QUNO
Quaker United Nations Office

Building Peace through Principle 10

Access Rights and the Prevention of Environmental Conflict

by Ellie Roberts and
Alexandra Pluss Encarnacion

April 2015

Other publications in this area

Steven Heywood (October 2012) *Diverting the Flow: Cooperation over International Water Resources*, Quaker United Nations Office, Geneva.

Ellie Roberts and Lynn Finnegan (August 2013) *Building Peace around water, land and food: Policy and practice for preventing conflict,* Quaker United Nations Office, Geneva.

Lynn Finnegan (December 2013) 'All voices heard: natural resources, conflict and company-community engagement', *Briefing paper No. 1, Natural Resources, Conflict and Cooperation,* Quaker United Nations Office, Geneva.

Lynn Finnegan (June 2014) 'The Aarhus Convention and the prevention of destructive conflict: Using access rights to build peace and prevent conflict around environmental issues', *Briefing paper No. 2, Natural Resources, Conflict and Cooperation,* Quaker United Nations Office, Geneva.

Suggested citation: Ellie Roberts and Alexandra Pluss Encarnacion (April 2015) *Building Peace through Principle 10: Access Rights and the Prevention of Environmental Conflict,* Quaker United Nations Office, Geneva.

Natural Resources, Conflict and Cooperation

QUNO's work on Natural Resources, Conflict and Cooperation seeks to influence policy and practice to take account of the links between natural resource management, human rights and peacebuilding. We recognize that weak and inequitable governance of natural resources can lead to destructive conflict, exacerbating tensions between groups and in some cases escalating to violence.

We encourage dialogue, cooperation and the constructive handling of conflicts. QUNO works with laws and guidelines from international frameworks that support inclusive decision making and equitable access to natural resources, while also bringing expertise and good practices from the local level to the international policy environment.

Acknowledgments

The authors would like to thank Lynn Finnegan, Diane Hendrick and Rhiannon Redpath for their contributions to the substance and form of this paper. We are grateful also to Gonzalo Oviedo (IUCN Senior Advisor), Juan Carlos Morales Gonzales (FIAN Colombia) and others for information on the examples used in this paper. We also thank Mihan Borhani, Lindsey Fielder-Cook and Jonathan Woolley for their helpful comments at the drafting stage.

Cover photo: 'Andes' by Moira Ross

CONTENTS

Introduction

In Latin America and the Caribbean (LAC), as elsewhere in the world, factors such as resource degradation, competing claims on resources and different understandings of resource use pose challenges to effective environmental management. The development of a LAC regional framework for the application of Principle 10 of the Rio Declaration on Environment and Development creates an opportunity to provide a rights-based response to these challenges in pursuit of sustainable development. By increasing transparency, inclusivity and participation in decision making processes, this framework will also make an important contribution to preventing destructive conflict relating to the environment.

Despite ongoing challenges around environmental conflict in the region, there are also examples of good practice in participatory approaches to environmental management to be found. A strong framework for access rights in the LAC region will encourage scaling-up of such approaches, while also serving to support and strengthen existing initiatives.

This paper is intended as a contribution to the process to conclude an agreement on the application of Principle 10 in the LAC region. It explores some good practice examples and demonstrates the mutual benefits arising from these approaches, including:

- preventing and resolving environmental conflict
- sharing of knowledge, including access to local and Indigenous knowledge
- increased effectiveness and sustainability of environmental policies

The Declaration on the Application of Principle 10 of the Rio Declaration

Principle 10 of the 1992 Rio Declaration on Environment and Development recognizes that environmental issues are best handled with the participation of all concerned citizens, setting out three core "access rights" relating to the environment:

- the right to access to information concerning the environment
- the right to participate in decision making concerning the environment
- the right to access to justice in matters concerning the environment

These three access rights are essential for the promotion of sustainable development, democracy and a healthy environment. There are also important links between these rights and the prevention of destructive environmental conflict, including violence.

Informed public participation facilitates greater consensus in the decision making process, mitigating the potential for conflict and increasing the likelihood of finding effective, long-lasting solutions.[1] This reduces the likelihood of destructive conflict and costly dispute resolution or legal procedures further down the line.

Environmental conflicts are a key issue in the Latin American and Caribbean (LAC) region, with much focus on the tension between supporting development and the need to respect cultural, social and environmental values. Factors in environmental conflict include deforestation issues, protected area access and use, ownership of traditional lands and private sector projects. Stakeholders in these conflicts range from local communities and organisations to government officials, Indigenous communities and organisations and national and multi-national companies.[2]

The development of the strongest possible agreement for the application of Principle 10 will be a key tool for preventing such environmental

1 Organisation of American States (OAS) (2001) *Inter-American Strategy for the Promotion of Public Participation in Decision Making for Sustainable Development*, OAS, Accessed March 2015, https://www.oas.org/dsd/PDF_files/ispenglish.pdf

2 Correa, H.D. and I. Rodríguez (2005) *Environmental Crossroads in Latin America: Between Managing and Transforming Natural Resource Conflicts*, University for Peace, Accessed March 2015, http://www.upeace.org/cyc/libro/pdf/english/cap_I.pdf

Box one: key terms

Destructive conflict around the environment

Conflict in itself is not negative. It is an inevitable part of life and can function as a motor for change and development in society if handled constructively. Conflict becomes destructive when it leads to a breakdown of communication among groups, damaging social relations and exacerbating tensions that can lead to violence. Environmental matters, including natural resource management, can become the focus of such destructive conflict when preventive measures are not taken.

