The social impacts of large projects on Indigenous Peoples

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Procedures, processes and protests

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OVERVIEW OF CHAPTERS

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Chapter 2 - Hanna, P.; Vanclay, F. (2013). Human rights, Indigenous peoples and the concept of Free, Prior and Informed Consent. Impact Assessment and Project Appraisal, 31, 146-157. DOI:10.1080/14615517.2013.780373

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Chapter 7 - Hanna, P., Vanclay, F.; Langdon, E.J.; Arts, J. (2016). The importance of cultural aspects in impact assessment and project development: Reflections from a case study of a hydroelectric dam in Brazil. Impact Assessment and Project Appraisal (in press).

CHAPTER 1

Introduction: projects, processes and protests

1.1. INTRODUCTION

Companies which fail to properly address social impacts are unlikely to achieve and maintain a Social Licence to Operate (Bice & Moffat 2014), what in other words means they will lack support from local communities to implement or run a particular project, potentially causing serious financial setbacks for companies (Franks et al. 2014). Large projects that cause social and environmental impacts to local communities are increasingly common at a worldwide scale, and frequently lead to breaches of human rights during their implementation and operation (Wright, 2008; Kemp & Vanclay, 2013). When not properly addressed, social impacts (which are highly integrated with the environmental impacts) can cause adverse effects on local people, such as fears and anxieties about the project and impacts on communities' senses of place, social capital, and wellbeing (Vanclay et al. 2015). When Indigenous peoples are affected, these impacts are amplified, due to their differentiated culture and stronger connection to their territories and the environment. The impacts include negative changes to their social organization, language (many with the risk of extinction), livelihoods, food practices and health conditions, even leading to situations of ethnocide or genocide (Charest, 1995; Clarke, 2001; Dorough, 2014; Maybury-Lewis, 2002; Stavenhagen, 1987).

This study provides an overall perspective of the implementation of large projects that are likely to create social and environmental impacts for Indigenous peoples. In order to better comprehend the complex context of interactions, the perspectives and positions of the typical stakeholders in project planning and implementation – i.e. companies, nation states, non-governmental organizations (NGOs), and local Indigenous communities – have been considered. Given the asymmetrical relations of power between these stakeholders, the primary concern and thus the overarching research question is:

> *What are the necessary requirements and conditions to ensure that the rights and best interests of Indigenous peoples are respected prior, during and after environmental licensing processes and project implementation?*

This practical question is aimed at providing recommendations for all stakeholders involved in the 'circuit' of project implementation impacting Indigenous peoples, and thus, in addition to making a theoretical contribution, it will contribute to changing the practices actually deployed. A circuit is an anthropological concept which was created to support the conduction of ethnographical research in the modern world. A circuit refers to the various spaces where a particular cultural practice takes place (Marcus, 2012), being usually multi-sited (Marcus, 1995). In the case of this research, it refers to the circuit of those working in the relations or mediation between companies and Indigenous peoples impacted by companies' operations. People who typically transit in this circuit include Indigenous leaders, NGOs staff, company staff, Government agency staff, consultants and academics. While most of the fieldwork was conducted in Brazil, the intention of the research is to provide general recommendations at multiple levels that can apply to project implementation in any context.

In order to answer this broad research question, it is appropriate to consider some subordinate issues. As the actual implementation of projects usually begins with an environmental licensing and approval process, understanding how the studies about Indigenous peoples and the likely impacts of the project are actually conducted is a key element. Another key aspect, which relates to international frameworks on human rights, is the concept of self-determination. Self-determination establishes that any ethnic group has the right to decide about its own future and development path. When applied to culturally-differentiated ethnic groups, self-determination has also been defined as ethnodevelopment (Stavenhagen 1986). In order to ensure that Indigenous peoples can have access to self-determination, the principle of Free, Prior and Informed Consent (FPIC) was established, particularly because of the many grave consequences of project implementation affecting Indigenous peoples during the 1970s and 1980s (Davis, 1977). In this period, the empowerment and mobilization of Indigenous peoples worldwide played a significant role in the establishment of an international framework on Indigenous rights, because they began to denounce companies and nation-states for breaches of human rights in international fora. In short, FPIC (discussed further in Chapter 2) requires that projects, which affect Indigenous peoples' territories, must undertake prior engagement with affected groups. All information about the project must be disclosed in a transparent and comprehensible manner, so that local groups are able to meaningfully influence the decision-making processes of any planned intervention that may affect their lives. Thus, *comprehending the role of self-determination and FPIC in project planning and implementation* is also a goal of this research.

Respecting the FPIC principle is key to the proper engagement with Indigenous peoples and other local communities, reducing the likelihood of social impacts to communities and of protest action targeting the project implementation – arguably constituting a win-win situation to the parties involved. However, despite the recent drafting of safeguards and guidance notes recommending the application of the FPIC principle when Indigenous peoples are likely to be affected by the implementation of large projects (IPIECA,2012; ICMM, 2015; UNGC, 2013), Indigenous peoples are still left worse off and conflicts between Indigenous peoples and companies are common place (Gilberthorpe & Hilson 2014; Sawyer & Gomez, 2012). For this reason, comprehending and making a critical analysis of the applicability of the concepts of FPIC and self-determination are key to the present research. Finally, we seek to describe and comprehend how the proposed mitigation programs – that stem from the Environmental Impact Assessment (EIA) and should contribute to the self-determination of impacted peoples – are actually implemented.

1.2. THEORETICAL FRAMEWORK AND KEY CONCEPTS

The field and discourse of Social Impact Assessment (SIA) is the central body of literature utilised in this research (see Esteves et al. 2012; O'Faircheallaigh 2013, 2015; Vanclay et al. 2015). SIA is usually built into the Environmental Impact Assessment (EIA) activities of large projects. The

information compiled in an SIA can assist all actors in determining whether the impacts of a given project are acceptable or not, and in finding possible ways to avoid or minimize those impacts. Particularly in Canada and Australia, the negotiation about how the impacts are going to be mitigated or compensated is usually documented in a legal instrument called an Impacts and Benefits Agreement (IBA) (O'Faircheallaigh, 2010). IBAs can be defined as "confidential bilateral agreements, negotiated between mining corporations and aboriginal communities to address a multitude of adverse socio-economic and biophysical impacts that can arise from mining development" (Fidler and Hitch 2007:50).In Brazil, there is a similar instrument called PBA (*Plano Básico Ambiental*, Basic Environmental Plan), although the Brazilian PBA is less focussed on financial arrangements than IBAs. Such documents provide detailed planning on how and when actions need to be taken in order to avoid, mitigate and/or compensate impacts. However, due to a lack of consideration of the cultural aspects and ineffective monitoring and evaluation activities, in practice these mitigation measures end up not being fully implemented, and social and environmental impacts still beset local communities, especially secondary or higher-order impacts (Slootweg et al. 2001). For Indigenous peoples, it is possible to conclude that the most relevant impacts are related to impacts in the environment that will lead to changes in their subsistence base and, consequently, to dietary changes over time. Changes in the diet of Indigenous peoples can have severe consequences for their health, including diabetes, obesity and the loss of cultural practices and social capital (Hanna, 2009).

While *social impact assessment* is the primary underlying discourse throughout the thesis, several other academic discourses have also been utilized. For example, a *human rights* based approach(e.g. Anaya 2004; Engle 2011; United Nations 2011) was applied to understand how the concept of FPIC relates to the broader international framework of human and collective rights (Chapter 2). The field of *environmental impact assessment* (Marshall et al. 2005; Wood 2003) was used to describe the Brazilian environmental licensing procedure and compare it to practices elsewhere (Chapter 3), while *Indigenous ethnology* (e.g. Gordon 2006; Langdon & Wiik 2010) was used to better comprehend the Indigenous cosmology and their perspectives about project implementation and other issues (Chapters 3, 4 and 6). This counterpoint between the more 'technical' sciences and the 'soft' human sciences was very useful in order to better comprehend the perspectives from the different stakeholders involved in the process (i.e. engineers, environmental scientists, anthropologists and Indigenous peoples).

Anthropological theory (e.g. Douglas, 1992; Said, 1994) was used to problematize companies' attitudes toward '*social risk*' and better comprehend western representations about Indigenous peoples (Chapters 4 and 5). While risk perceptions are culturally constructed, risk analysis specialists tend to believe that risk management practices are sufficient to deal with the 'social risk'. *Project management* (PMI 2013) and *sociology* (i.e. Beck 2009; Giddens 2006) were also useful in comprehending how risk perceptions are constructed and enacted inside companies. By demonstrating the fallacy of risk analysis performed exclusively in company headquarters by 'risk experts', more creative approaches towards social risks are proposed in Chapter 4.

Another important theoretical framework used is Victor Turner's (1974, 1980, 1982) perspectives on *social drama* and *performance theory* (Bauman & Briggs 1990; Graham & Penny 2014). These anthropological approaches have been used to understand how protest happens and how conflict occurs during the unfolding of social dramas (Chapter 5 and 6). *Social movement theory* (Della Porta & Diani 1999; Tilly 2006) and *collaborative planning* (Arnstein, 1969, IAP2, 2010) provided an important basis for studying and classifying the different forms of protest action against project implementation (Chapter 6).

A key concept that underpins the whole research is that of *social licence to operate* (SLO) (Bice & Moffat 2014). This concept that arose in the late 1990s is all about how companies are increasingly realising that they need to win the support of local communities for their project activities in order to be competitive. Differently from a legal licence, in order to achieve and sustain a SLO the company requires the ongoing approval of local communities and other stakeholders that might affect or be affected by the project (Moffat & Zhang 2014). When a given company fails to gain or maintain a SLO it is likely that community protest will occur, such as in the form of the blockade of companies' operations or through organized Internet campaigns to cause reputational damage and influence the companies' actions on the ground (Hanna et al. 2016).

1.3. THE CONTRIBUTION OF THIS RESEARCH

The study makes a contribution to the field of social impact assessment by providing an innovative and interdisciplinary approach to SIA. The first academic contribution is the integration of the fields of social movement theory, performance theory and impact assessment in order to comprehend communities' protests that target project implementation. These are interdisciplinary fields that should interact more with each other. Despite the societal and theoretical relevance of protest action, it is still an incipient topic in the current impact assessment literature. This interdisciplinary approach explains the role of and mechanisms by which community protest influences project implementation. Despite somewhat limited discussions around public participation, impact assessment theory in general has been disconnected from social movement theory, largely relegating the role of protest to something marginal to project implementation. The research, however, demonstrated that protest action has a central role in environmental licensing processes, especially when Indigenous peoples are impacted. The link between SIA and FPIC and the role of anthropology in IA and FPIC processes are topics seldom discussed in the literature, despite being highly relevant in practice, especially when relating to Indigenous peoples. SIAs need to better consider the perspectives of impacted groups through the use of ethnographic fieldwork. This can foster proper community engagement, while fully respecting the FPIC principle. In this way, impacts will be better understood by the impacted group and mitigation measures made more adequate to the particular cultural settings, thus making them more efficient and avoiding negative impacts that might stem from culturally inadequate mitigation plans.

Drawing from anthropology, project management and social impact assessment, this study also contributes to discussions around 'social risk', arguing that risk perceptions are culturally constructed – even in the hermetic contexts of risk management. Social risks tend to be overlooked by environmental and technical risk experts, consequentially leading to greater risks to companies and communities alike. In order to mitigate the risk that risks are not identified or overlooked, communities should participate in the risk analysis (in most cases the risk of projects are very high for impacted communities) and not be considered merely as a 'social risk' for projects.

This combination of diverse theoretical backgrounds has contributed to the development of a comprehensive and interdisciplinary study about impacts of large projects on Indigenous peoples. It includes different approaches and perspectives to a common problem, and provides useful and integrated recommendations for the different stakeholders. Due to the diverse range of stakeholders involved in the circuit of project implementation impacting Indigenous peoples, a multifaceted theoretical framework is needed to deal with a multifaceted problem. For example, while Indigenous ethnology is important to comprehend the Indigenous perspective about the impacts, project management literature is useful to comprehend the perspective of the planners and engineers who design and implement such projects. In this sense, the diverse theoretical background has proved as very useful to comprehend the perspectives of the different stakeholders acting in the circuit, making the research relevant to academic theory and providing a societal contribution.

1.4. PERSONAL INTEREST IN THE TOPIC

The interest in the topic of the relations between Indigenous peoples and western institutions (e.g. nation states, companies, NGOs) comes from my long-term engagement with Indigenous peoples in different ways. In 2003 I was granted a scholarship to participate in a multi-disciplinary research project about Indigenous healthcare amongst the Kaingang people from the Xapecó Reserve in southern Brazil. During the many fieldwork visits to the Xapecó Reserve from 2003 to 2009, the research focused on different issues – from action-research to support the implementation of a community radio in the Reserve during my bachelor thesis, to the topic of food changes and health understandings about it in my Masters. In 2009 I started working for an international NGO which focuses its actions on improving the health conditions of the Brazilian Indigenous peoples through culturally-adequate healthcare. After this, I had the opportunity to work for a multinational mining company on its relationships with Indigenous peoples. Working in the 'Community Relations Department', particularly in the interaction with Indigenous communities, I could follow how the interactions between the different stakeholders involved in project implementation affecting Indigenous peoples actually works. Over 12 years, these various experiences provided me with a valuable background for conducting the present

PhD research as an insider, or even as a native in Geertz's (1973) terms, in the context I was researching about.

1.5. METHODOLOGY

The interface of large projects with Indigenous peoples can be characterised as a circuit composed of diverse actors and discourses which interact amongst themselves (and with the researcher) in various places and arenas (Nooteboom & Teisman, 2003) negotiating perspectives, resources, interests and other forms of political interaction. The objective of using the concept of circuit is that it can provide an overall view on how these various stakeholders interact amongst themselves and to comprehend how they perceive and justify their actions - despite of the inherent incompleteness of the task of doing an ethnography in/of a worldwide circuit and describe it as a coherent whole (Marcus 2012). Many times actors contradict themselves and their actions contradict their speech. In addition, many important actors, such as companies CEOs or other key-decision makers of the circuit, are hardly available to provide interviews or wouldn't do so due to conflict of interests.

Considering the global nature of this circuit, multi-sited fieldwork (Marcus 1995) is needed. For this reason, the fieldwork included a number of events at different times and places, for example, attending the launch of a book called "Making Free Prior & Informed Consent a Reality: Indigenous Peoples and the Extractive Sector" in the UK (Doyle & Cariño 2013). This event was hosted by Middlesex University together with the Ecumenical Council for Corporate Responsibility and was attended by the then UN Special Rapporteur on the Rights of Indigenous Peoples, Prof. James Anaya.

Fieldwork included two trips to Brazil of three months each, in 2012 and 2014. During the first fieldwork trip, I participated in an event at Boa Vista (state of Roraima), which was organized by a network of Brazilian NGOs who work with Indigenous Peoples (Rede de Cooperação Alternativa). Here, I participated in a workshop which was provided for Indigenous peoples to help them better understand the law around FPIC and what Indigenous peoples are actually entitled to. Besides Boa Vista, I also conducted interviews in São Paulo and Brasília with government agencies staff (FUNAI and the secretary of the presidency for social movements issues), company personnel (from a major multi-national mining company), consultants (specialists in the relation between Indigenous peoples and companies),a prosecutor from the Federal Prosecution office in Brasília (MPF), NGO staff (from two major NGO supportive of Indigenous peoples, one international and another Brazilian) and an Indigenous leader (considered to be one the most important Indigenous leaders of Brazil).

During the second fieldwork in 2014, I applied participatory-observation methods in a major 3-day Indigenous protest in Brasília, which targeted government policies towards Indigenous

peoples, including the implementation of a major dam in the Amazon region (Belo Monte dam). During this fieldwork I interviewed and interacted with Indigenous peoples who were organizing the protest, besides interviewing one of the non-indigenous leaders from an NGO who was supporting the mobilization. During the 2014 fieldwork trip, research was also conducted in the state of Tocantins to comprehend the unfolding of a compensation program focused on mitigating the impacts of the Lajeado Dam to the Xerente Indigenous people. During this fieldwork visit I interviewed people from FUNAI, Naturantins (the state licencing authority), the Public Prosecution from Tocantins (MPF-TO), academics from the Federal University of Tocantins, an NGOs supportive of Indigenous peoples, the leaders of two Indigenous associations and several Indigenous individuals which were impacted by the dam.

A wide range of qualitative methods were used, including semi-structured interviews with key stakeholders identified through snowball method, photography, qualitative research and associated methods such as field notes, diary and participant-observation. In all, 22 semi-structured interviews were undertaken with key informants such as Indigenous leaders, NGOs staff, company staff, Government agency staff, consultants and academics, as detailed in the paragraphs above and in Appendix 4.

The field diary and recorded interviews were transcribed and analysed through the use of the software, Atlas.ti, in which several codes were used to better analyse the collected data. An indicative interview schedule from the 2012 fieldwork and the codes used to analyse the fieldwork conducted in 2014 are provided in Appendixes 1 and 2 respectively. The use of codes helped identifying relevant excerpts from interviews or from the field diary useful for discussing a particular topic. In addition, an extensive review of the literature and desktop research were conducted, including the review of key documents (including national and international laws, legal cases, corporate reports, Environmental Impact Assessments and mitigation plans). Especially for the chapter 6, the monitoring of a range of NGO campaigns that target corporate activities and/or the extractive industries was also conducted. This was done by monitoring campaigns on social media channels (such as Twitter and Facebook), following discussions in mailing lists where key-informants participate at and by tracking news related to Indigenous peoples and project implementation.

The principles of ethical research were followed (Vanclay, Baines & Taylor, 2013) and every interviewee was provided with an informed consent sheet containing information about the research (Appendix 3). The informed consent sheet was translated into Portuguese so that all participants could understand the objectives of the research and, when necessary, it would be read out loud before the begin of the interview.

1.6. THESIS OUTLINE

In order to better comprehend the interactions between Indigenous peoples, national states and multinational corporations, the first aspect that should be considered is the international legal framework intended to protect the rights of Indigenous peoples. The cornerstone of this legal framework is the concept of self-determination, in which each Indigenous ethnic group should be the protagonist of their own development path, having the right to influence the decision-making process about projects affecting their lives and territories. The Free, Prior and Informed Consent mechanism, developed for allowing Indigenous participation to actually occur during project planning, and to ensure Indigenous self-determination, is extensively discussed in Chapter 2.

The environmental licensing procedure, which drives how the process actually occur on the ground, depends on national regulation (and socio-political context) and is discussed in Chapter 3. Emphasis has been given to the Brazilian case, where fieldwork was conducted. The number of environmental licensing processes involving Indigenous peoples in Brazil significantly increased over the last decade. The social impact assessment of such projects is tied to the environmental licensing process and may be subject to regional or national laws, depending on the situation. This often leads to difficulties in effectively assessing the social impacts, due to the involvement of different governmental regulatory agencies and a lack of clear legal parameters to define when the 'Indigenous component study' is necessary and how it should be done. Implementing the mitigating measures provided in the studies is an issue, as it lacks regulation on how the mitigating plans should be implemented and who should monitor the implementation. The authorization for a project to proceed is frequently done without properly considering the provisions of the impact assessment or following the requirements of Free Prior and Informed Consent.

Chapter 4 presents companies' practices relating to stakeholder relations and critically analyses how this influences the relations between companies and local communities. Instead of considering local communities as risks to their operations, companies should engage with local communities as partners, not as risks, thus actually lowering the risks of operations for both companies and communities.

Considering the role of protest action in these often conflictual relationships, Chapters 5 and 6 present how protest actions influence the outcomes of project implementation. While Chapter 5 provides a detailed description of a major mobilization of Indigenous peoples in Brazil, which strongly targeted the construction of what will be the third largest dam in the world (Belo Monte Dam), Chapter 6 theorizes about the potential forms of protest that communities might use to influence project implementation. Chapters 5 and 6 explain the dynamics of community protest and propose a framework to comprehend protest action, with over 200 forms of protest being listed in Chapter 6. These chapters demonstrate that protest has a central role in influencing project decision-making and that, in fact, protests usually emerge where issues have not been previously resolved. Thus, community protests targeting project implementation are understood

as processes in the unfolding of broader social dramas, in which performativity, innovation and new Information and Communication Technologies (ICTs) have a central role.

Chapter 7 uses a case study from central-northern Brazil to elucidate how project implementation actually happens. A case study has been chosen because it can be exemplary of how the environmental licensing process is actually enacted in Brazil when Indigenous peoples are impacted, providing an illustrative real example. Based on interviews with different stakeholders (Indigenous peoples, NGOs, government agencies), the construction of the Lajeado Hydroelectric Dam is described along with its social and environmental impacts and the attempts to mitigate them through a broad and structured compensation program.

Finally, Chapter 8 presents general conclusions drawing from all the chapters. The conclusion chapter provides recommendations for all stakeholders in the circuit of project implementation impacting Indigenous peoples and other local communities. In addition, it is also provided a table with possible forms of company reaction to protest. It is discussed how some reactions have the potential to de-escalate or escalate conflict, depending whether companies engage in fair negotiations with protesters or if repressive measures are pursued.

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CHAPTER 2

Human rights, Indigenous peoples and the concept of Free, Prior and Informed Consent

Philippe Hanna

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ABSTRACT

The human right to self-determination is enacted in various international treaties and conventions. In order to facilitate self-determination, it is necessary to provide Indigenous peoples with opportunities to participate in decision-making and project development. The obligation for governments and companies to engage impacted communities is recognized in international law, especially with the principle of 'Free, Prior and Informed Consent', which is outlined in the United Nations Declaration on the Rights of Indigenous Peoples and in the International Labour Organization Convention 169. The encounter between human rights, Indigenous peoples and mining and other extractive industries is discussed, especially as it is has played out in Brazil. We recommend that companies should fully endorse and respect these internationally recognized human rights, including self-determination, even where not required by national or local legislation. We also discuss the relationship between Free, Prior and Informed Consent and Impacts and Benefits Agreements.

KEYWORDS

2.1. INTRODUCTION

This paper discusses various contemporary issues surrounding human rights, Indigenous peoples and their relationship with the extractive industries, focusing on the Brazilian context. In particular, the concept of 'Free, Prior and Informed Consent' (FPIC) is detailed. A major demand of Indigenous peoples facing development projects likely to impact their livelihoods (e.g. mines, dams) is to be able to have a say about whether and how the project should proceed. In effect, this demand has been provided for with the provision of FPIC. However, the practical implementation of FPIC is often very far short of the ideal.

FPIC "recognizes indigenous peoples' inherent and prior rights to their lands and resources and respects their legitimate authority to require that third parties enter into an equal and respectful relationship with them based on the principle of informed consent. Procedurally, free, prior and informed consent requires processes that allow and support meaningful choices by indigenous peoples about their development path" (UN Sub-Commission on the Promotion and Protection of Human Rights 2004, p. 5). FPIC is intrinsically connected to the idea of self-determination, which basically argues that 'human beings, individually and as groups, are equally entitled to be in control of their own destinies, and to live within governing institutional orders that are devised accordingly' (Anaya 2009, p. 187). As stated in the Charter of the United Nations (United Nations 1945) and in Article 1 of the International Covenant on Economic, Social and Cultural Rights (UN General Assembly 1966), self-determination is to be provided to 'all peoples'.

The history of the relationship between the human rights discourse and Indigenous peoples is described, including a discussion of the anthropological contribution to this topic, particularly in the context of how it has played out in Brazil. In the first section of this paper, the process of recognizing human rights for Indigenous peoples as collective rights is described. The activities of companies and development agencies in relation to this issue are presented in the second section. In the third section, the concept of FPIC and its origins are described. Recommendations for companies wishing to respect human rights, particularly towards Indigenous peoples, are provided in the conclusion.

2.2. THE INDIGENOUS PEOPLES' STRUGGLE FOR THE 'RIGHT TO HAVE RIGHTS'

'Human rights are commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being' (Sepúlveda et al. 2004, p. 3). These rights, which are considered to be indivisible (apply equally to everyone) and inalienable (always apply and cannot be voided or extinguished), include the right to life, property, health, education, free association, among others (Sepúlveda et al. 2004). Human rights are intended to be universal, 'without distinction of any kind, such as race, colour, sex, language,

religion, political or other opinion, national or social origin, property, birth or other status' (UN General Assembly 1948a, Article 2). However, Indigenous peoples still experience unequal access to human rights and systematic ethnic discrimination (Cobo 1986; Stavenhagen 2009; ILO 2012). They face higher levels of infant mortality and fare worse on most health indicators when compared with non-Indigenous groups (Stavenhagen 2003; Montenegro & Stephens 2006; Gracey & King 2009), a situation often described as the 'fourth world' (Dyck 1985; Wright 1988; Watkins 2005). Anaya (2004) classifies it as a dual discrimination – there is denial of access to land, basic resources and services, leading to difficulties in sustaining traditional ways of life; in addition, there is systematic discrimination that arises especially when Indigenous peoples attempt to participate in the dominant society.

The Indigenous peoples' struggle to ensure respect for their human rights started with the demand for the 'right to have rights' (Stavenhagen 2003, linking to Arendt 1951), and has culminated in the drafting and endorsement of several international conventions and agreements that were conceived to guarantee the access of Indigenous peoples to human rights. A list of the various international documents that directly or indirectly address the rights of Indigenous peoples is provided in Table 2.1.

Table 2.1. | Selection of the key international agreements that address Indigenous rights

Charter of the United Nations (1945) – Article 1, Clause 2 articulates 'the principle of equal rights and self-determination of peoples', which is still one of the major demands of Indigenous peoples (United Nations 1945).

Universal Declaration on Human Rights (1948) – This declaration addresses several universal rights, which also apply to Indigenous peoples, such as the right to life, property, health, education and free association, among others (UN General Assembly 1948a).

Convention on the Prevention and Punishment of the Crime of Genocide (1948) – Article 2 defines genocide as 'acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group'. Indigenous peoples historically were and still are targets of genocide, perpetrated in different ways by various national governments and racist groups (UN General Assembly 1948b).

UN Convention on the Elimination of All Forms of Racial Discrimination (1965) – This convention promotes the elimination of racial discrimination against ethnic groups, including Indigenous peoples (UN General Assembly 1965).

International Covenant on Economic, Social and Cultural Rights (1966, entered into force in 1976) – Article 1 of this UN covenant states that 'all peoples have the right to self-determination', and thus to 'freely determine their political status and freely pursue their economic, social and cultural development' (UN General Assembly 1966).

Indigenous and Tribal Peoples Convention – International Labour Organization C169 (1989) – This convention is a revision of the 1957 Indigenous and Tribal Populations Convention (ILO C107). Although C169 has been ratified by only 20 countries to date, it is the most important, legally binding international document about Indigenous rights. It promotes rights in different areas

(e.g. education, health and land). It requires governments to consult Indigenous peoples regarding any administrative or legislative measures that affect them directly, and to guarantee that Indigenous peoples can participate in the process of decision-making (ILO 1989, Article 6).

World Bank Operational Directive 4.20 (1991) – This Operational Directive regulates how borrowers from the World Bank should proceed when their projects affect Indigenous peoples (World Bank 1991).

Declaration on the Rights of Persons Belonging to National or Ethnic Religious and Linguistic Minorities (1992) – The main provision of this UN Declaration is stated in Article 4, which require states to take measures to ensure that 'minorities may exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law' (UN General Assembly 1992a).

Rio Declaration on Environment and Development (1992) – This Declaration is a product of the United Nations Conference on Environment and Development (or Earth Summit) held in Rio de Janeiro in 1992. Principle 22 establishes the crucial role of Indigenous peoples in environmental management because of their traditional knowledge (UN General Assembly 1992b).

Convention on Biological Diversity (1992) – Like the Rio Declaration, this Convention was signed at the Earth Summit. It recognizes the role of Indigenous peoples in promoting biodiversity through their traditional knowledge (UNEP 1992).

Vienna Declaration and Programme of Action (1993) – Article 1.20 outlined some basic principles, while Article 1.28 called for the establishment of a Working Group to prepare a Declaration on the Rights of Indigenous Peoples (which was not finalized until 2007). Article 1.2 states that 'The World Conference on Human Rights considers the denial of the right of self-determination as a violation of human rights and underlines the importance of the effective realization of this right' (UN General Assembly 1993).

UNESCO Universal Declaration on Cultural Diversity (2001) – 'The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples' (UNESCO 2001, Article 4).

Equator Principles (2003) – A voluntary set of standards developed by several major banks for assessing and managing risks related to development projects. Indigenous peoples are considered to be a stakeholder needing to be fully considered (Equator Principles Association 2003).

World Bank Operational Policy (OP) and Bank Procedure (BP) 4.10 (2005) – The OP/BP 4.10 replaces OD 4.20 for investment projects financed by the World Bank that affect Indigenous peoples (World Bank 2005).

International Finance Corporation (IFC) Performance Standard 7 (2006, updated in 2012) – IFC Performance Standards (PS) are similar to World Bank safeguard policies, but are adapted to be applicable to IFC borrowers. PS7 is related to Indigenous peoples and articulates specific procedures for projects that affect them (IFC 2006, 2012).

UN Declaration on the Rights of Indigenous Peoples (UNDRIP) (2007) – This Declaration addresses a large range of rights of Indigenous peoples. It affirms that governments should obtain 'free, prior and informed consent' from Indigenous peoples about any project that may affect their livelihoods (UN General Assembly 2007a, Articles 10, 19, 29 and 32).

It is important to clarify that these documents do not provide Indigenous peoples with any 'extra' human rights that are not also accorded to non-Indigenous persons; nevertheless these documents are intended to guarantee that Indigenous peoples have equal access to human rights (Anaya 2009). However, as presently understood in a legal sense, FPIC is currently provided exclusively for Indigenous and other 'traditional peoples', such as the descendants of escaped slaves (quilombolas in Brazil) and tribal peoples in Africa, although there is a push to widen the application of FPIC (Goodland 2004; Hill et al. 2010; Vanclay & Esteves 2011). FPIC is not a 'right' per se, but a mechanism to ensure progress towards the right of self-determination for Indigenous Peoples (Anaya 2009). Even though FPIC itself may not be a right, Indigenous peoples do have the right to be consulted on issues that affect their lives, which we will refer to as the right to FPIC.

The process of establishing this international body of law (Table 2.1.) has been controversial from the beginning. Anthropologists in general – as reflected in an American Anthropological Association (AAA) statement of 1947 (AAA, The Executive Board 1947) – were critical of the concept of universal human rights, which they considered to be a Western ethnocentric concept (Messer 1993; Preis 1996; Riles 2006). The major arguments of the AAA statement were that rights are culturally relative and that Western notions of progress should not be imposed on other cultures. Another reason that led to anthropologists boycotting the international human rights agenda was the predominantly legal approach that prevailed, allied to an exclusive focus on individuals rather than collective groups. However, with the Indigenous struggle for rights in the 1980s, anthropologists were addressing human rights through a sociocultural and political rather than legal framework (Messer 1993). They advocated for collective rights. This led to a change in the perspective of both sides, as the international discourse on human rights has now accepted the idea of collective rights and has even accepted 'some form of weak cultural relativism; that is, on a fundamental universality of basic human rights, tempered by a recognition of the possible need for limited cultural variations. Basic human rights are, to use an appropriately paradoxical phrase, relatively universal' (Donelly 1984, p. 419).

The anthropological perspective has also broadened, particularly around the formulations of social transformation and the anthropology of development (Messer 1993). In its 1999 Statement about Human Rights, the AAA embraced the human rights discourse; however, it pointed to the need for advocating for collective and cultural rights and for tolerance across different cultures (Messer 1993; AAA 1999; Engle 2001; Riles 2006). Wright (1988) discussed the dilemmas anthropology found itself in during those decades, as the native peoples it studied were facing a range of problems, as described above, and often their very survival was in question. Although Indigenous peoples played a major role themselves (Miranda 2010), Wright identified ways in which anthropologists were engaged in advocacy for Indigenous peoples. One way was through influence international organizations and international law; and some positive results have occurred, such as the approval of the UNDRIP by a large number of countries, something that can be considered to be a major victory for Indigenous peoples, even if it was a long time coming.

The debate around collective and cultural rights was very important in the lead-up to and the drafting of the UNDRIP, as these rights clashed with the Western concept of individual rights (Clinton 1990; Anaya 2004). As explained by Wiessner (2011, p. 124):

> one of the major objections to the novel rights of indigenous peoples has been that they are largely rights of collectivities, not individuals. Thus, they appear to sit uneasily with the traditional human rights regime, which in the eyes of many is constructed around the interests and concerns of individual human beings.

The human right to self-determination is provided for in several international instruments. Many countries were reluctant to recognize the collective right of Indigenous peoples to self-determination because they feared it could threaten state sovereignty and lead to an escalation in claims for independence by Indigenous peoples (Engle 2011). A complicating factor is that there is a difference between internal and external self-determination. External self-determination refers to the aspiration of an ethnic group to claim statehood, sovereignty or secession, while internal self-determination provides some level of autonomy to operate within the existing state (Sterio 2009). The UNDRIP provides only for internal self-determination, which is comprehended by Engle (2011, p. 148) as a 'collective human rights demand rather than a claim for statehood'.

Another important argument towards collective human rights is that an individual cannot exercise their culture alone (Anaya 2004). This leads us to the question of cultural rights, which also became an important claim and one of the major strategies of Indigenous rights advocates since the 1990s (Engle 2011). Cultural rights, that is, the right of a particular ethnic group to maintain its own culture, are broad. For example, for Indigenous peoples, access to land and natural resources are fundamental to exercise and reproduce their culture. Thus, the human right to culture necessarily includes rights to land and its resources (Wiessner 2011).

The UNDRIP does not establish any new rights for Indigenous peoples that are not already provided by other international human rights instruments; however, it synthesizes how these rights need to be applied as a map of action for human rights policies towards Indigenous peoples (Stavenhagen 2009). Several authors (e.g. Royo 2009; Stavenhagen 2009; Wiessner 2011), as well most of the states voting in favour of the UNDRIP, clearly comprehend the Declaration as a non-binding legal instrument, or 'soft-law', which does not require ratification and for which non-compliance by its signatories would not result in any sanctions. Burger (2009) argued that the Declaration brought no substantial change to what already existed, unless states would make changes to their own legislation and, above all, have the political will to do so. However, various authors (e.g. Anaya & Williams 2001; Royo 2009; Stavenhagen 2009) expect that, with time, full compliance with the UNDRIP and related instruments is likely as it will become part of customary international law (cf. Bradley & Goldsmith 1997), and thus be fully applied.

