dialogue and participation processes as part of the EIS. However, there are some valuable examples that can shed light on more appropriate practices.

Often times, companies and regulators understand the area of influence of a project as something determined in terms of environmental impact. As a result, geographic areas and actors that are affected by social impacts are left out of engagement, participation and dialogue efforts. Unfortunately, it is exactly in those excluded areas and actors where the most serious conflicts can emerge. An interviewee put it this way: The direct area of influence is not where blockages will occur. What will block a project is the stiff opposition of those who feel excluded from its benefits.

Some industry actors are building other approaches and practices that can shed light on more open pathways to the EIS, where participation and dialogue can be more inclusive, on the basis of the notion of the social footprint. According to some interviewees from industry, it is necessary to deepen understandings of the social footprint, which goes beyond the environmental impact area, and should consider social impacts and perceptions. Some of these interviewees highlighted in consensus that the social impact is in itself, it does not depend on an environmental impact to exist, and it exists also on the basis of perceptions. Social actors in the social footprint area should therefore, as part of the project EIS, be involved in engagement and support efforts. According to some interviewees, within the social footprint, the EIS is a mechanism to build consensus. Even if the EIS technical tradition makes it hard, it is important to study and understand perceptions.

Several participants stressed that the EIS needs to be embedded in company functions, instead of being seen as an external and intimidating process. There are often internal company perceptions of the EIS as an obstacle that can ruin existing engagement efforts, and this creates fears about EIS engagement activities beyond the environmental footprint. However, when the EIS is integrated into company work, it becomes very clear that the work should have been from the start part of ongoing, essential company work, and the EIS is demystified, so that the EIS team can work more effectively.

Message 3: EIS Public Audiences could be a space for participation and legitimisation of EIS work, however many companies see them as an obstacle to overcome and many actors understand them as a decisive confrontation space.

Interviewees stated that the issues discussed above have led the PA to be understood as a decisive moment in determining whether a proposed project can be implemented. According to those interviewed, limitations in participation, engagement and dialogue processes during the EIS have led to tensions accumulating and only expressing themselves during the PA, where they can trigger conflicts. Implementation of the PA is seen as an indication of community support, while a blocked PA is an opposition strategy that many communities have adopted towards mining projects. A participant put this very clearly:

“There is a war of the PA
[...] there is a logic of secrecy ... then the workshops and audiences start, and we all have learnt that the key is to prevent the PA from taking place”.

Even in cases where the PA is implemented, several interviewees highlighted the following limitations and problems:
The EIS is too long and technical to be understood at the PA.

PAs have serious time limitations and in contexts of cultural difference, where understandings of time may vary, these limitations contribute to creating tensions.

PAs can be manipulated through, for example, the use of questionable means to secure community attendance.

Government reticence to create obstacles for projects, combined with proponents’ urge to proceed to implementation, result in a perception of PAs as obstacles to overcome.

According to interviewees these issues emerge regularly, but PAs need to be seen as a participation and validation mechanism for the EIS and it is necessary to achieve higher levels of transparency and better communication of EIS content to local communities.

Message 4: There are deficits in technical capacity, credibility and transparency in EIS processes that create tensions and scepticism in local populations. It is necessary to promote dialogue capacity in government authorities, ensure they can exercise more supervision and allow more participation to regional authorities, who best know the socio-political context and can contribute to promote a more holistic perspective in the EIS.

Interviewees highlighted lack of technical capacity for intercultural dialogue amongst government and industry actors, in particular given the oral and real time nature of dialogue. Some interviewees also thought that industry actors do not have confidence in government capacity to supervise the EIS.

Interviewees said that the aforementioned issues limit the credibility of the EIS process. This is exacerbated by some examples of poor quality or plagiarised EIS, perceptions that government works too closely with proponents and does not exercise enough EIS supervision, and lack of transparency on behalf of some companies. For example, an interviewee stressed that in his/her opinion “there are companies that try to surprise and fool people, now in the XXI century, when they should be negotiating with transparency”. As a result the starting point for EIS processes and for the authorities involved is a lack of credibility in the eyes of communities.