Peacebuilding

Peacebuilding is both the development of human and institutional capacity for resolving conflicts without violence, and the transformation of the conditions that generate destructive conflict. In this sense it is closely allied to preventing destructive conflict and is not only relevant to post-conflict settings.

Capacity building

Capacity building in the context of Principle 10 discussions is often focused on awareness-raising and education of the public and public bodies. However, in order for all stakeholders to become active partners in environmental management more is required, particularly in the area of skill development. Thus capacity building at community level the development of the skills and confidence needed to analyse situations and information, organize in an inclusive way, articulate knowledge and needs, and engage in dialogue to manage competing interests and conflict cooperatively.

conflict. The framework will play a central role in efforts to manage environmental conflict constructively and peacefully, helping to build a sustainable environment for all.

This paper outlines the links between access rights and building peace, highlighting both that access rights can help to prevent environmental conflict, and that peacebuilding tools can enable groups to meaningfully exercise their access rights. The paper draws attention to peacebuilding tools as a means for ensuring the inclusion of all groups, particularly traditionally vulnerable groups, such as, very often, women, the poorest and those facing social stigma. It outlines five case studies of participatory processes and peacebuilding approaches that have been used in the LAC region to facilitate inclusive and equitable decision making. While these examples face ongoing challenges, they demonstrate good practice tools that can help to prevent and resolve environmental conflict.

" The development of the strongest possible agreement for the application of Principle 10 will be a key tool for preventing such environmental conflict. The framework will play a central role in efforts to manage environmental conflict constructively and peacefully, helping to build a sustainable environment for all. "

Principle 10 and prevention of destructive environmental conflict

When successfully implemented, Principle 10 access rights can contribute to the prevention of destructive conflict, both within and between community groups, and between local communities and other stakeholders such as private companies and government representatives. Participatory decision making promotes increased dialogue, cooperation and mutual understanding between groups, helping to build human and institutional capacity for reaching sustainable solutions, negotiating competing interests and resolving conflicts peacefully.[3] When these provisions are in place, groups are more likely to find solutions to challenges before conflict escalates to destructive practices and violence.[4]

" Participatory decision making promotes increased dialogue, cooperation and mutual understanding between groups, helping to build human and institutional capacity for reaching sustainable solutions, negotiating competing interests and resolving conflicts peacefully. "

By exercising these rights, affected stakeholders are empowered to take an active role in managing their environment. UN Independent Expert on human rights and the environment, John Knox, has stated that this makes policy 'more transparent, better informed and more responsive to those concerned'.[5] Such policy is

3 Roberts, E. and L. Finnegan (2013) *Building Peace around Water, Land and Food: Policy and Practice for Preventing Conflict*, Quaker United Nations Office (QUNO).

4 The Institute for Civil Engineers, Oxfam GB, Water Aid (2011) *Managing Water Locally: An Essential Dimension of Community Water Development.*

5 John H. Knox (UN Independent Expert on the human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment) (2013) *Access Rights as Human Rights*, presented to Third meeting of the focal points appointed by the Governments of the signatory countries of the Declaration on the application of Principle 10 of the Rio Declaration on Environment

Photo credit: CIFOR

better able to safeguard a healthy environment, benefiting the wider goals of sustainable development by supporting the realisation of other substantive rights such as the rights to health and life. When all concerned citizens can participate, a broader range of ideas, experience and expertise feed in to the policy making process. This increases knowledge and understanding among decision makers, for example by facilitating inclusion of local or Indigenous knowledge. By providing opportunities for greater dialogue and understanding between groups, this approach also builds trust and cooperative relationships, increasing capacity for preventing destructive conflict.

Conversely, when concerned stakeholders do not have the opportunity to exercise their access rights, policy making can fail to take account of the needs, aspirations and knowledge of certain groups. This can deepen environmental injustices, often advantaging one group over another and exacerbating existing vulnerabilities. Such exclusionary decision making can result in the development of ineffective and unsustainable policy, which can lead to a resurgence of destructive conflict and violence further down

and Development in Latin America and the Caribbean, Lima, Peru, 30-31 October 2013.

the line.[6] For example, policies may be contradictory to local practices or perceived as illegitimate by certain groups. These risks are particularly salient in contexts where local people's livelihoods, health, identity and wellbeing are shaped by the local environment and natural resources such as land and water.

Climate change makes it increasingly urgent to address access rights and their contribution to the constructive handling of conflict. Rising greenhouse gas emissions (GHG) are resulting in a dangerous rate of global average temperature rise, already leading to greater uncertainty in precipitation levels and traditional growing seasons, as well as extreme weather events and significant seasonal temperature increases. Societal resilience to these uncertainties can be strengthened by putting in place conflict prevention and management systems that relate to the environment. Central to these will be the availability of appropriate and relevant information, the ability of all citizens to participate in environmental decisions that affect them, and access to justice in cases where these rights have been violated. Building a policy framework which respects and protects environmental access rights will provide a solid base from which to address increasing climate uncertainties now and in coming decades.[7]

Peacebuilding tools and the realisation of access rights

Principle 10's three access rights are closely linked: to participate effectively in decisions relating to the environment it is necessary to have access to all the relevant information, and both access to information and participation in decision making mean little if there are not review mechanisms in place when such rights are denied. But there are other important factors relevant to the achievement of environmental access rights. In order to exercise these rights fully, all concerned groups must have the opportunity, capacity and skills needed to access

6 Tyler, S.R. (1999) 'Policy Implications of Natural Resource Conflict Management', Chapter 14 in Daniel Buckles (Ed) (1999) *Cultivating Peace: Collaboration and Conflict in Natural Resource Management,* World Bank and IDRC.