2.3. THE ROLE OF CORPORATIONS

Most transnational corporations in the extractives sector have adopted Corporate Social Responsibility standards for regulating their activities, sometimes including specific policies relating to human rights and/or Indigenous peoples. Despite the UNDRIP and Corporate Social Responsibility standards, human rights violations towards Indigenous peoples keep occurring, and the direct and indirect consequences of resources extraction by companies in or nearby Indigenous lands remain one of the major problems that Indigenous peoples continue to face (Stavenhagen 2003; ILO 2012; Verdum 2012).

Professor John Ruggie, the Special Representative of the UN Secretary-General on Human Rights and Transnational Corporations and Other Business Enterprises between 2005 and 2011, determined that companies should respect internationally recognized human rights, even if it was not required by host governments. In the Guiding Principles, Ruggie (2011) specified the minimum standards that companies should follow, specifically those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization's Declaration on Fundamental Principles and Rights at Work. The right to self determination is thus included in the minimum standards. The lack of regulation or enforcement in national legislation to ensure that transnational companies comply with these standards is what Ruggie called a 'governance gap' (B&HRI 2010), which provides opportunities for companies to perform 'wrongful acts' without any legal consequences. A similar phenomenon is described by Stavenhagen (2009, p. 367) as the 'implementation gap between laws and practical reality'. This situation can be worsened in hybrid state–corporate enterprises where confluences of interest lead to conflicts of interest and role confusion, as highlighted by Miranda (2007, p. 139):

> Arguably, the most significant violations of indigenous peoples' land rights occur in the context of a hybrid state– corporate enterprise, where through a collaborative legal arrangement, a state effectively delegates many of its human rights responsibilities toward indigenous peoples to a joint corporate actor.

The governance gap is that, in these circumstances, the state fails in its duty to protect, partly because there frequently is no mechanism to verify compliance with human rights responsibilities. Also, there is no entity or legal instrument at the international level to enforce companies to comply. As mentioned earlier, the UNDRIP is not legally binding. Many authors have exposed a vast number of cases where Indigenous rights are threatened by industry activities (e.g. Colchester 2010; Haalboom 2012; Coumans 2012). Miranda (2007) warns of the need to create accountability mechanisms to ensure that companies respect the internationally recognized rights of Indigenous peoples.

A solution that has been proposed to address and prevent human rights violations in the development of large projects is to conduct a human rights impact assessment (HRIA) prior to project implementation. MacNaughton and Hunt (2011, p. 362) define HRIA as 'a process of predicting the potential consequences of a proposed policy, program or project on

the enjoyment of human rights'. Maassarani et al. (2007) see the potential of HRIA to contribute to the progressive realization of human rights, if it is integrated into the early stages of company decision-making processes. The UN Global Compact (2011) created a Guidance Tool for companies, based on Ruggie's Guiding Principles (Ruggie 2011). The first step of their approach is to identify potential violations of human rights throughout the company production chain, including taking into account indirect violations, such as from suppliers or contractors. This can be achieved using the techniques typically used in HRIA and social impact assessment (SIA) (Esteves & Vanclay 2009; Esteves et al. 2012). After assessing the impacts, the Global Compact Guidance Tool emphasizes the need to involve the top management of the company in order to have a real commitment to respecting human rights. In addition to management support, training is needed for employees and contractors. Grievance mechanisms for affected communities and performance indicators are necessary to monitor if human rights are being respected, and to check whether improvements are being made (B&HRI 2010). This approach is well aligned with Messer's (1993) proposal, where anthropologists were seen as having a role in preventing, rather than simply reporting, human rights abuses in contexts of inter-ethnic conflict.

Human rights violations towards Indigenous peoples in Brazil often occur in the development of large projects, particularly mines and dams sponsored by Brazilian state– corporate enterprises. These situations can be characterized as contexts of inter-ethnic conflict, or a form of 'internal colonialism' (Cardoso de Oliveira 1978). This arises partly because of the perception of many Latin American elites that Indigenous cultures are 'backwards', and the lack of respect they have for Indigenous peoples, often believing that greater attention to Indigenous peoples' rights would slow down the development of the nation. This context of class struggle or 'inter-ethnic friction' (Cardoso de Oliveira 1978) has led to several conflicts, including deaths, violence and protracted legal battles (Coelho dos Santos 1981; Miranda 2007; Jampolsky 2012). The 'national interest' is often advocated as a reason to 'legitimately' violate Indigenous rights, especially in large development projects. This reason was even stated in a recent and controversial government act, Ordinance 303 (*Portaria 303 da AGU*), which was enacted on 16 July 2012 and states: 'the enjoyment of the riches of the soil, rivers and lakes existing in indigenous lands (art. 231, §2 of the Constitution) can be relativized whenever, as in art. 231, 6*8*, of the Constitution, there is relevant public interest of the Union, in the form of a supplementary law' (Brasil 2012, Article 1.1). Following protests, this Ordinance has been suspended, but not revoked (Mongabay 2012).

Another example, which has also been the subject of much controversy, is the planned Belo Monte dam in the State of Pará, Brazil. If built, Belo Monte would be the third largest dam in the world, would displace between 20,000 and 40,000 people, and would impact, directly or indirectly, on some 10 different Indigenous groups (Jampolsky 2012). The major argument against the construction of the Belo Monte dam (and other large projects) is the lack of genuine commitment to the principle of FPIC by the developers, and consequently a denial of the right to self-determination, arguably the most violated Indigenous right in the Brazilian development context (ILO 2012).

2.4. FREE, PRIOR AND INFORMED CONSENT

It is hard to determine when the term 'Free, Prior and Informed Consent' first appeared, but the literature suggests that the FPIC idea arose in the mid 1980s as part of the Indigenous peoples' struggle for self-determination (Colchester & Ferrari 2007). Goodland (2004) concurs that FPIC appeared in the 1980s, particularly related to cases of involuntary displacement of Indigenous peoples. The term 'Free and Informed Consent', a precursor to the current concept of FPIC, first appeared in the International Labour Organization (ILO) *Convention Concerning Indigenous and Tribal Peoples in Independent Countries*, C169/1989. The concept has developed over time, with Vanclay and Esteves (2011, pp. 6 – 7) describing it as follows:

> In both the formal and more general utilization of FPIC, each word contributes meaning to the concept. Free, meaning that there must be no coercion, intimidation or manipulation by companies or governments, and that should a community say 'no' there must be no retaliation. Prior, meaning that consent should be sought and received before any activity on community land is commenced and that sufficient time is provided for adequate consideration by any affected communities. Informed, meaning that there is full disclosure by project developers of their plans in the language acceptable to the affected communities, and that each community has enough information to have a reasonable understanding of what those plans will likely mean for them, including of the social impacts they will experience. Consent, meaning that communities have areal choice, that they can say yes if there is a good flow of benefits and development opportunities to them, or they can say no if they are not satisfied with the deal, and that there is a workable mechanism for determining whether there is widespread consent in the community as a whole and not just a small elite group within the community.

The right to FPIC is intrinsically linked to the right to self-determination, which is articulated in the 945 Charter of the United Nations: 'To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace' (United Nations 1945, Article 1). Later, the UNDRIP would refer specifically to the rights of Indigenous peoples to self-determination (UN General Assembly 2007a). This right is about having the ability to choose to live accordingly to a group's institutions and traditional organization, and above all, by its own will. The right to self-determination may be seen as the basis or inspiration by which the right to FPIC was elaborated and claimed by Indigenous peoples, scholars and activists (Page 2004).

FPIC is also related to the concept of ethnodevelopment, which was elaborated by Stavenhagen (1985) around the same time as FPIC emerged, and was adopted into Brazilian law in 2004 (Resolução CONDRAF no. 44, Brasil 2004). Ethnodevelopment proposes that development should be defined according to each cultural context, giving the right to communities to decide over their

own future and the use of their resources, as guided by their own cultural frameworks, which may differ from the Western notion of economic development (Stavenhagen 1985). Of course, inside the same community there may be political and inter-generational conflicts, with different perspectives for development. Even despite these possible divergences, ethnodevelopment is defined by the community itself, by its own cultural framework.

The terms self-determination, ethnodevelopment and FPIC are now embedded into international and national laws and have been incorporated into the discourse of Indigenous peoples when claiming their rights (e.g. Brasil 2004; Tauli-Corpuz et al. 2010; Hill et al. 2010). As previously mentioned, the ILO addresses it in its Convention 169, which states in Article 6(1):

> Governments shall: (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them. (ILO 1989, p. 4)

According to MacKay (2004), the ILO Convention 169 does not require 'consent', although Article 6 obliges governments to 'consult' Indigenous peoples. Article 7(1) states that: 'The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development'. This could be regarded as being a right to FPIC.

Tugendhat et al. (2009) consider that the ILO 169 is the only legally binding document regarding the rights of Indigenous peoples. Besides this Convention, the UNDRIP is the most referred to international document regarding the Indigenous right to FPIC, despite the fact that a UN Declaration does not have the same legal status as an ILO Convention. The Declaration is not legally binding, while the Convention provisions can be enforced in court. This may be one of the reasons why there are only 20 signatories to ILO Convention 169, but the UNDRIP was endorsed in 2007 by a vote of 143 countries in favour, 11 abstaining (Azerbaijan, Bangladesh, Bhutan, Burundi, Colombia, Georgia, Kenya, Nigeria, Russian Federation, Samoa and Ukraine), and four against (Australia, Canada, New Zealand and the United States). The four countries that voted against the declaration argued that 'they could not support it because of concerns over provisions on self-determination, land and resources rights and, among others, language giving indigenous peoples a right of veto over national legislation and State management of resources' (UN General Assembly 2007b, p. 1). Between 2009 and 2010, the four opposing countries changed their position and are now signatories to the Declaration, along with two of the abstaining countries, Colombia and Samoa. Nevertheless, at their respective announcements of endorsement, Australia, Canada, the United States and New Zealand all emphasized that

they did not consider UNDRIP to be a legally binding document, but rather an aspirational goal (Engle 2011; Wiessner 2011).

FPIC is addressed in several places in the UNDRIP. According to the Declaration, governments need to consult Indigenous peoples in order to obtain their consent about the following topics: relocation (Article 10), administrative measures that affect them (Article 19), the storage of hazardous materials inside Indigenous land (Article 29) and utilization of their resources, as stated in Article 32:

> States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (UN General Assembly 2007a, p.12)

Some international entities that recognize the right to FPIC are the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights (Linde 2009). The World Bank's position on FPIC, however, is very controversial. Despite recommendations from the World Commission on Dams and the World Bank's own Extractive Industry Review, after a very long debate and an arguably inadequate consultation with Indigenous organizations (Linde 2009; Cariño & Colchester 2010), the World Bank adopted a lower standard – that of 'free, prior, and informed *consultation* resulting in broad community support' – in their Operational Policy on Indigenous Peoples, OP 4.10 (World Bank 2005). OP 4.10 is criticized by Indigenous organizations, nongovernmental organizations, academics and activists because it does not clearly recognize FPIC, but instead proposes this dubious concept of 'FPICon' (free, prior and informed consultation) (Caruso et al. 2003; MacKay 2005; Griffiths 2005). Goodland (2004), however, argues that 'meaningful participation', as required by the World Bank, can lead to FPIC if applied in good faith.

The World Bank's adoption of FPICon gave a mandate to other agencies to adopt similar requirements, including the International Finance Corporation (IFC) in its Performance Standard 7 (PS7), which provides guidelines for engagement between Indigenous peoples and the companies/projects it finances (IFC 2006). However, the 2012 revision of PS7 recognized the right to FPIC in special circumstances, such as 'Impacts on Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use', 'Relocation of Indigenous Peoples from Lands and Natural Resources Subject to Traditional Ownership or Under Customary Use' and for projects that impact 'Critical Cultural Heritage' (IFC 2012).

Another institution that has adopted a concept similar to FPICon is the International Council on Mining and Metals (ICMM), with its 'Community Development Toolkit' containing guidelines for mining companies to engage with communities. Regarding Indigenous peoples, it proposed that 'all development programs should be based on engaging and consulting with Indigenous Peoples in a fair, timely and culturally appropriate way throughout the project cycle'

(ICMM 2012, p. 22). In an earlier document focused exclusively on Indigenous peoples and mining, the ICMM stated that it agreed with the 'free, prior and informed' elements of FPIC, but not with the 'consent' component. ICMM members are expected to engage in FPIC only where it is required by national legislation. Their argument is that the right of FPIC is not feasible at present owing to the difficulties in implementation and definition (ICMM 2010). The position ICMM is taking could lead to breaches of international human rights standards, as companies might only do the minimum necessary to meet the requirements of local legislation (Haalboom 2012), potentially failing to recognize the right to FPIC, and thus infringing the Indigenous right to self-determination.

Arguably, the Philippines and Australia (somewhat ironically given that Australia was one of four objectors to UNDRIP) were the first countries to require FPIC or consent in local legislation (MacKay 2004). In the Philippines, the right to FPIC is provided by the Indigenous Peoples' Rights Act of 1997 and is effected through the mediation of a government agency responsible for Indigenous peoples in the country (National Commission on Indigenous Peoples, NCIP). The Act defines FPIC as:

> Free and Prior Informed Consent – as used in this Act shall mean the consensus of all members of the ICCs/IPs [Indigenous Cultural Communities/Indigenous Peoples] to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community. (Indigenous Peoples' Rights Act of 1997, section 3)

MacKay (2004) suggests that FPIC has been required (albeit implicitly) in the Northern Territory of Australia for more than 30 years through the Aboriginal Land Rights (Northern Territory) Act 1976. Since then, New South Wales, Queensland and some other states have adopted similar regulations. However, while FPIC may be inferred to apply (and consent is specifi mentioned), none of this legislation specifically mentions FPIC per se, but requires a mining entrepreneur to formalize 'consent' in an agreement with the Aboriginal 'traditional owners', usually mediated by a Land Council or similar body.

Cariño and Colchester (2010) note that Bolivia, Venezuela, Colombia and Guyana adopted national laws recognizing the Indigenous right to FPIC and that New Zealand requires it for mining activities. In Venezuela, FPIC is implied in a law on biological diversity that also protects cultural diversity (Gupta 2002). In 2012 the InterAmerican Court of Human Rights decided on a decadelong judicial battle, *Sarayaku v. Ecuador*, which was about rights over oil exploration in the Kichwa Sarayaku territory. With the Ecuadorian Government losing, this case can be considered an important legal precedent as it establishes a legal meaning on how and when FPIC should be applied (Amnesty International 2012).

Despite the fact that local law in many places requires FPIC, experience in the Philippines demonstrates that a regulatory process on its own is not enough to ensure that it is applied

properly, as community consent has been manipulated through bribery or other coercion methods, as Cariño (2005, p. 39) informs:

> The experience of indigenous communities in the Philippines stands as a vehement reminder that surface level [i.e. superficial] change is not sufficient; despite progressive law that promises to involve indigenous communities in the future of their ancestral lands, the indigenous voice continues to be manipulated and ignored in the face of foreign owned mining firms. When industry interests clash with local interests, the former continues to prevail.

There is also the risk of FPIC becoming a box-ticking procedure made just to comply with local legislation, but with no real commitment to get a clear statement of consent from the impacted party. Cariño and Colchester (2010) call this kind of process the 'engineering of consent'. As shown in case of the Philippines, achieving FPIC might be done just to comply with government requirements, sometimes including the bribery of community leaders and government employees, in order to 'tick the box' of FPIC in the list of project requirements (Colchester & MacKay 2004; Cariño & Colchester 2010). According to Colchester and MacKay (2004, p. 26), 'extractive industries have consciously manipulated communities, introducing factionalism, dividing communities and promoting individuals, who may have no traditional authority as leaders, to represent the communities. The illusion of free, prior and informed consent is thus achieved by the exclusion of the majority of community members from effective participation in decision-making'.

Despite being a signatory to the ILO Convention 169 and the UNDRIP, the only legislation in Brazil that implies FPIC to any degree is the Brazilian Constitution of 1988, specifically Article 231 §3 (Brasil 1988). Even though not specifically referring to 'consent', it states that the use of water resources, potential for hydropower or mineral riches in Indigenous lands may only be exploited 'after hearing the communities involved'. However, there are no guidelines regarding how and when any consultation process must be applied. For that reason, in January 2012 a working group was formed by the government to develop and present a proposal for regulation (Verdum 2012), which at the time of finalizing our paper in early 2013 was yet to report.

In Brazil, mining can take place near Indigenous lands, but not inside their lands owing to regulatory restrictions. Because of this, various questions arise. For example, despite Indigenous peoples being directly affected by operations, where they are not the landowners of the actual mining lease, should their consent be required? Should the community have a veto power over the project? What defines consent, especially if the project is opposed by only a few community members?

In order to answer these questions, and notwithstanding our view that FPIC is not in itself a right but is in effect 'the right to be consulted', we believe, consistent with many others (e.g. Vanclay & Esteves 2011), that FPIC should be comprehended as a philosophy rather than a legal procedure. If operations affect Indigenous peoples' lives, they should have the right for their views to be considered and respected, regardless of the national legislation requirements. Cariño and

Colchester (2010, p. 434) propose that "the spirit of FPIC is that development should become accountable to peoples' distinctive cultures, priorities, and unique paths to self-determination, not endanger their very survival". However, speaking about the practical operationalization of FPIC, Goodland (2004) suggests that consent should be regarded as the support from 51% or more of community members. However, this majority vote is a Western conception of democratic decision-making, and is not likely to be endorsed by many Indigenous political organizations, who, for example, depending on the ethnic group, may prefer that decisions be based on the elders' opinions or by reaching consensus between members (Bauman & Williams 2004; van Dam 2008).

Despite being recognized by international treaties, as at the time of writing in late 2012, only a small number of companies have made public statements of commitment to FPIC, including: Inmet, Newmont, Rio Tinto, Talisman and Xstrata (Voss & Greenspan 2012). Despite the expressed support of Talisman Oil for FPIC, Amazon Watch is criticizing them for their operations close to the Achuar Indigenous group on the border between Peru and Ecuador. Talisman alleges that they have community consent, although according to the nongovernmental organization, the Achuar oppose the project (Amazon Watch 2012).

This low level of corporate commitment to FPIC to date may be because companies might consider that their interests are threatened by recognition of an Indigenous community's right to FPIC. The argument provided is the same espoused by ICMM (2010), as mentioned earlier, for whom the consent part of FPIC was unclear and/or not feasible to be implemented in practice. Besides this argument, giving the power of veto to communities is seen as a menace that could tip the power balance in favour of communities and restrain possibilities for new ventures. Relations between companies and Indigenous communities are usually difficult, but that should not become a barrier to companies in adopting best practices and respecting internationally recognized human rights such as FPIC. In any case, we argue that when undertaken, FPIC can provide benefits to both sides. Companies that apply FPIC are likely to benefit from an improved social licence to operate and are likely to have a better public image than those who do not recognize the right to FPIC. Communities that enjoy their right of being informed, consulted and heard by the project proponents are able to provide positive feedback on project design, for example, that could contribute to cost savings. The enjoyment of this right also raises a community's confidence, as it becomes an important stakeholder during the whole project development process and puts it into a position that enables it to have a real opinion about the project's impacts and possible measures to avoid or mitigate these impacts. This could lead to simpler and cheaper solutions, as social impacts are identified at an earlier stage. Applying FPIC can also avoid conflicts with communities (De Echave 2010) and reduce costs and risks for companies (Davis & Franks 2011; Vanclay 2012).

Various authors suggest that the concept of FPIC should not be limited to Indigenous peoples, recommending its adoption to projects affecting all local communities (Goodland 2004; Hill et al. 2010; Vanclay & Esteves 2011; Langbroek & Vanclay 2012). According to Goodland

(2004), we cannot advocate democracy only for some, leaving autocracy to the others. Thus, every affected community should have the right to be informed and to have its opinion on the developments that affect their lives fully considered. Useful tools for making the FPIC process more effective are SIA and HRIA, which can be perceived as the 'informed' component of FPIC, allowing both companies and communities to comprehend what the expected impacts are and, if they are acceptable to the community, the possible ways of avoiding or mitigating them. Vanclay and Esteves (2011) perceive that the FPIC and SIA processes are similar and that the basic steps for accomplishing them are fundamentally the same. Additionally, where there are unavoidable impacts, SIA can help ascertain what would be fair compensation to the community, and to formalize this in an Impacts and Benefits Agreement.

2.5. THE RELATIONSHIP BETWEEN FPIC AND IMPACTS AND BENEFITS AGREEMENTS

Impacts and Benefits Agreements (IBAs) are a form of community development agreement that communities negotiate with developers, usually without the mediation of government. They emerged in Canada and Australia as a way of formalizing the negotiations between extractives companies and Indigenous peoples. Earlier forms of arrangements failed to guarantee respect for Indigenous rights and/or their adequate participation in the process (O'Faircheallaigh 1999; O'Faircheallaigh & Corbett 2005). Before the IBA model, the social and environmental impacts of development projects on communities used to be addressed only through environmental impact assessment procedures, regulated by the government (Galbraith et al. 2007). Prno et al. (2010) consider that IBAs emerged as a community response to the 'business as usual' modus operandi that existed in Canada during the environmental impact assessment regime. IBAs have now become the standard model of negotiation between extractive companies and Indigenous peoples in Canada and Australia, and are being implemented in many other countries and contexts (O'Faircheallaigh 2010). In Brazil, although current laws forbid mineral extraction within Indigenous lands, a concept similar to IBA exists for where Indigenous peoples may be affected by developments close to their lands. Because of the context specificity and changing nature of IBAs, we endorse Caine and Krogman's (2010, p. 80) definition that IBAs are 'agreements that establish formal relationships between signatories, mitigate negative development impacts, and enhance positive development outcomes for Aboriginal communities'.

In the literature on the topic, IBAs are generally seen as positive tools for mitigating impacts, but some studies demonstrate that important issues, such as governance and implementation of the provisions, are often left out (Siebenmorgen 2009; O'Faircheallaigh 2010). Hitch (2006) also considers IBAs to be an innovative tool for promoting more equitable and sustainable development for all stakeholders, but suggests that, for IBAs to be successful in achieving their goals, it is crucial that companies have high levels of cultural sensitivity, apply participative and transparent approaches

to decision making and work in collaboration with the communities. Similarly, O'Faircheallaigh (2010, p. 70) suggests that agreements can provide substantial benefits, but many issues need to be addressed, 'including confidentiality, Aboriginal support for projects, and Aboriginal access to judicial and regulatory systems. Also vital is the need to break down the barriers that often exist between processes for negotiating project agreements and broader processes for community planning and decision making'.

The existence of a signed IBA between a company and a community does not necessarily confirm that the conditions of FPIC were applied. For example, a signed agreement could be the result of coercion of various kinds (i.e. not free). Companies may not have acted in good faith by not revealing all relevant information and/or communities might not have understood the implications of what was going to happen (i.e. not informed). And quite often, agreements may have been finalized, and in some cases not even started, until after project activities had commenced (i.e. not prior). Thus the development of an IBA needs to be consistent with the philosophy of FPIC. Because of potential future litigation (refer to the examples of human rights abuse in Kemp & Vanclay 2013), an issue for companies will be to ensure that they can establish into the future that FPIC was observed and fully applied. Although the mere existence of an IBA is not proof of FPIC (as discussed above), where IBAs are carefully written and document all the relevant details, it is likely that an IBA can establish that FPIC was observed. An IBA is an appropriate conclusion to an FPIC process.

2.6. CONCLUSION

The concept of 'Free, Prior and Informed Consent' is a fundamental component of the Indigenous right to self-determination. Unfortunately, neither FPIC nor the right to self-determination are being respected in Brazil and many other countries. Violations of these rights are overlooked by governments, especially in the case of 'projects of national interest', and particularly in relation to Brazil's hybrid state– corporate enterprises. Violations can also happen when companies, as a box-ticking procedure, only do the absolute minimum required by environmental licensing processes and ignore international human rights standards.

FPIC should be taken seriously by companies that interface with Indigenous peoples. In order to achieve a legitimate social licence to operate and to refrain from violating human rights, companies need to respect FPIC, arguably with non-Indigenous as well as Indigenous communities. The right to self-determination is conceived as being applicable to all peoples (United Nations 1945), thus respecting FPIC in relation to all local communities would be complying with international human rights standards. Complying with FPIC should not be seen as being a voluntary measure that companies can choose to follow or not – it is necessary to ensure the self-determination of Indigenous peoples.

If companies are committed to fully respecting human rights, recognizing the right to FPIC, and actually implementing it, are important steps. The alleged difficulties in applying FPIC result from a lack of experience, with few initiatives so far. With good faith and qualified professionals, any company that chooses to adhere to FPIC, or is forced to by legislation, should be able to implement it. Also, there are now many handbooks available on how to implement FPIC, describing the successes and difficulties in different situations (e.g. Colchester and Ferrari 2007; Colchester 2008; Hill et al. 2010; Lehr and Smith 2010; Weitzner 2011; Persoon and Minter 2011). Therefore, although it can be considered as being difficult, as company–community relations usually are, it is not infeasible. In fact, relationships between companies and communities may become easier if FPIC is applied, as they will probably be based on trust instead of conflict. However, companies need to be ready to listen and to accept 'no' as an answer sometimes, as not every community will be agreeable to accept all development projects affecting them, despite the potential benefits they might receive. Organizations (corporate and government) should not try to coerce communities into accepting a project. SIA and HRIA can be useful tools for ensuring that human rights are being respected in a company's projects and operations, if performed at an early stage and in a participatory manner. Companies that adopt the FPIC philosophy and fully implement it in practice, in addition to respecting the right of communities to participate in decisions that affect their lives, will probably benefit from reduced conflict, reduced likelihood of reputational damage, as well reduced risks and costs.

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CHAPTER 3

Improving the effectiveness of impact assessment pertaining to Indigenous peoples in the Brazilian environmental licensing procedure

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ABSTRACT

The number of environmental licence applications for projects affecting Indigenous peoples in Brazil has increased since the implementation of a major infrastructure program (Programa de Aceleração do Crescimento) in 2007. This increase has caused problems for Brazilian agencies involved in environmental licensing procedures (IBAMA, FUNAI and others). We analyze the Brazilian environmental licensing procedure for situations involving Indigenous peoples, Maroons (Quilombolas) or other traditional communities in order to identify potential improvements for Brazil and potentially other countries. Although Brazilian procedures are consistent with international best practice in environmental licensing, in practice social impacts are inadequately addressed, mitigation measures are poorly implemented, and there is a lack of enforcement and compliance. The paper is based on document analysis and interviews with key actors in governmental and non-governmental organizations and Indigenous leaders. We suggest that Free, Prior and Informed Consent (FPIC) processes need to be conducted at the earliest stages of project planning, and that Indigenous peoples should actively participate in impact assessment, monitoring and evaluation processes. In order to achieve a social licence to operate, there needs to be full recognition of traditional knowledge and acceptance of Indigenous values and concepts. We also recommend increased involvement of social experts and mediators as well as improved accountability, enforcement and grievance mechanisms in the licensing process.

KEYWORDS

3.1. INTRODUCTION

With the rapid development Brazil has experienced as a result of the introduction of a major infrastructure program (*Programa de Aceleração do Crescimento*, PAC) in 2007, and a positive prognosis for the future, the number of environmental licence applications submitted to the relevant institutions has increased considerably. However, the increased workload borne by the environmental licensing agencies has not been matched by an adequate increase in human resources (Borges, 2013). The country has a complicated licensing procedure that requires the involvement of several different institutions. In addition, the quality of the assessment procedure has been further compromised by a recent regulation requiring the speeding-up of agency response (Brasil, 2011a).

Due to the severity of electricity blackouts and a range of other critical infrastructure issues Brazil has faced since 2001, the federal government has stimulated investments in the extractives and energy sectors and other major infrastructure projects as part of PAC. However, the rush to implement such projects has been at odds with appropriate licensing arrangements, especially when Indigenous peoples are affected (Santilli, 2013). Proponents, various lobby groups and some governmental agencies tend to perceive the licensing procedure as mere formality and consider Indigenous peoples to be obstacles to economic development since they are perceived as delaying the implementation of projects (Goldemberg and Lucon, 2007; Verdum, 2012). Sanson (2013) and IWGIA (2013) argue that such a perception has led to a lack of commitment to proper process and ultimately to breaches of Indigenous rights. As a result, Brazil has been the subject of complaints from international institutions, non-governmental organizations (NGOs) and the United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya (Anaya, 2010; ILO, 2012; IWGIA, 2013).

Brazil is a signatory to the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and, more importantly, has ratified the International Labour Organization Convention 169 (ILO C169) and is thus obligated to apply 'Free, Prior and Informed Consent' (FPIC) procedures (Hanna and Vanclay, 2013). These international agreements confer on Indigenous peoples the right to be consulted in any legislative or administrative procedure that may affect them directly, including environmental licensing procedures. In practice, adequate participatory processes consistent with international understandings of FPIC (Hill et al., 2010; Vanclay and Esteves, 2011) are rarely implemented in Brazil (ILO, 2012). Impact assessment, mitigation and enhancement (João et al., 2011) play only a secondary role in the licensing process with proponents (including state bodies and public–private partnerships) focusing primarily on obtaining project approval and ensuring rapid implementation (Bronz, 2011; Santilli, 2013).

This paper examines the Brazilian environmental licensing procedure and the concerns and complaints of Indigenous peoples affected by project implementation. Also discussed is how environmental impact assessment (EIA), social impact assessment (SIA), mitigation, compensation and other negotiations involved in managing projects are undertaken. Recommendations are provided for Brazil, and these may also be applicable to other countries with a similar context. Our

research, which was undertaken in 2012 and 2013, comprised: (1) a thorough document analysis of relevant documents, including legislation, regulatory procedures, court cases, agency procedures and manuals, international and national governmental and non-governmental organization reports and other documents, a review of agency, corporate and NGO websites, together with an extensive monitoring of the conventional media and social media; (2) participation in various workshops in Brazil and elsewhere that were related to impact assessment and/or Indigenous peoples; (3) eight key informant interviews and many informal discussions with stakeholders from various backgrounds, including representatives of governmental agencies (e.g. the Federal Office of Public Prosecution), NGOs, Indigenous organizations, the private industrial sector, and impact assessment practitioners. The lead author is Brazilian and has previously worked as an anthropologist in the mining sector and with Indigenous peoples in Brazil.

3.2. THE COMPLEXITY OF ETHNICITY AND INDIGENEITY IN BRAZIL

Brazil, the fth largest country in the world at over 8.5 million km^2 and a population of over 190 million inhabitants (Brasil, 2011b), has a considerable ethnic diversity that dees generalization with respect to its Indigenous peoples. There are 241 Indigenous ethnic groups speaking over 150 different languages, with a total of nearly 900,000 individuals or 0.47% of the Brazilian population who identify as Indigenous (ISA, 2013b). In addition, various kinds of 'traditional communities' are also legally recognized (Brasil, 2007). The *National Policy for the Sustainable Development of Traditional Peoples and Communities* (Decree 6040) defines traditional peoples as:

> culturally differentiated groups which recognize themselves as such, have their own forms of social organization, which occupy and use territories and natural resources as a condition for their cultural, social, religious, ancestral and economic reproduction, using knowledge, innovations and practices generated and transmitted by tradition (Brasil, 2007: Article 3, author translation).

In addition to the 241 Indigenous peoples, 27 different 'traditional communities' have been recognized (Ypade, 2013). Decree 6040 provides a differentiated legal status for such groups, requiring the use of culturally appropriate procedures in order to guarantee cultural reproduction in their traditional territory (Brasil, 2007). The word 'territory' has a specific meaning, referring to the land that an Indigenous or traditional group occupies and is dependent upon for its cultural reproduction. There is usually an intense relationship between each group and its territory based on traditional environmental knowledge and place attachment, which is referred to as 'territoriality' (Little, 2003).

The precise identification of which groups and individuals are regarded as 'Indigenous' or 'traditional' is not always clear-cut. As the Brazilian anthropologist, Viveiros de Castro (2006:7, author translation), ironically suggests, "in Brazil everybody is an Indian, except those who are not". He argues that Indigenous identity is a juridical question, not an anthropological one.

In many situations, the boundaries and cultural identities between ethnic groups are blurred (Guzmán, 2006; Oliveira, 1998), often making it unrealistic to assign identity, individual or collective, according to specific and mutually exclusive categories, as required by law.

The problems of assigning ethnic identity that are experienced in the Brazilian context are also found at the international level. Defining 'Indigenous' has been incredibly difficult (United Nations, 2004), and most conventions and agreements shy away from providing a denition. For example, the UNDRIP does not provide any definition (UN General Assembly, 2007). The ILO C169 definition also includes the notion of 'tribal peoples', a category that became applied to afro-descendent Maroons in Brazil (descendants of escaped slaves, known as *Quilombolas*). According to Articles 1 and 2 (ILO, 1989):

1. This Convention applies to:
(a) tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations;
(b) peoples in independent countries who are regarded as Indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions.
2. Self-identification as Indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention apply.

Although the ILO C169 does not specifically mention 'traditional peoples', its scope is broad and it can be considered adequate to determine which particular communities in Brazil are considered Indigenous or traditional, although Brazilian law emphasizes the need for attachment to a given territory (Brasil, 2007). Furthermore, it must be stressed that the ILO and other international agencies regard self-identification as a fundamental criterion, giving the possibility for Indigenous peoples themselves to say who is Indigenous (Cobo, 1986; IFC, 2012; United Nations, 2004; World Bank, 2005). The self-identification criterion also avoids the situation where states could deny the ethnic identity claims of Indigenous peoples (Corntassel, 2003).

The principle of self-identification is related to the process of ethnogenesis. As a global phenomenon (Sider, 1976; Weisman, 2007; Whitten, 1976), ethnogenesis can be defined as the historical emergence of a group of people who claim a separate sociocultural heritage differentiated from the broader society in situations in which they were not previously recognized as such. In Brazil, the number of new groups claiming a separate heritage (Indigenous, Maroon or traditional) increased considerably during the 1980s and 1990s due to the revised Constitution of 1988 and related public policies that accorded special status to these groups. The emergence of new groups applying for ofcial state recognition of their culturally distinct status continues today (Arruti, 2000). This has been

a complicating factor in the licensing process in Brazil. For example, despite an initial assessment based on desktop research or fieldwork which did not identify any Indigenous or traditional group being present in the region of a proposed project, a group claiming special status may emerge during or after the process of conducting an impact assessment.