In this context, the interviewees emphasised the importance of making sure that:

- Government departments approach the EIS with a technical and social perspective.
- Government agencies involved in the EIS build capacity for intercultural dialogue.
- Companies and governments supervise EIS quality to ensure consistency with regulatory requirements and social responsibility policies.
- Proponents consider government response capacity when designing engagement and participation mechanisms for the EIS.
- More participation is given to regional authorities in the EIS as they have the regional expertise, can adapt processes accordingly, and can promote regional dialogue and participation as part of the regulatory process.

To sum up, the shortcomings and deficits observed demonstrate the need to implement multi-stakeholder efforts to strengthen capability and increase EIS oversight towards higher quality, credibility and transparency in the EIS process.

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32 It is important to keep in mind that historically there have been resourcing limitations and a backlog of EIS to review.
5. Summary and concluding comments

Through this research and knowledge exchange effort, approximately 80 specialists from Peru and another nine countries debated and analysed the links between conflict, dialogue and regulatory EIS processes, as well as the evolution and experiences of several dialogue tables on mining and sustainable development from the Latin American region. The conversations and debates that took place confirmed that dialogue principles need to be applied throughout the life-cycle of projects including their regulatory EIS. During the EIS any engagement and participation deficiencies, or an excessive focus on technical environmental aspects at the expense of engagement, are likely to lead to conflict emerging or escalating. Dialogue has an important role in allowing the EIS to better adapt to the social context. There are lessons to be learned from dialogue experiences in Peru and other Latin American countries that can be applied to EIS processes.

Mining conflict in the regulatory EIS and contiguous stages

While conflict is not interpreted as a negative process but one with many possibilities, when there is a history of conflict escalation to violent levels, it is important to identify the factors that contribute to this escalation. In workshops and interviews, project participants highlighted the following as contributing to intensifying conflict around mining projects:

- Limited or tokenistic participation in the EIS and leading up to it.
- Limited regulatory supervision of EIS.
- Insufficient technical, dialogue and intercultural engagement capacity in government and industry.
- EIS information that is not accessible to communities.
- Lack of transparency.
- Low quality EIS.
- Excessive emphasis on environmental matters at the expense of social ones and lack of awareness on the importance of perceptions, resulting in incomplete understandings of the social footprint that prevent full identification of actors to engage.
- Time pressures that distract proponents and government agencies from questions that are crucial to the social viability of mining projects.

These result in missed opportunities for constructive engagement such as in the case of the PA of the regulatory EIS. PAs become a confrontation scenario where community concerns that have been ignored finally have a voice. Instead of a platform for constructive intercultural analysis the PAs are in many cases construed as a crucial opportunity to block undesirable projects. Where constructive relationships have not been built ahead of the EIS, achieving agreement during the EIS becomes difficult. It is important to have an open approach to dialogue and engagement during the project life cycle and to abandon the idea that a technically correct EIS can on its own address all community concerns.

The political nature of impact evaluation and the central role of dialogue

The central value of relationships makes it clear that the regulatory EIS is a political process, however technically biased its focus might be. Recognising this political nature, including the role of institutions, institutional capacity, and power relations in shaping what is taken into account in the EIS, makes visible the grey areas that would otherwise be oversimplified. Those responsible for undertaking and supervising mining EIS need to have capacity for intercultural engagement and dialogue. While the EIS is not a dialogue process per se, it can be enriched with dialogue tools to make it more deliberative and therefore more robust in its capacity to adapt to social contexts. Conflict management initiatives are necessary...
throughout the project life-cycle and the EIS is not the exception. The activities of this project confirmed that dialogue should inform EIS processes.

Processes such as participatory monitoring can help build information pools trusted by multiple parties, increase capacity to analyse project performance, and bring together multiple actors. These processes provide dialogue platforms and help create the necessary information conditions for dialogue and should be considered valuable EIS tools.

Looking beyond project-by-project dialogue exercises, there are also messages to highlight from dialogue groups that operate at the national or regional levels. Participants shared the following take-outs that can be adapted to other dialogue or EIS regulatory processes:

- Dialogue exercises with or without the aim of reaching binding agreements can contribute to personal change that promotes a culture of dialogue.
- It is necessary to make conscious efforts to maintain key themes such as gender and cultural difference in the agenda on an ongoing basis.
- Dialogue is a long-term process and those who participate need to be aware of the resourcing and institutional requirements of sustainable dialogue.
- Dialogue requires strong leadership, so leadership development needs to be a continuous effort.
- It is important that dialogue initiatives connect to build on synergies.
- Dialogue needs to impact on practice and be informed by it. This vital connection contributes to convening power by increasing the relevance of dialogue platforms.