7 Smith, D. and J. Vivekananda (2007) *A Climate of Conflict: the Links between Climate Change, Peace and War,* International Alert.

and understand information, voice their knowledge and needs, and access judicial procedures.

It is also important to carry out careful planning and consideration of the needs and challenges different groups may face. For instance, the time, place and format of public discussions and training workshops can inhibit participation. It is essential to take into account responsibilities carried by frequently marginalized stakeholders such as young people and women. Taking into account school, paid and unpaid work, childcare and livelihood activities will help to ensure the full participation of all concerned groups. In some areas, lack of inclusion is related to wider patterns of social exclusion, presenting other challenges that need to be addressed in order to secure full participation.

> *" In order to exercise these rights fully, all concerned groups must have the opportunity, capacity and skills needed to access and understand information, voice their knowledge and needs, and access judicial procedures. "*

Documents from the preparatory process for the LAC framework have recognized the need for capacity building at all levels of governance, and the importance of giving special consideration to vulnerable groups. The Lima Vision for a Regional Instrument on Access Rights Relating to the Environment (October 2013) recognizes that every person must be able to exercise their rights without experiencing any form of discrimination, and that special efforts must be made to provide equal opportunities for women and other vulnerable groups.[8] The San José content, endorsed by the Santiago Decision in November 2014, further outlines the need for special consideration of vulnerable groups, recognising the importance of:

8 ECLAC (2013) *Lima Vision for a Regional Instrument on Access Rights Relating to the Environment.*

- awareness raising and capacity building
- information channels that are culturally and economically accessible
- ensuring that characteristics of vulnerable communities are taken into account[9]

It is essential that capacity building at local community level – including among marginalized and vulnerable groups - goes beyond informing and consulting affected stakeholders, to actively equipping them with the skills and knowledge needed to participate meaningfully. Without such capacity building, participatory processes risk exacerbating vulnerability, destructive conflict and injustice among certain groups, for example by disadvantaging those with less developed language and communications skills. Local communities need the capacity to analyse their situation, understand the options available to them and articulate their needs and aspirations. These capacities are the preconditions for achieving access rights such as those enshrined in Principle 10.

Peacebuilding tools can help to build this capacity by creating opportunities and providing means for participation by all groups. Peacebuilding tools include locally led conflict analysis, facilitation of dialogue among groups with competing interests, and empowerment of vulnerable groups. These approaches help to address confidence issues and power imbalances within and between groups, enabling different stakeholders to engage in cooperative problem solving and the development of solutions that are accepted by all parties. Increasing communication and understanding between groups also helps to facilitate access to local and Indigenous knowledge, encouraging mutual learning between stakeholders at different levels.

Peacebuilding approaches can also empower traditionally marginalised groups to take an informed and active role in community and environmental management, leading to wider social development.

These peacebuilding tools are therefore relevant not only to pre- or post-conflict societies; they can also contribute to the successful implementation of environmental access rights in settings where conflict may not yet be visible.

9 ECLAC (2014) *San José Content for the Regional Agreement.*

Photo credit: Indigenous women of Ecuador by Broddi Sigurðarson

Access rights in practice

The following case studies illustrate how the approaches outlined above can be implemented to contribute to the prevention and resolution of destructive conflict. These five examples use peacebuilding tools to facilitate inclusion of concerned groups, incorporate local and Indigenous knowledge and needs, and empower communities to participate meaningfully in decision making for the environment.

CASE STUDY ONE

Co-management of protected areas: incorporating Indigenous knowledge

Co-managed protected areas share management authority, responsibility and accountability among two or more parties, including government bodies, local residents, NGOs and the private sector.[10] The most progressive forms of

10 IUCN World Parks Congress (WPC) 2003, 'Recommendations', V.25 p. 200.

co-management involve partnerships with Indigenous or local communities living within or near the borders of the protected area. This form of co-management seeks to decentralize decision making and acknowledges the value of local knowledge systems.[11] It facilitates dialogue between different stakeholders, allowing local communities to exercise their access rights by expressing their understanding of environmental issues and putting forward their concerns and demands.[12]

By providing for better understanding of the social context of protected areas, co-management can bridge cultural differences between state authorities and local resource users, reducing the likelihood of destructive conflict.

Co-management of protected areas in Latin America

Protected areas have rapidly expanded in tropical Latin America since the 1980s.[13] International calls for conservation have resulted in the establishment of protected areas in places already occupied by people making their living from hunting, gathering, farming and grazing livestock. When such conservation projects are managed through a 'top-down' process, they can often lead to forced eviction, impoverishment, human rights abuse and the breakdown of traditional systems of resource management.[14]

11 Mason, D., M. Baudoin, H. Kammerbauer, and Z. Lehm (2010) 'Co-management of National Protected Areas: Lessons Learned from Bolivia', *Journal of Sustainable Forestry*, Vol. 29 No. 2-4, p. 404.