Another complication with regard to Indigenous rights and the licensing process is caused by the presence of groups who have not been in contact (or only recently in contact) with the larger society. Further, some groups choose to live in voluntary isolation, usually as a consequence of previous violent interactions with non-Indigenous people. The Brazilian National Indigenous Agency (FUNAI) has identified 28 uncontacted groups and estimates that there may be more than 50 unconrmed cases. All but one of these groups is in the Amazon region (ISA, 2013c). The development of projects in localities near such peoples is very delicate, since an FPIC process cannot be conducted with an unknown group or one that refuses contact. It could be argued that the very fact that they avoid contact is in itself an indication of their denial of consent for the project.

Indigenous, Maroon and traditional communities in Brazil hold the status of 'culturally-differentiated communities', giving them specific rights (Brasil, 2007). As Brazil is a signatory to ILO C169, when these peoples are affected by legislative or administrative measures, such as the licensing procedures for infrastructure projects, they must be consulted in a manner consistent with FPIC principles (Hanna and Vanclay, 2013). The analysis of the social impacts on Indigenous peoples is considered in an 'Indigenous Component Study', which is part of the EIA. In this paper, the term 'Indigenous peoples' will be used as a generic category to include Maroons and traditional peoples (unless specifically mentioned otherwise), although we point out that there are some situations when not all rights and procedures are shared by all three groups.

3.3. INDIGENOUS PEOPLES AND IMPACT ASSESSMENT

In order to comprehend how Indigenous peoples can participate in and contribute to impact assessment and environmental management, it is necessary to consider how their knowledge about the environment has developed. There are different cultural traditions to build knowledge about the world; the scientific mode of interpreting the world and solving problems is one of these. However, Indigenous knowledge, which has been built over generations in a specific ecosystem, may be more appropriate than scientific knowledge when considering solutions to issues in their local environment. Knowledge can be understood as analogous to culture, i.e. "what a person employs to interpret and act on the world" (Barth, 2002:1). However, different to culture – which is usually understood as being shared equally in a society – knowledge is unevenly distributed. Therefore, there are people who have knowledge about certain topics and are able to transmit it, while other members of the same cultural group might not have this specific knowledge. In the case of Indigenous cultures, knowledge tends to be distributed according to gender and age groups, as well as according to specific capacities exhibited and authorities held by certain members of these groups.

These alternative ways of comprehending the world can be regarded as forms of 'traditional knowledge' (TK) or 'traditional ecological knowledge' (Berkes, 2008; Mauro and Hardison, 2000). These concepts refer to different ways of understanding the world and/or different ways of doing science (Ellen, 2002; Ingold, 2000). In EIA, specific forms of TK, such as ethnobotany and ethnozoology, can and should be applied. The Convention on Biological Diversity supports the use of TK in impact assessments, considering it not only as legitimate, but also as equally valid to western scientific knowledge (Secretariat of the Convention on Biological Diversity, 2004). Considering the different knowledge systems without prejudice, rather than merely as "native beliefs", is the first step in taking TK seriously (Cochran et al., 2008) and, in fact, is an ethical requirement in impact assessment (Vanclay et al., 2013). Several examples in the literature demonstrate that applying TK in environmental conservation and assessment leads to improved solutions in the mitigation of project impacts (Huntington, 2000; O'Faircheallaigh, 2007; Sallenave, 1994; Stevenson, 1996; Usher, 2000; Wiles et al., 1999).

The Berger Inquiry, a report that assessed the effects of the proposed Mackenzie Valley pipeline in northwest Canada, is considered to be one of the first impact assessment processes to include Indigenous TK (Gamble, 1978; Sallenave, 1994; Tsuji and Ho, 2002), and even one of the first to consider social impacts in the decision making process (Vanclay, 2014). The World Bank has recommended the use of TK in conjunction with scientific knowledge (Davis and Wali, 1994) and various studies demonstrate that TK can be a key component in environmental management, because of the specific techniques and knowledge Indigenous peoples have about their ecosystems (Posey, 1985). In fact, some Amazonian ecosystems are highly anthropogenic, in a positive way, as Indigenous peoples have managed them for extensive periods of time, increasing the biodiversity over the years through the use of traditional environmental management techniques (Balée, 1993; Posey, 1998).

One of the biggest challenges in incorporating TK into environmental management is the lack of acceptance of the spiritual and cosmological values of Indigenous peoples. This is important because the cosmological understanding (worldview) provides the guidance Indigenous people need to maintain a given ecosystem (i.e. their territory) in equilibrium, and provides prescriptions about issues such as the extraction of resources and ways of dealing with the environment, other peoples etc. (Albert, 2002; Arhem, 1996; Posey, 2002).

Brazil has demonstrated its respect for Indigenous peoples by being a signatory to ILO C169 and UNDRIP, and by initiating a consultation process with Indigenous and Traditional Peoples which led to Decree 6040 and other participatory engagements with Indigenous peoples. An underlying concept in Brazil's policies has been the concept of ethno development (Stavenhagen, 1985), which considers development according to each cultural context, thus giving Indigenous peoples the right to decide their own future (or development path). In 2008 the Brazilian government implemented an extensive process of consultation with Indigenous peoples in order to incorporate the use of TK into the environmental and territorial management of Indigenous reserves, which resulted in the "*Política Nacional de Gestão Territorial e Ambiental em Terras Indígenas*" (PNGATI, National Policy for the Environmental and Territorial Management in

Indigenous Reserves) (Brasil, 2012). Formed by an Inter-Ministerial Working Group and Indigenous representatives, PNGATI aims to "guarantee and promote the protection, recovery, conservation and sustainable use of natural resources in Indigenous reserves and territories, assuring the integrity of Indigenous patrimony, improvement of the quality of life, and proper conditions for the physical and cultural reproduction of actual and future generations of Indigenous peoples, respecting their sociocultural autonomy" (Brasil, 2012:1, author translation). PNGATI aims to meet its goals through the use of ethnomapping and ethnozoning, utilizing TK to identify areas of environmental, sociocultural or productive relevance for Indigenous groups. The policy also considers environmental management as a key component of Indigenous territorial protection.

Lane and Corbett (2005) argue that the requirement for Indigenous participation in EIA is not on its own sufficient to ensure a good process. What is needed is a defined and effective process for participation, with early engagement, trust between parties, respect for Indigenous cultural values, long-term perspective, and sufficient time and human resources (Emery, 2000). For Brazil, the guidelines established in the PNGATI policy are very useful for defining participatory processes with Indigenous peoples. Unfortunately, these guidelines are not directly used in Brazil's current EIA procedures. Nevertheless, PNGATI's guidelines could be adapted to apply to EIA when Indigenous peoples are involved.

A good example of including TK in impact assessment is the modication of the Onça-Puma nickel plant project, which is located near the Xikrin do Cateté Indigenous Reserve in state of Pará. Originally the project intended to use water from the Cateté River for mining operations. However, after an ethno-ecological study, which was required as one of the conditions for environmental licensing and conducted with the broad participation of the affected group, it was evident that the river was essential for their livelihood and that the use of its water was strongly opposed, especially by the women (Inglez de Souza and Giannini, 2005). "As an alternative measure, the company constructed a storage dam, built in such a way that it ensured that local streams had water throughout the year, rather than only during the wet season. Therefore, as well as avoiding a potentially negative impact, the new design provided a positive benefit to the Xikrin and other communities" (ICMM, 2010:77).

The use of bottom–up processes can produce very positive results, such as in the example presented above, but it is no guarantee that the outcomes are going to be democratic or beneficial for local communities (Lane and Corbett, 2005). At the local level, inequalities also exist and participation of all segments of the community should be encouraged (Vanclay, 2003). Besides participation in the EIA, it is recommended that an Indigenous committee also be invited to participate in the follow-up of the EIA (Morrison-Saunders and Arts, 2004; O'Faircheallaigh, 2007), a requirement that should be documented in a Social Impact Management Plan (Franks and Vanclay, 2013) or similar instrument. According to Carneiro da Cunha and Almeida (2000:326), "the major bottleneck in involving local communities in conservation plans and putting them in control stems from the effort to give these plans local meaning. Agendas have to merge, benefits have to reach the communities, training and techniques have to be provided". In order to have local meaning, bottom–up processes need to be conducted according to the FPIC philosophy.

3.4. THE BRAZILIAN LEGISLATIVE AND REGULATORY CONTEXT FOR IMPACT ASSESSMENT CONCERNING INDIGENOUS PEOPLES

Brazil is a federation of 26 states plus the Federal District of the capital, Brasília. The environmental licensing procedure may be conducted at the state or national (federal) level. According to Brazilian legislation, projects located near the national borders, involve mining of radioactive materials, or affect two or more states (e.g. roads and railways), military complexes, conservation areas or Indigenous reserves need to be licenced at the national level by the Brazilian Environmental Agency (IBAMA) (Brasil, 1997). This may lead to a major difference in the quality of the licensing process and its results, as "EIA varies greatly in its nature and effectiveness depending on the region, state, or municipality within which it is being carried out" (Glasson and Salvador, 2000:193). This paper analyzes the federal licensing procedure since it is at this level where projects affecting Indigenous peoples are considered. However, often proponents try to ignore the presence of Indigenous peoples in order to seek approval at a state level, which is considered to be easier and faster, especially in the less-developed states due to the lack of skilled personnel, material resources or political support (Glasson and Salvador, 2000). Nevertheless, in 2013 some 3000 project proposals involving Indigenous peoples were currently under consideration by the relevant federal agencies (Borges, 2013). According to Brazilian law, an environmental licence is an:

> administrative act by which the competent environmental authority establishes the conditions, restrictions and environmental control measures that must be met by the proponent, physical or juridical person, to locate, install, operate or expand enterprises or activities, which use environmental resources, are considered to be actual or potential polluters, or which in any way may cause environmental degradation (Brasil, 1997: Article 1, author translation).

This same Resolution requires the production of an *Estudo de Impacto Ambiental* (EIA) (i.e. a complete environmental impact statement) and the production of a 'reader-friendly' version called a *Relatório de Impacto Ambiental* (RIMA or simplified Environmental Impact Report). These documents together form the EIA–RIMA, which is used by the competent authority to determine approval, mitigation measures and/or conditions for project implementation. Studies required for the EIA are divided into three categories: (1) physical environment (air, soil, water, etc.); (2) biological environment and natural ecosystems (fauna and flora); and (3) socio-economic environment (Brasil, 1986). IBAMA determines the Terms of References (ToR) for each EIA depending on the context of the project being considered and has produced a generic set as advice to proponents. For a hydroelectric power plant, for example, it states that the socio-economic study should address the following items: population dynamics; use and occupation of land; socioeconomic characteristics of affected communities; the structure of the local economy; social organization, infrastructure and public services; historical, cultural, archaeological and paleontological heritage; leisure, tourism and culture; and Indigenous or traditional communities (Brasil, 1986; IBAMA, 2005).

While IBAMA issues the ToR for the EIA, the responsible institution for issuing a ToR for the Indigenous Component Study is FUNAI. The Indigenous Component is done as part of the EIA, with IBAMA consulting FUNAI on all pertinent matters. In the case of Maroons, separate government agencies, *Fundação Cultural Palmares* (FCP) and *Instituto Nacional de Colonização e Reforma Agrária* (INCRA) are consulted (Brasil, 2011a). *Instituto Chico Mendes de Conservação da Biodiversidade* (ICMBio) is responsible for other traditional communities. Although there is some criticism, in general there is acceptance amongst anthropologists about the quality of the ToRs issued by FUNAI, partly because the ToRs are comprehensive enough to ensure that anthropologists/consultants can write a complete report fully responding to the designated topics without fear that proponents will request omission of certain information (de Paula, 2010).

In the case of Indigenous peoples, FUNAI provides a ToR specific to each proposed project, depending on the nature of the project and characteristics of the affected group. The ToR provides detailed instructions as to what should be considered in the Indigenous Component. The ToR for the Belo Monte Dam (FUNAI, 2008, author translation), for example, required four overarching topics to be addressed:

1. An environmental, hydrological and cartographical description of the affected Indigenous reserves;
2. A description of Indigenous use of the land and use of the physical and environmental resources, especially as these pertain to physical and cultural reproduction;
3. An analysis of the relationships between the impacted Indigenous groups with the surrounding society and other Indigenous groups, taking into account the socio-political, economic and cultural context;
4. An identification and analysis of possible impacts arising from the installation and operation of the project.

The licensing procedure consists of three stages: a Prior License, Construction License, and an Operation License (see Fig. 3.1). After the EIA is undertaken by the proponent (or its consultants), the resultant EIA–RIMA is submitted to the licensing institutions as well as to the impacted communities in the lead-up to public hearings — or, if Indigenous peoples are affected, an FPIC process consistent with ILO C169 requirements. When Indigenous peoples are affected, the legislation also requires their participation and the utilization of traditional knowledge in conducting the studies and in proposing mitigation measures (Brasil, 2011a, rf. annex III B).

When the EIA is deemed to be acceptable by all the relevant agencies and after completion of public hearings or the FPIC process, IBAMA issues a Prior License usually stipulating certain conditions (or conditionalities) typically relating to mitigation measures. Later the mitigation measures are expanded in a *Plano Básico Ambiental* (PBA or Basic Environmental Plan), the stage in which Indigenous peoples participate. The PBA, which is in effect a social and environmental impact management plan, is the statement of all agreed conditions between the proponent and the impacted groups. Most negotiations about agreement provisions and mitigation measures occur

during the development of the PBA. A construction licence is issued when FUNAI and IBAMA have approved the PBA. To obtain the Operation License, proponents need to have complied with all agreed conditions and implemented the necessary mitigation. The Operation License is reviewed after a designated period of operation, which can in some cases be decades.

1 – Notification of Intent submitted
- Notification of Intent submitted by proponent to the Brazilian Environmental Agency (IBAMA)

2 – Terms of Reference (ToR) issued
- IBAMA issues ToR for Environmental Impact Assessment (EIA) and the National Indigenous Agency (FUNAI) issues ToR for the Indigenous Component Study

3 – Environmental Impact Assessment (EIA) undertaken
- In-house staff or consultants undertake the EIA, including the Indigenous Component Study, at the request of the proponent

4 – Free, Prior & Informed Consent process conducted
- FPIC Process is conducted; EIA and reader friendly version (RIMA) submitted to all interested parties

5 - IBAMA Decision
- IBAMA, FUNAI and any other involved institution issue an agency response to the EIA. IBAMA makes a decision: go, no-go, or request corrections to EIA

6 - Prior Licence issued
- If go, IBAMA issues a Prior Licence (with some conditions)

7 – Basic Environmental Plan (PBA) prepared
- The proponent consultant prepares Basic Environmental Plan (PBA) with community participation to develop further mitigation measures

8 - FUNAI Decision
- FUNAI analyses the PBA and issues agency response (go, no-go or request corrections) to IBAMA

9 - Construction Licence issued
- IBAMA considers FUNAI response and makes decision; if go IBAMA issues Construction Licence, with detailed mitigation measures

10 - Project construction, implementation of PBA
- Project construction begins and mitigation plans are implemented. FUNAI monitors the fulfillment of conditions

11 - IBAMA decision
- FUNAI issues agency statement on whether PBA was properly implemented; IBAMA also analyses completion of conditions and makes decision (go, no go or request corrections)

12 - Operation Licence issued
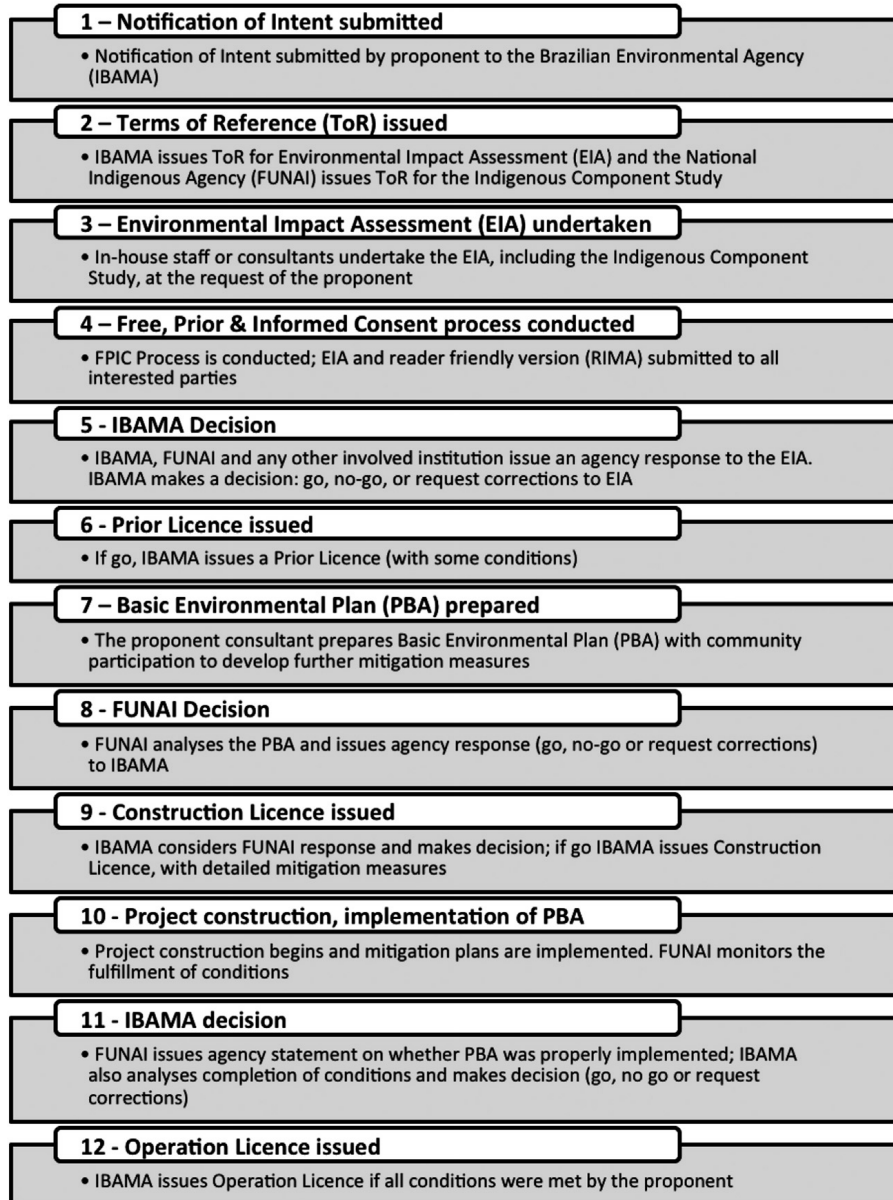- IBAMA issues Operation Licence if all conditions were met by the proponent

Fig. 3.1. | Simplified scheme of the Brazilian Federal Environmental Licensing Procedure involving Indigenous peoples (based on Figueiredo and Pedroso, 2011).

3.5. ISSUES RELATED TO THE IMPLEMENTATION OF FPIC

FPIC came to prominence through the drafting of ILO C169 and UNDRIP, although it is not specifically defined in these documents (Hanna and Vanclay, 2013). This has led to debate about the meaning of, and mechanisms to implement, FPIC. There is a growing interest in seeing FPIC as a philosophy about Indigenous rights rather than as merely a consultation mechanism (Doyle and Cariño, 2013). Some authors argue that it should be a philosophy that applies to all communities, Indigenous or otherwise (Hill et al., 2010; Vanclay and Esteves, 2011). It is clear that FPIC should be comprehended and applied as a process of continuous engagement, rather than as a once-off mechanism to obtain approval to proceed. Doyle and Cariño (2013:74) propose that the requirement for FPIC "must apply at each stage in a project life cycle, from concession application through to project closure".

For countries that have signed ILO C169 (and arguably UNDRIP), the environmental licensing procedures (along with all government legislative or administrative matters) must be subject to consultation with Indigenous peoples who are affected by them (ILO, 1989; UN General Assembly, 2007). Despite the fact that ILO C169 was ratified by Brazil in 2002 and is enshrined in local law through Decree 5051 (Brasil, 2004), FPIC is not properly implemented (ILO, 2012; ISA, 2013a). In 2013, there were protests from several Indigenous groups about the lack of adequate consultation (Boadle, 2013).

It is expected that the licensing procedure will become more open and participatory for Indigenous peoples once a new Brazilian regulation to articulate FPIC requirements is adopted (as of November 2013, this is anticipated to be in 2014). The government is already applying FPIC in the process of developing the new regulation. Experiences elsewhere, however, show that even with a regulated FPIC process, such as in the Philippines, fraud, bribery, box-ticking, and a general lack of sincerity or good faith, still happen, and proponents still attempt to 'engineer consent' (Cariño and Colchester, 2010; Doyle and Cariño, 2013

An example of a controversial consultation is the licensing process for a series of hydroelectric power plants on the Tapajós River, near the Munduruku Indigenous Reserve in the Brazilian Amazon. The Munduruku people organized protests to stop some of the required EIA sub-studies that were being conducted inside or near their territory. To guarantee the safe completion of the studies, the federal government even sent in the military (Watts, 2013). As the protests escalated and the federal government failed to address their claims, the Munduruku kidnaped three biologists and destroyed their research data (Medeiros and Braga, 2013). Aware of what had happened in Belo Monte, another current controversial project (Fearnside, 2006; Jampolsky, 2012), the Munduruku demanded to be consulted before any study was conducted. This particular case raises an important question: at what point in the licensing process should FPIC take place in order to comply with both the 'Prior' and 'Informed' aspects of FPIC? Studies need to be conducted in order for a FPIC process to be fully informed, but then it would not be 'Prior' anymore, as communities had not provided consent for the impact assessment to be conducted.

A possible solution to this paradox is to understand FPIC as a process of continuous engagement and approval involving the ongoing participation of Indigenous peoples at all stages in the impact assessment process. The approval at each phase should be regarded as only valid for that specific stage in the process. This already happens to some extent in current practices in Brazil, as Indigenous peoples are required to: approve the technical team conducting the studies; approve the work plan; participate in the fieldwork as collaborators of the technical team; and consider the final report. Where an impact assessment is legitimate, participating in the EIA would assist the affected Indigenous groups in becoming properly informed about the likely impacts, as their traditional specialists would be able to help identify many of the specific impacts on the Indigenous group and their territory (i.e. their living environment). An EIA that considers traditional knowledge at the same level as scientfiic knowledge and that allows the impacted community to participate in the decision making process after being fully informed would be consistent with the philosophy of FPIC. Therefore, communities should participate in the EIA from the beginning in order to better comprehend and define the potential impacts, and to give consent or not for each successive stage. It is important to mention that Indigenous participation in EIA should only be encouraged when the process is legitimate and Indigenous peoples have a chance to influence the outcomes. If it is only a tick-the-box process with no genuine commitment to engagement, then non-participation may be the appropriate strategy, such as in the example of the Munduruku provided earlier.

There is disagreement over whether a community should have power of veto, which is arguably implied by the concept of consent. While many question what could 'consent' possibly mean if it did not imply the ability of communities to withhold approval, others suggest that there is no right to veto (Feiring, 2013; OHCHR, 2010). Part of the problem is what is meant by 'veto'. With the recent recognition of FPIC by the International Council on Mining and Metals (ICMM, 2013), the NGO, First Peoples Worldwide, strongly criticized ICMM's position on veto (FPW, 2013). They referred to the Guidelines on FPIC from the UN-REDD (2013:20) program, which clearly states that consent should be considered as a "freely given decision that may be a 'Yes' or a 'No', including the option to reconsider if the proposed activities change or if new information relevant to the proposed activities emerges". However, according to ILO representatives and Prof. James Anaya (the UN Special Rapporteur), there is no right of veto, as veto would constrain communication and polarize parties into intransigent positions, making it difficult to reach consensus (Feiring, 2013; OHCHR, 2010). Indigenous and traditional peoples' organizations are now concerned about the extent to which their perspectives will be taken into account during the decision making-process, or if they will be considered at all (CPI-SP, 2013), since consultation usually takes place when key decisions have already been made. A suggestion that emerged in one of our interviews was that Indigenous organizations should be represented on the National Council on Energy Policy (*Conselho Nacional de Política Energética*) so that they would have the opportunity to influence Brazil's energy policy in advance, rather than only being consulted when the decision to build the dams has already been made.

Despite the difficulties in implementation, FPIC is becoming widely accepted by many international organizations and leading companies (Voss and Greenspan, 2012). Our interviews revealed that many experts working with FPIC consider that, rather than a 'one size fits all' formula to cater for all situations, each should be done on a case-by-case basis, always respecting the principles of mutual respect and acting in good faith, and understanding FPIC as an ongoing process of dialogue, rather than being a single point in time after which consultation ends.

3.6. LIMITATIONS OF THE LICENSING PROCEDURE

In theory, the Brazilian environmental licensing procedure meets or even exceeds international best practice standards (Wood, 2003), however, issues with EIA follow-up and the enforcement of provisions are similar to those faced in other countries (Morgan, 2012; Morrison-Saunders and Arts, 2004; Wessels, 2013; Wood, 2003). According to a World Bank (2008:9) report that addressed the hydropower sector in Brazil, in practice "problems include the poor quality of the EIAs submitted by project proponents, the subsequent uneven evaluation of the EIAs (by the Government), the lack of a suitable dispute resolution system, the absence of comprehensive rules for social compensation for populations impacted by hydropower projects, and the shortage of qualified social development specialists within the Government's federal environmental agency". This gap between defined procedure and actual practice, or the 'governance gap' (B&HRI, 2010), is discussed below.

Despite several advances towards greater participation of Indigenous peoples in Brazilian EIA, the impacts of large development projects "are still underestimated; compensatory measures are unsatisfactory and not implemented as planned. Even worse, the proponents are not held accountable" (Santilli, 2013: online, author translation). Communities participate during the design of the PBA, but do not have any legal mechanism to enforce the implementation of conditions. Officially, when conditions are not fulfilled, the project licence should be suspended until the conditions are fully met, however, case history reveals that project construction usually meets its time schedule, while mitigation measures lag far behind (IBAMA, 2013; Santilli, 2013). Besides this, the exertion of power, influence and even corruption to facilitate or speed-up the issuing of licences occurs (Brito and Barreto, 2006; de Paula, 2010; Fearnside, 2005; Sevá Filho and Pinheiro, 2006). For example, in 2011 the IBAMA president resigned over the pressure exerted by the Eletronorte Board to give rapid approval to the Belo Monte dam (Rocha, 2011). Eletronorte is a public–private company and a major shareholder in the Belo Monte dam consortium.

Miranda (2007) argues that manipulations of the licensing procedure are more likely to occur in contexts of hybrid state–corporate enterprises because the roles of the proponents and competent agencies become mixed. Since conflict of interest situations exist, clearer negotiation procedures must be provided. Morrison-Saunders and Early (2008) discuss how procedural fairness and natural justice need to be part of all licensing processes. Also needed is: having

clear procedures relating to the management of vested interests; a culture of transparency; and oversight by an office responsible for public integrity and the investigation of corruption [in Brazil, this role is undertaken by an Office of Public Prosecution (*Ministério Público Federal*)]. Intervention and greater supervision at early stages potentially would avoid conflict (and associated deaths) and lead to better outcomes (Prenzel and Vanclay, 2014). In Brazil, there is a major limitation regarding the interventions an Office of Public Prosecution might make in that any high-level judge can overrule any injunction (or stopwork order) on the basis of potential "serious harm to public order, health, safety or the national economy" (Brasil, 1992: Article 15, author translation), a juridical spin known as a 'Security Suspension'. Of note is that this particular law allowed the various stopwork orders applied to the Belo Monte dam (because of the lack of FPIC) to be annulled by quick judicial action (ISA, 2013d).

The presence of Indigenous peoples or Maroons may only be identified at a late stage in the licensing procedure due the lack of skilled social staff and/or the lack of good-faith by the proponents. This leads to circumstances where it becomes impossible to apply the prior aspect of FPIC, because project activities have already begun. An additional point of concern for Indigenous organizations in Brazil regards groups who are not yet recognized by the state and those which do not have their territory demarcated yet. Without official recognition, these groups are not likely to be consulted on projects that may affect them, making them more vulnerable to unfair licensing processes and subsequent negative social and environmental impacts. The possibility of ethnic emergence or state recognition of a new group should be considered during the first steps of a licensing process, so that even if a group is not yet legally recognized, a culturally-sensitive SIA and a proper FPIC process can be followed and their rights respected.

To some extent, Brazilian PBAs are similar to the Impacts and Benefits Agreements (IBAs) (O'Faircheallaigh, 2010) used in other countries. One difference is that Brazilian PBAs usually do not provide for financial benefits or royalty-sharing as in IBAs, but are typically focused on implementing community projects intended to mitigate or offset the potential negative impacts of the proposed project. Officially, financial compensation is not allowed unless it is part of a proper mitigation plan (i.e. the PBA), and the expected practice is to avoid paying compensation or other entitlements in cash. However in practice, communities use the drafting of the PBA as an opportunity to have some power in the process by using tactics such as delaying the completion of the studies for the PBA (which leads to a delay in the granting of an Operation License) or blocking construction sites in order to negotiate other benefits, such as the provision of houses, vehicles, boats and other equipment, and even money (Vieira, 2013). Some argue that these strategies provide a way by which companies can 'buy' their social licence to operate (Jijelava and Vanclay, in 2014; Prno and Slocombe, 2012). In fact, some companies use a loophole around an alleged need for 'emergency measures' to address 'alleged impacts' as a way of bypassing the normal procedures of the PBA in order to make payments or other arrangements directly to communities, as was the case with Belo Monte (Vieira, 2013). Bronz (2011) and Santilli (2013) suggest that, in most cases, the primary objective of proponents and consultants is to have the environmental licences issued and the projects implemented as quickly as possible, making only the minimum required efforts

they need to do to avoid future legal or economic risks to the company, with actions focused on properly mitigating the identified impacts being of only minor importance. Many proponents may find it easier to buy their way in rather than undertake the appropriate longer-term mitigation and enhancement strategies. This buying-off of various groups leads to division and conflict amongst the various communities involved and significantly increases the social impacts that are experienced (Vanclay, 2002).

Another common way to claim compensation during and after the licensing process is through legal action. Blockades also frequently result in judicial disputes. Court decisions can result in the ordering of financial transfers to the impacted communities, instead of addressing the needed mitigation. Without proper planning (such as via the PBA process), this monetization of mitigation (i.e. offering financial compensation rather than addressing the issue) can exacerbate the social impacts experienced by Indigenous peoples (Burdge and Vanclay, 1996; O'Faircheallaigh, 1999).

Gordon (2006) describes how this process operated amongst the Xikrin, a group from the Brazilian Amazon who were first contacted in the 1950s (ISA, 2013b). Their traditional territory borders the Carajás mine, the largest open-pit iron ore mine in the world. According to Gordon (2006), they negotiated substantial financial transfers from the mining company, Vale, through blockades of the mine site and judicial battles, raising the transfer values exponentially every year in order to keep up with an internal inflation in the group caused by a growing demand for western goods. The financial resources and industrial goods were distributed inside the Xikrin community organization via its traditional leaders. This "inflationary consumerism" and the concentration of resources amongst the community elite derived from an internal dynamics within the Xikrin culture, and were not a simple appropriation of western capitalist culture. Although these cultural aspects and respect for the right to self-determination of the Xikrin to control their own finances must be considered, the transfer of financial resources without proper planning resulted in health, social and environmental impacts comparable to the impacts caused by the mine operation itself, as Gordon (2006:413, author translation) elaborates:

> The high consumption of processed foods, the intake of salt, fats and sugars (and sometimes alcohol), together with a more sedentary lifestyle has resulted in certain bodily changes and the emergence of diseases: obesity, diabetes, hypertension. Non-degradable waste, inorganic waste, plastics and batteries pile up in the village to a considerable extent, permeating the soil, contaminating water and causing other diseases. The Xikrin relate it all to the way of life of the whites, which they now share with increasing intensity.

Anthropologists should play a major role in mediating the relations between companies and Indigenous peoples, especially by conducting participatory impact assessments that incorporate the use of traditional knowledge for the drafting of culturally-appropriate IBAs. Several authors propose that anthropologists should act as facilitators or brokers to achieve a middle ground in such situations, providing cultural translation between such different worlds (Baines, 2011;

Cardoso de Oliveira, 2004; de Paula, 2010; Gilberthorpe, 2013; Henriksen, 2004; Oliveira, 2010). Ideally, studies conducted by consultants as part of the EIA process should be objective. However, consultants are hired by the proponents of the projects, and as the motto goes, 'the customer is always right'. This commercial relationship can lead to manipulated reports that understate the impacts of a proposed project, as documented in Australia (Herbert, 2012) and Brazil (Magalhães and Hernandez, 2009). A further limitation is that the anthropologist-consultants hired to design the mitigation plans (PBAs in Brazil) are usually different to those hired to implement them (de Paula, 2010).

In order to speed-up the licensing procedure, in 2011 the federal government issued the Inter-Ministerial Ordinance 419 (Brasil, 2011a), which sets a limit of 90 days for the relevant institutions, such as FUNAI, to issue their response regarding an EIA–RIMA to IBAMA. Unfortunately, this ordinance was not supported with an increase in the number of personnel working in these agencies and led to severe pressure on them. For example, in 2013 it was reported that FUNAI was processing 2958 environmental licensing applications with only 17 professional staff to analyze them (Borges, 2013). In 2012 there was a strike by FUNAI staff, demanding better working conditions, equipment, training and the hiring of new personnel (Agência Brasil, 2012). Our informants indicated that the strike led to a few improvements, but there remains need for more staff.

A final problem is that the Indigenous Component Study is a part of a broader socio-economic study and also part of the overall EIA process. The ToRs and the EIA–RIMA reports tend to be conceived and conducted by environmental professionals, not social experts. This leads to studies that give more importance to the environmental aspect than to the social and/or Indigenous issues (Daou, 2010), and usually results in only superficial consideration being given to the socio-economic component (Fernandes, 2005; Oliveira, 2010; Utsunomiya and Montaño, 2009). This was of great concern to most stakeholders interviewed for this research, and is reported as a common experience internationally (Baines et al., 2013; Slootweg et al., 2001).