In the context of a regulatory EIS, these messages translate into practical recommendations, for example: that it is necessary to maintain a gender and intercultural perspective in impact evaluation, that EIS are not the beginning or the end but only part of an ongoing engagement process with project stakeholders, that leaders and community members need support to participate in the EIS, and that it is important to connect engagement with dialogue and with other practical exercises such as participatory impact monitoring.

The role of states

One of the most important dimensions of appropriate response to conflict during mining EIS is the response of the State. Project participants stressed that States need to have intercultural dialogue and conflict management capacity. Building, or rebuilding, citizen trust in State institutions requires ongoing institutional strengthening, capacity building and regulatory oversight efforts. In environments such as Peru, these efforts are urgent, given that regulatory agencies lack community trust. It is possible that new regulatory initiatives such as SENACE might contribute to building needed credibility for mining EIS.

In summary, better responses to conflict in the mining sector, including conflict that emerges in the EIS regulatory approvals stage, can germinate through multi-stakeholder efforts that link impact evaluation, monitoring and dialogue. However, for this to be effective it needs to be accompanied with capacity building within government, industry, communities and their leaders. Dialogue processes can in themselves provide platforms for actors to gain experience that can contribute to capacity building. Similarly, impact evaluation, if implemented and designed in a participatory manner, can help strengthen technical capability and provide opportunities for multi-stakeholder dialogue.
Appendix 1 – Research Procedures
Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes

About the project
The Centre for Social Responsibility in Mining (CSRM) of The University of Queensland (UQ) with funding from the International Mining for Development Centre (IM4DC) and in collaboration with Societas Consultora de Análisis Social, is leading a participative research project about dialogue processes in the mining sector and their role in conflict management and prevention in Environmental Impact Study (EIS) assessment and approval processes.

The Project focuses on two main aspects:

1. The role of multiple dialogue models on conflict management in the mining sector, with an emphasis on open, non-binding dialogue models.
2. The relationship between dialogue, EIS processes and the potential for conflict the EIS approvals stage.

The project has four main objectives:

1. Understanding the factors that define and contribute to a successful dialogue process and the way various dialogue mechanisms are connected
2. Documenting the ways in which inclusive dialogue is promoted (e.g. gender considerations, inclusive towards minorities)
3. Identify ways to manage conflict in approvals stage of EIS (including project life-cycle considerations)
4. Understanding the relationship between dialogue and conflict in the approval stage of EIS.

Project components
The Project includes a review of publicly available documentary sources about dialogue and regulatory processes in mining; experience and knowledge exchange activities (two workshops); individual and/or group interviews; and the production of written and visual media materials to share the outcomes of the project.

Literature Review: includes reports and academic literature about dialogue and conflict in the mining sector, and how they are linked in regulatory processes such as EIS approvals.

Workshops: includes two workshops with participants of the Peruvian and Latin American civil society, dialogue spaces, academia, government and industry.

Interviews: with experienced practitioners to explore key aspects identified during the workshops.

Written and media material production: includes a final report and a small number of educational videos that will be made available to the public.

Schedule
Workshops: 19-22 of November 2013, Lima-Perú
Interviews: 25-29 of November 2013
Workshop memoires: December 2013

Information about the workshop on Open Dialogue
The workshop entitled “Open dialogue on mining and sustainable development in the mining sector: building on the Latin American experience” will focus on understanding open, non-binding dialogue spaces in the mining sector, their interaction with other conflict management mechanisms, their potential and limitations. The workshop will involve various activity formats such as panel presentations, group discussions, question and answer sessions, and roundtables. For the duration of the workshop detailed notes will be taken for use in the research.

The participants will be experienced practitioners and officials from government, civil society organisations, mining communities, academia and industry located in Latin-America (especially in Peru).

How long will the workshop last?
The workshop takes place over two days from 19 to 20 November 2013.

**What will be done with the information?**
The information collected in the workshop will be recorded in detailed notes that will not identify the participants. The notes will be analysed, together with information from other components of the project such as interviews to provide an overall perspective on the key questions explored in the research. The results of this analysis will be presented in public reports and memoirs. The information collected might be also used in academic articles and reports.