12 Romero, C., S. Athayde, J. E. Collomb, M. DiGiano, M. Schmink, S. Schramski, and L. Seales (2012) 'Conservation and Development in Latin America and Southern Africa: Setting the Stage', *Ecology and Society*, Vol. 17, No. 2, p. 8.

13 Mason, D. et al (2010)... cited in footnote 11. p. 404 - 405.

14 Colchester, M. (2006) 'Beyond 'participation': Indigenous peoples, Biological Diversity Conservation and Protected Area Management', FAO, Accessed March 2015, http://www.fao.org/docrep/w1033e/w1033e08.htm#beyond%20participation:%20indigenous%20peoples,%20biological%20diversity%20conservation%20and

Since the mid-1990s, with pressure from grassroots social movements, conservation initiatives in Latin America have progressively shifted to a model based on the validation of local community knowledge and management capabilities.[15]

" By providing for better understanding of the social context of protected areas, co-management can bridge cultural differences between state authorities and local resource users, reducing the likelihood of destructive conflict. "

15 Romero, C. et al (2012)...cited in footnote 12, p. 6.

Implementation: Co-Management in the Kaa-Iya National Park, Bolivia and the Celaque National Park, Honduras

The Kaa-Iya National Park in Bolivia is the first protected area in the region to be established at the specific request of an Indigenous group, the Guaraní Izoceños.[16] Their proposal for the establishment of a protected area in 1995 grew out of a concern to obtain legal protection against the expansion of ranching and agro-industrial industries. The 3.4 million hectare park is now co-managed by a government entity, the *Servicio National de Areas Protegidas* (SERNAP), and an organisation representing 25 Guaraní Izoceños communities in the area, the *Capitanía del Alto y Bajo Iosso* (CABI). Co-management in the Kaa-Iya Park includes participatory wildlife research, collection of data, hunting and fishing self-monitoring,

16 Danielsen, F., N.D. Burgess, and A. Balmford (2005) 'Monitoring Matters: Examining the Potential of Locally-based Approaches', *Biodiversity & Conservation*, Vol. 14 No.11, p.2679.

environmental education and joint decision making in management planning.[17]

In Honduras, co-management has been developed to prevent government-led conservation park planning from constraining local access to natural resources. The Proparque Project works in the Celaque National Park in Western Honduras, which was created in the territories of numerous Indigenous Lenca communities. The Project has helped communities and decision makers to collaboratively define boundary limits and legalize community use of the park land. Local communities were supported to create a map of their livelihood assets and needs, and to engage in dialogue with government representatives to resolve differences resulting from this mapping work.[18]

Impact

The co-management of the Kaa-Iya Park enabled peaceful negotiation between Indigenous communities and stakeholders involved in a pipeline project - the Bolivia-Brazil 3,100 km-long gas pipeline, which transects 250 km of the park. Thanks to the recognition of CABI as an administrator of the park, Izoceño communities were directly involved in the design of the project's Indigenous People's Development Plan and Environmental Management Plan.

The agreement reached with the Bolivia-Brazil pipeline set the framework for future negotiations between local communities and the hydrocarbon industry. Compensation payments from the hydrocarbon industry allow CABI to contribute up to half of the park's annual budget, without which SERNAP would not be able to maintain one of Bolivia's largest protected areas.

The development of community-based resource management has also contributed to the creation of

17 Winer, N. (2003) 'Co-management of Protected Areas, the Oil and Gas Industry and Indigenous Empowerment: the Experience of Bolivia's Kaa Iya del Gran Chaco', *Policy Matters*, Vol. 12, pp.185-188.

18 USAID Land Tenure and Property Rights Portal, 'Harmonising Land Tenure in National Protected Areas in Honduras', Dec 2014, Accessed March 2015, http://ltpr.rmportal.net/commentary/2014/12/harmonizing-land-tenure-national-protected-areas-honduras

small-scale businesses based on the revitalisation of traditional skills and knowledge. The inclusion of an Indigenous women's organisation in the Management Committee of the park has also given local women a greater voice in community affairs.[19]

In the Celaque National Park in Honduras, 453 families and eight communities have now been granted legal title to lands and related resources, and the protected area of the park has been redefined. This model has been adopted by the Honduran government to resolve other land use conflicts within national protected areas, and has been applied to five additional parks.

These examples demonstrate that including local inhabitants as partners in park management can help to prevent destructive conflict in the face of industrial development pressures, while drawing on local expertise to adapt planning and monitoring of wildlife conservation to local social contexts.

By creating enabling legal and policy frameworks for co-management, states can both effectively mobilize conservation resources and contribute to the improvement of rural livelihoods. This model can also facilitate the creation of park boundaries that do not prevent local communities from accessing their resources, reducing the likelihood of formal and expensive dispute resolution.

" These examples demonstrate that including local inhabitants as partners in park management can help to prevent destructive conflict in the face of industrial development pressures "

19 Winer, N. (2003)… cited in footnote 17, p.180-191.

CASE STUDY TWO

Participatory mapping: a tool for exercising access rights

Participatory mapping, also known as community mapping or social cartography, is a tool that enables communities to create a graphic representation of their territory according to their own standards and knowledge. Often used as a strategy of negotiation over tenure, access and stewardship rights, participatory mapping allows community members to map out key environmental features such as community boundaries, land use, water supplies, seasonal movements for gathering and hunting, key sites for other livelihood activities and sacred sites.

photo credit: UN photo: Community mapping (all rights reserved)- Sonja Janousek

This approach helps Indigenous communities to gain legal recognition and registration rights over their land. It also provides opportunities for collective decision making and dialogue within and between communities, acting as a tool for conflict resolution and prevention.