3.7. CONCLUSION

Indigenous peoples worldwide have historically been excluded from the environmental management and control over the resources located in their lands (O'Faircheallaigh, 2007). Enabling their participation in EIAs about projects that affect their territories is a basic step towards respecting the right of Indigenous peoples to self-determination (Colchester, 2000) and to control their own destiny (Anaya, 2009). However, Indigenous participation in EIA processes has not been as effective as desired (Lane and Corbett, 2005), partly because of the power imbalance between proponents and Indigenous peoples (O'Faircheallaigh and Corbett, 2005). On the basis of our study, we see potential for improvement. Regulation in Brazil and elsewhere

needs to provide mechanisms to avoid bias in EIAs and in the licensing process. Companies and the professionals responsible for conducting impact assessments should be held accountable for cases where impacts have been fraudulently understated or where FPIC processes have been manipulated. Greater respect for Indigenous peoples needs to be demonstrated. In a Brazilian context, this respect would imply: carefully considering claims of indignity when they are made; always being prepared for the possibility of the emergence of new ethnic groups in a locality facing development; and finally that no approval should be granted for projects that may impact on 'isolated groups', i.e. those who have signaled their desire not to be contacted, and those known not to have been contacted. The fact that groups are in a non-contact situation clearly indicates that they would not give their consent if they were asked in an FPIC process. To attempt to engage with these groups would be a denial of the right to self-determination and would potentially irreversibly affect their lives.

As demonstrated in emblematic examples such as the Belo Monte dam, Indigenous peoples mobilize through protests and other forms of action in order to have their rights respected (O'Faircheallaigh, 2013). Companies and governments should comply with international legislation (United Nations, 2011), and fully involve impacted groups in the licensing and project planning processes, taking Indigenous perspectives and traditional knowledge fully into account. Indigenous peoples need to participate in the impact assessment in order that the 'prior' and 'informed' dimensions of FPIC can be met. In this way, a fair agreement might be reached, avoiding the blockades and judicial battles that have frequently beset project implementation in Brazil and elsewhere.

The way Indigenous peoples are considered in the environmental licensing process can be improved in Brazil and elsewhere if the following recommendations are considered:

- Indigenous communities need to be consulted at an early stage, while locational and technical alternatives of the project are still feasible, and in a way consistent with FPIC. They also should have a greater involvement in national development planning fora, such as the National Council on Energy Policy, in order to be able to contribute to decision making about projects before licensing processes are underway.

- Indigenous experts need to be included in the impact assessment teams and their traditional knowledge fully considered, without discrimination, by the technical and scientific team members — who ought to be trained in cross-cultural engagement.

- Independent Indigenous committees should be established to monitor the fulfillment of mitigation measures provided in Impacts & Benefits Agreements (PBAs in Brazil) and Social Impact Management Plans. Oversight by an 'honest broker' (such as an office of public integrity or corruption commission) is necessary from an early stage, and not only after conflict occurs.

- The competent agencies and companies should employ more personnel with social science

qualifications. Social experts, preferably anthropologists with experience with the specific impacted groups rather than generic environmental specialists, should be engaged to monitor and actively participate throughout the environmental licensing process.

• Accountability, enforcement and grievance mechanisms must be strengthened. Companies, governments and the professionals responsible for conducting the EIAs and SIAs need to be held accountable when impacts are consciously understated, mitigation measures not adequately implemented, and/or when FPIC processes are not conducted in good faith.

3

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3

CHAPTER 4

The Communication and Management of Social Risks and Their Relevance to Corporate Community Relationships

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4.1. INTRODUCTION

The relationship between companies and local communities, especially regarding extractive industries and large infrastructure projects, has historically been marked by conflicts and cases of human rights violations (Ruggie 2010, Kemp & Vanclay 2013). Because of the many internal and external pressures to address this problem, different departments, such as Corporate Social Responsibility (CSR) and Community Relations (CR), have been created or empowered in most multinational companies (Kemp 2004, Porter & Kramer 2006). More recently, CR departments are becoming integrated with risk analysis, risk assessment and risk management, especially through the use of community relations management systems (Kemp et al. 2006). This shift to the use of risk analysis can be attributed to several reasons, particularly the increasing importance of companies keeping good relations with the neighboring communities of their operations in order to reduce the likelihood of community protest actions, blockades of operations, reputational damage, and the consequential loss of shareholder value (Vanclay & Esteves 2011, Vanclay 2014). In this chapter, three of the many discourses associated with the communication of risk are presented: a sociological discourse (Beck 1999, 2000, 2006, 2009, Giddens 1999, 2006); an anthropological discourse (Douglas 1966, 1985, 1992); and a technical or project management discourse (PMI 2013). Towards the end of our chapter, we critique the technical or technocratic perspective from a socio-anthropological approach and from the perspective of social impact assessment (Esteves et al. 2011; Vanclay et al. 2015)

4.2. DISCOURSES ABOUT RISK

The 'sociological approach' to risk is most notable in the works of Ulrich Beck and Anthony Giddens. In this perspective, risk is comprehended as 'the perceptual and cognitive schema in accordance with which a society mobilises itself when it is confronted with the openness, uncertainties, and obstructions of a self-created future' (Beck 2009: 4). Given uncertainties, risk in our society has also become related to the attempt to 'foresee and control the future consequences of human action, the various unintended consequences of radicalized modernization. It is an institutionalized attempt, a cognitive map, to colonize the future … It is intimately connected with an administrative and technical decisionmaking process' (Beck 1999: 3). Giddens (2006: 38) also considers risk analysis as a form of creating possible 'future worlds', or scenarios, using risk jargon. Beck (2009) reflects upon the cultural perceptions around risk, which differ from the actual risk itself – a boundary that is becoming increasingly blurred due to the technocratic belief that risks can be rationally understood and completely calculated. Beck (2006) suggests that risk is incalculable at three levels: at spatial level because of transboundary effects; at a temporal scale because of long latency (e.g. the persistence of pollutants over time); and at a social scale because of the complexity of the social.

Most of the anthropological discussion around risk has been written by Mary Douglas (e.g. 1966, 1985, 1992). Her work has been focused on institutional rather than individual perceptions about risk (Douglas 1985: 83). Douglas (1985) discusses how institutions develop mechanisms of accountability and blame allocation when 'misfortunes' happen – who should be held responsible within the institution? Another important contributor to the cultural theory of risk is Wildavsky (a political scientist), who provides an analysis of risk perception at a more individual level – asking the question what leads different individuals to perceive risks differently? Wildavsky & Dake (1990) argued that self-assigned political ideology (i.e. left wing or right wing) can lead to evaluating some risks as being more dangerous than others (e.g. right wingers tend to accept more technological and environmental risks, while left wingers are more adverse to such risks). They also considered whether or not knowledge about a certain topic leads to different opinions about its risks, and to whether these differences are due to reasons other than knowledge. Their conclusion was that knowledge about a topic plays only a minor role in risk perception, but that trust in institutions and belief in the credibility of the information has a major influence. They suggest that 'individuals perceive a variety of risks in a manner that supports their way of life' (Wildavsky & Dake 1990: 57) – as clearly demonstrated by the example: '98.7 percent of nuclear energy experts thinking nuclear power plants are safe compared with only 6.4 percent of public interest officials' (Rothman & Lichter 1987 cited by Wildavsky & Dake 1990: 56).

Similar findings were presented by Cash et al. (2003) who used the concepts of salience, credibility, and legitimacy to evaluate the capacity of scientific data to mobilize efforts towards sustainability. According to their study, these three criteria are fundamental to the way people (i.e. policy makers, but arguably also the general public) form opinions about sustainable practices and scientific knowledge. Credibility relates to the technical evidence of the information, legitimacy to the trust in the production of the information, and salience is about how relevant this information is to decision makers. From a combined socio-anthropological perspective, risk perceptions are shaped by and part of one's overall cultural symbolic system (i.e. belief system), and are not objective representations of reality (Douglas & Wildavsky 1982). Beck provides a concrete example of this in his description of the differences between US and European risk perceptions as being a clash *of risk cultures and risk religions:*

> There are wide divergences between the prevalent risk faith of most Europeans and that of the current US government. For Europeans, risk (faith) issues, such as climate change and the threat posed by global financial movements for individual countries, are much more important than the threat posed by terrorism. Whereas many Americans think that Europeans are suffering from environmental hysteria … in the eyes of many Europeans many Americans are afflicted with terrorism hysteria. (Beck 2009: 73)

The third perspective is the technical approach. While there are several technical ways in which project risks are managed, e.g. PRINCE2 (Morris et al. 2011), the Project Management Body of Knowledge (PMBOK) of the Project Management Institute (PMI) guides much of corporate practice and is our reference point for this chapter. The PMI defines project risk as 'an uncertain event or

condition that, if it occurs, has a positive or negative effect on one or more project objectives such as scope, schedule, cost, and quality' (PMI 2013: 310). Risk Management is one of the ten areas of the PMBOK, and risk management should be performed proactively during every project stage. Project risk management is the process of dealing with risks in general throughout a project, comprising every activity related to project risks, such as risk impact assessment, risk analysis, risk response and risk control (based on PMI 2013). It is important to clarify the differences between each of these processes, thus the definitions of each concept are given in Table 4.1.

Table 4.1 | Components of risk management according the technical discourse

Risk impact assessment 'investigates the potential effect on a project objective such as schedule, cost, quality, or performance, including both negative effects for threats and positive effects for opportunities' (PMI 2013: 330).

Risk response planning 'is the process of developing options and actions to enhance opportunities and to reduce threats to project objectives. The key benefit of this process is that it addresses the risks by their priority, inserting resources and activities into the budget, schedule and project management plan as needed' (PMI 2013: 342). Control Risks 'is the process of implementing risk response plans, tracking identified risks, monitoring residual risks, identifying new risks, and evaluating risk process effectiveness throughout the project. The key benefit of this process is that it improves efficiency of the risk approach throughout the project life cycle to continuously optimize risk responses' (PMI 2013: 349).

Qualitative Risk Analysis 'is the process of prioritizing risks for further analysis or action by assessing and combining their probability of occurrence and impact. The key benefit of this process is that it enables project managers to reduce the level of uncertainty and to focus on high-priority risks' (PMI 2013: 440).

Quantitative Risk Analysis 'is the process of numerically analyzing the effect of identified risks on overall project objectives. The key benefit of this process is that it produces quantitative risk information to support decision making in order to reduce project uncertainty' (PMI 2013: 441).

When risk analysis, management or response planning in the technical approach is performed, two dimensions are usually deployed: the likelihood of a risk occurring and the severity of the consequences if the risk does occur – in other words, risk probability and impact or consequence. All possible risks are listed in a probability and impact matrix, rating both the probability and impact of each risk as being either very low, low, moderate, high or very high. In order for this process to be accurate, it is argued that the risk identification must be conducted properly using the methods suggested by the PMBOK, which include brainstorming, Delphi technique, interviewing experts and root cause analysis. Risk management plans are elaborated as a way to control and monitor project risks. Contingency plans (sometimes called Plan B) are elaborated for each identified risk of high relevance. A contingency plan is only triggered if a given scenario occurs, and is part of the overall risk management plan. A proactive approach to risk management during every project stage is recommended (PMI 2013).

One of the biggest difficulties faced by risk analysts is acknowledging that not all risks are known (Ward & Chapman 2003, PMI 2013). Risks that cannot be identified are called unknown risks. PMBOK recommends that a contingency fund be established as a separate item in the budget to be available to deal with these 'known unknowns' should they occur. Known unknowns are those risks that are qualitatively identifiable but for which it is impossible to determine either the exact consequences or probability. In addition to this, PMBOK also recommends that a management fund be established to deal with the 'unknown unknowns', i.e. potential risks that were not even conceived. Beck (2006) emphasizes this issue by referring to the 'incalculability of risks' and he reiterates the importance of 'not knowing' to risk management in general.

Due to the increasing recognition of the importance of external stakeholders to projects, in the fifth edition of PMBOK, stakeholder management has now become one of its knowledge areas (PMI 2013). Project stakeholder management 'includes the processes required to identify the people, groups, or organizations that could impact or be impacted by the project, to analyze stakeholder expectations and their impact on the project, and to develop appropriate management strategies for effectively engaging stakeholders in project decisions and execution' (PMI 2013: 391). Its definition and process are not much different from Project Risk Management – as both try to identify and manage factors that might impact the project. Stakeholder Management matrixes are also based on two axes (power vs. interest). By combining these two criteria, it is possible to determine which stakeholders are more relevant to a project. It is considered that those rated as both high in power and interest should be 'managed closely', while those low on these criteria need only to be monitored or kept informed about the project development. The important differences between stakeholder management and risk management are social and political. It would be a mistake for companies to consider that stakeholders with low power and high interest (as in the case of most impacted communities) don't need to be managed closely, as will be further discussed below.

4.3. RISK MANAGEMENT, COMMUNITY RELATIONS AND CORPORATE CULTURE

It is important to appreciate that in business practice taking risks was considered to be an essential part of creating wealth, and the encouragement of risk taking by companies was considered necessary (Dake 1992). A sign that business attitude towards risk is changing is that, since about the mid-1990s, companies have been incorporating management systems into their whole organisation, including project management (Kerzner 2004), risk management (Power 2007), and environmental management (Carruthers & Vanclay 2007, 2012). As a consequence, business now is, in general, more cautious in relation to taking risks (Dake 1992). PMBOK has criteria to assist companies in judging the level of risk they are willing to take, as this varies across different companies and sectors, and is reflected in the terms, 'risk appetite', 'risk tolerance' and 'risk threshold'.

Risk management practitioners, especially in the extractive industries, usually make the distinction between technical and non-technical risks (Joyce & Thomson 2000, Brewer & McKeeman 2011). Although there is a lack of proper definition, literature usually considers technical risks to be the physical, structural, engineering, and environmental aspects of the project, while non-technical risks relate to the managerial, legal, social, and political aspects (e.g. Brewer & McKeeman 2011, Davis & Franks 2011). In industry thinking, non-technical risks are sometimes regarded as being 'external' risks, as they are considered to occur as a result of circumstances outside the control of the project managers, and therefore might strike unexpectedly. Arguably, this distinction between external and internal is inappropriate, as many of these non-technical risks are actually internal, or at least are directly related to corporate activities (and/or the lack of attention to the issues). However, as risk identification is a cultural process (Douglas & Wildavsky 1982), when risks are selected by a homogeneous team (e.g. engineers), risks that are not related to their areas of specialty tend to be ignored or externalised as something beyond control (Kutsch & Hall 2010). For example, conflicts between companies and communities happen because of the company's operations near those communities, and therefore they should not be considered to be 'external'.

Although the distinction between technical and non-technical risks is not made in the PMBOK, it fits well with the differentiation between known and unknown risks – as many technical risks are readily known and predictable, while non-technical risks are usually more difficult to identify and quantify. While Flyvberg (2003) affirms that risks, in general, are systematically overlooked in the development of megaprojects, in the case of mines, the literature indicates that risks related to social issues are the most overlooked, because the 'analysis of risk in mine feasibility studies most frequently focuses on technical and market parameters' (Schafrik & Kazakidis 2011: 87). This is partly due to the lack of involvement of social experts in the planning and feasibility studies of such projects. It is also due to the marginalisation of the 'social', even when it is considered (Baines et al. 2013).

In a study of 190 international oil projects conducted by Goldman Sachs (cited by Ruggie 2010: 15), non-technical risks represented more than half of all project risks, with stakeholder-related risks being the largest single category amongst them. Similarly, Brewer & McKeeman (2011: 1) indicate that non-technical risks 'can account for up to 70–75% of cost and schedule failures in major oil and gas projects in the form of project delays and cost overruns, lost deal opportunities, and host of stakeholder-related issues'. Public dissatisfaction in general is also mentioned as a very relevant nontechnical risk, especially in the case of megaprojects, and is usually related to a lack of proper stakeholder engagement and public participation (Flyvberg 2003: 88). Such conflict with local communities can be highly costly for companies if project implementation is not conducted properly. In an interview with Connor (2011: online) and using data collected as part of the research for his work as the United Nations Special Representative on business and human rights, Professor John Ruggie stated that:

for a world-class mining operation, which requires about $3–5 billion capital cost to get started, there's a cost somewhere between $20 million and $30 million a week for operational disruptions by communities. Another estimate used by the mining industry is that an asset manager [i.e. head person at the mine site] is supposed to spend between 5% and 10% of his or her time on community engagement issues. We found that it can be anywhere from a one-third to 50%, and in some cases 80% of their time [in other words, a significant cost in management time]. So there are opportunity costs, financial costs, legal costs, and reputational costs. All this has escalated tremendously, which is why companies themselves have been so interested in the UN mandate I've led.

Due to the complex nature of social aspects, the high risks involved and how costly community conflicts can be, community relations has become more relevant to companies. Many companies have started implementing social performance and CR systems (Kemp et al. 2006), a feature that has brought the practices of CR and risk management closer together. This has occurred in order to assist companies in avoiding conflicts with communities, protests against the company, blockades of operations, and other 'crisis situations' (Rees et al. 2012). Consultancy firms offer services to avoid conflict with communities, and focus on the benefits to companies of incorporating CR with risk management, as demonstrated in the statement: 'Our community investment strategy planning aims to not only reduce the risk of project delays, but ensure that funds spent in the community are aligned with your business vision, are a part of your overall risk management strategy and deliver tangible and sustainable results to the wider community' (PWC 2012: 3). Kytle & Ruggie (2005) position CSR as an important strategy in managing risks in multinational corporations, referring to stakeholder related issues as social risk:

> From a company's perspective, social risk occurs when an empowered stakeholder takes up a social issue area and applies pressure on a corporation (exploiting a vulnerability in the earnings drivers – e.g., reputation, corporate image), so that the company will change policies or approaches in the marketplace. (Kytle & Ruggie 2005: 6)

When Indigenous communities are involved, social risks can be even higher, basically due to three reasons: (1) there is increasing prominence being given to Indigenous rights in international law, and there is increasing pressure to ensure that such rights are fully respected; (2) mineral and oil extraction activities are becoming more frequent near Indigenous lands; and (3) the increased use of social media brings more visibility to Indigenous advocacy campaigns (FPW 2013). Additionally, risk communication in cross-cultural contexts can be quite challenging, as the technical aspects of projects are sometimes incomprehensible to Indigenous peoples and, conversely, the social and cultural impacts on communities are not understood or appreciated by project developers. For example, the public consultation meetings for implementing a hydro-electric power plant and dam (Belo Monte) in Brazil have been much criticised by Indigenous organisations and external observers, who have argued that the consultations consisted of highly technical content, making the possible risks inconceivable to the local community

(Anaya 2010). Ideally, consultation meetings with Indigenous peoples should deploy diverse communication methods in order to be effective, such as the use of native interpreters, videos, and letting communities take their own time to consider the risks that were communicated, and determine if they are acceptable or not. Potentially, site visits to similar projects elsewhere could be appropriate. A benefit of doing this is that local knowledge may be harnessed that could potentially improve the technical design of the project bringing benefits to local communities as well as the proponent.

Risks, which are not relevant to project developers but are highly risky to the community's livelihoods, could be communicated back to the engineers to enable them to develop and implement mitigation measures. For example, a nickel plant in Brazil, which neighbours the Xikrin do Cateté Indigenous territory, originally planned to draw its water supply from a river also used by the Xikrin people. After community consultations, planners realised that this alternative was strongly opposed by the community, especially the women. The project design was therefore altered and a water supply dam was built so that water from the river would not be utilised for the operation. In response to requests from the local community, the company agreed to manage the flow rates from the dam so that the local streams would have water available throughout the year, including in the dry season – thus bringing a positive benefit to local communities instead of a negative impact (ICMM 2010).

Indigenous rights have been strengthened with the rise of the concept of Free, Prior, and Informed Consent (FPIC), which states that Indigenous peoples have the right to be consulted on any decision that may affect their lives. This right is becoming established in various international declarations, and Indigenous peoples are becoming highly aware of this right (Hanna & Vanclay 2013). However, many companies are still reluctant to recognise this right, despite a growing international acceptance as reflected in recent changes in the International Finance Corporation (IFC) performance standards (IFC 2012). There is also a growing acceptance of the value of FPIC being applicable to all communities, not only Indigenous (Goodland 2004, Hill et al. 2010, Vanclay & Esteves 2011, Langbroek & Vanclay 2012).

In cases of the occurrence of high impact social risks, such as severe community conflicts resulting in the blockade of operations, companies usually have a crisis management mechanism called a 'crisis room' or 'war room' (Shaker & Rice 1995). In such circumstances, responsible managers from different departments (security, CR, CSR, communications, logistics, legal etc.) are summonsed by the topmanagement (CEO, Directors) to consider how to solve the problems as soon as possible so as to avoid any further damage or financial loss to the company. Considering that risk in contemporary society is a basis for decision-making, it is necessary to take in to account the opposition between decision makers and those affected by the decisions (Beck 2009: 112). In discussing how decision makers come to decisions rationally, Douglas (1985: 84) proposes that 'the big choices reach them in the form of questions of whether to reinforce authority or to subvert it, whether to block or to enable action. This is where rationality is exerted'. This is exactly the choice that CEOs, Security or CR managers face in crisis situations of

conflicts with communities, whether to resort to the use of police force, judicial action, or direct negotiation with the community.

Douglas (1985) discusses the institutionalising effects on the perception of risk of individuals. Regarding the mining industry, for example, there continues to exist a 'deeply ingrained instrumental logic that continues to underpin management decisions' (Kemp et al. 2011: 106). At an individual level, employees are expected to defend the company/ institution they work for. At an institutional level, decisions are expected to be market driven, not necessarily focused on mitigating the impacts on the affected community, but on reducing any further (financial and legal) risks to the company. Such decisions can be related to how to: deal with the press, avoid reputational damage, or apply a legal response. In fact, conflict with communities should be seen as a sign that there might be something wrong with the company's approach towards a given community or towards communities in general, and thus as an opportunity for the company to improve its practices (Prenzel & Vanclay 2014); or in other words, a tipping point for institutional change (Gunderson & Holling 2002). Despite increasing societal pressure for good CSR practices, being loyal and defending the company's interests is expected, even when it clashes with local communities' priorities and rights. Because crises of community relations are intrinsically anthropogenic – and are only rarely due to a technical problem – there is always someone to blame, often the community relations department or the communities themselves (Rees et al. 2013: 7). Blame allocation is intrinsically a political process:

> Blaming is a way of manning the gates through which all information has to pass. Blaming is a way of manning the gates and at the same time arming the guard. News that is going to be accepted as true information has to be wearing a badge of loyalty to the particular political regime which the person supports; the rest is suspect, deliberately censored or unconsciously ignored. (Douglas 1992: 19)

In the event of a crisis, no one wants to be (held) responsible for the great losses that might occur. Most of the time, conflicts with communities are related to broader corporate practice (or a lack of good practice) and not to a mistake of a given department, or to the actions of local communities. However, as demonstrated in the previous quote from Douglas, blame allocation is political, thus those who are weaker or more marginalised within the institutional context are to be blamed – in this case the CR department or the communities themselves. The process of blame allocation, as explained by Coleman (1982), is also useful in understanding why CR departments get the blame when conflicts with communities happen. Coleman describes how the manufacturing industry divided the production line into different responsible areas, so when a defective product was manufactured, it was possible to identify who, or which department, was responsible for the defect. A similar blaming mechanism still operates in contemporary corporations. When conflict with communities is not avoided, it is rational in industry logic to blame the department perceived to be responsible.

4.4. RISKS OF CONDUCTING COMMUNITY RELATIONS AS RISK MANAGEMENT

There are risks, for both companies and communities, of conducting CR as if it was simply the management of social risks. Despite being difficult to identify in conventional risk analysis, it is important to be aware that community conflict does not happen out of the blue. It is usually related to the relationship history between a company and a community. Various authors point out that proactive measures, such as early engagement, external stakeholder involvement in planning and evaluation, and a value-based approach to CR, are key to avoiding conflicts (Kemp et al. 2006). After all, social and environmental impacts are also serious risks to impacted communities. Just as communities area risk for companies, company operations can be a great risk to people's livelihoods and wellbeing. When communities protest, in most cases the protest actions can be considered to be a strategy to communicate to the competent authorities the risks of environmental and social impacts from company operations (Hanna et al. 2014). In fact, different communities have different levels of risk tolerance (O'Faircheallaigh & Gibson 2012) and it might be argued that political obilisation is often a community's only way (or last resort) of performing risk management, as mobilised communities may be able to achieve better mitigation measures and compensation (O'Faircheallaigh 2010), thus reducing the risks they experience from company operations.

Corporate methodologies of risk analysis are based on predicting the probability of occurrence and the likely consequences of each risk. More complex analyses are based on software modelling, which may simulate diverse scenarios and involve many stakeholders in the process. A limitation of such risk management systems, especially regarding CR, is that community conflict and protests are almost always of high impact and many times of high probability as well. It is always of high impact because it can be costly in time, resources and even reputational damage to companies. Beck (2000: 215) dismisses the risk statements that are produced by quantitative risk analysis and considers that the 'risk statements are neither purely factual claims nor exclusive value claims. Instead, they are either both at the same time or something in between, a "mathematised morality" as it were. As mathematical calculations (probability computations or accident scenarios) risks are related directly or indirectly to cultural definitions'.

In order to avoid cultural biases in risk analysis, there is the need for a multidisciplinary group comprising engineers, risk specialists, social scientists, anthropologists, economists, and so on. Bringing together professionals from different risk cultures, or 'risk religions' (Beck 2006: 337), can contribute to a more comprehensive and efficient risk analysis (Mahmoudi et al. 2013). Regarding CR-related risks, desktop risk analysis is not sufficient to identify likely risks; there is always a need to include expert advice for specific content and to include representatives from the impacted communities themselves. In the same way as there are requirements for community liaison committees to take part in EIAs and EIA follow-ups (Ross 2004), communities should take part in the risk assessment of all projects, as many company operations represent a direct risk to communities and peoples' lives and livelihoods. A multi stakeholder risk analysis can be considered an efficient way to identify risks for the different sides involved, as well as

being a transparent way for risk communication and conflict avoidance. Also recommended is a shift in corporate culture (especially in the extractive industries) towards greater valorisation and empowerment of CR departments and staff, considering them to be a strategic and essential component of the business, on par with the technical departments in the company (Kemp & Owen 2013). Conducting conflict-sensitive social impact assessments and discussing the results and potential risks in a transparent way contributes to avoiding conflicts between companies and communities (Prenzel & Vanclay 2014) and lowers the risks for both sides.

Mahmoudi et al. (2013) recommend integration of social impact assessment and social risk assessment. Should that also be the case for community relations and risk management? We suggest that there are many positive aspects of this integration, such as the empowerment of community relations practice inside companies and the valorization of community issues in general. Due to potential high risks, CR is becoming an important issue for companies. However, if the goal is to mitigate risks in the long term for all involved stakeholders, other strategies should also be deployed. O'Faircheallaigh (2010: 400) also warns about this issue, as companies are often primarily worried about 'cost minimisation, and by an emphasis on risk management which is short-term and focused on securing initial project approvals rather than on building positive, long-term relationships with affected communities'.

Kemp et al. (2006: 398) recommend that 'conventional management systems thinking, with its internal focus and rational approach, needs to be balanced with value-based decision-making, a supportive organisational culture, and [an] externally-focused stakeholder-driven orientation'. To effectively mitigate risks to companies (and arguably also to communities), a company needs to achieve and maintain a social licence to operate (Prno 2013, Jijelava & Vanclay 2014, Moffat & Zhang 2014). In addition to obtaining any required formal legal licences from governmental authorities, it is necessary to have the community's approval for proceeding with the project. However, O'Faircheallaigh (2010) highlights the problem of companies simply pursuing a social licence to operate as a way to mitigate risks to its operations, or simply focusing on mitigating immediate risks in order to achieve a social licence in the short-term. A genuine attempt to obtain and maintain a social licence should be based on using several long-term strategies, such as implementing internal policies (e.g. on human rights, Indigenous peoples, etc.), conducting cross-cultural training for staff, conducting licensing processes with procedural fairness, conducting conflict-sensitive social impact assessments, clearly communicating potential risks to communities, operationalising social impact management plans, developing community-based grievance mechanisms, and fully observing FPIC principles (Kemp et al. 2006, O'Faircheallaigh 2010, Franks & Vanclay 2013, Moffat & Zhang 2014, Vanclay et al. 2015).

4.5. CONCLUSION

Decisions regarding communities can't be relegated to quantitative mathematical analysis or simulation and modelling. Ball and Watt (2013) point to the limits of risk analysis matrixes, highlighting the several subjective factors that influence how risks are identified and categorised. These issues also apply to the software analysis tools, which can be considered as a complex version of risk matrixes. As highlighted by Beck (2006), the problems of risk assessment are even greater when considering social risks, due to their complexity and their consequential incalculability. As it is not possible to identify all social risks, in practice companies tend to act reactively, what is often called in industry jargon 'putting out the brushfires', with CR staff spending most of their time addressing risks that were not previously identified. However, over time companies and individual staff do learn both from their experience with communities and through the global practice and discourse of social performance and social impact assessment.

Risk analyses are improved when performed by interdisciplinary and multi-stakeholder teams, and through transparent and effective communication of identified risks. However, even when done well, risk management decisions should not be narrowly focused only on mitigating specific risks in particular cases, but should also address broader corporate practices and corporate culture. Risk and community management systems need to become more externally-focused, values based, and stakeholder-driven rather than shareholder-driven (Kemp et al. 2006: 401). Conducting risk management by itself will not lower the risk; actions need to be implemented. There is need for proactive mitigation measures, value-driven early engagement, and early impact assessment studies conducted in the spirit of FPIC. Such respect for local communities and their rights is crucial to avoid conflicts, especially when likely impacts are understood as being high risks for communities. When communities protest, this is usually related to their strategies of attempting to communicate risks to key decision makers and seeking mitigation or avoidance of the impacts from operations, and thus to lowering the risks they will experience.

The good practices mentioned above should help establish and maintain a genuine social licence to operate, minimise the risks of conflict and provide better opportunities for communities. It is also recommended that companies adopt appropriate policies and procedures for risk management (including human rights due diligence), conduct cross-cultural training for company staff, increase the profile of the CR functions, and abide by the spirit of FPIC with respect to all communities, not only Indigenous. All these active measures will lower the risk of conflict, benefiting communities and the company. Despite the fact that the risk management literature provides so much focus on risk analysis and classification, and recommends that such activities are performed regularly, we consider that risk analysis, without the necessary good practice actions to properly address the social issues, will not provide a safeguard against the risks to companies and communities alike. Conversely, considering stakeholders not as 'risks' but as partners, and engaging in good-faith and respectful relations with them proactively lowers the social risks.

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CHAPTER 5

Indigenous rights, performativity and protest

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ABSTRACT

Protests to claim rights are a common practice among Indigenous peoples of the world, especially when their interests conflict with those of nation states and/or multinational corporations regarding the use of their lands and resources. Drawing on a case study of the National Indigenous Mobilization held in Brasília, Brazil in May 2014, this paper describes how Indigenous protests and strategic actions (e.g., blockades, sit-ins, rallies, marches, and publicity campaigns) are arguably legitimate tactics for Indigenous peoples to seek the attention of a broader audience, establish dialogue with authorities and companies, and to achieve respect for their individual and collective human rights. These forms of community mobilization often occur in contexts where good faith processes (i.e., based on the principle of free, prior and informed consent, FPIC) were not properly implemented. We analyse the use of social media and the role of the mass media in giving visibility to the protests and in assigning or withdrawing broader social legitimacy. Using anthropological performance theory, we consider the political and social context of the Mobilization. Although negative Indigenisms (i.e., akin to Said's concept of Orientalism) are propagated in the media, a key finding is that symbolic actions and/or performative actions (a theatricality of resistance) are essential dimensions of Indigenous protest to achieve objectives. We conclude that Indigenous mobilizations are legitimate and necessary ways for Indigenous peoples to gain respect for their right to self-determination and other individual and collective human rights. Protests can also help in building social capital and ultimately have positive outcomes for the environment and community health and wellbeing.

KEYWORDS

5.1. INTRODUCTION

Protests and other forms of community mobilization are a common occurrence when rights of Indigenous peoples are violated or when infrastructure projects affect their territory and wellbeing (Fisher, 1994; Davis, 2012; O'Faircheallaigh, 2012, 2013; Ruano, 2013). In the case of infrastructure projects, such as dams or roads, protests have been able to influence project outcomes in various ways. This paper discusses the role of Indigenous protest in influencing the decision-making processes that affect their lives. The right to self-determination and having a participative role in decision-making are guaranteed by the International Labour Organization Convention 169 on Indigenous and Tribal Peoples (ILO, 1989), as expressed in the principle of Free, Prior and Informed Consent (FPIC) (Hanna and Vanclay, 2013).

In order to better demonstrate the dynamics by which protests assist Indigenous people in reaching their goals, this article analyses the 2014 National Indigenous Mobilization, a major three-day demonstration held in Brasília in May 2014. The objectives of this mobilization were to protest against: (1) government policies affecting Indigenous peoples, including proposed changes in legislation that limit territorial rights; (2) a slow-down in the gazetting of Indigenous reserves as called for in the Constitution; and (3) proposals for a number of dams, including Belo Monte, that are affecting thousands of rural and Indigenous peoples and have been undertaken without adequate FPIC processes. The lead author was present during this protest as part of on-going research into the implementation of large development projects in Brazil and their social impacts on Indigenous peoples. Drawing on performance theory (Bauman and Briggs, 1990; Turner, 1977, 1982), we describe how Indigenous peoples use protest action, social media and the mass media to bring their messages to a broader audience and influence western imaginary in order to leverage political support for their causes (Turner, 2002). As observed in this case study, media coverage of protests, however, does not always fairly present protesters claims and often negatively portrays their position.

We define community mobilization as a process that involves a call to action that results in a public gathering for the purpose of raising awareness about topics or issues, usually of a political nature, that are of concern to a specific group of people. It can encompass a broad range of strategic actions such as rallies, marches, blockades, protest camps, or publicity campaigns. Indigenous mobilizations are socially legitimate and, at times, necessary strategies to guarantee their right to self-determination and other individual and collective human rights (Kemp and Vanclay, 2013), as established by international law and Brazilian constitutional revisions over the last thirty years (Hanna et al., 2014). Protests can also contribute to social capital and ultimately have positive outcomes for community health and well-being.

5.2. THE ROLE OF PROTEST IN ACHIEVING RESPECT FOR INDIGENOUS RIGHTS

O'Faircheallaigh (2012, 2013) has proposed that community mobilization and actions such as protests and blockades can be important strategies for Indigenous or other rural peoples when their rights are threatened by corporate extractive activities. Other authors view such actions as also being necessary for other impacted communities (Daou, 2010; Devlin and Tubino, 2012). O'Fairchellaigh (2012, 2013) argued that in some situations, marginalised groups can successfully challenge the hegemony of major economic interests depending on structural conditions and historical constellation of forces surrounding the proposed project. Community protests are a crucial strategy to force governments, regulatory agencies and proponents to comply with permitting conditions and to mitigate the impacts caused by the project's construction and operations.