**Confidentiality**
As the workshop is a large gathering, confidentiality will **not** be available for workshop participants. However, the researchers will handle workshop notes in a confidential manner. Only quotations that do not identify individual participants will be used in the final report (if at all). The names of participants will not be linked to any statements in the report.

Those participants who wish to be included in a list of research participants will be listed by name, and those who wish to remain anonymous will be listed as ‘anonymous’.

**How is data stored?**
Workshop notes will not record names of the participants. All the information collected in the workshop will be kept securely by the researchers and ultimately stored at the University of Queensland in password protected files.

**Do I have to participate?**
Your participation in this study is voluntary and you can withdraw without prejudice at any time. If a participant withdraws consent, any associated research documentation will be destroyed.

**Can I find out about the results of the study?**
Yes. Results of the study will be presented in a final report in March 2014. Study participants will be informed of the research outcomes through publication of the key findings.

**Can I talk to someone about the study?**
This study adheres to the Guidelines of the ethical review process of The University of Queensland and the National Statement on Ethical Conduct in Human Research. Whilst you are free to discuss your participation in this study with project staff (see information in the box below), if you would like to speak to an officer of the University not involved in the study, you may contact the Ethics Coordinator on +61 7 33653924.

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Centre for Social Responsibility in Mining
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Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes

About the project
The Centre for Social Responsibility in Mining (CSRM) of The University of Queensland (UQ) with funding from the International Mining for Development Centre (IM4DC) and in collaboration with Societas Consultora de Analisis Social, is leading a participative research project about dialogue processes in the mining sector and their role in conflict management and prevention in Environmental Impact Study (EIS) assessment and approval processes.

The Project focuses on two main aspects:

1. The role of multiple dialogue models on conflict management in the mining sector, with an emphasis on open, non-binding dialogue models.

2. The relationship between dialogue, EIS processes and the potential for conflict the EIS approvals stage.

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1. Understanding the factors that define and contribute to a successful dialogue process and the way various dialogue mechanisms are connected

2. Documenting the ways in which inclusive dialogue is promoted (e.g. gender considerations, inclusive towards minorities)

3. Identify ways to manage conflict in approvals stage of EIS (including project life-cycle considerations)

4. Understanding the relationship between dialogue and conflict in the approval stage of EIS.

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The Project includes a review of publicly available documentary sources about dialogue and regulatory processes in mining, experience and knowledge exchange activities (two workshops); individual and/or group interviews; and the production of written and visual media materials to share the outcomes of the project.

Literature Review: includes reports and academic literature about dialogue and conflict in the mining sector, and how they are linked in regulatory processes such as EIS approvals.

Workshops: includes two workshops with participants of the Peruvian and Latin-American civil society, dialogue spaces, academia, government and industry.

Interviews: with experienced practitioners to explore key aspects identified during the workshops.

Written and media material production: includes a final report and a small number of educational videos that will be made available to the public.

Schedule
Workshops: 19-22 of November 2013, Lima-Perú
Interviews: 25-29 of November 2013
Workshop memories: December 2013

Information about the workshop on EIS
The workshop entitled “Political and Institutional Aspects of Environmental Impact Study Approval Processes in the Mining Sector: Conflict management and prevention” will focus on how to enhance conflict management and prevention during the EIS assessment and approval process. It will involve various activity formats such as panel presentations, group discussions, question and answer sessions, and roundtables. For the duration of the workshop detailed notes will be taken for use in the research.

The workshop participants will be experienced practitioners and officials from government, civil society organisations, mining communities, academia and industry located in Latin-America (especially in Peru).
How long will the workshop last?
The workshop takes place over two days from 21 to 22 November 2013.

What will be done with the information?
The information collected in the workshop will be recorded in detailed notes that will not identify the participants. The notes will be analysed, together with information from other components of the project such as interviews to provide an overall perspective on the key questions explored in the research. The results of this analysis will be presented in public reports and memoirs. The information collected might be also used in academic articles and reports.

Confidentiality
As the workshop is a large gathering, confidentiality will not be available for workshop participants. However, the researchers will handle workshop notes in a confidential manner. Only quotations that do not identify individual participants will be used in the final report (if at all). The names of participants will not be linked to any statements in the report.

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How is anonymity guaranteed?
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Do I have to participate?
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Can I find out about the results of the study?
Yes. Results of the study will be presented in a final report in March 2014. Study participants will be informed of the research outcomes through publication of the key findings.