While different methods are applied according to the context, the mapping process tends to follow four steps. First, a consultation meeting is held in which the community reaches a consensus on the scope of the process and the elements to be represented in the map. Teams of men and women from the community are then trained on the use of GPS for navigation and measurement of land parcels. The field mapping process is usually conducted over a period of several years. Once measurements are collected, the data is digitalized with Geographic Information Systems (GIS).[20]

Participatory mapping in Latin America

Participatory community mapping has been used in Latin America by a number of NGOs and academics. The increased use of this process has followed advancements in international human rights and treaty law; for example ILO Convention 169, the Rio Declaration, and the UN Declaration on the Rights of Indigenous Peoples.[21]

20 Di Gessa, S., P. Poole, and T. Bending (2008), *Participatory Mapping as a Tool for Empowerment: Experiences and Lessons Learned from the ILC Network*, ILC/IFAD, Rome, p. 10 – 36.

21 Salamanca, C., E. Rosario (Ed) (2012) *Mapas y Derechos. Experiencias y Aprendizajes en América Latina*, Editorial de la Universidad Nacional de Rosario, p. 199, 67.

Implementation: Mapping Indigenous territories in Argentina and Peru

From 2006 to 2010, participatory mapping was conducted in three Qom communities in the Province of Formosa, Argentina. The project aimed to respond to increased violence perpetrated by non-Indigenous ('criollo') cotton-growers. Faced with arbitrary arrests, threats of eviction and burning of houses, the three Qom communities joined efforts to create a historic-geographic map, in which photographs, life stories and memories from a century long conflict were incorporated. The mapping was extended beyond the communities' boundaries to include land plots of adjacent owners and cotton fields.[22]

Participatory mapping has also been used to reach intercommunity agreement around the use of agricultural biodiversity in the Potato Park in the Cusco region of Peru. Through thematic working groups, study groups and mapping exercises, local communities led the creation of a Biocultural Community Protocol; an instrument used by communities to agree upon and determine how they own, use and manage natural resources.[23] This process has facilitated consensus over customary tenure and access rights in the Park.[24]

22 Above footnote, p. 170-177.

23 Andes (Peru), the Potato Park and IIED (2011) *Community Biocultural Protocols: Building Mechanisms for Access and Benefits Sharing among the Communities of the Potato Park based on Customary Quecha Norms,* 'Protecting community rights over traditional knowledge: Implications of customary laws and practices', Andes (Peru), the Potato Park and IIED.

24 For further exploration of the Bioculturral Community Protocol see Roberts, E. and L. Finnegan (2013) *Building Peace around Water, Land and Food: Policy and Practice for Preventing Conflict*, Quaker United Nations Office (QUNO), Accessed March 2015, http://quno.org/sites/default/files/resources/QUNO%20%282013%29%20Building%20peace%20around%20water%20land%20and%20food.pdf

Impact

Participatory mapping helped the Qom communities in Argentina to visualize and reflect on their history and territories, enabling collective action and dialogue between communities in a context of crisis and threat. By increasing information flow and understanding between Indigenous community members and their non-Indigenous neighbours, the mapping helped to build consensus and improve land use planning, reducing the need for expensive and time consuming dispute resolution. The mapping not only ensured formal recognition of Qom people's rights over land, but also strengthened their organisation, sensitized them to land distribution and enhanced their capacity to manage resources and document their history for future generations.

These examples demonstrate how participatory mapping can provide a mechanism through which Indigenous communities can exercise access rights relating to the environment. This tool has contributed towards conflict resolution between the Qom communities and cotton-growers in Argentina, reducing the likelihood of destructive conflict and violence.

" By increasing information flow and understanding between Indigenous community members and their non-Indigenous neighbours, the mapping helped to build consensus and improve land use planning, reducing the need for expensive and time consuming dispute resolution. "

CASE STUDY THREE

Participatory environmental monitoring: building transparency in the mining sector

Traditionally, monitoring activities are undertaken by government authorities or private companies to assess the work plan and budget of a mining project. Often driven by a concern for financial accountability, monitoring results can generate mistrust among the communities potentially affected by mining operations.[25] Human rights abuses and conflicts arising from mining operations remain a serious challenge in the LAC region; however, there are examples of more participatory approaches to mining planning that could be strengthened by a regional framework for access rights.

25 Guijt, I. (2008) *Seeking Surprise: Rethinking Monitoring for Collective Learning in Rural Resource Management*, Wageningen University, Netherlands, p.160.

Participatory environmental monitoring seeks to engage local community members in the collection and analysis of data, incorporating language and results meaningful to all concerned stakeholders. This method is based on the acknowledgment that citizens without formal scientific background can undertake field sampling after a short training and thereby contribute to natural resource management. This is a very direct way to provide the affected public access to information.

> *" Human rights abuses and conflicts arising from mining operations remain a serious challenge in the LAC region "*

Participatory monitoring measures have been applied to a wide range of sectors such as fisheries, farming, forestry and mining. Participatory

monitoring of mining activities generally involves the gathering of information on water quality and quantity, but can also include soil, deforestation, air and noise measurements.[26] The analysis of chemical components requires collaboration with an independent analytical laboratory, an essential component for building trust in the process.