When social and environmental impacts are not being properly addressed in licensing procedures and strong political forces act against Indigenous interests (Hanna et al., 2014), protest performances invoking images of the 'noble savage' or 'ecological Indian' are frequently enacted as a negotiation strategy and to attract the attention of the broader society (Conklin and Graham, 1995; Conklin, 1997; Ulloa 2005). Carvalho's (2006) analysis of the opposition to the Belo Monte dam concluded that polarization between protestor and proponent is not beneficial, and recommended greater dialogue between proponents and impacted groups to facilitate improved mitigation and better outcomes for local communities. However, Osman (2000) argued that, in certain circumstances, a blockade of operations might be the only way to establish dialogue between groups, especially in a situation of major power imbalance. Many authors consider that Indigenous protests are efficient mechanisms to shift power relations and to apply pressure on key decision-makers (Condori, 2010; Earle, 2009; Fisher, 1994; Kirsch, 2007; Ruano, 2013).

Performance analysis provides a critical perspective for the study of protests and other manifestations of collective rights. Not only does it promote a focus on the emergent structures of social relations in the enactment process, it also calls for "greater attention to the dialectic between performance and its wider sociocultural and political–economic context" (Bauman and Briggs, 1990:61). Performance analysis examines links between the specific event and the larger context, both global and local, through processes of contextualization that emerge in the event (Langdon, 2006; Langdon and Wiik, 2010). Following Bakhtin's (2004) notion of dialogicality and the chains of communication that make up discourse, no performance occurs in isolation or without reference to current or prior enunciations, negotiations and events. For example, Brazilian Indigenous protests 'index' (i.e., refer to) international and national documents guaranteeing collective rights along with reference to specific events (Ruano, 2013).

The establishment of an international legal framework to protect Indigenous rights was part of earlier struggles by Indigenous peoples worldwide and ultimately led to the United Nations Declaration on the rights of indigenous peoples in 2007 (Stavenhagen, 2009; Engle, 2011). In

Brazil, Indigenous organizations successfully fought for a participating role in the drafting of the National Constitution in 1988 (Carneiro da Cunha, 1994) and succeeded in gaining a chapter specifically on Indigenous peoples ensuring a series of rights (Brasil, 1988)—even though these rights are frequently ignored in the everyday practice of the realpolitik. As is the case of other countries, legislative change has not always necessarily altered operational procedures, a phenomenon described as the governance gap or implementation gap (B&HRI, 2010; Stavenhagen, 2009; United Nations, 2011). Despite advances in legislation, Indigenous peoples must continue to struggle for their rights in order to influence decision-making processes and force the application of current legislation (including FPIC). Indigenous mobilizations, along with non-Indigenous support, can be seen as an attempt to enforce the application of national and international law.

Given the absence of existing channels for dialogue, Indigenous protest actions should be comprehended as legitimate spaces for the expression of rights and communication with corporations, governments and the larger society. It is important to mention here that legitimacy is not comprehended as legal legitimacy, but as a social legitimacy, as protesting in Brazil is a legal activity. Along with protests, other forms of cultural performance, such as festivals, dances and public spectacles, are important mechanisms to facilitate intercultural dialogue with policy makers and legislators (Guss, 2000) and for promotion and legitimization of Indigenous identity (Albuquerque, 2011; Graham and Penny, 2014; Hanna et al., 2014; Langdon and Wiik, 2010). In addition, participation in cultural performances provides important experiences for identity building, skill acquisition, learning and empowerment (Ruano, 2013). Through organizing and participating in protests, especially when the outcomes are positive, Indigenous people build social capital and influence their own future development (Veber, 1998).

In spite of the possible benefits of mobilisations and associated cultural performances, there is also persecution, prosecution and assassination of Indigenous protesters. Reports from several countries have registered frequent acts of criminalization, coercion and violence against protesters in situations where governments and corporate interests conflict with Indigenous peoples' rights (Anaya, 2010; Escolar et al., 2010; Organizaciones Indígenas, 2013; Sekaggya, 2010). Authorities also attempt to demobilize or disrupt Indigenous movements by exploiting existing internal contradictions and tensions, often co-opting faction leaders (Ruano, 2013). By influencing public opinion, such strategies can lead to serious backlash against the Indigenous leaders, for example as in the cases of Mario Juruna and Payakan (Graham, 2011; McCallum, 1994; Ramos, 1998), exacerbate latent intragroup conflict and are often accompanied by attempts by the State and media to discredit protest actions.

The use of tear gas, warrants for arrest and/or detention (especially of leaders), public exposure in the media of leaders on trial, seizure and/or destruction of possessions, and the destruction of protest symbols – flags, banners, encampments, and road or street blockades – are significant elements in the criminalization and/or de-politicisation [i.e., delegitimation and demobilisation] of Indigenous protest. (Ruano, 2013:234-author's translation)

Despite threats of coercion and intimidation, global campaigns to halt mega-projects continue to be initiated by Indigenous organizations and supportive NGOs. Some of the most important recent ones are: Stop Belo Monte against a mega-dam in Brazil; Idle no More against the Keystone pipeline in Canada; Chevron Toxico against an oil spill allegedly caused by Chevron in Ecuador; Movement for the Survival of the Ogoni People against Shell activities and oil spills in Nigeria; ¡Conga No Va! against the Conga mine in Peru; and many others, such as the mobilization against the TIPNIS road in Bolivia (McNeish, 2013) and campaigns against open pit-mining in Neuquén in Argentina.[1] Although mega-projects are generally the target of protest actions and public dissatisfaction (Flyvbjerg et al., 2003), some protests (including the 2014 Mobilisation that is the case study in this research) do not focus on a specific project but advocate for Indigenous rights in a general way, such as protests targeted at proposed law changes, which would negatively affect Brazilian Indigenous constitutional rights or demanding adequate FPIC processes to be conducted.

Despite the specificities and particularities of each context, several strategies are common to these mobilizations. Ruano (2013) suggests that a frequent tactic of Indigenous movements is the incursion into national capital cities as a form of performance of opposition to a given project. Visits of Indigenous leaders to international capitals such as New York and Paris, and to the headquarters of international organizations (UN, World Bank) and major companies are common. Such visits aim to attract the attention of international audiences, gain support of foreign leaders, and publicize activities that impact negatively on Indigenous lives or their environments. These performative events are extensively documented and displayed in the mass media and social media networks. Use of the Internet and social media websites for campaigning, publicizing and mobilizing protests has become an important tactic for Indigenous groups (Turner, 2002). These tactics serve the purpose of elevating local problems to a global level in order to draw attention and gain support from non-Indigenous allies.

The analysis of Indigenous protests as performance enables the comprehension of the complex relations between the actors involved: Indigenous peoples, the State, corporations, NGOs, and the media. Studying a particular event can reveal broader social aspects and relations between different social groups and institutions (Gluckman, 1940). Also, given all the positive benefits, Indigenous protests can be comprehended as a form of collective self-care practice (Menendéz, 2003). Self-care practices are those activities that are necessary for the biosocial reproduction of the individuals and the social group. Within this perspective, demands that focus on territorial rights and environmental issues are fundamental for Indigenous peoples socio-cultural reproduction, their wellbeing and their very survival. Without official recognition of Indigenous identity and territorial rights, impacted groups do not have access to the legal frameworks that protect their rights regarding self-determination, including the right to FPIC. Thus, protesting for land and other rights is essential for ensuring collective health and environmental sustainability.

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[1] Respectively, websites related to each campaign are: www.amazonwatch.org/work/belo-monte-dam ; www.idlenomore.ca ; www. chevrontoxico.com ; www.mosop.org ; congaeuropa.wordpress.com ; www.rainforest-rescue.org/mailalert/740/solidarity-with-bolivia-indigenous-peoples-demonstrate-against-road-through-the-rainforest; www.noalamina.org/mineria-argentina/neuquen.

5.3. THE INDIGENOUS BRAZILIAN CONTEXT

Brazilian Indigenous peoples are yet to experience full citizenship, as they continue to be the object of discrimination and violence, with on-going violation of their rights (Anaya, 2009). One arena in which such violation continues to occur is that of large infrastructure projects. Conflict in this arena is not new (Davis, 1977) and, as early as the 1950s, Ribeiro (1957) pointed out the tension between Brazil's economic development and Indigenous peoples. Ribeiro's analysis of the impact of Brazilian politics, extractive industries and international market fluctuations on Indigenous people's survival, remains true today:

the fundamental determinant of the destiny of Indigenous tribes, of the conservation or loss of their languages and cultures, is the national society as well as the international economy. The price of rubber, nuts and other products on the New York Stock Exchange and the prospects for peace or war among the great powers influences the ebb and flow of the waves of exploiters of forest products, determining whether the last remaining autonomous tribes will survive or be condemned to extermination. (Ribeiro, 1957:100, authors' translation).

Since the 1970s, various subsequent Brazilian governments have planned and implemented many large infrastructure projects in the Amazon. Because the social impacts of these projects were largely ignored and/or irresponsibly managed, they have negatively impacted the lives of Indigenous peoples. Davis (1977:167) described the process of development as a "silent war . . . against aboriginal peoples, innocent peasants and the rainforest ecosystem", nominating the Trans-Amazon Highway as the worst example. The conflict between government plans and Indigenous peoples gained greater attention in the 1980s with the growth of Indigenous organizations and their role in constitutional reform. The government proposal to build the huge Kararaô Dam on the Xingu River in the Amazon region was met with a large Indigenous mobilization in February 1989, and has become known as the Altamira Gathering, after the city where it was held. Led by the charismatic Kayapó leaders, Payakan and Raoni, and with international support from such personalities as the rockstar, Sting, and former French Presidents, François Mitterand (Menezes Bastos, 2012) and Jacques Chirac, the dramatic mobilization gained the attention of the world's media, and consequently construction of the dam was halted. One emblematic portrayal of this confrontation, considered to be the first major Indigenous mobilization in Brazil, is the now well-publicized picture of Tuíra Kayapó holding a machete to the face of José Antônio Muniz Lopez, the then Director of the regional electricity company Eletronorte, and subsequently President of the national electricity company, Eletrobrás.[2]

The victories of the Labour Party's candidates for President – Luís Inácio Lula da Silva in 2002 and 2006, and Dilma Roussef in 2010 has meant many reforms to health, education and welfare in an attempt to counter Brazil's great economic disparity. However, the Indigenous situation has become more critical during these years as Indigenous peoples have faced increasing problems of violence due to land conflict (e.g., the Guarani–Kaiowá people in Mato Grosso do

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[2] The famous picture and more information about the Altamira gathering can be found at the following link:
http://www.internationalrivers.org/blogs/232/a-knife-in-the-water .

Sul),[3] expressions of discrimination reflected in the mass media portrayal of Indigenous peoples (Anaya, 2009), and threats to territorial rights because of the construction of large infrastructure projects that impact upon Indigenous lands and resources (Hanna et al., 2014). The Indigenous peoples relationship with the Roussef administration has continued to deteriorate due to a series of conflicts between territorial rights and development policy. In the last 5 years, conflicts have increased due to: a slow-down in the demarcation of Indigenous reserves; assassination of Indigenous leaders involved in territorial disputes; racist (anti-Indigenous) statements made by certain Congressional members; and the proposed construction of dams in the Amazon region without due FPIC process, including the initiation of the Belo Monte dam. Regarding land conflicts, Indigenous peoples argue that the government is ignoring the process established in the 1988 Constitution by trying to implement dialogue tables in each territory where farmers and local Indigenous people are in confrontation, a measure that has arguably intensified the conflicts (CIMI, 2014). Since the current Roussef administration took office, the number of Indigenous protests has increased.

There is a strong constellation of forces in Brazil that works against the interests of Indigenous peoples, including the rural lobby in the national Congress, large contractors, the Ministry of Mining and Energy, and the mass media corporations. Those advocating on behalf of Indigenous interests include NGOs, Universities (i.e. the Humanities faculties, as Engineering faculties and upper level administration tend not be supportive of Indigenous causes), some employees within government departments and agencies and, of course, Indigenous grassroots organizations. Carneiro da Cunha (2012) described the Brazilian government as ambidextrous, promoting social inclusion on the one hand, as demonstrated by successful social welfare programs, while with the other hand promoting fast-track development at the cost of basic (Indigenous) rights.

The controversy around the construction of the Belo Monte dam characterizes the on-going tension between the Administration's emphasis on economic development and Indigenous rights. Despite strong opposition from Indigenous peoples and environmentalists, the government revived plans to construct a major dam on the Xingu River and, for the sake of the "national interest", has pressed ahead with its construction without a proper FPIC process, arguing that the dam is essential to avoid future energy blackouts and to ensure energy security (Passarinho, 2011). A letter from the Indigenous Peoples Association of Brazil (APIB, 2014) addressed to the presidential candidates in September 2014 identified key current Indigenous issues: attempts to alter Indigenous constitutional rights; the government's alliances with agribusiness, construction firms and mining and timber corporations; and the government's unconditional support of large projects that affect Indigenous lands. FPIC has not been properly applied in Brazil, especially in the context of mega-projects. This is substantiated in a recent report from the International Working Group on Indigenous Affairs, an international indigenous rights NGO:

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[3] Several Guarani–Kaiowá, including important leaders, have been assassinated in recent years due to land conflicts with farmers in the state of Mato Grosso do Sul, an issue is also described by Anaya (2009).

The Brazilian government has constantly and systematically ridden roughshod over the rights of the indigenous population when it comes to Belo Monte and other PAC [Growth Acceleration Program] ventures, to the extent that this could almost be considered a government strategy to wipe out Brazil's indigenous population altogether. To give just one example, the Belo Monte hydro-electric plant had its licence suspended for failing to comply with the Brazilian Constitution and ILO Convention 169. A decision of the Federal Supreme Court ruled that the work could be resumed, however, with the Court President arguing that 'any delay in the work schedule would represent a threat to the national economy (IWGIA, 2013:163).

Norte Energia, a consortium comprising private and stateowned companies and responsible for the building and operation of the Belo Monte Dam, claimed to have conducted 38 meetings with the 24 Indigenous communities affected by the project in order to comply with its legal obligations to consult (Norte Energia, 2012). However, Indigenous organizations and external observers criticized the way in which the consultation meetings were held, arguing that they consisted of highly technical content, incomprehensible to the local community (Anaya, 2010). They also claimed that the proponents failed to comply with conditions for compensation as documented in the Basic Environmental Plan (PBA). The Brazilian Environmental Agency (IBAMA) issued a report stating that, although fulfilment of licensing requirements was far behind schedule, the construction of the Belo Monte dam was advancing very quickly (Brasil, 2013; Santilli, 2013). Other agencies have determined that the health indicators of the Indigenous peoples affected by the dam have worsened since construction began, blaming the failure to observe agreed mitigation measures (FUNAI, 2012). As construction is now proceeding without implementation of many of the prescribed mitigation measures, social and environmental impacts will be aggravated (ISA, 2014). According to the Federal Prosecutor responsible for overseeing the process, the current context can be described as an ethnocide of the Indigenous peoples affected by the dam (Santi, 2014).

Construction of the dam has been disrupted by several protests. Once again, Chief Raoni gained the support of powerful allies, such as film director, James Cameron of Avatar fame (Jampolsky, 2012), and the Hollywood actor and former Governor of California, Arnold Schwarzenegger. However, despite Indigenous opposition that organized blockades at the construction site on several occasions (Boadle, 2013), and injunctions to stop work by the Office of Public Prosecution (Ministério Público Federal, MPF), dam construction has continued.

Adding to this crisis, there was growing public out cry due to the large cost in preparing for the 2014 FIFA World Cup that was held in 12 Brazilian capital cities. Preparations for the World Cup involved construction of new stadiums and upgrade of transportation facilities, including roads and airports. However, there was major opposition to housing relocations in host cities, including Brasília. For this reason, the Homeless Workers Movement (Movimento dos Trabalhadores Sem Teto—MTST) also joined the Indigenous National mobilization in 2014. In June 2013, during the FIFA Confederations Cup, protests were held in many cities. not always peaceful, this national uprising ultimately led to President Roussef attempting to appease the population by

introducing a fivepoint plan addressing: economic policy; political reform; health; education; and public transport. An occupation of the National Congress in April 2013 precipitated a group of Indigenous leaders to be granted a meeting with the President in June 2013 – her first meeting with Indigenous peoples – and in which various issues were discussed. The 2013 uprising and a subsequent Indigenous National Mobilization in October 2013 were the precursors for the 2014 Brazilian Indigenous National Mobilization.

5.4. METHODOLOGY FOR THE CASE STUDY

This paper is primarily based on fieldwork conducted in May 2014 on the Brazilian Indigenous National Mobilization. It is also based on an extensive review of literature and key documents; as well as an analysis of media coverage, websites and social media with regard to large infrastructure projects and Indigenous protests. Primary data collection methods included: participant observation; field interviews; note-taking; recording key events via photos, videos and audio; and following television and newspaper coverage. Fieldnotes and a research diary were made in Portuguese, and were later transcribed and analysed using the qualitative data-analysis software, Atlas–Ti. The researcher's personal network facilitated contact with the protest organizers and Indigenous leaders as well as gaining permission to participate in the event. Ethical research practice was followed, with the research being approved by the ethics committee of the Faculty of Spatial Sciences of the University of Groningen and informed consent was obtained from all who were interviewed (Vanclay et al., 2013).

The mobilization was organized by APIB (the Brazilian Association of Indigenous Peoples) with support from national and international NGOs, such as Greenpeace and Amazon Watch. Over 500 people attended this three-day mobilization representing ethnic groups from different regions across Brazil. A closed workshop attended by the leaders was held prior to the mobilization in order to discuss and plan a program for the three days. A follow-up reflection workshop was held at the end of each day and to plan the next day's activities. Alongside Chief Raoni, other important Indigenous leaders were present including: Megaron Txucarramae, the likely successor to Raoni; APIB's coordinator Sônia Guajajara; and Chief Marcos Xucuru, the son of Chief Chicão Xucuru who was assassinated in 1998 during a land struggle.

We analyse the major events of the mobilisation, examining the role of performance in attempting to redress the injustices occurring within the Brazilian context and how it references the larger Indigenous struggle for ethnic recognition and rights. In addition, in the face of the negative mass media coverage of the mobilization, we explore the Indigenous use of the Internet and social media as a strategy for countering these negative representations.

5.5. THE BRAZILIAN INDIGENOUS NATIONAL MOBILIZATION 2014 IN THREE ACTS

5.5.1. Act 1: Smiles at the National Congress and tears at the National Stadium

Act 1 comprised the events surrounding the gathering of the Indians[4] on the first day of the Mobilization and a planned march to the National Stadium, which also led to the storming of the rooftop of the National Congress building. The day started around 10.00 am when a number of busses with the Indians began arriving in front of the Supreme Court. The Indians alighted from the buses embellished with the symbols that have become emblematic of Indigenous identity— bodies and faces adorned with warpaint, feathers, beads and head dresses (see Fig. 5.1). They carried gourd rattles, drums and weapons such as bows-and-arrows and clubs. The media began arriving shortly afterwards. Four circles of different ethnic groups formed, performing chanting and dancing, and displaying banners of their demands.

The first strategic protest action was the formal delivery to the reception desk of the Supreme Court of a letter of demand addressed to the President of the Supreme Court. Before making the delivery, one of the Indigenous leaders read the letter aloud for the benefit of the press and observers. The letter demanded the prosecution of two Congressmen who had recently made racist statements. Congressman Alceu Moreira had stated that ranchers and land owners should use 'all necessary means' to kick the 'Indigenous crooks' off their properties, while Congressman Luiz Eduardo Heinze stated in a formal speech that "the government . . . is in bed with the blacks [maroons], the Indians, the gays, the lesbians, all the losers",—a statement that granted him the 'Racist of the Year' award (Survival International, 2014).

Fig. 5.1. | Performing identity and public display of posters.

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[4] Indian/Indians is a respectful, widely-used term in Brazil to refer to Indigenous Peoples. Because of its common usage in Brazil, we will use this term to refer to the Indigenous individuals, particularly when we are discussing the Mobilization.

People then had lunch sheltering from the hot sun outside the Supreme Court building. Afterwards, various leaders began coordinating the protestors – estimated at 1000 people by the police and by 2500 by protest organizers (Veleda, 2014) – to start the march to the National Stadium along the most important street of Brasília, the Monumental Axis, where all the federal government buildings and ministries are located (see Figure 5.2). As the march progressed, they were closely followed by a large contingent of police and were also flanked by police. The total number of police called up for the operation probably exceeded the number of protesters.
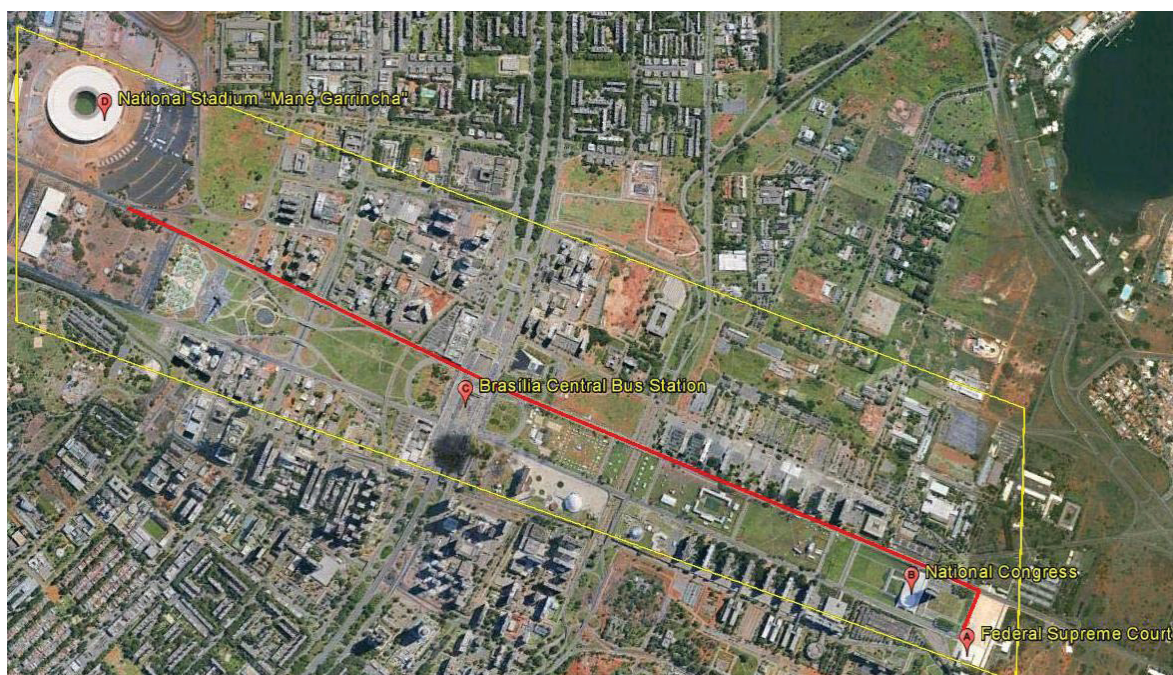
Fig. 5.2. | Protest trajectory.

Passing alongside the National Congress, in a quick, bold manoeuvre, the Indians were able to occupy its roof. Two security guards quickly arrived pointing guns and some Indians pointed their arrows back and began to sing. The guards retreated, but organized a barrier to protect the entrance to the Congress. The protesters displayed their banners for about 20 min on the top of the National Congress, drawing the media's attention (see Fig. 5.3). Afterwards, they descended from the roof unimpeded and resumed the march to the National Stadium.

Fig.5.3. | Indigenous peoples are photographed by the media on the roof of the National Congress.

At the Central Bus Station, the Indians then converged with about 300 people protesting against the World Cup, a crowd comprised of the Brazilian Homeless Movement (MTST) and other civil society groups affected by displacement (see Fig. 5.4). The combined crowd of about 800 people then marched to the National Stadium, where the World Cup Trophy was on display. At the Stadium it was intended to enact a theatrical people's trial of the Brazilian Government and FIFA on charges of alleged violations of human rights and corruption in the preparations for the World Cup. They also planned to deliver a blood-stained replica of the World Cup trophy (see Fig. 5.5).

Fig. 5.4. | Indigenous peoples gather with other civil society movements in Central Bus Station.

Fig. 5.5. | An image of the Anti-World-Cup Trophy.

All was peaceful until they approached the Stadium, which was heavily defended by mounted police. When the Indians neared the cavalry, pepper gas and crowd control bombs rained down, and everyone began desperately to run in different directions (see Fig. 5.6). Nobody was expecting such violent crowd dispersal action, since the organizers had announced that they had been given permission from the police officer-in-charge to demonstrate near the Stadium. Some Indians hit the crowd control bombs with their war clubs or kicked them, sending them back towards the police line. The protesters tried to approach the Stadium from different sides, rather than along the Monumental Axis. However, this was without success because more police arrived, along with three helicopters. Whenever the Indians tried to advance towards the Stadium, the police responded with more crowd control bombs. It was a very tense situation, with some protesters sustaining injuries from rubber bullets and bomb fragments. One policeman was wounded by an arrow. As a result of the melee, people began to disperse, frustrated and angry. The Indians retreated to a grassy area alongside the stadium to make a big final circle to dance and sing. A police lieutenant came over, and in a conciliatory fashion said that the police were there to ensure everyone's safety and he 'authorized' the Indians to perform their dances and singing. At around 9.00 pm, the busses came to take the Indians back to their accommodation on the outskirts of Brasília.

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Fig. 5.6. | Protesters dispersed by tear gas around the National Stadium.

5.5.2. Act 2: Media wars, spiritual support and a victory

The Second Act relates how the first day of protest was depicted by the media, particularly by the largest Brazilian TV station, Globo. Its national news hour focused almost exclusively on the 'violence' of the demonstrations and exalted the contribution of the World Cup for the national economy. Images of protesters throwing stones and kicking bombs back at the police were constantly repeated. The motivations and demands of the protesters were not mentioned, nor were the contents of their banners shown (except perhaps inadvertently). Neither was it mentioned that the police shot at the demonstrators even though they had obtained permission to march to the Stadium.

I discussed the biased approach of the media with a coordinator of a NGO supporting the mobilization. The coordinator was in close contact with journalists, briefing them about the protests and providing general information. She mentioned to me an on-going conversation she had had with a TV reporter who called several times to get information. The coordinator said: "we provide you information and then you guys produce biased coverage" and she questioned whether the reporter had any autonomy over the materials that would ultimately be broadcast. The reporter replied he did have some control. However, she said that when the content was later aired, she considered it to be very bad, as it was a short newspiece focused only on the arrow wound of the police officer. The next day she complained to the reporter, who replied that "everything is decided higher–up", and that it was not up to the individual reporters.

Well aware of the negative national coverage, protest supporters used their virtual social networks and blogs to draw attention to the distorted media coverage. A critical cartoon widely circulated on the Internet depicted a police officer standing over a pile of corpses with a reporter asking whether his arrow wound hurts (see Fig. 5.7). This cartoon mocks the disproportional attention the media gave to the alleged violence of the protesters, ignoring other issues— a strategy regarded by the protesters as an attempt to criminalize them. The Indigenous leaders called a press conference on the second day to contest the news coverage and present their side of the story.

Fig. 5.7. | "Is that arrow wound hurting, officer?". Source: Vitor Teixeira (used with permission of the artist).

A press conference held by the protestors at the building of the National Union of Teachers of Higher Education Institutions (ANDES), started just after midday and was attended by reporters from local, national and international news media. After the presentations by Indigenous leaders and spokespersons from other social movements, questions from the reporters focused primarily on the alleged violence of the protesters, and especially the use of war clubs and bows and arrows. In response, Chief Marcos Xucuru emphasized the importance of the spiritual world, affirming that the Indians need their songs and traditional weapons to evoke the spiritual protection of the ancestral spirits (*encantados)*—and in fact much of the singing at the protests was sacred chanting. At the end of the conference, the Indians showed reporters the injuries they had sustained from rubber bullets and bombs fragments (see Fig. 5.8).

Fig. 5.8. | Indians show their injuries from rubber bullets and bombs fragments to reporters.

During the press conference, the majority of the Indians were waiting in front of the National Congress, where a few Indigenous leaders were in a meeting with the leaders of the Chamber of Deputies and Federal Senate. Two famous Brazilian artists, the singer Toni Garrido and actress Maria Paula, accompanied the Indians. During the long hours of waiting, those outside demonstrated with dancing, singing and display of banners for the media. About 7.30 pm, the leaders finally emerged from the building, smiling, apparently satisfied with the outcome. Sônia Guajajara, flanked by her fellow leaders, announced to the press (see Fig. 5.9) that an agreement had been made with the Leader of the Chamber of Deputies that the proposed controversial legislative changes, aimed to reduce Indigenous rights, would only go to the vote if there was consensus on the issue in the Chamber. This was considered to be very unlikely, due to its controversial nature. However, Sônia emphasised the need to maintain a state of alert. As the crowd began to disperse, I asked her whether this agreement was a positive outcome. She said, "Yes, it is a victory".

Fig. 5.9. | Indigenous peoples, alongside reporters, record Sônia Guajajara's (at rear second from left) announcement after the meeting with mobile phones and tablets.

5.5.3. Act 3: Performativity, negotiation strategies and a declaration of war

The third and last day of the Mobilization started with a different strategy. The Indians arrived early at the Justice Ministry, before police and security had arrived, in an attempt to occupy the building to force a meeting with the Minister of Justice, Eduardo Cardozo. Being unable to enter the building, small groups took up positions at each door (see Fig. 5.10). Staff already inside the building could not leave, those outside could not enter. The aim of the blockade was to force an audience with the Minister of Justice in order to discuss the lack of new land demarcations. The gazettal of several Indigenous reserves had been halted, at a point in which they only lacked the signatures of the Minister of Justice and/or the President. The demonstrators outside the building were holding up pens to offer to the Minister, and there was a teenager with a basket full of pens (see Fig. 5.11), and several banners saying "Sign it now, Cardozo!".

Fig. 5.10. | Indigenous peoples block one of the entrances to the Justice Ministry.

Fig. 5.11. | Teenager with a basket full of pens, with a sign stating "Sign it now, Cardozo".

Indigenous leaders had to engage in a complicated negotiation process to set the time for meeting the Minister. The Indians demanded an appointment at 13:00, but the Minister supposedly could only arrive at 17:00, so it was agreed halfway, 15:00. When it was clear that the Minister would meet with the group, Ministry staff were allowed in and out of the building. However, the protesters maintained a semi-blockade for the whole day, not allowing the general public into the building. During the day, about 300–400 protestors were dispersed around the building and grounds. Among them were Brazilian Maroons (Quilombolas), who are also affected by the proposed law change and had joined the protest during the afternoon.

Another negotiation issue was the number of participants who would be allowed in to the meeting. The Indians wanted all present to be able to participate, but the government negotiators set 10 as the maximum. The Indians then suggested 20 representatives. For several hours, the discussion revolved around 12 participants. Frustrated, at around 16:00, five Indians chained themselves to the flagpole in front of the building and waved the Constitution around (see Fig. 5.12), drawing the attention of the press. This highly-publicized dramatic enactment played an important role in reaching a final agreement allowing 18 Indigenous plus two non-Indigenous counsellors to participate in the meeting. One Brazilian Maroon was included amongst the 18 Indigenous representatives.

Fig. 5.12. | Indigenous peoples chain themselves to the flagpole outside the Ministry of Justice.

Shortly after, 17:00, the nominated Indigenous representatives and press were allowed to enter the building in preparation to meet the Minister. A representative of the Minister instructed that the press would only be allowed to take pictures (i.e., no questions) and would need to leave when the meeting proper started. In the conference room, the Indigenous representatives distributed their three-page manifesto to everyone present. A reporter from TV Globo quickly started typing the whole manifesto into his mobile phone. Shortly after, the image of the Indians shackled to the flagpole and the complete manifesto was the feature story on the Globo website. Minister Cardozo arrived around 17:30 together with the President of FUNAI. He gave his apologies for the delay stating that he was in a meeting with the Governor of the State of Rio Grande do Norte, and he invited Sônia Guajajara to come forward to the lectern to make initial remarks. At this point, members of the press were ushered out. I left also and joined the larger group of protesters outside to wait for the results of the meeting. As the hours passed and the meeting went on, there was more chanting and dancing (see Fig. 5.13). Many protesters criticized the media exposure of the 3-day long protest and its portrayal of the Indians as violent. People were also speculating about the outcome of the meeting and if any or some of the many requested Indigenous reservations would finally receive the Minister's signature.

At 19:30 the Indigenous representatives withdrew from the meeting in an act of protest. They held a brief press conference alongside those still chained to the flagpole (see Fig. 5.14). Their outrage was evident and one classified it as "the worst meeting of my life". In their comments to the press, one stated, "the Minister is not committed to anything at all and just wants to keep holding dialogue tables". One of the Indigenous leaders alleged that the delays and conflict created by the dialogue tables had already resulted in the assassination of two Indians.[5] One protester pulled the gigantic national flag down from the flagpole and painted it with *urucum,* the Indigenous, red-colored bodypaint. Someone warned him that this was a crime, and he fled. Another declared: "Now it's war!"— marking the end of the protest and dispersal of the crowd.

[5] There are documented reports of conflict between ranchers and Indigenous peoples which have led to the murder of several Indigenous peoples (CIMI, 2014).

Fig. 5.13. | Dancing and chanting to provide spiritual support for those in the meeting.

Fig. 5.14. | Final press conference with those chained to the mast.

5.6. PERFORMATIVITY AND PROTEST

It is possible to make a comparison of the unfolding of the protest events with the stages of a ritual process or social drama proposed by Turner (1980, 1982). According to Turner (1969), a ritual process can be identified as a marked social event, such as festivities, theatre and religious ceremonies, while social dramas are "units of aharmonic or disharmonic process, arising in conflict situations" (Turner, 1974:37). There is always latent conflict in social life and social dramas are periods in which conflict becomes explicit, disrupting the normal flow of interaction and demanding efforts of resolution. Turner suggested that there are four main phases in a social drama: breach (a disruptive event that is a precursor to the drama), crisis (the period during which the latent conflict becomes explicit and the crisis becomes established), redressive action (attempts to reconcile), and reintegration or irreparable schism (the possible final outcomes of the social drama). The redressive phase is characterized by rituals, judicial processes and/or subversive performances, such as protests that attempt to resolve the on-going conflict and/or to affect the structural relations of power (Turner, 1977, 1980). It is within this perspective that we analyse the National Indigenous Mobilization event of May 2014, one that occurred in a context of rising conflict (crisis) between Indigenous groups and the current government (see Table 5.1).