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Centre for Social Responsibility in Mining
Sustainable Minerals Institute | The University of Queensland | Brisbane, QLD, 4072 AUSTRALIA
Informed Consent

Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes

Investigators: Diana Arbelaez-Ruiz, Centre for Social Responsibility in Mining, University of Queensland

Written Agreement of the Research Participant:

1. I........................................................................................................ (please print), identified with Identity Document .................................................. (document type) No. ....................... consent to be part of the research project “Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes”, that is being developed and directed by the Centre for Social Responsibility in Mining of The University of Queensland.

2. The researcher has explain to me the research methods will be used in the workshops “Role of Dialogue in the Management and Prevention of Conflict in the Mining Sector” and “Prevention of Conflict during the Environmental Impact Study approval processes”, that might include plenary presentations, group discussions, question and answer sessions, roundtables and dynamics.

3. I declare to understand the type of information that will be collected, which will include my opinions regarding the management of conflicts in the mining sector.

4. I have been informed that the information I give could be recorded and transcribed by the researchers, that it will be kept in a secure place and that it can be compiled and presented in reports and in academic publications.

5. I understand I can withdraw my consent to participate in this Project without prejudice at any time. I will not be penalized in any way by the researcher for withdrawing my consent.

6. I understand I will not get any direct benefit/compensation/reimbursement/payment for my participation in this research process.

7. I agree to be involved as a participant in this research Project. I declare I have read this project’s information sheets and I understand the nature of this investigation and my role in it.

Name of the interviewee: ..............................................................................................................

Signature: ............................................ Date: ................................................
To be completed by the researcher:

I, (name)........................................................., certify that I have explained the research methods emplace in this project to:
(Participant name)..................................................................................................................

Signature: .................................................. Date: ..................................................
Presenter Informed Consent

Thank you for agreeing to present at the workshop entitled “Open dialogue on mining and sustainable development in the mining sector: building on the Latin American experience”. The workshop will focus on understanding open, non-binding dialogue spaces in the mining sector, their interaction with other conflict management mechanisms, their potential and limitations. The participants will be experienced practitioners and officials from government, civil society organisations, mining communities, academia and industry located in Latin-America (especially in Peru).

The workshop will involve various activity formats such as panel presentations, group discussions, question and answer sessions, and roundtables. For the duration of the workshop detailed notes will be taken for use in the research. More information about the workshop is provided in the attached information sheet for workshop participants.

This form is used to collect important information about our presenters and to seek their consent for a video recording of their presentation for educational purposes.

1) Speaker Information
   Title Mr/ Ms/ Prof/ Dr/ Other: _______ Name: _______________________
   Company: __________________________ Position: ______________________
   Contact Telephone: _________________ Contact Email: ________________

2) Biography
   Please paste below a brief personal biography which can be used in public materials.

3) Title of Presentation
4) Equipment Required
Please note that Windows operating systems work best with the room audio-visuals. If you do not have a suitable laptop, one can be reserved for your use. In this case please bring your presentation on a data stick.

Laptop/Projector/Other: ________________________________

5) Recording of presentation
With permission, we would like to make a video recording of your presentation and edit it for use in educational videos that will be part of the outputs of this project. This educational video might be used by the Centre for Social Responsibility in Mining or the International Mining for Development Centre for educational purposes and might be posted on their websites or YouTube channels. Additions to the YouTube channel are flagged through CSRM’s Twitter account.

In particularly noteworthy cases we may use snippets for teaching, but we do not intend to edit the videos for use in any kind of direct marketing or promotion of the Institute or its Centres. In the event that you agree to have your presentation filmed, please complete the form below:

☐ Yes, I agree to being filmed. ☐ No, I would prefer not to be filmed.

RELEASE AND WAIVER

I (full name) ________________________________

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Signature: ________________________________ Date: _____/_____/_______

Witness: ________________________________
Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes

About the project
The Centre for Social Responsibility in Mining (CSRM) of the University of Queensland (UQ) with funding from the International Mining for Development Centre (IM4DC), is leading a participative research project about dialogue processes in the mining sector and their role in conflict management and prevention in Environmental Impact Study (EIS) assessment and approval processes.

The Project focuses on two main aspects:

1. The role of multiple dialogue models on conflict management in the mining sector, with an emphasis on open, non-binding dialogue models.