Participatory Environmental Monitoring in Latin America

Since 1995, the United Nations Environment Programme (UNEP), the World Bank and the Inter-American Development Bank have advocated for participatory environmental monitoring in Latin America. Participatory monitoring programmes in the region began in 2000, notably in Guatemala, Bolivia, Ecuador and Peru. In most cases, participatory environmental monitoring is used in the mining sector, while in some situations, such as in Ecuador, it is used to monitor oil extraction activities.[27]

In Peru, one of the Latin American countries most affected by mine related environmental conflicts, the *Organismo de Evaluación y Fiscalization Ambiental* (OEFA) – a branch of the Ministry of Environment that oversees private companies with regard to environmental issues – has recently published a regulation stipulating the means through which citizens can participate in government monitoring plans.[28]

26 Barrick, 'Monitoreo Participativo: Resultados Medibles y Transparentes', 2014, Accessed March 2015, http://barricklatam.com/barrick/presencia/republica-dominicana/blog/monitoreo-participativo-resultados-medibles-y-transparentes/2014-11-19/144824.html

27 Dourojeanni, M., L. Ramírez, O. Rada (2012) *Indígenas, Campesinos y Grandes Empresas. Experiencia de los Programas de Monitoreo Socioambiental Comunitario*, Pro Naturaleza, p.54-57.

28 Accessed March 2015, http://www.oefa.gob.pe/wp-content/uploads/2014/09/REGLAMENTO-RN0032-2013-OEFA-CD.pdf

Implementation: The Mesa de Dialogo of Cajamarca and its Participatory Environmental Monitoring Programme, Peru

The *Mesa de Dialogo y Consenso* – multistakeholder dialogue roundtable – of Cajamarca has established a participatory monitoring programme to evaluate water quality impacts from the Yanacocha gold mine in Peru. The social, health and environmental impacts of the Yanacocha mine have been well documented and analysed. While huge challenges remain, the Mesa project aims to address one aspect of the conflict by facilitating greater transparency and inclusion in water monitoring.

The Mesa was initially created by the Compliance Advisor Ombudsman (CAO) of the International Finance Corporation after community members submitted complaints over a mercury spill along 41 km of public road in 2001. For four years the Mesa facilitated conflict mediation training, undertook capacity building workshops for community members and mine staff, and oversaw the creation of a participatory water monitoring programme.[29] The programme had an important outreach component, seeking to provide accurate and understandable information to all community members. Rather than focusing on whether the mine was in compliance with national standards, the programme was driven by the community's major concern: the potability of different water sources.[30] With the support of environmental experts, community members collected ten samples monthly over a period of almost two years between 2002 and 2003. The samples were then analysed for metals at a laboratory.[31]

29 The CAO at 10: Annual Report FY2010 and Review FY2000-10, p. 105

30 Above footnote, p. 53-54, and p. 104-105.

31 CAO, Advisory note, Participatory Water Monitoring, p. 42

Impact

Participatory monitoring of the water impacts of the Yanacocha Mine in Cajamarca enabled better dialogue and information flow between community, company and government participants. Building on local demands for a comprehensive approach to addressing environmental concerns, the participatory monitoring program allowed both the Yanacocha Mine and government agencies to rapidly identify controversial issues before they led to destructive conflict. As a result of this collaborative process, environmental problems were interactively identified and solved. By broadly communicating monitoring results and actively engaging community members in field sampling activities, the programme generated trust and transparency among stakeholders.

The Mesa demonstrates that access to information and participation through participatory monitoring can improve communication between local communities and private companies, helping to settle problems constructively. When capacity building goes beyond technical skills to encompass conflict resolution and joint problem solving, environmental conflicts arising from extractive operations can be resolved in a participatory way, ensuring community access to potable water, helping companies resolve issues before they lead to destructive conflict and increasing decision maker accountability.

" When capacity building goes beyond technical skills to encompass conflict resolution and joint problem solving, environmental conflicts arising from extractive operations can be resolved in a participatory way "

CASE STUDY FOUR

Integrated Water Resource Management: facilitating participation

Integrated Water Resource Management (IWRM) has been developed to increase the efficiency and coordination of water resource management worldwide. IWRM emphasizes what has traditionally been neglected by engineering-focused approaches to water development - its human dimension. IWRM is based on the principle that effective water development and management builds upon participatory approaches, involving users, planners and policy makers. It recognizes that water resources cannot be managed independently from other sectors and that the linkages between upstream and downstream users require coordinated management.[32]

IWRM promotes inclusive and transparent decision making and encourages the management of water resources in a basin-wide context.[33]

> *"IWRM is based on the principle that effective water development and management builds upon participatory approaches, involving users, planners and policy makers."*

32 Global Water Partnership (2000) 'Integrated Water Resources Management', Global Water Partnership Technical Advisory Committee, Background Paper No.4, p.6 -18.