Table 5.1. | Historical events and social drama phases.

Date/event	Description	Social drama phase
2003—Lula election	Relatively good relationship with Indigenous peoples	Latent conflict
2007–2010—Belo Monte Dam	In 2007 the government launches the Growth Acceleration Program, in which the Belo Monte Dam is announced. The dam is formally approved in February 2010	Breach
2011—Dilma Election	Planning of new dams in the Amazon; lack of land gazzeting; attacks on Indigenous rights	Crisis
2013–2014—Indigenous National Mobilizations	Indigenous peoples organize the Indigenous National Mobilization on 2013 and 2014, in an attempt to have their concerns addresses by President Dilma Roussef	Redressive action
2014	The Indigenous National Mobilization face police repression in the first day and finishes without any commitement from the government in demarcating new lands or suspending the planned dams. Indigenous peoples declare: "Now it's war!¨	Irreparable schism

According to Ramos (2002:257), "through the centuries, insurgencies, revolts, uprisings, messianic movements, and other forms of protest against so much destruction did little more for Indigenous peoples all over the American continent than deepen their submission to the national power." In the late twentieth century, however, now with new peaceful weapons, the "interethnic battlefields have been relocated to the news media, courtrooms, and parliaments." More recently, social media and other communication technologies have also played an important role in the organization and promotion of Indigenous protests. The National Indigenous Mobilization frequently used its own

blog[6] to post information about the Mobilization, in response to media information it regarded as distorted or biased. An Indigenous filmmaker, Kamikia Kisedje, broadcast the 3 days of protests live to the internet through Twitcasting, while several other activists posted updates on Twitter and Facebook.

Chief Raoni's trip to Europe, immediately after the Mobilization, was also widely reported on social media websites. The aim of his trip was to encourage public opposition against companies that participate in the Belo Monte venture, such as the energy companies, GDF Suez and Alstom (Cabanes, 2014; Poirier, 2014).

These events demonstrate the value of the 'info-wars' for Indigenous activism in the face of negative media portrayal. Indigenous peoples are conscious of the way their image is perceived by western eyes, and the use of bodypaint, feathers, body ornaments, and display of cultural paraphernalia as a strategy of political performance (Conklin, 1997). However, representation of Indigenous peoples in in public imaginaries has been ambiguous since the XVI century, ranging from the 'noble savage' to 'dreadful cannibal'in early Brazilian publications (Belluzzo, 1994; McCallum, 1994; Ramos, 1998). While the noble savage has become associated with that of the ecological and spiritual Indian, the dreadful cannibal has been replaced by 'dirty, drunk and lazy', holding the Indigenous peoples responsible for their own predicament (Nascimento, 2014). The UN Special Rapporteur report on human rights in Brazil has recognized the unfavourable image consistently spread by the news media:

In Brazil, the news media seem to have a key role in shaping, as well as in reflecting, this political environment. During his visit, the Special Rapporteur witnessed a polemical news media climate that exhibited a misunderstanding about, and even hostility towards, Indigenous issues. With a few notable exceptions, while the Special Rapporteur was in Brazil the demands being made by Indigenous peoples and the gains they have made in the recognition of their rights were treated with suspicion or worse. There seemed to be minimal representation of Indigenous peoples or their organizations in the news media, with little opportunity for Indigenous peoples to influence the content of material that was published or broadcast about them or on their behalf. (Anaya, 2009: 9–10)

All of these issues relate to the vexed question of the effectiveness of protest actions. We consider that effectiveness is not a straightforward matter. The purpose of any action is rarely the immediate target (e.g. storming the roof of the National Assembly), but rather a longer-term goal of influencing public and political opinion. However, public and political opinion change slowly and cannot be easily directly measured. Furthermore, since all protest actions usually have multiple goals—including the need for identity-affirmation, immediate victory on particular issues, longer-term public and political support, as well as dealing with the diversity of national and international press interests—determining success is difficult. In fact, all protest actions are likely to have elements of success and elements of failure.

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[6] mobilizacaonacionalindigena.wordpress.com.

In discussing the biased representation with my research participants, many said that they thought the media in Brazil (and perhaps other Latin American countries, see Escolar et al., 2010) was more prejudiced towards Brazilian Indigenous Peoples than the foreign media, which tends to be supportive of Indigenous causes.

Drawing on the notion of Said (1994) that Western perceptions of the East are a myriad of patronising and misrepresenting 'Orientalisms', Ramos (1998, 2002, p.275) introduces the term 'Indigenisms' as "an American style, amplified form of Orientalism" in an attempt to capture the entanglement of ideologies and images that society constructs of its Indigenous peoples and vice versa, and that are part of the interethnic misunderstandings. Media representations are one setting in which Indigenisms are propagated, and can be effective channels for influencing public opinion, especially when the media is in the control of the Indigenous peoples. While not able to control national media, Indigenous tactics of self-representation through the use of blogs and other national and transnational communication networks and other technologies are playing a central role in publicizing their version of events to a broader audience through pragmatic manipulation of their representations.

Analysis of the events at the mobilization, especially as described in Act 3, indicate the conscious use of planning and strategy to achieve desired outcomes through tactics to disrupt government institutions and gain the attention of decision-makers to their claims. The choice to organize the mobilization a few weeks before the FIFA World Cup was strategic given the international attention focussing on Brazil and the expectations and worries surrounding preparations for the games. The timing guaranteed the presence of the mass media and its role in pressuring government decision makers during the three days. The Indigenous performativity, with its use of warpaint, feathers, head dresses, drums, dances, and weapons, reflects their use of representation as a mediator of social relations of political struggle. It also demonstrates the process of 'activist' objectification of culture as described by Terence Turner (1991, 2002). As Turner (2002) discusses in his analysis of the use of the Kayapó video, 'Peace between Chiefs', Indigenous people are gaining mastery over the use of video technology to control their self-representations and draw attention of an international audience to the political struggles they face. The movie "Owners of the Water" further demonstrates the growing use of video technology by Indigenous activists to promote their social protest causes (Graham et al., 2009).

Live streaming, blog updates and social networking platforms are other ways that Indigenous peoples counter the monopoly of the mass media corporations. This becomes especially pertinent when the information produced by the mass media is biased against their interests. The use of the Internet gives Indigenous peoples the possibility of manipulating their own representations and has the effect of the "importation of politics into representation itself, as a relation of power between dominant signifier and subordinate signified" (Turner, 2002: 244). In the case of the Mobilization discussed here, the Indigenous performance drew upon the formulaic use of bodypaint, feathers and ritual dances to index their representation of the ecological Indian (Conklin, 1997; Conklin and Graham, 1995). They also enacted scenes that

referenced historical situations of domination and the violation of Indigenous rights established by the Constitution in their dramatic performance of chaining themselves to flagpole during the negotiations surrounding the meeting with the Minister.

The chaining to the flagpole reflects an historical form of physical punishment (*tronco*) meted out to Indigenous peoples by governmental authorities until the 1960s by immobilizing the person in stocks or chaining them to a tree trunk (Almeida and Nötzold, 2014). Given that the Maroon peoples were also involved in the negotiations, the performance also indexed their former condition of slavery. The event drew considerable media attention and perhaps was influential in the final number of Indigenous and Maroon representatives allowed in the meeting with the Minister, however it did not guarantee a positive outcome for the negotiations. It must be pointed out that the mobilization occurred during an election year, one in which the agricultural lobby exerted its power to prevent further expansion of Indian lands. Thus, the social drama did not end with a reintegration between the two contesting parties, but with the recognition of an irreparable schism (Turner, 1974).

5.7. CONCLUSION

Indigenous peoples and ethnic minorities elsewhere share the common problem of achieving full participation in the democratic system of the society in which they are located (Van Cott, 2005). As suggested by other authors (Fisher, 1994; Davis, 2012; O'Faircheallaigh, 2012, 2013; Ruano, 2013), because they are excluded from participation, Indigenous protests are legitimate strategies of disruption in order to draw attention to issues they face. However, as this research and experiences elsewhere demonstrate (Kirsch, 2007), the success of these protest actions is not always achieved. For example, mixed outcomes were evident at the National Indigenous Mobilization. On the one hand, Congress leaders promised that the planned anti-Indigenous legislation would not be approved without a consensus among the Congress members. On the other hand, the meeting with the Justice Minister did not result in satisfaction of their demands, despite strong symbolic and performative actions to pressure the Minister. However, some months after the Mobilization, during the second round of the national elections in October 2014, Indigenous peoples did receive a reply to the letter they had addressed to the presidential candidates in the first round of the elections (APIB, 2014), in which the now re-elected President committed to some of their claims (Roussef, 2014). We consider that such agreement is, in part, attributable to the influence of the National Mobilization, which helped leverage political support for Indigenous peoples in Brazil.

Gluckman (1954) analysed the rituals of rebellion in southeast Africa and proposed that they can act as a cathartic mechanism for society, in which protests are expected and contained by the social structure, even being considered a fundamental part of it. It is possible to consider that all community protest can have such a characteristic. Thus, in contexts of repeated domination and power differences, even the most magnificent performance can not necessarily change the

status quo or established institutional order, and runs the risk of being a 'ritual of rebellion'. Mass media and other communication networks can have an important role in amplifying the message of Indigenous performances and affecting public opinion that aids the protesters negotiation power. As argued before, Indigenous peoples are represented by disparate and contradictory images in interethnic politics, and the media plays an important role in the construction of society's perceptions. Despite the arguable general prejudice against Indigenous peoples who use western technology, the appropriation of communication networks and the employment of new representational media by them has become a vital and assertive form of empowerment of Indigenous peoples in ethnic politics (Turner, 2002).

Indigenous mobilizations have a positive impact on the realization of Indigenous rights in that they communicate Indigenous grievances, help disseminate information about and build respect for Indigenous cultures, assist in creating pressure for the recognition of their rights, and in enacting new legislation for the further operationalization of their rights. For instance, the establishment of the international framework for Indigenous rights was an extensive process, based on decades of mobilization by Indigenous peoples from different countries. Specifically, the drafting and approval of the United Nations Declaration on the Rights of Indigenous Peoples took over two decades to finally get approval from the United Nations (Engle, 2011), after much struggle from Indigenous Peoples and Indigenous rights advocates.

Ramos (1994) critiques the way Indigenous-supportive NGOs in Brazil have become focused on some sort of the ideal Indigenous – an Indigenism based on the noble savage – using this image, inter alia, to seek funds from international donors. She argues it is easier to sell the image of this ideal, or hyper-real Indian, than the real flesh–blood Indian with all their real world contradictions and deceptions. In their mobilizations, Indigenous peoples also use and manipulate western perceptions of Indigeneity, enacting this image of the hyper-real Indian to help change the structural circumstances of the flesh–blood Indians in the villages. Such performances have an additional effect of raising self-consciousness and empowering the community voice; in other words, political performances contribute to the collective health of the group (Menéndez, 2003). This contribution to collective health is particularly necessary in situations of conflict and violence perpetrated against Indigenous peoples.

The question remains: Is protest necessary for Indigenous peoples to ensure that their rights are respected in the implementation of large projects? Conflicts can be very costly for everyone involved: the companies, governments and impacted communities (Davis and Franks, 2014; Davis et al., 2011). Such costs can be even higher when Indigenous peoples are affected, because conflicts in interethnic contexts are more complex and consequences are potentially graver. This can be demonstrated in the case of the Belo Monte dam, in which the construction site was blockaded several times by affected communities, resulting in judicial orders to halt work and costly delays amounting to over a year and fines from government regulatory agencies.

Respecting Indigenous rights is a basic requirement if companies and governments want to avoid

conflict with Indigenous peoples. Where there is strong opposition to a given project, it might not be wise to push ahead with it, due to the high economic, ecological and social costs, as well as a potential backlash against the company. Unfortunately, international market contexts often force developing countries to implement projects despite strong community opposition. It is necessary to understand the global economy pressures on developing countries and their dynamics—in which Indigenous peoples have a very low level of power or influence.

In the Brazilian context, although the 2014 mobilization did not reach its primary goals in the short-term, important victories were ultimately achieved—such as a reply from the Presidential candidates to their requests. This demonstrates the efficacy of protests to support minority rights in democratic systems. The Indigenous struggle for recognition and realisation of their rights has progressed due to decades of protest and community mobilization. The 2014 mobilization was empowered by use of communication networks by the protestors, drawing national and international attention, building social capital among the participants and providing them with various legal and organizational skills, including better knowledge about legal frameworks that is likely to be replicated at the local community level after the mobilization.

As Jackson (2007:210) observed for Colombia, "claiming and successfully securing these rights requires a performance . . . that powerfully indexes such isolation and marginality, geographical and otherwise, in order to maximally promote the likelihood that they will continue to qualify as legitimate grantees of their rights to culture". The various performances of the National Indigenous Mobilization referenced not only the hyper-real Indian, but also contextualized centuries of domination and contemporary legal rights documents, drawing attention to problems not being addressed by the responsible institutions. As shown here, protest performances become even more effective with the use of the mass and social media in order to amplify the audience and leverage public support for their claims. In contexts of discrepancy between law and its practical implementation, protests are likely to persist as legitimate, and perhaps the only mechanism, in which communities can gain respect for their established rights, to protect their natural environment, and consequentially to promote their well-being.

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CHAPTER 6

Conceptualizing social protest and the significance of protest actions to large projects

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ABSTRACT

In democratic societies, protest is a legitimate and necessary way for communities to seek redress for issues that are ignored by decision-makers. In the wake of large projects, communities often find they need to mobilize to achieve respect for their rights and to influence the decision-making processes affecting their lives. Protest action can take many forms (e.g. blockades, rallies, boycotts) constituting a repertoire of contention, which is subject to continuous innovation. With new information and communication technologies (ICTs), digital repertoires of contention are also being enacted (social media, online petitions, digital sit-ins, twittering). This paper integrates the fields of performance theory, social movements, and impact assessment to conceptualize social protest. We identify over 200 forms of protest and related terms and provide a conceptual model to comprehend the contemporary role of protest. We consider that protest is part of the broader unfolding of social dramas, and is a mechanism to seek redressive action in contentious situations, especially between impacted communities and project proponents. Companies and governments that respect the principle of Free, Prior and Informed Consent (FPIC) and meaningfully engage with local people are less likely to experience protest and are more successful in establishing a social license to operate.

KEYWORDS

6.1. INTRODUCTION

Community protest has considerable potential to adversely affect the implementation of large projects (e.g. dams, mines, and other major infrastructure projects). This paper draws on three different fields of academic discourse—specifically social movement theory (Della Porta and Diani, 1999; Della Porta and Tarrow, 2005; Tilly, 1993, 1995, 2004, 2006); performance theory (Bauman and Briggs, 1990; Turner, 1974, 1980, 1982); and social impact assessment (Dare et al., 2014; Esteves et al., 2012; Vanclay, 2002, 2003)—to understand the form and function of social protest, and to consider what it means for project development. Correspondingly, we also attempt to identify all the forms of protest.

In our analysis of protest, we specifically consider the use of digital media and discuss how these new information and communication technologies (ICTs) change the form of social protest and the processes involved in protest actions. Our particular (but not exclusive) interest is on the protests of project affected communities who seek to influence the decisions regarding the large projects impacting them, especially when the principle of Free, Prior and Informed Consent (FPIC) has not been observed (Hanna and Vanclay, 2013). To understand the role of new technologies in protest, we introduce the concepts of 'digitalization' and 'realization' to highlight the interactivity between digital events and events in the offline world. We consider that protest is part of the broader unfolding of social dramas, and is a mechanism to seek redressive action in contentious situations—especially between impacted communities and project proponents.

This research is part of a larger investigation focused on the application of Social Impact Assessment (SIA) for large projects affecting Indigenous peoples in Brazil. A key finding of our previous research (Hanna et al., 2014, 2016a) is that protest is a frequent element of the environmental licensing process in Brazil and elsewhere, partially because of the failure of government and industry to conduct adequate SIA and FPIC processes. In such cases, protest can have an important role in positively influencing the SIA process and mitigation measures (O'Faircheallaigh, 2012, 2013).

Our data and evidence for this paper comes from a wide variety of sources. It included an extensive literature review and, more importantly, our monitoring of a range of NGO campaigns that typically target corporate activities and/or the extractive industries. Between 2012 and 2015, we followed these campaigns on social media channels (Facebook, Twitter and YouTube), specifically those of Amazon Watch, Greenpeace, Oxfam International, and Mining Watch. We also monitored various discussion/mailing lists such as Ecominerals, and regular postings such as First Peoples Worldwide Corporate Monitor and the weekly update from the Business and Human Rights Resource Centre. We also monitored various protest websites (e.g. Greenpeace, Amazon Watch, Public Eye Award and *Combate Racismo Ambiental*). This was augmented by our regular reading of several online newspapers, notably The Guardian and Vice News. In addition, we undertook a collective brainstorming process harnessing each author's own

experiences in various social movements at different times in their lives, including free and community radio, squats, student protests, the environmental movement, anti-nuclear movement, democracy struggles, the Afro-American civil rights movement, Indigenous rights movement, worker strikes, academic protests, and anti-war demonstrations. Additionally, the lead author undertook participant observation of the three day Indigenous mobilization in Brasília, Brazil, in May 2014 (see Hanna et al., 2016a). Finally, we discussed the issues in this paper with some protest organizers and activists, and have presented it in a number of fora, making changes as appropriate.

6.2. CONCEPTUALIZING SOCIAL PROTEST

Within the social movement literature, the different forms of social protest (e.g. blockades, street marches) are often described as 'repertoires of contention' or as 'the social movement repertoire' (Della Porta and Diani, 1999; Tilly, 1995, 2004). Repertoires of contention are embedded in a socio-political context, and each society has different norms and accepted ways of protesting, although there is always potential for manoeuvre and innovation (McAdam et al., 2001). Tilly (1995:26) defined repertoires as "a limited set of routines that are learned, shared, and acted out through a relatively deliberate process of choice. Repertoires are learned cultural creations, but they do not descend from abstract philosophy or take shape as a result of political propaganda; they emerge from struggle."

Repertoires are not exclusively owned or known by any specific individual or group, but they develop in the relations between two or more contesting parties. Repertoires of contention are defined as "the established ways in which pairs of actors make and receive claims bearing on each other's interests" (Tilly, 1995:27). A particular protest develops from the asymmetrical power relations between actors, and where at least one group attempts to defend its interests, which it perceives as being threatened. Protest should be understood as performative events in the unfolding of social dramas (Turner, 1974, 1980, 1982). Social dramas are processes in which latent or implicit conflict becomes explicit, disrupting normal social interactions and demanding resolution. Turner outlined four main phases in the social drama process: breach (an unacceptable action that precipitates the drama and reveals latent conflict); crisis (continuation of the conflict); redressive action (attempts to find a solution or acceptable outcome); and reintegration or irreparable schism. The redressive phase is especially important because it is characterized by rituals, judicial processes, and public performances, such as protests, that attempt to resolve on-going conflict and/or affect the structural relations of power (Hanna et al., 2016a).

Tilly (2004) considers that social movements are characterized by three elements: campaigns, repertoires and WUNC displays. WUNC includes: worthiness (e.g. presence of key people); unity (e.g. togetherness and solidarity in wearing common badges, banners); numbers (e.g. strength of the mass protest and evident size); and commitment (e.g. demonstrating brave resistance or endurance). Similarly, Della Porta and Diani (1999) suggest there are four characteristics shared by social movements: networks of informal interaction; shared beliefs and solidarity; collective action focusing on conflict; and the use of protest.

Whereas 'social protest' can refer to local as well as broader social struggles, 'social movements' refers to national and transnational causes, such as the women's or Indigenous rights movements, or the global movement for those affected by dams. Social movements are based on campaigns, "a sustained, organized public effort making collective claims on targeted authorities" (Tilly, 2006:53). Campaigns comprise protest events (Eyerman, 2006), or "clusters of performances" (Tilly, 1993), which are not only physical events but can also be digital. Protest events, in turn, involve a combination of activities or forms of protest. Fig. 6.1 illustrates these different spheres of protest action and the relations between local forms of protest and the broader global and/or national social movements. We define social protest as strategic forms of action designed to influence decision making, either directly or by influencing public opinion via the use of the media and the internet (see Fig. 6.2). By decision making, we mean any process for the conceptualization and implementation of planned interventions at any level, in both corporate and political settings, e.g. decisions at the project site; decisions by corporate headquarters; decisions by local authorities, state and national agencies; and in political decision-making settings.
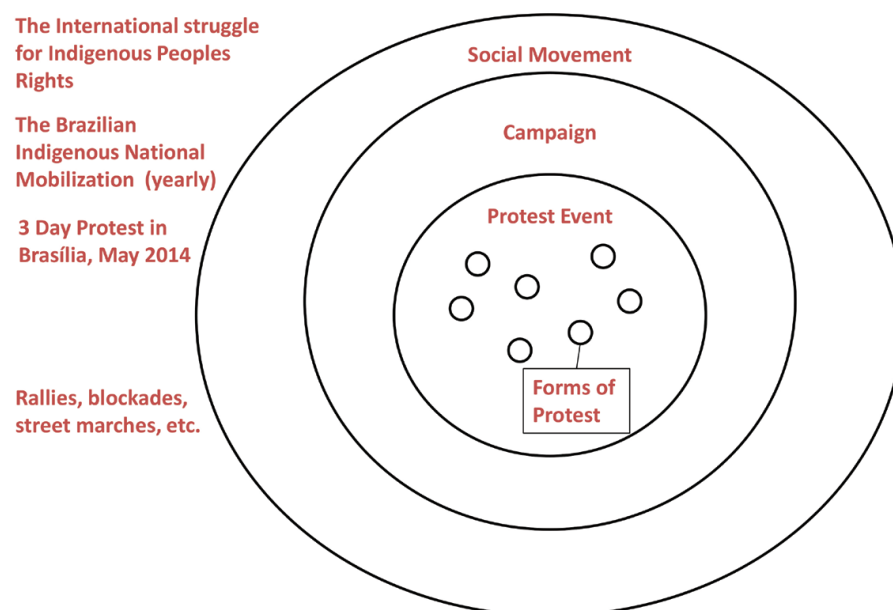
6

Fig. 6.1. | Forms of protest embedded within a nested system. Note: The left side text provides an example at each level in the nested system (based on the protest mobilization described in Hanna et al., 2016a).
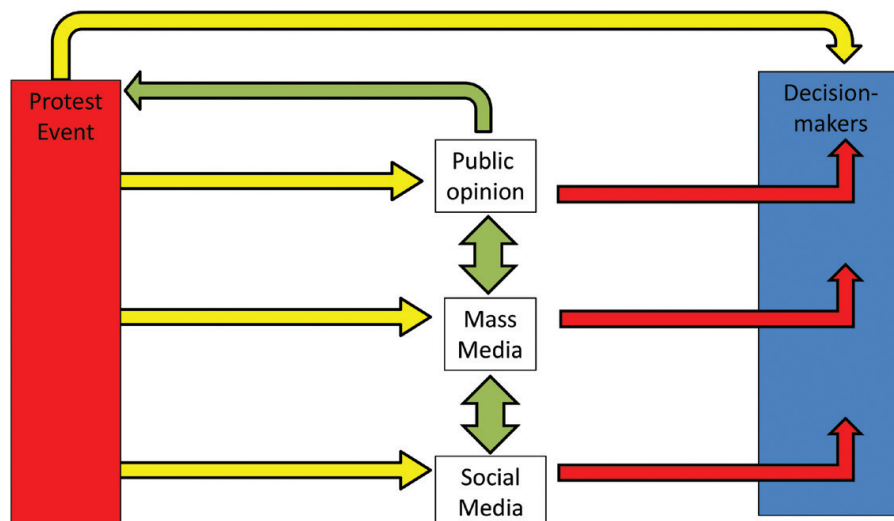
Fig. 6.2. | Mechanisms by which social protest influences decision-making

Public opinion, mass media and social media iteratively influence each other and also feedback on protest events and the strategies used by protesters. It has been well established for decades that the media is an important channel for protesters, especially those from minority groups (Lipsky, 1968) in the 'struggle for recognition' (Honneth, 1996). More recently, social media has come to play a major role in all aspects of protest, as we go on to discuss later.

Della Porta and Diani's (1999:168) definition of protest as the use of "unconventional methods of intervening in . . . decision-making" that use "indirect channels to influence decision-makers" fits well with our concept of social protest. According to Rucht et al. (1999: 8-9), a protest is a "telling indicator for problems which are neither registered nor dealt with in an adequate manner" and that collective "protest can be understood as a public expression of dissent or critique that is often combined with making claims that, if addressed, would affect the interests of particular groups in society."

Della Porta (2008:48) identified the characteristics that make protest 'eventful' – "they have a highly relevant cognitive, relational and emotional impact on participants and beyond participants" and that they "tend to produce effects not only on the authorities or on public opinions but also on the movement actors themselves". Ultimately, Della Porta considered the conflict that occurs during protest as something positive—producing social capital, collective identity and shared knowledge.

As we discuss in detail below, there is a wide range of forms of social protest that are utilized to express opposition or to defend local community rights during the implementation of projects, plans, policies, and development programs. Protests, as strategic forms of political action, are part of larger social conflict between actors, comprise activities with various functions, and have

a performative quality that is amplified by the media. Protests generally follow certain accepted norms, but like other performances, the repertoire is subject to innovation and improvisation. Therefore, the set of forms and each form of protest in itself are not static, but change over time and across socio-cultural and political contexts.

> We borrow a theatrical metaphor—repertoire—to convey the idea that participants in public claim-making adopt scripts they have performed, or at least observed, before. They do not simply invent an efficient new action or express whatever impulses they feel, but rework known routines in response to current circumstances. Doing so, they acquire the collective ability to coordinate, anticipate, represent, and interpret each other's actions. . . . Although strictly speaking repertoires belong to pairs of identities [i.e. are relational], for convenience we often generalize to a population, period, and/or place . . . Performances within repertoires do not usually follow precise scripts to the letter; they resemble conversation in conforming to implicit interaction rules, but engaging incessant improvisation on the part of all participants. Thus today's demonstration unfolds differently from yesterday's as a function of who shows up, whether it rains, how the police manage today's crowd, what participants learned yesterday, and how authorities responded to yesterday's claims. Demonstrations that begin similarly end up as mass meetings, solemn marches, attacks on public buildings, or pitched battles between police and activists. Indeed, stereotyped performances ordinarily lose effectiveness in the same way that rote speech falls flat: They reduce the strategic advantage of their performers, undermine participants' claims of conviction, and diminish the event's newsworthiness. As a consequence, small-scale innovation modifies repertoires continuously, especially as one set of participants or another discovers that a new tactic, message, or self-presentation brings rewards its predecessors did not. (McAdam et al., 2001:138)

Protests, as performances, are part of larger communicative processes. Bauman and Briggs (1990:61) affirm that performance "provides a frame that invites critical reflection on communicative processes. A given performance is tied to a number of speech events that precede and succeed it (past performances, readings of texts, negotiations, rehearsals, gossip, reports, critiques, challenges, subsequent performances, and the like)". In order to reach broader audiences, mobilize people, and build solidarity for the protest cause, improvisation and innovation in the performance of protest events is critical (Taylor and Van Dyke, 2004; Tilly, 1993).

Eyerman (2006) draws on performance theory to explain how social movements move people in terms of their feelings, mobilizing people to their cause, and/or convincing others about the validity of their claims. Protest events, such as demonstrations, are enacted, complete with directors (organizers), actors (participants), an audience (the public), as well as a stage (protest location, usually strongly symbolic places), and a script (organized chants, a pre-determined route for the street march, etc.). Such "performances of opposition" provide a framing to the wider public about a particular situation, and create a narrative "which activist shareholding. The

buying of shares in a company in order to have access to company reports and to be able to attend shareholder Annual General Meetings and make (activist) speeches and potentially influence the company's decision-making process on a particular issue. (See also strategic disinvestment). lifts it from being a single occurrence and gives it wider significance" (Eyerman, 2006:198).

How the protest message is actually interpreted by the audience is beyond the control of the protesters. Viewers understand the messages in different ways, and the media also creates distortion. Beyond the traditional cliché of the street march or rally, performatic protest can also refer to less common forms of symbolic action, for example, the delivery of a formal letter of complaint, an event that can be highly performatic (Hanna et al., 2016a). Protest events that effectively use performativity tend to be more successful in bringing their messages to the public and consequently in achieving their goals.

6.3. A GLOSSARY OF PROTEST ACTIONS AND RELATED TERMS.

As a result of our literature review, internet searching, website monitoring, brainstorming, discussions with activists, and reflections on our fieldwork (participant observation) within the National Indigenous Mobilization in Brasilia, we compiled a progressive listing of the forms of social protest action (and related terms) that can potentially be used to influence decision making relating to large projects and other contentious issues. Our listing of over 200 terms is not exhaustive due to the constant improvisation and innovation in protest action. We note that Gene Sharp (1973) did a similar exercise over four decades earlier arriving at 198 forms of non-violent action alone. However, his listing breaks protest forms down to very fine level of detail, for example he identified more than 20 forms of strike. Nevertheless, despite being prior to the digital age, his listing remains a very comprehensive categorization of traditional forms of non-violent protest.