2. The relationship between dialogue, EIS processes and the potential for conflict in the EIS approvals stage.

The project has four main objectives:

1. Understanding the factors that define and contribute to a successful dialogue process and the way various dialogue mechanisms are connected.

2. Documenting the ways in which inclusive dialogue is promoted (e.g. gender and cultural difference considerations).

3. Identify ways to manage conflict in approvals stage of EIS (including project life-cycle considerations).

4. Understanding the relationship between dialogue and conflict in the approval stage of EIS.

Project components
The Project includes a review of publicly available documentary sources about dialogue and regulatory processes in mining; experience and knowledge exchange activities (two workshops); individual and/or group interviews; and the production of written and visual media materials to share the outcomes of the project.

Literature Review: includes reports and academic literature about dialogue and conflict in the mining sector, and how they are linked in regulatory processes such as EIS approvals.

Workshops: includes two workshops with participants of the Peruvian and Latin-American civil society, dialogue spaces, academia, government and industry.

Interviews: with experienced practitioners to explore key aspects identified during the workshops.

Written and media material production: includes memoirs, a report and a small number of educational videos that will be made available to the public.

Schedule
Workshops: 19-22 of November 2013, Lima-Perú
Interviews: 25-29 of November 2013
Workshop memoirs: December 2013

Information about the Interviews
Researchers will do a small number of interviews with experienced practitioners and officials from government, civil society, academia and industry. The interviews will explore some of the key questions that could not be fully addressed in the workshops.

How long will interviews last?
Interviews will last 1 hour approximately.

What will we do with this information?
During the interview, detailed notes will be taken by the researcher. These notes will be coded and combined with other information to build an overall picture about the topics being researched. We will
also ask permission to tape record the interview, where appropriate.

Confidentiality

The sensitive information obtained from the interviewees will be kept confidential to the interviewing researchers directly involved in the study. Only quotations that do not identify individual participants will be used in the final report (if at all). Company interviewees, and participants from Government, non-government organisations and community-organisations will be given the opportunity to provide information 'off the record' if they prefer, so that their responses cannot be identified through institutional association. Only if the participants ask to unveil its identity this will be specify in the final report.

How is confidentiality guaranteed?
The data will be de-identified at the time of data collection. The interviews will be recorded by a note-taker, and participants will be identified by a code number in these records, before the data is used in analyses. All data will be stored securely and will only be accessible by the interviewer and fellow researchers working on the project.

Do I have to participate?
Your participation is voluntary, you don’t have to answer all the questions, and you can stop at any time. There are no risks to you personally for being involved in the research, or for withdrawing from the research ‘above the risks of everyday life’.

Can I find out about the results of the study?
Yes. Results of the study will be presented in a final report in March 2014. Study participants will be informed of the research outcomes through publication of the key findings.

Are participants able to talk to anyone about the research?
This study adheres to the Guidelines of the ethical review process of The University of Queensland and the National Statement on Ethical Conduct in Human Research. Whilst you are free to discuss your participation in this study with project staff (see information in the box below), if you would like to speak to an officer of the University not involved in the study, you may contact the Ethics Coordinator on +61 3 3653924.

Contact Details:

PROJECT LEADER
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Project Title: Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes

Researcher: Diana Arbeláez –Ruiz, Centre for Social Responsibility in Mining, The University of Queensland.

1. I………………………………………………………….. (please print) hereby consent to take part in the research project entitled “Conflict management and prevention in the mining sector: building the links between dialogue and regulatory processes” that is being undertaken by the Centre for Social Responsibility in Mining at The University of Queensland.

2. The researcher has explained to me the research methods that will be used that might include face to face interviews.

3. I understand what type of information will be collected, which will include my views on the management of conflicts in the mining sector.

4. I have been informed that notes and audio recordings of the information I provide will be taken and stored in a secure place. I understand that the information I provide may be used in academic publications.

5. I understand that I can withdraw consent to participation in the research project at any time. I will not be penalised in any way by the researcher for withdrawing my consent.

6. I understand that no individual payment will be made to me as a research participant.

7. I hereby agree to be involved in the above research project as a participant. I have read the research information sheet pertaining to this project and understand the nature of the research and my role in it.

Signed…………………………………….. Date……………………………..

Researcher to complete:

I, [name]…………………………………………, certify that I have explained the nature and method of the research project to:……………………………………………………………………..

Signed…………………………………….. Date……………………………..