33 Rahaman, M. and O. Varis (2005) 'Integrated Water Resources Management: Evolution, Prospects and Future Challenges', *Sustainability: Science, Practice, & Policy,* Vol. 1, No.1, p. 15, Published online April 2012, Accessed March 2015, http://sspp.proquest.com/archives/vol1iss1/0407-03.rahaman.html

Integrated Water Resource Management in Latin America

IWRM strategies are based on the four Dublin Principles presented at the Rio Earth Summit in 1992:

- Water is a finite and vulnerable resource
- Water development and management should be based on a participatory approach
- Women play a central part in the provision, management and safeguarding of water
- Water has an economic value and should be recognized as an economic good [34]

In Latin America, participatory approaches to water governance have been developed in countries such as Ecuador, Chile, Brazil, Colombia, Argentina and Mexico with varying degrees of integration[35]. However, the practical implementation of IWRM remains a challenge for many countries.

In Mexico, the structural reform of water management has led to increased decentralization and integration. The *Ley de Aguas Nacionales*, adopted in 1992 and amended in 2004, defines water management at river basin level. This has led to the formation of river basin councils for water management at state and local levels. Across the country, 26 river basin councils coordinate action between the National Water Commission (*Conagua*) and representatives of different water users. Each council is supported by bodies at the sub-basin or micro-basin level, including basin commissions, basin committees and technical committees for underground water.[36]

34 WMO, accessed March 2015, http://www.wmo.int/pages/prog/hwrp/documents/english/icwedece.html

35 Faustino, J. and F. Jiménez (2005) 'Institucionalidad de los Organismos de Cuencas', *Turrialba, Costa Rica. CATIE*. p. 5; and A.A. Guerrero-de León et al (2014) 'Gobernanza y Participación Social en la Gestión del Agua en la Microcuenca El Cangrejo, en el Municipio de Autlán de Navarro, Jalisco, México', *Revista Economía, Sociedad y Territorio*, Vol.10 No. 33, p. 545-546.

36 Conagua, accessed March 2015, http://

Implementation: The Comité de Cuenca (Basin Committee) Valle Jovel, Mexico

The Comité de Cuenca Valle Jovel is one of thirteen basin committees in the State of Chiapas, Southern Mexico.[37] It covers the San Cristobal de las Casas river basin and encompasses five municipalities. The Comité is composed of: a coordinator and a secretary; representatives from three government levels (federal, state and municipal); two representatives from water and sewage services providers; a representative from industrial, urban and agricultural water users; several NGOs (including an Indigenous peoples´ organization and a women´s organization); a research centre; and upstream and downstream neighbours´ associations. The objective of the Comité is to promote urban and rural citizen participation in water decision making in order to effectively tackle issues of water misuse and distribution.

With technical support from economic, forest management, water contamination, soil conservation and risk management experts, the Comité de Cuenca Valle Jovel undertakes a wide range of activities. These include capacity building training in water monitoring, waste water treatment planning, participatory reforestation, environmental education, as well as sensitization campaigns and information dissemination on water quality. In a recent working session, the Comité submitted a proposal to reform the financing of conservation and applied for resources to manage protected wetlands and a waste water treatment plant. The three proposals were approved by local government.[38]

www.conagua.gob.mx/atlas/impacto38.html

37 Secretaría de Medio Ambiente Historia Natural Subsecretaría de Medio Ambiente, Atención a Consejos, Comisión y Comités de Cuenca, Accessed March 2015, http://www.semahn.chiapas.gob.mx/portal/descargas/planeacion/atencion_comites.pdf

38 'Sesión de Trabajo del Comité en el Congreso del Estado', 2013, Accessed March 2015, http://www.cuencavalledejovel.org/index.php/2012-11-12-20-58-49/campana-de-reforestacion

Impact

The Comité de Cuenca Valle Jovel provides a framework for facilitating both top-down and bottom-up communication between water users and government authorities. It helps to coordinate multidisciplinary work between the three government levels and to identify long-term solutions to complex problems. Building on human capital, it enables monitoring of water quality and quantity, supports government sanitation operations, and contributes to the development of more sustainable irrigation practices.

The Comité demonstrates that policy-supported processes facilitating access to information and public participation help different water users to make mutually beneficial decisions for water use, management and distribution. This results in more effective water policy that better meets a range of needs and is more able to protect water resources long-term. The Comité goes beyond consultation to ongoing public participation, equipping stakeholders with the framework needed to meet new challenges and reducing the likelihood of environmental disputes or destructive conflict.

CASE STUDY FIVE

Conversatorios of Citizen Action: Empowering community voices

Conversatorios of Citizen Action (CACs) empower local communities to participate in environmental decision making and management, facilitating participatory processes, conflict resolution and negotiation between different stakeholders. The CAC methodology consists of three phases: preparation, negotiation, and follow-up. During the preparatory stage, facilitators work with community groups to build skills and interest through workshops and other activities. These aim to increase understanding of environmental issues; raise awareness of legal rights; help participants to identify, analyse and resolve conflicts; and develop communication skills for speaking in public.

Representatives from community groups then come together with local government, institutional, and private sector representatives to negotiate and make binding commitments for environmental management. Follow-up committees, including community representatives, are responsible for ensuring compliance with these commitments.[39]

Conversatorios in Latin America

Conversatorios have been developed and used in regions across Colombia by *Asociación del Deporte Solidario* (ASDES) and the World Wide Fund for Nature (WWF). The methodology was developed in response to the 1991 Colombian National Constitution, which sets out the right to democratic participation in decision making, public access to decision making spaces and national support for citizen's committees to monitor the use of public resources.

39 Córdoba, D. and D. White (2011) *Citizen Participation in Managing Water: Do Conversatorios Generate Collective Action?,* CGIAR Challenge Programme on Water and Food.