Issues we experienced in compiling our list included problems around the precise definition of protest, the fact that many actions can be used in protest and non-protest ways, multiple terms for the same concept, inexact and sometimes multiple understandings of many concepts, and the overlapping, non-mutually-exclusive nature of many of the terms. It is clear that protest actions can only be understood within their social, cultural and political context. Thus something that may be considered as a form of protest in one context may not constitute protest in another context –i.e. the repertoires are contextual. Our listing combines the repertoires of different social movements and different cultural settings, however it should not be considered as being comprehensive of potential protest actions in the world, not least because there is continual innovation and creativity. Despite these issues, the following list in alphabetical order with more than 200 entries is a reasonable coverage of the shape of protest, and gives a sense of the diversity in form. Following the list, we analyze the purposes of protest and consider the implications of the digital age.

advertising	The use of conventional forms of paid advertisements to promote a protest campaign. Advertising can be in traditional format such as in the print media, television or radio, or the digital media such as website advertising (banner adverts) and the advertisements that accompany YouTube videos. (See also posters).
advocacy	The use of various mechanisms (writing of reports, petitions, media interviews, participation in stakeholder platforms) to create pressure through the power of good argument to influence law, legal enforcement and compliance in relation to any social cause. (See also lobbying, reports).
ad-busting	The modification of billboards or the re-issuing of modified advertisements or corporate logos as a form of protest. (See also culturejamming, graffiti).
anti-award	The creation of an award scheme in oppositional mimicry to a mainstream award and the nomination of individuals or institutions for these anti-award (due to ethical or rights violations, e.g. Public Eye Award). (See also refusal of award, counter-celebration).
arrest	Being arrested can be a protest action when protesters do things specifically with the intention of being arrested. Such action can generate publicity and/or create awareness about the protest cause, especially when large numbers of people are arrested, particularly when they are otherwise law-abiding, upright citizens.
audience with officials	The seeking of an audience with government or company officials, e.g. ministers, managers or the President, in order to discuss a contentious issue. Will frequently be undertaken by a delegation (a small group of delegates authorized to speak on behalf of a protest movement) in conjunction with the issuing of a media release. (See also petition).
badges	The wearing of badges, pins, t-shirts or other insignia displaying a protest symbol or slogan to profess allegiance to and promote the campaign. A digital version to include badges or emblems in people 's profile pictures on social networks. (See also posters, bumper stickers).
banner	The use of large signs carrying a protest message, typically carried by several protesters in a street march. Can also be hung up on buildings or vehicles. (See also placard, rally).
banner bombing	The act of surreptitiously displaying banners at major public events capitalizing on the large number of people present and/or the television audience, or to pressure the organizers or speakers. (See also ad-busting).
barricade	The construction of barriers to confront police or to create public inconvenience by obstructing traffic or pedestrian flow in public spaces or roads by using various materials including vehicles (e.g. cars, tractors), tires (which are often set on fire), or any other materials at hand. Whereas a blockade strategically restricts access to a specific project site, a barricade restricts access of the public or the police in a public place. (See also blockade, lockdown, public nuisance, organized violent resistance).
bed-in	Staying in bed as a form of protest, made famous by John Lennon and Yoko Ono

	as a protest against the Vietnam war (see the documentary film 'Bed Peace' on YouTube).
bicycle activism	See critical mass.
black bloc tactics	An umbrella term to refer to the use of measures to avoid identification and/or to provide protection against police counter-protest actions. Black bloc clothing has a dramatic effect creating media attention and also building solidarity amongst protesters. (See also organized violent resistance).
blacklisting	The identification and naming of companies (or persons) that have 'behaved badly', usually for the purpose of boycotting or humiliating them. (See also boycott, naming and shaming).
blockade	A blockade is designed to obstruct access to construction or other site, usually with the intention of disrupting project operations. Blockades can occur on site, or at access routes such as roads and railway lines. (See also lockdown, barricade, sit-in, encampment, public nuisance).
blogging	The publishing of text (i.e. story or rant) sometimes accompanied with pictures about a topic on a personal website. Can also include video-blogging. (See also broadcasting twittering, website, zines).
bone pointing	An Indigenous Australian pointing concept, in which the pointed person is cursed, similar to casting spells.
boycott	A public campaign to withdraw support from a specific company, institution or product. It is designed to have financial impact on the company by mobilizing consumers against the product or company. While the strategy is to change the purchasing behaviour of individuals, it can also be accompanied with a blockade or barrier at the entrance to the company's sites. (See also campaign, embargo, girlcott).
brandalism	See adbusting.
broadcasting	The mass transmission of content with a protest message by radio, TV or Internet streaming. It includes 'pirate radio' (free radio, liberation radio, i.e. unauthorized transmissions) and designated protest programs on legal stations (e.g. Democracy, Now!).
bucket collection	A traditional form of fundraising by the collection of small change on a door-to-door, street corner basis, and frequently as part of a rally. (See also fundraising activities, cake drive, crowdfunding).
bumper stickers	The use of stickers with a protest message to promote a campaign and/or profess allegiance to a cause. They are typically placed in an obvious place on a vehicle, such as on the front or rear bumper or the rear windscreen. They can also be used in house or shop windows or to deface street signs. (See also badges, posters, adbusting).
cacerolazos	The mass banging of pots and pans in a public space usually in a procession (street march) or rally. This form of protest is very typical in Latin American

countries. (See also ran-tan).

cake drive (cake walk, cake stall)	This refers to a variety of fundraising/awareness-raising activities that involve the selling a particular common product—e.g. cakes, chocolate, pies etc. Originally the cakes may have been homebaked, but nowadays various commercial establishments have specialized in producing fundraising products. Girl Guide biscuits (cookies) have become famous in their own right. (See also fundraising activities, bucket collection, crowdfunding).
campaigning	A coordinated set of marketing actions, which are usually 'branded' (i.e. clear campaign name and/or message), and focus on gaining public attention about a specific cause, e.g. 'no dams', 'save the Great Barrier Reef', 'save the whales'.
candlelight procession	See silent protest, vigil.
car stickers	See bumper stickers.
casting spells	The summonsing of spirits and/or casting of spells to either seek spiritual support to enhance the success of a protest or to target enemies. These practices would be normal events for Indigenous protests. (See also chanting).
celanthropy	The enlisting of support from famous people to assist a cause. (See also gala dinner)
ceremony	The conducting of ceremonial performative acts as a protest action. (See also chanting, casting spells, symbolic burning).
chaining	In various sit-ins, a way of increasing the effectiveness of the action, especially in the face of police attempts to remove protesters, is for the protesters to be chained to something, such as to a tree, flagpole, or equipment. (See also tree sitting, exposure to the elements).
challenge	A form of fundraising or awareness raising that involves a particular challenge or target, for example a walk-a-thon, a fun-run, naked bike ride, 40 hour famine, living below the poverty line for a week. (See also TV Challenge, fundraising activities).
chanting	The singing of protest songs, the chanting of slogans, and/ or (ritual) dancing in public spaces as part of a protest action. Rallies, for example, typically include chanting often in the form of what do we want? And when do we want it? (See also casting spells, ceremony, slogans).
civil disobedience	An umbrella term frequently associated with M.K. Gandhi and passive resistance, referring to a variety of protest actions, which involve deliberately violating laws considered to be unjust, or as a protest against the government or ruling elite. (See also passive resistance, sit-in, tree sitting).
conscientious objector	A protester who is opposed to a war or to compulsory military service. (See also desertion).
copyright infringement	The (usually illegal) use or distribution of copyrighted or patented material as a form of protest against corporate copyright holders. Also referred to as 'piracy'. (See also espionage; open source, whistle-blowing, shoplifting).
counter celebration	Counter-celebrations are events held in opposition to a mainstream event that is

the subject of protest or controversy. (See also festival, counter protest).

counter protest	A protest action (potentially of any kind) that is specifically designed to oppose another protest group's actions or events. (See also counter celebration).
coup d'état	A term that refers to the takeover of a government (the state) usually by a small group of dissenters within the established power structure (e.g. the military). (See also overthrow).
critical mass	A tactic from the bicycle activism, in which bikers are urged to take the streets in large numbers in order to reclaim the streets from automobiles.
crowdfunding	An internet-based fundraising technique, typically where large numbers of people each contribute small amounts to a cause. Because of the mass scale, these campaigns can result in very large sums being generated. (See also cake drive).
culture-jamming	See ad-busting.
cyberactivism	See digital activism.
dancing	Dancing in public spaces as part of a protest action. (See also chanting, flashmob, street theatre).
day of remembrance	The declaration of a specific day to commemorate a protest event, person or issue. Sometimes these can be once-off events, or they can be done on an annual or e.g. decadal basis. They can be the celebration of heroes, martyrs or symbolic victories, or they can be the veneration of the dead or lost causes. Some classic examples include International Workers Day (typically 1 May) and Martin Luther King Day (third Monday in January). (See also festival, counter-celebration, homage).
declaration of war	An official declaration of war is a symbolic signing of a document and performative speech act to give a legal basis to hostilities between countries. In a protest setting, protest groups might issue a 'declaration of war' against the object of protest (a government or a company) as a way of publicly announcing their concerns and to establish social legitimacy for any action they may take. (See also manifesto, formal statement, campaign).
defacing	The defacement or destruction of monuments, buildings, art works or other acts of symbolic destruction by scratching, painting-over or smashing up. It can also include acts of desecration such as defecation. (See also vandalism, disrespectful behaviour, graffiti, ad-busting).
defiance	Acts of defiance or contempt against imposed regulations in protest against the constraints. This can include willful disobeying of the rules, noncompliance, nonparticipation, as well as actions such as singing, whistling or humming. (See also disrespectful behaviour, see non-participation).
delegation	See audience with officials.
demands for dismissal	The public call for the dismissal of government officials (or company staff) because of their poor behaviour or record in relation to a specific issue. (See also resignation in protest, disrespectful behaviour, taunting officials).

desertion	A protest form in which soldiers resign from the army, or refuse to go to a certain location, because of opposition to the war in question. (See also conscientious objector).
die-in	A theatrical event where participants en masse pretend to be dead for a designated period of time, usually in carefully chosen locations to maximize effect or exposure. While the simple version is just people lying down as if they were dead, more graphic forms splashing fake blood about, the participants being covered in bloody bandages, or writhing about as if they were in pain and the throes of dying (See also sit-in, flashmob, street theatre).
digital activism	An overarching concept that includes a range of online forms of protest. (See also hacking, hacktivism, website defacement, tuitaço).
digital sit-in	The coordinated action against a specific target organization by creating congestion of telephone lines or institutional websites by artificially generating excessive demand, sometimes called flooding, Distributed Denial of Service—DDoS. (See also hacking, sabotage, sit-in).
disrespectful behaviour	The use of offensive behaviour or language as a symbolic act of rebellion. Some examples include: whakapohane i te tou (browneyeing, mooning, i.e. exposing the buttocks); turning one's back on a distinguished person; booing, whistling or singing while someone was trying to give a speech; use of rude gestures; refusal to shake hands with someone when it would be considered rude or impolite not to; tomato or egg throwing (and sometimes pie or cake throwing); or in some cultures the throwing of shoes at someone. (See also defacing, ran-tan, non-participation, walkout).
disruption	The disruption of meetings or other events (e.g. public hearings) by the use of a wide range of forms of protest including the calling of a rally, the blocking of access to the event, the use of disrespectful behaviour, walkouts, throwing objects, chanting and anything that can potentially stop the meeting or event from happening. (See also blockade, barricade, non-participation, boycott, walkout).
distributed denial	see digital sit-in.
direct action	An umbrella term for any type of protest action aimed at causing immediate disruption, especially to the targeted decision-makers, e.g. a blockade of a project site, sabotage of project equipment. (See also blockade, sabotage, hostage taking, hijacking).
documentary film	The making, distribution and/or public screening of documentaries that have a specific protest message and/or that raise awareness about an issue of concern. The documentaries can have a mainstream release or can be made available on YouTube or protest websites. They can be done professionally or can be amateur productions. (See also protest film).
draft evasion	The taking of steps to avoid being called up for military service. (See also conscious objector, desertion).
dumping produce	A form of protest primarily associated with farmers, e.g. in relation to changes in government support for farmers or to environmental or other regulations, or

against the oligopolistic power of the supermarket chains or the food processing companies. It typically has the form of the dumping of tons of produce in a public place (such as on the steps of Parliament House). Occasionally such dumping might entail giving the produce directly to public as a way of winning support for the cause. (See also public nuisance, barricade, blockade).

earth writing	see human drawing.
ecotage	A word construction from 'ecological sabotage', i.e. sabotage done for an environmental cause. The terms arguably includes other forms of radical environ mental activism. (See also sabotage, tree sitting).
embargo	The application of sanctions against a country, usually by another country. A trade embargo refers to the cessation of economic activities (the supply of or purchase of goods), while a cultural embargo refers to the cessation of all forms cultural ex change. Some protest actions may call on a government to enact an embargo against a particular country for a political or social justice reason. (See also boycott).
encampment	A protest action which involves the occupation of space over a long period of time by camping, usually in public places, in order to raise awareness about an issue. An obvious example here is the Occupy Movement. (See also sit-in, land re-occupation, squatting).
espionage	The deliberate acquiring of documents or careful gathering of intelligence from official or commercial sources, usually by surreptitious means, to assist a protest cause. (See also whistle-blowing, sabotage).
exclusion of the media	The act of expelling the media from protest events as an act of protest in its own right, typically because of a perception that the media misrepresent the protesters' concerns. (See also boycott).
exposure to the elements	The use or threat of use of extended exposure to natural elements (rain, sun, cold) as a form of self-harm (or at least deprivation) in support of a protest cause. (See also hunger strike, self-harm, sit-in, tree-sitting).
expulsion	Some protest actions will call for the expulsion of a person, company or country from an organization that gives it legitimacy, especially if that entity has been disgraced. For example, a mining company could be threatened with expulsion from a chamber of commerce. (See also demands for dismissal, boycott).
expulsion of workers	The expulsion of workers, officials, or military and police forces from local (typically Indigenous) territories or construction sites as a protest against their presence or as an act of disruption or blockade. (See blockade, disruption).
fake website	See parody website.
festival	Any joyful event, such as celebrations, jamborees, parties and traditional gatherings (e.g. in Australia corroboree), that celebrate an event of symbolic meaning to the social movement, or that are focused on raising awareness or fundraising for a specific cause. (See also counter-celebration, gala dinner).
flashmob	A surprise public performance, usually of a satirical or artistic nature, by a group

of people, typically organized through social media. (See also die-in, protest art, street theatre).

flotilla	A large gathering of small boats, a rally or blockade on water. In a protest form, this could be to blockade a larger ship that was the target of protest, for example a nuclear warship, an incinerator ship, or an oil rig. Alternatively, it could be a protest rally against water pollution, or even a change in fishing regulations. Conversely, a flotilla could also be an escort of honour. (See also blockade, kayaktivism, rally).
flyers	See leafleting.
foot dragging	See slowdown.
formal speech	A speech given in a formal setting by a significant person or representative of a social movement or community organization (e.g. to a national assembly or to the United Nations or other significant organization). (See also public address, and soapbox).
formal statement	The issuing of a formal written statement or declaration by a collective or an individual who is an authorized spokesperson for a particular group or cause (or a person clearly associated by the public with a group); the sending of a formal letter to significant persons or institutions; manifestos or a policy statement by a protest organization; and other written declarations. (See also manifesto, petition).
fundraising activities	An umbrella term that refers to a wide range of techniques used to raise funds such as bucket collection, cake drive, gala dinner, lottery, raffles, penalty box, the selling of items, seeking bequests, pledges.
gala dinner	A fundraising event that usually involves an inflated ticket price as well as a set of activities designed to get participants to pledge further support. Although primarily a fundraising activity, there is an element of awareness raising and information dissemination. The gala nature of the event is usually intended to attract publicity to spread the message beyond those present. (See also social and art events, public speeches, celanthropy).
gestures	The peace movement adopted the V for Victory (✌) sign as a symbol of love and peace, and its use during the 1970 was widespread as a peace message and protest sign. The raised clenched fist has also been a widely used sign of protest and defiance for various movements around the world. Rude gesture can also be used as an act of defiance.
girlcott	A variation of boycott, either meaning boycott action taken by women against sexist practices or institutions; or the opposite of boycott in that certain brands or products are preferred because of the company's positive stance on social or environmental issues. (See also boycott, blacklisting, whitelisting).
glitter bombing	The dumping of glitter on a targeted person. It has been used as a form of protest against politicians who opposed same-sex marriage or other LGBT rights.
go slow	See slowdown.
graffiti	Graffiti can be a form of protest art involving painting or writing on the surfaces

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	of buildings to draw attention to a cause. As a protest, it would normally be done illegally. (See also defacement, ad-busting, protest art).
grassroots	A term that implies spontaneous and bottom-up, originating from local people. While some protest action is genuinely grassroots, in many cases it is centrally organized.
guerrilla tactics	Guerrilla warfare is a form of irregular warfare against a more powerful opponent by using small mobile groups of people often undertaking many coordinated small surprise actions such as sabotage. (See also hit and run tactics).
hacking	The disruption of, or the taking over of IT systems to harm an organization, including for example website defacement. (See also espionage, sabotage, ad-busting).
hacktivism	The use of a range of computer hacking tactics including website defacement, DDoS, and other forms of internet disruption to promote protest causes or collect confidential information and make it public. (See also slacktivism, espionage, whistle-blowing).
harassment	see taunting officials.
hijacking	The hijacking and/or appropriation of vehicles or equipment. Unlike sabotage in which vehicles would be damaged, in hijacking they may be put to alternative, protest-related uses. (See also disruption, sabotage).
hit and run tactics	Actions based on tactical strategy that rely on the use of surprise and/or that do not entail the capturing of territory, for example, the choice to use of sabotage rather than blockades or barricades. (See also guerrilla tactics).
hoax website	See fake website homage: Public displays of respect for the dead who have been killed during a protest action. (See also ceremony, silent protest, martyrdom).
hostage taking	The taking of hostages usually from government or company staff, usually with the intent of releasing them unharmed once demands have been met. (See also hijacking, sabotage, lockdown).
human drawing	The creation of images by arranging large numbers of people into patterns or words in order to take photos or shoot footage from a high vantage point for promotional purposes. (See also die-in, sky writing).
human chain	Protesters standing together with arms linked as a way of strengthening the line against police incursion and/or as a process of building solidarity and a spirit of togetherness. (See also rally, black block tactics).
humming	The making of wordless sounds in public places as an act of showing disrespect or when done en masse to drown-out or intimidate the official who is attempting to speak. (See also singing, disrespectful behaviour, chanting).
humor	The use of humor and comedy to promote a protest cause. (See also political satire).
hunger strike	A collective or personal campaign to go without food for an extended period of time until protest demands are met. In some circumstances, they have led to

the death of the protesters concerned. (See also self-harm, challenge, passive resistance).

informational meeting   The holding of meetings to plan activities or explain protest goals to recruit new members or raise public awareness. (See also public lecture, teach-in, webinar).

internet event invitation The use of social media (e.g. Facebook) to invite people to attend an event in the real world (street marches and rallies) or virtual world (webinar, digital sit-in), or to promulgate information about an event. (See also website, crowdfunding, leafleting).

intifada   An Arabic word, which literally means to shake, which is used as a general word for widespread protest or resistance. (See also campaign).

kayaktivists   Protesters in canoes (kayaks), usually in the form of a flotilla, to blockade the path of a vessel or structure. (See also flotilla).

land re-occupation   A form of protest that involves the re-occupation of land, typically the land from which a group of people were evicted. The protesters who are involved in this special form of encampment may include the evictees as well as their supporters. (See also encampment, squatting, sit-in).

lawfare   See legal action.

leafleting   The production and distribution of leaflets or pamphlet to raise awareness, attract recruits, and to promote a specific event. (See also zines, posters, Internet event invitation).

legal action   The use of legal channels or the threat of legal action by the protest group against a company or government in order to achieve compliance with the law.

liberation radio   See broadcasting.

lobbying   Like advocacy, lobbying is also defined as acts to influence decision-making. Whereas advocacy rests on the power of the argument, lobbying can take on a wider range of leveraging actions, including deal making, gifts and other inducements, and sometimes bribes or blackmail. While usually undertaken by the corporate sector, lobbying can also be undertaken by protest groups to achieve protest goals. (See also advocacy).

lockdown   A form of blockade or barricade of a building where nobody is able to enter or leave until certain demands have been met. (See also barricade, blockade, sit-in, encampment, public nuisance, hostage taking).

manifesto   A declaration of belief, intention, or a list of demands. While sometimes developed as internal documents seeking the professing of allegiance, they are usually publicly distributed. (See also formal statement).

martyrdom   A word, which can either mean people who actively take courageous, righteous actions for a cause often resulting in their own death; or refers to the commemoration of victims in the pursuit of the protest cause. (See also homage).

mass letter writing   The coordinated campaign to have large numbers of people write letters or

	emails to targeted decisionmakers. This could also include the mass submission of grievance statements. (See also petitions, digital sit-in).
media interview	Providing an interview for the media. The interviews could take place at the protest site, in a studio (especially when being broadcast), in the campaign offices, or any other location. (See also media release, broadcasting).
media release	The distribution of press releases; the sending out of notices of the availability of protest representatives to be available to the media for interview; the holding of press conferences. (See also media interview).
memes	A meme is a satirical or humorous modification of a popular image, for example by adding a slogan or comment. Memes are often produced and circulated in support of a protest cause. (See also ad-busting, political satire).
mock award	See anti-award.
mock election or mock referendum	The staging of a voting process to prove the extent of concern about an issue and thus to create political pressure, or sometimes done semi-seriously to create awareness about the issue. (See also protest voting).
mock funeral	A performance in which the target of protest action (e.g. a despised person or object) is symbolically buried/disposed of. (See also ceremony, political satire).
Molotov cocktails	An improvised incendiary device, typically used by protesters, made of a bottle filled with flammable liquid with a wick made from a piece of cloth which is lit prior to being thrown. (See also organized violent resistance).
monument construction	The construction of statues, sculptures or monuments (often of an ephemeral nature), which are adorned with messages or symbols to convey a protest message. The 'ghost bikes' that are placed at sites where cyclists have been killed and are intended to raise awareness about urban mobility is one form of monument construction. (See also protest art).
muck racking and muck slinging	See smear campaign.
mutiny	An uprising by workers against management, particularly in military type institutions. (See also strike, non-participation).
motorcade	A procession of vehicles with flags, signs, and horning in support of a protest cause. (See also flotilla, kayaktivists).
nail protest	Painting fingernails and/or toenails to demonstrate support for a protest cause (e.g. painting them with the rainbow colors to support LGBT rights).
naming and shaming	An expression made famous by Prof John Ruggie through the development of the United Nations Guiding Principles on Business and Human Rights. It refers to a strategy that attempts to build commitment or compliance to expected norms and/or good practice by publicizing the names of wrong-doers or offenders. (See also blacklisting).
netwar	see digital activism non-compliance: The act of refusing to obey to a law or

command. (See also civil disobedience).

non-participation	The refusal to participate or non-cooperation with a project or organization because of their record on an issue, or because of their lack of willingness to address issues considered significant to the protest group. (See also boycott, walkout).
non-payment of bills	The collective non-payment of bills and/or refusal to pay (a proportion of) taxes as a form of protest. An historically significant example relates to conscientious objection to war, and refusal by pacifists to contribute to military expenditure. (See also boycott).
non-violent action/resistance	see civil disobedience.
nudity	see symbolic disrobing.
occupation	See sit-in and encampment.
open letter	See formal statement and petition.
open source	The production and/or distribution of information (software, scientific, technical or art works) registered with alternative copyright licenses (e.g. creative commons, copy left, wiki, open access) which are free for public use, sharing and/or modification (depending on the license). Sometimes used as a form of protest against the traditional corporate copyright and patent system.
organized violent resistance	The use of a range of tactics from protection against police or security force violence or to achieve strategic aims, such as to occupy a particular site. Typical examples include the throwing of Molotov cock-tails, stones, as well as the use of protection (shields, gas masks) against police violence. Arguably the use of masks to avoid being identified is also included. (See also black bloc tactics, disruption, civil disobedience, barricades, sabotage).
overthrow	A general uprising that leads to the ousting of the leadership of any group or government. (See also mutiny, strike, coup d'état).
pacifist	Sometimes regarded as person opposed to war, but can also mean an activist that exclusively uses non-violent forms of protest action.
parody website	The creation of an imitation website that parodies (makes fun of) the website of a given company or project in order to raise awareness about an issue or promote a protest cause. (See also ad-busting, hacking).
passive resistance	see civil disobedience.
petition	The drafting and circulation of petitions or open letters (collection of signatures in support of a particular cause) in order to create political pressure in relation to a specific issue. Historically petitions were presented to and read in Parliament, and may seek to change the government's view or a law on a particular matter. Nowadays, petitions can also be collected online (see Avaaz.org) and are frequently addressed to companies in an attempt to get them to change their practices. The number of signatures collected is the measure of the potential power of the

	petition. Celebrity endorsement can amplify the power of the petition or open letter. (See also mass letter writing).
pilgrimage	The journey of a group of people to a specific symbolic place for a common purpose. The origin and/or destination of the procession can include the capital city, a sacred place, and/or the project site. While 'pilgrimage' typically implies a spiritual association, the long march can also be conducted for political purposes. Use of the word pilgrimage reinforces the symbolic aspect of the march. (See also rally, street march).
pirate radio	see broadcasting.
placards	The use of sign boards displaying messages designed to capture the attention of passers-by and the media. Placards typically are used in conjunction with other forms of protest such as rallies and street marches. (See also banners, picketing).
political mourning	See ceremony, homage, martyrdom.
political party membership	Some political parties have a strong protest orientation. Joining these parties and/or participating in their activities therefore constitutes protest action. On the other hand, mainstream party membership would not normally be a protest action, unless there was an attempt to change the policies of the party. (See also activist shareholding, protest voting).
political satire	The use of ridicule to create awareness and debate about a protest issue. (See also ad-busting, memes, humour).
posters	The use of posters or billboards to draw attention to an issue. While billboards are large structures that are usually legally installed, posters are applied to a range of surfaces in public places, in legal and illegal situations. (See also car stickers, graffiti, ad-busting).
press release	see media release.
protest art	The use of art (in all art forms, e.g. painting, poetry, music, film, theatre) as a protest medium to disseminate information and/or promote awareness, or simply as an act of protest or defiance. (See also graffiti, protest film, documentary film making, street theatre).
protest camp	see encampment, squatting, occupation.
protest film	The use of mainstream cinematography medium to tell a story that has a protest message. Some classic examples include The Emerald Forest, Avatar, Promised Land. (See also documentary film making, protest art).
protest song	The composition and performance of songs with a protest message. Some classic examples include compositions from Bob Dylan, Bob Marley, Joan Baez, John Lennon, Joni Mitchell, Miriam Makeba, Public Enemy, and Rage Against The Machine. (See also protest film, protest art, broadcasting, festival).
protest voting	The active decision to vote in an election or referendum in a way that voices a protest concern. Sometimes a protest vote can be 'informal' which can include writing protest comments on the ballot paper. Other times a protest vote might

involve the voting for a clown or a monkey. (See also political party membership, mock elections).

public address	A speech about a social protest issue given within a public gathering, for example at a rally. (See also formal speech, soapbox, teach-in, informational meeting).
public lecture	An information event usually held in a public hall where a specifically-invited expert or opinion leader gives a formal talk (lecture) to raise awareness about an issue. (See also formal speech, teach-in, informational meeting).
public nuisance	Creating a public nuisance (noise, smell or creating delay) by undertaking activities that annoy the public. Some examples include spraying milk or manure around in a public square, or orchestrated 'go slow' or 'slow down' actions of bus and truck drivers. (See also slowdown, barricade, blockade, dumping produce).
public statement	See formal statement, manifesto.
publications	The production and distribution of newspapers, magazines, books and/or academic papers about a protest issue. (See also reports, zines, leafleting). radical cheerleading a variation of conventional cheerleading where the chants used promulgate a political message. (See also chanting, protest art, street theatre).
rally	A form of mass demonstration typically held in a specific location, usually in conjunction with public addresses use of banners and signs. A rally may lead to a street march, and all street marches typically begin with a gathering rally. (See also street march, picketing, banners).
ran-tan/rough music	The cacophonous demonstration of disapproval of offending people who have violated the community's moral rules through their humiliation with songs, booing and jeering. Historically offenders were often paraded around and/or chased out of the city (expelled); in contemporary forms of ran-tan an effigy may be used. (See also cacerolazos, disrespectful behaviour, symbolic burning).
recording meetings	The (audio) recording of meetings and interviews with politicians etc. to ensure truth in statements, i.e. that promises made are actually kept. (See also espionage, whistle-blowing).
renouncing honours	The public refusal of an award, prize or other honour because of objection to the actions of the awarding organization or in an attempt to draw attention to a related issue. For example, Marlon Brando refused an Oscar as a protest against Hollywood's treatment of Native Americans. (See also non-participation, anti-award).
reports	The conducting of research about a specific issue, and the writing and dissemination of a report about the research outlining the perspective of the commissioning (protest) organization. For example, Human Rights Watch and Oxfam Australia have done studies on the human rights of people affected by mines in Mozambique. (See also advocacy).
resignation in protest	The strategic resignation from an official post in protest against a specific issue. (See also whistleblowing, demands for dismissal, refusal of award).

6

sabotage	The sabotage, tampering (destruction or impairment of infrastructure and equipment, suchas in targeted vandalism) or pilfering (petty theft often undertaken as a perceived form of compensation for unpaid entitlements). Also include acts such as tree-spiking (in anti-forestry campaigns) or seal painting (to protect seals from being clubbed for their skins), which destroy the commercial value of the products. (See also hijacking, direct action, digital sit-in, hacking).
samizdat	The clandestine copying and distribution of censored materials. (See also zines, leafleting, publications). Sanctions see boycott, embargo. self-harm Any form of action affecting the wellbeing of the protester's own body, e.g. body mutilation, stitching the mouth or eyes closed, swallowing of objects or acid, usually with the intention not to bring on death. (See also hunger strike, symbolic suicide).
sextremism	The use of sexuality or nudity in public places to draw attention to a cause, frequently associated with the Femen movement. (See also symbolic disrobing).
shop-lifting	Also known as yomango, shop-lifting can be a protest action when it is strategically undertaken against large corporations or in response to a public campaign against a particular company. (See also boycott, sabotage).
sick-in	A form of strike in which workers take sick leave enmasse.
silent protest	A range of non-violent actions—silent witness, silent procession, silent vigil—which use the power of silence to create media attention. They are frequently done by candlelight, and often with people dressed in white. (See also rally, flashmob, street march, street theatre).
singing	Singing in public spaces or at a specific event as part of a rally, or as a defiant action. A typical example could be the singing of the national anthem or protest songs (See also chanting, dancing, flashmob, protest song, street theatre).
sit-in	The occupation of buildings and public spaces or, when the protest is directed against a company, also private property. Typically a sit-in means that the protesters actually sit in the place to occupy it. In that sense, a sit-in is normally intended to be short-lived, otherwise it would be an encampment. (See also die-in, lockdown, blockade, digital sit-in, squatting).
sky writing	The use of an airplane to write protest signs or messages in the sky. (See also human drawing, paid advertising).
slacktivism	Derogatory term for low-profile online activism, such as signing petitions and using online badges.
slogans	The use of catchy expressions as a way of promoting awareness of a cause. (See also chanting, memes, badges, banner) slowdown: A slowdown, white strike, or work-to-rule (doing only the minimum required) is a partial withdrawal of services designed to affect the company and/or the consumer in order to achieve the protest objectives. (See also strike).
smear campaign	A protest campaign focused on undermining the credibility of a given target company, project or individual by 'getting the dirt' on them (See also taunting officials, memes).

soapbox	Informal speeches given by individuals in public places, such as parks, street corners, public squares. These are historically known as soapboxes because it often involved standing on a wooden crate. (See also formal speech, public address, blogging).
social and art events	Any social event designed to raise funds and create awareness for a specific cause. Can take the form of a book launch, speech night, party, music festival. Funds are raised by entry fees and/ or the sale of products, which may or may not have been donated (e.g. Band Aid). (See also gala dinner, crowdfunding, festival).
sound truck	The use of a car or truck equipped with a public address system to amplify speeches and sometimes music to attract attention and draw crowds to a protest event. They are typically are used in conjunction with other forms of protest, both in advance to recruit people to the event, but also during the event itself. (See also public address, street march, rally).
squatting	The occupation of unoccupied (or under-utilized) land or buildings. Although not always political, squatting can also be a protest act to draw attention to land or housing inequalities. (See also land re-occupation, encampment).
stalking officials	The act of intimidating of harassing company or government officials by being physically present wherever they go. (See also harassment, taunting officials, mass letter writing).
strategic disinvestment	The act of disinvesting or threats to disinvest from a company in order to influence the company decision-making about a specific issue. (See also activist shareholding, advocacy, lobbying).
street march	A form of mass demonstration that involves a procession of people along a street or road as a statement of commitment and to raise public awareness. (See also rally, pilgrimage).
street theatre	An art form undertaken in a public place where the actors interact directly with the passers-by in order to raise their awareness about a particular topic. A particular protest form is the Theatre of the Oppressed developed by Augusto Boal. (See also protest art, flashmob, die-in, teach-in).
strike	The complete withdrawal of labor by workers, usually to seek an increase in wages or improve working conditions, but can occasionally be related to a social or environmental issue. (See also slowdown, work to rule).
symbolic burning	The burning of flags, effigies, books or documents, banknotes, slips of paper with personal notes, or other objects as a statement of protest. (See also ran-tan, disrespectful behaviour) symbolic disrobing: The strategic use of nudity to promote a protest cause. (See also challenge).
symbolic gifts	The giving of symbolic items to key people in order to publicize a cause.
symbolic suicide	The committing of suicide as a protest act. Some historically-significant examples are the self-immolation of Tibetan monks. (See also threat of collective suicide).
taunting officials	Provocative acts against government or company officials. (See also demand for

dismissals, disrespectful be-haviour).

teach-in	A teach-in refers to teaching/ learning events undertaken to raise awareness about specific contentious topics. The concept is associated with Paulo Freire's 'Pedagogy of the Oppressed'. (See also webinar, street theatre, informational meeting).
threat of collective suicide	The threat of collective suicide is sometimes used as strategic action to influence decision-makers, especially by Indigenous peoples. Because of Indigenous claims that there is an orchestrated genocide against them, and/ or that they are being killed through western contact and by being evicted from their lands, certain groups (i.e the Guarani-Kaiowá) have announced they would rather be dead than removed from their land. (See also symbolic suicide).
tree sitting	A form of encampment in which people are attached to trees, typically high up in the tree (such as in a makeshift tree house) but occasionally in temporary arrangements of being chained to trees. The intention of the action is a form of blockade to stop the tree-clearing or forestry operation. The term is also extended to refer to any form of direct action where people place themselves in front of the bulldozers. (See also blockade, encampment).
tuitaço	A coordinated strategic action to enhance the visibility of a particular digital campaign, e.g. specifically to ensure they get into the Twitter trending topics, by the en masse use of a specific hash tag (#Something). (See also twittering, digital sit-in).
TV challenge/telethon	A TV or radio program designed to raise awareness and fundraise through people's donations. (See also challenge, crowdfunding).
twittering (tweeting)	Short immediate announcements (of up to 140 characters) on a specific topic. Topics are usually grouped by the use of a hashtag (#Something) to allow readers to see what other people are saying about the topic. Tweets can also include photos. (See also tuitaço, blogging, website).
vandalism	Acts intended to damage property. Sometimes vandalism is regarded as 'wanton destruction', which implies meaningless destruction, but in a protest form vandalism is targeted against institutions of the oppressor, such as large corporations but also sometimes the local bus company in protest against rising fares or reduced services. Smashing windows, throwing stones and setting things on fire are common forms of vandalism. (See also shoplifting, graffiti, sabotage).
vigil	An extended period of being awake as a form of devotion-al observance. A word with religious connotation (referring to the eve before a religious festival), it is also applied in secular settings to refer to a watch before a critical meeting, or while an injured person is recovering. (See also homage, silent protest, martyrdom).
vigilante	An individual or group who seeks to administer justice (retribution) without having proper legal authority to do so, usually because of their perception of the inadequate institutional response to an issue. While the word tends not to be used in protest contexts, many protest actions could be seen as vigilante responses. (See also kidnapping, stalking, direct action).

volunteering	Working as a volunteer to support a protest cause.
walkout	The staged walkout (exit, non-participation) from discussions or negotiations as a protest or strategic action. It is a frequent action used by Indigenous peoples. (See also non-participation, boycott).
webinar	An online synchronous event where people discuss a specific contentious topic. Usually takes the form of a presenter and audience, and in that sense could be regarded as a digital teach-in. (See also teach-in, webpage, informational meeting).
website	The creation of a website to promote awareness about a specific cause. Also includes parody or counter-websites where a very similar URL is used to create confusion and/or to divert hits away from the target website. Facebook groups or fanpages can also be used as protest platforms. (See also blogging, twittering, broadcasting, internet event, hacking).
website defacement	See hacking, hacktivism, parody website.
whistle-blowing	The leaking of confidential information to the public as a form of raising awareness about a contentious issue. Perhaps the most famous example is associated with Wikileaks. (See also espionage, recording meetings).
whitelisting	The opposite of blacklisting, in other words, the creation of a list of exemplars of good practice or organizations deserving of praise.
work to rule	see slowdown, strike.
yomango	see shoplifting.
zines	The production and distribution of ad hoc underground magazines (zines). (See also publications, leafleting, blogging, website, samizdat).

6. 4. FUNCTIONS OF SOCIAL PROTEST

The large number of forms of protest we identified is impressive—noting that there is over 200 terms in our glossary—and is many times more than we expected when we first started compiling our list. We note that many forms of protest are relatively new (e.g. flashmob, memes), not only arising from the digital revolution which enables new forms of protest to be invented, but also due to the inherent creativity and constant innovation manifested by social movements in establishing a 'digital repertoire of contention' (Earl and Kimport, 2011). A difficulty in compiling the listing was how to deal with macro terms like civil disobedience, direct action and black bloc tactics, which have an overarching nature and can take on a range of forms or types of social action. We therefore decided upon a glossary of forms of protest and related terms (rather than only listing the forms of protest).

We note that many forms of protest action are undertaken in combination with other forms. A blockade or barricade, for example, will usually involve the distribution of leaflets and/or the

display of signs to increase awareness of the issue. A street march will normally commence with a rally, have speeches, participants will normally display banners, placards and signs, and there may be singing and chanting. Thus, there is a high degree of overlap between the forms, and orchestration between them is a strategic part of protest campaigns. Although there is a wide diversity of forms of social protest, analysis of these forms suggests they have only seven functions (purposes). The purposes overlap, and an individual protest action may seek to achieve several of these purposes:

1. Information—to distribute information to the wider public in order to raise awareness about 'the cause' or the situation that is the subject of protest;
2. Fundraising—to raise funds to support the campaign;
3. Publicity—to gain publicity (media attention) through the undertaking of actions usually having a performative dimension (i.e. publicity stunt);
4. Mobilization—to enlist participants for a specific protest event or campaign;
5. Solidarity building—to build solidarity (unity and commitment) and a sense of worth amongst protesters and toward the protest cause in general;
6. Political pressure—to apply pressure, through direct or indirect targeting (see Fig. 6.2), on authorities or decision-makers regarding their action/decision on a specific issue;
7. Direct action—to cause immediate disruption to a specific project (e.g. a blockade), usually performed as acts of civil disobedience.