Implementation

In Nariño on the south western coast of Colombia, Conversatorios have been used to strengthen community mangrove management by empowering women piangueros (mangrove mollusc hunters) to participate in decision making. Piangueros are among the poorest community members, with little opportunity to participate in environmental management despite their dependence on the mangroves for their livelihoods.

Training workshops during a three year preparatory phase helped to build confidence and improve communication skills among these women. The workshops were carefully tailored to the audience, using verbal communication due to a strong tradition of oral communication and low literacy levels among participants.[40]

Conversatorios have been implemented in several other regions in Colombia, including as part of the Putumayo Three Frontiers (PTF) project in the three-state watershed of the Putumayo River, which flows through Ecuador, Peru and Colombia. During the preparatory phase, community groups led the development of a participatory training model based on local needs and conditions. Together they then identified local environmental challenges such as land use, mining, presence of armed groups, over exploitation of natural resources and climate change. Resolving conflict over territorial planning – arising in part from the creation of the La Paya National Park – was selected as a core aim of the process.[41]

Impact

Pianguero workers in Nariño became the first women from their communities to speak publicly in a decision making process. Many of these women reported feeling more able to stand up for their rights and articulate their needs, and said they were able to apply the skills

40 Roldan, A.M. (2008) *A Collective Action to Recognise Commons and to Adopt Policies at Multiple Government Levels,* WWF Colombia, p.10.

41 WWF Colombia (2014) *Empowering Speech,* WWF Colombia.

they had learned to other areas of their lives. The Conversatorio also helped to change attitudes between the communities and institutions involved. Community members said they had more confidence in dealing with institutions and perceived them to be more transparent. Private and public sector institutions reported seeing community groups as constructive partners where they had previously thought them 'hostile and uninformed'.[42]

The Putumayo project enabled community, small farmer and Indigenous groups to analyse environmental pressures and threats, identify key actors and decision makers and articulate potential alternatives and solutions. They became active participants in decision making, with the opportunity to share their knowledge and expertise. During the Conversatorio meeting, community and local institutional representatives, including from the La Paya Park, signed mutually agreed commitments for environmental management.

The Conversatorio process demonstrates the wide ranging benefits of building the skills and understanding needed for all concerned groups to exercise their access rights. This methodology not only reaches vulnerable groups, but through capacity building empowers them to participate meaningfully.

There are, however, challenges faced when implementing the Conversatorio methodology, particularly ensuring community capacity to effectively monitor compliance with commitments. It also remains a challenge to create a truly participatory space for the Conversatorio when bringing together stakeholders with very different levels of power and interests, despite preparatory capacity building work. A strong regional framework for access rights would build institutional capacity to address these issues, as well as expanding the rights of concerned citizens to participate in environmental decision making.

42 Beardon, H. (2008) *Building Hope from Chaos: Culture, Politics and the Protection of the Colombian Pacific Mangrove,* WWF Colombia.

Conclusions

This paper has explored two mutually reinforcing elements of the relationship between Principle 10 and peacebuilding; firstly, that the access rights outlined in Principle 10 can help to prevent destructive conflict within and between groups, and, secondly, that peacebuilding tools can help to build the skills and processes needed to effectively exercise access rights.

> *"At local community level, capacity building must go beyond provision of information to building the skills and confidence needed for active partnership in environmental management."*

The examples presented in this paper demonstrate that participatory decision making and management processes can result in benefits for a range of stakeholders – from local communities and organisations, to public authorities and the private sector'. These include facilitating access to local and Indigenous knowledge, creating more effective and sustainable policy, and reducing the likelihood of destructive conflict and violence.

The examples further show that capacity building and awareness raising is needed at all levels to enable concerned citizens to exercise their access rights. This is particularly important for groups traditionally marginalized from decision making. At local community level, capacity building must go beyond provision of information to building the skills and confidence needed for active partnership in environmental management.

" This paper has explored two mutually reinforcing elements of the relationship between Principle 10 and peacebuilding "

The initiatives outlined in this paper cannot on their own ensure that local communities are able to use, protect and benefit from their natural resources. For this, frameworks and laws at regional and national levels are needed. Such frameworks are particularly important in contexts where private companies are involved in natural resource extraction and use. Existing participatory processes can be undermined when such supportive legislation does not exist, and can be strengthened and further developed when a framework for Principle10 access rights is in place,

The strongest possible framework for the application of Principle 10 in the LAC region will play an important role in efforts to strengthen participatory and inclusive processes, contributing to the promotion of sustainable development and the prevention and resolution of environmental conflicts.

QUNO offices:

In Geneva:
13 Avenue du Mervelet
1209 Geneva
Switzerland

Tel: +41 22 748 4800
Fax: +41 22 748 4819
quno@quno.ch

In New York:
777 UN Plaza
New York, NY 10017
United States

Tel: +1 212 682 2745
Fax: +1 212 983 0034
qunony@afsc.org

QUNO
Quaker United Nations Office

The Quaker United Nations Office

The Quaker UN Office, located in Geneva and New York, represents Friends World Committee for Consultation (Quakers), an international non-governmental organisation with General Consultative Status at the UN.

QUNO works to promote the peace and justice concerns of Friends (Quakers) from around the world at the UN and other global institutions. It is supported by the American Friends Service Committee, Britain Yearly Meeting, the worldwide community of Friends, other groups and individuals.

www.quno.org