Most protests involve the coordination of many activities or forms of protest and exist in a nested hierarchy as part of a wider campaign within a social movement (see Fig. 6.1). Even where there are impromptu, ad hoc protests, they too draw on the protest repertoire. In our analysis, we ascertained that most forms of protest typically serve several functions and that the functions are not mutually-exclusive or fully differentiated. For example, during the National Indigenous Mobilization in Brazil (see Hanna et al., 2016a), several different forms and functions were combined in order to enhance the effectiveness of the campaign. These forms included the making of a dedicated website (information, mobilization, publicity), the seeking of financial support from national and international NGOs (fundraising), the holding of press conferences during the event (publicity, information), creating a Facebook event page to invite people to attend the protest (mobilization, publicity), chanting and dancing (solidarity building, publicity), meetings with political leaders (political pressure, publicity), and the occupation of buildings (direct action, publicity, political pressure).

During a social drama process (Turner, 1974, 1980, 1982), in which protest is a key part, if protester claims are not addressed to a sufficient level of resolution, actions will typically escalate from function 1 (information) to function 7 (direct action); from less disruptive forms to more disruptive, unconventional and confrontational forms. For example, Harley (2014) noted that road blockades were usually the last resort of protesters. Many campaigns start with a formal speech or petition, but if the claims are not addressed, more-creative and/or more-confrontational forms of protest will be utilized, such as protest art or sabotage. In some situations, especially

where there is a lack of acknowledgement of and/or acceptable response to protester concerns, the direct actions (function 7) taken by protesters may even lead to violent uprising, civil war and the closure of extractive projects, as happened with the Panguna Mine in Bougainville (Filer, 1990) and the Zapatista struggle in Mexico (EZLN, 1994). In both cases, local peoples were arguing for social and environmental justice, including a fairer share of the revenues from the extractive activities in their territories. It should be noted that this upward spiral of escalation occurs because of a dynamic of interaction that includes the response of the project staff and the security forces (Prenzel and Vanclay, 2014). Unfortunately, in many conflict situations excessive violence has been used against protesters, for example the Marikana massacre in South Africa where 34 people were killed by the police (Alexander, 2013; Bond and Mottiar, 2013).

According to Castells (2012:226), social movements are, in principle, non-violent, "usually engaging, at their origin, in peaceful, civil disobedience. But they are bound to engage in occupation of public space and in disruptive tactics to put pressure on political authorities and business organizations, since they do not recognize the feasibility of fair participation in the institutional channels." However, it is important to consider that in many contexts local communities do not possess the political capital to openly confront those in power, often because of a fear of retaliation. Scott (1985:xvi) proposed the concept of 'everyday forms of resistance', arguing that in:

> the Third World it is rare for peasants to risk an outright confrontation with the authorities over taxes, cropping patterns, development policies, or onerous new laws; instead they are likely to nibble away at such policies by noncompliance, foot dragging, deception. In place of a land invasion, they prefer piecemeal squatting; in place of open mutiny, they prefer desertion; in place of attacks on public or private grain stores, they prefer pilfering. When such stratagems are abandoned in favor of more quixotic action, it is usually a sign of great desperation.

Nevertheless, desperate situations do occur and escalation does happen. We argue that there is a relationship between the various ladders or continuums of participation (e.g. Arnstein, 1969; IAP2, 2007) and escalation in the functions of protest. When community engagement and FPIC processes have not been done in good faith, or the influence of a community over a nearby project is low and their voice is not being heard, protests are more likely to escalate to more confrontational and disruptive forms in an attempt to reach a greater level of participation in decision-making.

6.5. PROTEST AND THE DIGITAL ERA

A main concern of this research is to consider how the new ICTs influence protest. The rise of mass self-communication (Castells, 2012) has led to major changes in how protest is organized and publicized (Della Porta and Tarrow, 2005). Earl and Kimport (2011) argued that the new 'digital repertoire of contention' has reduced the costs of mobilization and organization of protest events.

They considered that the digital revolution not only adds new possibilities to the existing repertoire, but has the potential of completely changing it. For example, few groups would now attempt to organize a protest event (e.g. street march, rally) without using digital media—sending emails and having a Facebook page is now normal. The event itself is also different in that people bring their smartphones and tablets along, take pictures with these devices, and upload pictures and stories to social media platforms in real time as the event unfolds. Bennett (2005), however, indicates that digital media are not taking over fully—the organizing of a successful protest still requires a lot of face-to-face interactions and off-line partnerships.

The internet facilitates the exchange of repertoires between social movements (Rolfe, 2005), thus enhancing the range of possible actions and knowledge sharing about what is effective in protest action, allowing social movements to learn and build on each other's experiences. This learning is improved with the ease in accessing the internet from smartphones, allowing the sharing of information in real time, virtually anywhere in the world (Neumayer and Stald, 2014). Although the Internet is not a complete game changer, protest groups, especially those with limited resources, have become much more capable of reaching a wider international audience and targeting multinational institutions.

> What did change is that powerful actors as multinationals, governments or supranational institutions can be held accountable at any time. Civic groups with little resources can mobilize support and public attention against a far more powerful competitor more easily and independently than in the past. Although Goliath can use the Internet as well, the relative advantage of this new technology is bigger for David (Van Laer and Van Aelst, 2010:1164).

There are different types of internet activism, ranging from those people who only protest online while abiding by the law (derogatorily called 'slacktivism') to those who are more inclined to engage in acts of contentious civil disobedience, be it online or offline (Neumayer and Svensson, 2014). Similarly, Vegh et al. (2003) proposed that there were two forms of Internet activism—internet-based and internet-enhanced. In internet-based activism, the Internet is the locus of action, with different forms of online activism such as hacktivism (e.g. website defacement) or digital congestion of corporate or government websites (digital sit-ins). In internet-enhanced activism, the Internet does not fundamentally change the nature of the protest, but enhances the way protests are organized. Vegh classifies internet-based forms of action into three categories: awareness/advocacy; organization/mobilization; and action/reaction. Vegh's categories can be juxtaposed with the different functions of protest we proposed earlier. Awareness/ advocacy is equivalent to functions 1 and 2; organization/ mobilization with functions 3–5; and action/reaction with functions 6 and 7. The tendency for progression from less disruptive to more confrontational forms is also highlighted by Vegh et al. (2003).

We propose two concepts in order to better understand the digital repertoire: digitalization and realization. Respectively, these concepts refer to how real events are digitalized and shared through

the use of ICTs; and conversely how the production or sharing of digital objects can have direct consequences in the real (or physical/offline) world. These dual processes form an iterative loop between the real and the digital. Digitalization is the rendering of real events or situations in the digital world. This transforms a once-off, physical event into something permanent and shareable in the digital world, thus bringing the real to the digital. For example, protest events are photographed and filmed by many activists who share their materials on social media websites. Conversely, realization is the use of digital activism to have impact in the real world. For example, an online campaign that opposes a company's practices can influence the actions of the company because of their fear of a boycott or reputational damage—some examples include the Business and Human Rights Resource Centre http://business-humanrights.org and Greenpeace, e.g. their current detox catwalk http://www. greenpeace. org/international/en/campaigns/detox/fashion/detox-catwalk/

Real and digital—in the case of protest and other phenomena— constantly feed back to each other. Digital becomes real, which becomes digital before becoming real again. Even before the internet, as in the words of Baudrillard (1987:17): "War becomes film, film becomes war, the two united by their mutual overflow of technology." To give a hypothetical example, a protest event was organized as part of a wider campaign to halt the implementation of a given project. A social media platform was used to mobilize people to join the specific protest event. The event was attended by a large number of protesters (realization). Protesters were violently suppressed by the police, however the police violence was recorded by some protesters. The footage was uploaded to social media platforms (digitalization), thus mobilizing a greater number of people to protest in the next event of the campaign (realization). This demonstrates the real-digital cycle, which now occurs with all forms of protest.

An important element of the digitalization of protest actions is the potential for exponential growth in interest to be created by a digital object 'going viral' (i.e. being shared by millions of people in a short period of time). Having stories, photos or videos go viral brings much attention to the protest cause. This can influence the extent of political pressure the protest organization can bring as well as enhance its ability to obtain financial support. A good example of a protest action going viral was the "No, I'm not going to the World Cup" YouTube video, which highlighted the social impacts of the 2014 FIFA World Cup and the controversy around world cup expenditure.

It is important to be aware of the role of censorship in online activism. With the internet allowing most people everywhere to become journalists or news producers in their own right, in contrast to their traditional role as only news consumers (Greer and McLaughlin, 2010), this has led to a proliferation of citizen information production, which has also led to a commensurate rise in the number of orders from governments and judges all over the world to Google and website hosting companies demanding that they remove certain websites or specific content (Rushe, 2013). Frequently, these censorship instructions attempt to limit the availability of content critical of government policies or company activities, in other words, the targets of much protest. While Google typically denies these instructions for the removal of content, there are situations where they are legally obligated to take action (Rushe, 2013). On a larger scale, censorship can

take the form of a complete Internet shutdown, as happened in Egypt and Libya during the Arab Spring in 2011 (Dainotti et al., 2011). Another form of censorship present in many countries is the imprisonment, intimidation, harassment and even murder of people known to be online activists or 'netizens' (Global Witness, 2015; RSF, 2015). Despite this censorship, the new ICTs facilitate the organization of protest and, more importantly, amplify the protest reach, making it easier to get access to wider audiences, increasing the number of protests, and strengthening the power of protest groups, thus increasing the risks for companies (Hanna et al., 2016b). Correspondingly, ICTs increase the possibility that local communities have influence on the decision making processes that affect their lives.

6.6. THE ROLE OF PROTEST IN INFLUENCING PROJECT IMPLEMENTATION

In project implementation, protests usually happen when social and environmental impacts are not properly addressed (or are perceived as not being properly addressed), or when impacted groups are excluded from the process or have only limited influence on outcomes. In many cases, communities have strongly opposed a project from conception and do not provide consent for its implementation or operation. When people feel that their future is compromised, or that they are not being respected or listened to, they are more likely to protest (Hanna et al., 2014; Rucht et al., 1999; Vanclay et al., 2015).

By combining different forms and functions, and especially when deploying digital forms of protest, a campaign is more likely to be successful and achieve 'eventfulness' (Della Porta, 2008). Eventfulness can be regarded as the sense (at least locally) that "the whole world is watching", and thus of being media-worthy. It is the character of the event that leads the mass media to be interested in broadcasting about it. The media attention provides the leverage to enable protesters to force decision-makers to address their demands. Publicity stunts, including the use of protest forms with nuisance, art or other performatic elements, contributes to reaching the world stage. Innovative performances are usually crucial in reaching a world audience (McAdam et al., 2001).

Digital forms of protest can assume many forms. The most common are campaign websites with detailed information about the possible impacts of the project to the community (information). Many campaigns fundraise using crowdfunding schemes (fundraising), adopt marketing strategies for a specific cause (publicity) and circulate online petitions (mobilization) to be signed by those who are concerned. When the petition reaches a certain number of signatures, a public event might be held (solidarity building) in order to formally submit the petition to the targeted entity, be it a government, a company or an international institution (political pressure). If protester concerns do not appear to have an influence on the decision-making, protesters are likely to resort to direct action, such as organizing a boycott, blockade or a form of online direct action, such as a digital sit-in. In the case of online protests, forms also develop from less disruptive to

more disruptive, but also from digital to real – in other words, there is an ongoing process of realization of the digital actions, with a corresponding process of digitalization of protest actions.

An example of a campaign which successfully deployed a combination of forms of protest is the struggle against the implementation of a mine in Romania, where:

> throughout the last fourteen years of resistance, campaigning took multiple various forms such as the "Cyanide-Free Romania" Coalition (a national coalition of NGOs), "Hay-Fest" (the first environmental festival in Romania), [and] other public debates, protests, petitions, and court actions. The local grassroots movement triggered mobilization in the important cities of Romania (Bucharest, Alba, Cluj) and its main NGOs, as well as participation of international organizations such as Greenpeace, MiningWatch, and so on. The "Save Rosia Montana" campaign is now a movement actively supported by over forty NGOs, the Romanian Academy, universities, churches, and public personalities (Velicu, 2014:225).

A successful campaign, i.e. a campaign that is able to realize its intentions, can have several positive outcomes for the impacted communities. For example, a campaign successfully targeting the implementation of a specific project can lead to improvements in project design or even broader changes in corporate behavior (Santos and Milanez, 2015). Benefits potentially include enhancement of impact assessment as a whole, and especially the assessment and mitigation of social impacts, which tend to be ignored or minimized in environmental licensing processes (Hanna et al., 2014). Other benefits include better planning and monitoring of the implementation of mitigation measures, potential changes in project design to avoid major impacts, increased expenditure for social investment programs, and the payment of royalties. This process of local activism builds social capital (Bourdieu, 1986), restores self-confidence (Honneth, 1996), and when successful ultimately enhances the wellbeing of communities.

Counter-actions from governments and companies are a common response when protest occurs. Such actions include: the criminalization of the protest event/campaign (accusing protesters of being troublemakers or acting against the law) (Moore, 2015); strategic lawsuits against public participation (SLAPPs); denying the claims; and trying to divert public attention toward the organization's non-contentious practices or flagship/ showcase actions (greenwashing). Protesters' fear of reprisal (especially of SLAPPs and punitive action) leads many activists to take precautionary measures to avoid being spied on by government agencies (and sometimes companies), including encrypting their communications, turning off their mobile phones during planning meetings, and/or not sharing sensitive information about the protest on social networks (Neumayer and Stald, 2014; Scholl, 2012).

Unfortunately, instead of seriously considering protesters' opinions and addressing contentious issues effectively, companies and governments tend to adopt defensive behavior, which tends to escalate conflict. Besides having a legal license to implement a project, many authors argue that projects need to achieve and maintain a Social License to Operate (SLO). There are many

elements, which determine if a company succeeds in achieving a SLO (Prno and Slocombe, 2014; Moffat and Zhang, 2014), however, these are mostly related to the dynamics and relationship history between the company and the local communities. Achieving and maintaining a SLO needs to be comprehended as an ongoing process of community engagement (Dare et al., 2014). A SLO can only be achieved by building trustful relationships with the impacted groups, arguably through conducting a meaningful Free, Prior and Informed Consent process (Hanna and Vanclay, 2013).

Companies and governments should perceive protest as an opportunity (rather than as a crisis) to address issues which were previously unknown or ignored. Through the use of effective grievance mechanisms, companies can manage community concerns before they get out of control, and thereby avert the escalation of protest and the use of more-disruptive strategies by protesters. Protest action in itself needs to be perceived as a grievance mechanism for impacted communities, especially when they have no other channel to effectively communicate with project proponents, or when the conventional channels (such as the grievance mechanism itself) are not effective. For instance, social media platforms—which are frequently used for protest actions—can be an important tool through which companies engage with communities. Unfortunately, companies usually react defensively to allegations from communities, instead of adopting a proactive/problem-solving orientation and taking effective measures on the ground and fully addressing or considering the concerns of neighboring communities. This defensive position can lead to major setbacks to companies, as was the case with the extensive campaigns against Nike and Shell, which have caused considerable reputational damage to them (Klein, 2002).

6.7. CONCLUSION

With increasing global inequality, development pressure and the proliferation of new ICTs, which make protests easier to organize and increase protest reach, it is clear that protest actions will become more prevalent in the future. In situations of project implementation, communities often find they need to mobilize in order to achieve respect for their rights and/or to otherwise influence the decision-making processes on matters which affect their lives. Protest is thus a legitimate and necessary way for communities to seek redress for the issues being ignored by decision-makers. In such mobilization processes, social capital and collective identity is built, and communities ultimately enhance their collective wellbeing by ensuring improvements in the assessment of impacts, the distribution of benefits, and the implementation of mitigation and enhancement measures.

Despite the wide range of forms that protest can take, with us nominating over 200 forms and related terms, protest actions contribute to only 7 functions: information; fundraising; publicity; mobilization; solidarity building, political pressure; and direct action. In protest events and

campaigns, the forms and functions are typically combined in order to enhance overall outcomes. The ongoing processes of digitalization and realization assist in achieving eventfulness and viralization (i.e. online eventfulness) of the protests. The digitalization and realization of protest are indicators of success, and contribute to the success of the campaign. We observed that there is constant innovation in protest forms, especially in the performatic aspects of protests, and we argue that this innovation is essential to making protests successful and eventful.

Protest actions need to be comprehended as ongoing processes of social drama involving multiple stakeholders, rather than as single events in time. In these processes, protests tend to escalate from conventional and non-disruptive forms to unconventional and confrontational forms, especially when a community's influence over a project is low and their claims are not being addressed by the project. Digital forms of protest have now become conventional and they have direct effects in the real world, facilitating mobilization and allowing protest events to be more easily organized. New ICTs amplify protesters' voice, breaking the monopoly of the mass media in bringing the protest message to the wider public. Protest action is thus crucial for local communities to ensure that they have an appropriate level of participation in the decision making processes that affect their lives—in effect, protests force businesses and projects to comply with some aspects of the principle of free, prior and informed consent.

We suggest that companies and governments that fully respect FPIC and meaningfully engage with local people will be less likely to experience the escalation of community protest and will be more successful in establishing a social license to operate, both with local communities and at the international level. Companies and governments need to engage with local communities very early in the project implementation process, and have ongoing processes of engagement. For the project to be perceived as legitimate (i.e. free from protest and having a social license to operate), developers must be willing to modify (and even potentially to cancel) a project in response to local community input. Protest is, in effect, a form of community feedback, which occurs when normal engagement and grievance mechanism are not working effectively. Companies would be well advised to listen carefully to community concerns, especially those expressed through protest actions, and establish genuine dialogue procedures before protest escalates and conflict occurs. Rather than the defensive strategy typically adopted, companies should realize the protest signals that they should enhance their community engagement approach.

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CHAPTER 7

The importance of cultural aspects in impact assessment and project development: Reflections from a case study of a hydroelectric dam in Brazil

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ABSTRACT

Failure to consider the cultural and social factors of projects can lead to situations where mitigation does not effectively address the impacts they were intended to alleviate, and can even create other impacts. We critically analyse the processes of designing and implementing a social and environmental compensation program for the Lajeado Hydroelectric Dam in the Amazon region of Central-Northern Brazil. This mitigation program caused a wide range of social and environmental impacts on the Xerente Indigenous people, such as intra-group conflict, and changes in agricultural practices and food regime. Based on qualitative fieldwork and an extensive document analysis, we present a contextualization of the region, the project, the Xerente people and their cosmological understandings. We consider the perspectives of a broad range of stakeholders about the compensation program and its outcomes, and demonstrate how traditional cultural practices and values played a role in the unfolding of the program. Better comprehension of socio-cultural aspects through the use of ethnography, ongoing consultation and meaningful community participation in the planning and implementation of mitigation measures is recommended.

KEYWORDS

7.1. INTRODUCTION

We argue that to fully comprehend the environmental and social impacts of projects in cross-cultural contexts, it is essential to include ethnographic fieldwork as a component of the social impact assessment (SIA), environmental impact assessment (EIA) and other studies. Despite the warning of Ballard and Banks (2003:289) that 'mining is no ethnographic playground' (due to complexity of the stakeholder interactions and strategies), we demonstrate that ethnographic data can foster better cultural understanding amongst impact assessment and social performance practitioners, especially those responsible for developing and implementing the mitigation measures and compensation arrangements (Chase 1990; Roper 1983; Thaner & Segal 2008; Stoffle et al. 1991). Without proper consideration of the local cultural context, even well-intentioned mitigation measures can ultimately create unintended impacts (Vanclay 2002, 2012). In current practice around the world, most SIAs that consider impacts on Indigenous peoples are usually 'ethnographically thin', thus limiting their capacity to properly promote culturally-adequate and effective mitigation measures (Westman 2013).

In order to advance the proposition that ethnographic fieldwork is essential, we examine a specific case, that of the compensation plan developed to mitigate the impacts of the Lajeado Hydroelectric Dam in the Brazilian Amazon region. The Lajeado Hydroelectric Dam, which is officially called the Luis Eduardo Magalhães Dam (Lajeado for convenience), was constructed in the state of Tocantins in central-north Brazil between 1996 and 2001. With a reservoir area of 630 square kilometres, the powerplant has an installed capacity of around 900 MW (Engetec 2015). Following an environmental impact assessment (EIA) completed in 1996, a compensation program called PROCAMBIX (Programa de Compensação Ambiental Xerente) was designed in 2000 to mitigate the social and environmental impacts of the dam on the 3,000 Xerente Indigenous people, who are located a few kilometres downstream. The history of contact between the Xerente (who are also known as *Akwě*) and the 'neobrazilians' (as Curt Nimuendajú refers to non-Indigenous Brazilians) is marked by violence and land struggle with missionaries, gold seekers and settlers (Nimuendajú 1942; De Paula 2000).

Considered to be the first private dam in Brazil, Lajeado was part of a broader government strategy that focused on bringing development to the then recently-created Tocantins state and its capital city, Palmas. Due to its strategic location in the centre of Brazil, the discourse about 'development and modernization' was very dominant in its formation (Zitzke 2007) and remains strongly present today (Parente 2015). This development trajectory has fuelled conflicts between Indigenous and non-Indigenous communities, with the Indigenous peoples being perceived as obstacles to the economic development of the state (Menestrino & Parente 2011).

To analyse the performance of the PROCAMBIX compensation program, we give particular attention to Indigenous perceptions of the impacts of the dam and the mitigation measures. This is supported by a description of the broader socio-political context in which the compensation project was designed and implemented – aspects that are not usually considered in impact

assessment (O'Faircheallaigh 2011; Baines et al. 2013). This paper considers both the social and environmental impacts because, especially in an Indigenous context, they are highly integrated (Slootweg et al. 2001; Vanclay 2002). Careful consideration is given to the cultural and socio-political aspects that can play a role in project development, such as native cosmological concepts and inter-ethnic relations (Westman 2013). These aspects are important to better comprehend the efficacy of the mitigation measures and to provide a fuller understanding of social impacts, especially when traditional communities are involved. Traditional communities are not necessarily Indigenous, but nevertheless are culturally different from the broader society, and have a special connection to their land and territories (Hanna et al. 2014).

Arguably, the primary objectives of EIA and SIA are to identify possible impacts and propose mitigation and enhancement measures (João et al. 2011; Morgan 2012; Esteves et al. 2012). To fully achieve these objectives and to improve the overall quality and effectiveness of future interventions, follow-up evaluation of EIAs, SIAs and mitigation and compensation measures are necessary (Marshall et al. 2005). To fully understand the perspectives of impacted groups, we argue that ethnographical fieldwork is necessary, especially in culturally-diverse situations. In order to demonstrate this, we discuss the follow-up evaluation of PROCAMBIX and consider the varying perceptions of the impacts, program design, and efficacy of the mitigation measures that were deployed. Recommendations for improving the outcomes of similar projects are provided.

7.2. METHODOLOGY

This paper utilises fieldwork conducted by the primary author over a two-week period in May 2014 in the Brazilian municipalities of Palmas, Tocantínia and Miracema do Tocantíns. Figure 7.1 is a Google Earth image of the general location showing the large long lake created by the dam and two Indigenous territories, Funil and Xerente, both of which are inhabited by the Xerente people.

In order to understand the perspectives of those who were involved in PROCAMBIX, semi-structured interviews were conducted with key informants covering a wide range of stakeholder groups. The people interviewed included: representatives of community associations; Indigenous elders; staff from the state government environmental agency (Naturantins); one of the solicitors from the Federal Office of Public Prosecution (*Ministério Público Federal*, MPF) responsible for mediating the agreement between the proponent and impacted communities; staff from the NGO, *Conselho Indigenista Missionário* (CIMI), an important Catholic NGO defending Indigenous issues; academics from the Anthropology Department of the State University of Tocantins; and staff from the National Indigenous Agency (FUNAI).

A total of 15 interviews were conducted by the primary author, a native Brazilian. Key informants were identified by using a snowball technique. Where permission was granted, which was in about half
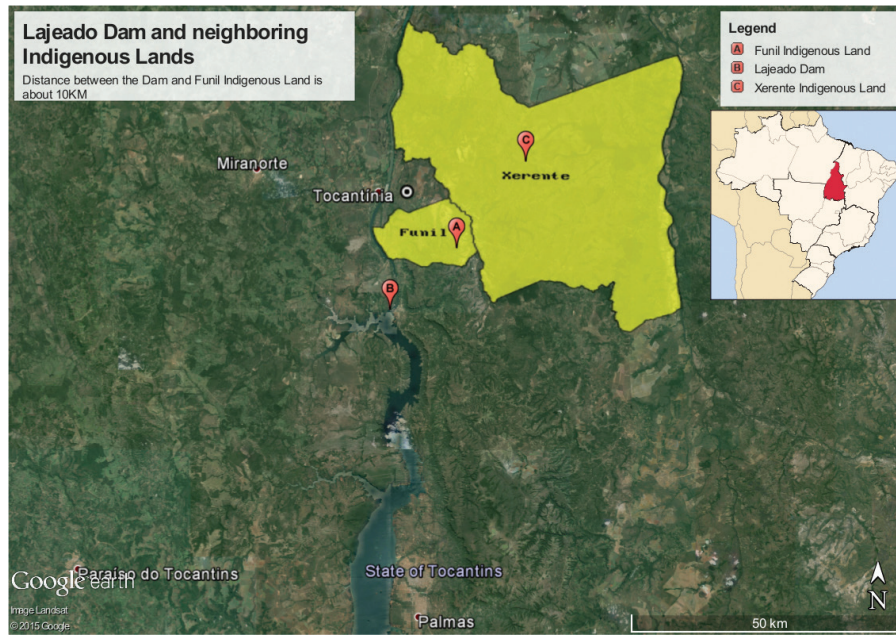
Fig. 7.1. | The Lajeado Dam and the neighbouring Indigenous lands

the cases, interviews were recorded and transcribed, while in other cases extensive handwritten notes were taken. In addition to the formal interviews, a range of other social research techniques typically applied in fieldwork settings were used, including participation observation, field notes and diarising. The qualitative data analysis software package, Atlas-Ti, was used to assist in the analysis. Topics discussed in each interview related to: the impacts of the dam; the negotiation process for the compensation program; implementation of the program; the interviewee's personal assessment of the positive and negative aspects of the program; and their views about mistakes made and what could have been done better. The company, INVESTCO, which was responsible for building the dam and implementing the program, was contacted several times, but was unavailable for an interview. The social research principles of respect for participants and informed consent (Vanclay et al. 2013) were observed throughout the whole research process, and all participants were aware of the nature of our research.

We are aware that the limitations of our methodology do not allow a comprehensive study of the Xerente people or a full analysis of the Lajeado Dam. Nevertheless, we feel that we have an adequate basis by which to make the statements we do. This is not a full ethnographic study, which would have required deep immersion and a longer time period than was available. While this was originally intended, the complexities of conducting ethnographic fieldwork about a program that was concluded over 10 years ago made this impossible. Also, during the time of the fieldwork, an investigation into alleged corruption with PROCAMBIX was underway making some informants reluctant to speak, at least about certain topics. Nevertheless, appropriate key informants from almost all relevant stakeholder groups agreed to be interviewed. To counter the limitations in the fieldwork, we have triangulated as much as possible, especially by undertaking an extensive document analysis, including of all project-related documents and anthropological literature about the Xerente and Jê peoples.

7.3. THE DAM, THE LICENSING PROCESS AND THE COMPENSATION PLAN

A timeline of events is given in Figure 7.2. Following several assessments of the hydroelectric potential of the Tocantins River since the 1960s, discussions on the construction of a dam were initiated in earnest in the early 1990s. An EIA commissioned by the electricity company, CELTINS, was completed in 1996 (THEMAG 1996). Following the requirements of the Brazilian environmental licensing procedure (see Hanna et al. 2014), an item called 'Indigenous Issues' was included in the socio-economic chapter of the EIA report. This focused almost exclusively on the history of the Xerente people and their relations with the non-Indigenous society, and no social impacts from the dam were detailed other than the generic impact of development pressure on Indigenous territory. In 1997, an open tender to construct the dam was advertised, with the winning and only bid being INVESTCO, an ad hoc consortium that comprised Grupo Rede, Companhia Energética de Brasília (CEB), and the multinational Energias de Portugal (EDP). INVESTCO was established as consortium specifically to build and manage the Lajeado dam (Araújo 2003).

The licensing process for the dam was controversial, and led to many protest actions from the different interest groups (Zitzke 2007; Araújo 2003). It was initially alleged by INVESTCO that, because the Indigenous communities were located downstream, there was no need to do impact studies relating to the Indigenous peoples. It was stated by several interviewees that it was generally accepted that downstream communities would not be affected by a dam, and that it was common practice for EIA studies not to consider downstream communities. Cernea (1997) has also stated that downstream impacts are usually understated and ill-considered by dam proponents and in impact assessments. The compensation plan, PROCAMBIX, only arose in 2001 as a result of pressure over several years from civil society in relation to the lack of interest by INVESTCO in addressing the social impacts on the Xerente people.
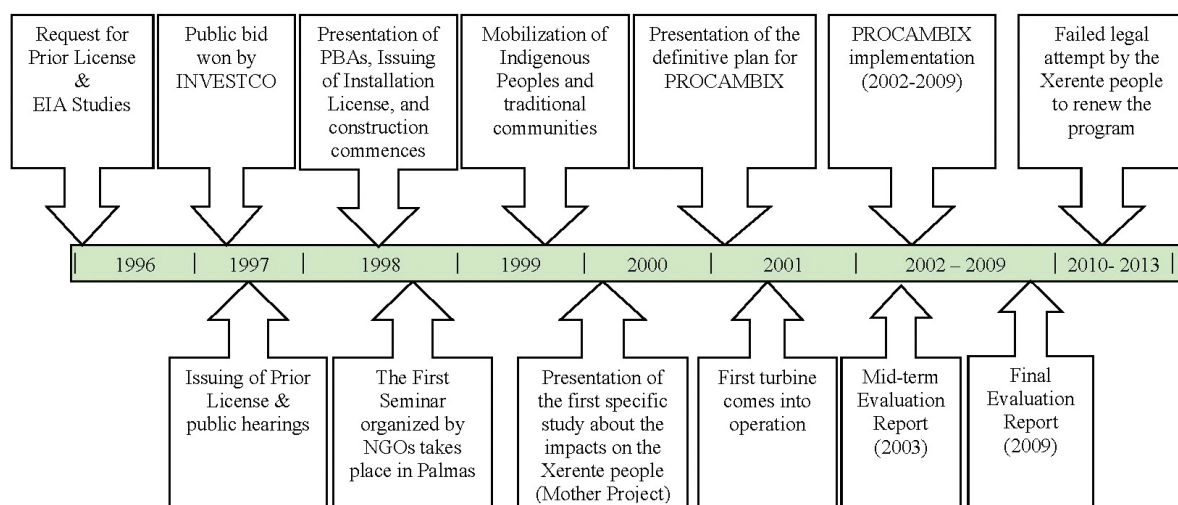

Fig.7. 2. | A timeline of events relating to the Lajeado Dam and Procambix (based on Araújo 2003 and Cordeiro 2009)

Because of concern about the dam, a group of civil society organisations got together and organised the so-called 'First Seminar on the Lajeado Dam', which was held in October 1998. It was attended by NGOs, university staff, representatives of the movement of dam-affected people (MAB), trade unions, the proponent, and the state level licensing authority (Naturantins). The seminar was considered by some interviewees as being historically significant in that it led to acknowledgement of the existence of social impacts from the dam. CIMI had a major role in facilitating the participation of Indigenous leaders who spoke about the potential impacts on their livelihoods. After the seminar, which had been very successful in influencing local public opinion about the likely impacts of the dam, the competent authorities (IBAMA, Naturantins, FUNAI) started to pressure INVESTCO to acknowledge the social and environmental impacts on the Xerente people and to design mitigation measures. According to our interviews and the literature available (Zitke 2007; Araújo 2003), it was only due to the subsequent widespread social protest that the social issues were eventually considered.

In 1999, INVESTCO commissioned the Federal University of Mato Grosso and the NGO Operação Amazônia Nativa (OPAN) to identify a set of actions to mitigate the impacts of the dam on the Xerente people (OPAN-GERA 2000). Their multidisciplinary report proposed the establishment of a Xerente Environmental Management Program, which would focus on three broad themes: (1) Territory and Natural Resources; (2) Food Security and Income Generation (i.e. livelihood); and (3) Culture and Citizenship. They recommended Indigenous participation in the development, execution and monitoring of the program as a fundamental principle. A related recommendation was to establish a Management Council comprising the licensing institutions, INVESTCO, and representatives chosen by the Xerente. This study became informally known as 'the Mother Project' and later became the basis for formalizing an agreement about a compensation program between the proponent, the licensing institutions, and the Xerente.

After completion of the report in May 2000, there was much negotiation about the terms of the agreement. Lack of interest by the proponent and licensing institutions in concluding this discussion led to much concern by the Xerente. After various protest actions – including the detaining of company and government staff for several hours by a group of Indigenous activists (Agência Estado 2001) – the concerns of the Xerente started to be taken more seriously. According to one of our key Indigenous informants, it was only after the detention that FUNAI became fully involved in the process. The conflict led to intervention by the Federal Office of Public Prosecution, which in 2002 negotiated a Terms of Adjustment of Conduct (TAC) with the parties for establishing the Xerente Program for Environmental Compensation (PROCAMBIX). Although the mother project originally recommended a budget of R$14 million for the compensation and mitigation activities, after a tough negotiation process, the program that was eventually agreed and implemented had a budget of only R$10 million. In 2001, this would have been roughly equivalent to USD $5 million.

The PROCAMBIX projects that were ultimately implemented were largely based around the three sub-themes defined in the mother project and were implemented over eight years,

from 2002 to 2009 (Cordeiro 2009). The Territory and Natural Resources component had a set of actions focusing on ecological zoning and environmental education. Food Security and Income Generation implemented many strategies, including the stimulation of alternative livelihoods such as the raising of chickens and cattle, fish farming, fruit orchards, honey production, and the provision of tractors to mechanize agriculture. Culture and Citizenship focused on strengthening Xerente culture and social organization through the construction of a cultural centre and promotion of traditional activities. An Administrative and Technical Support component was added for managing the program. In order to implement the program, a steering committee comprising 6 non-Indigenous and 6 Indigenous representatives was established. The non-Indigenous representatives were from INVESTCO, IBAMA, FUNAI, the Office of Public Prosecution, Naturantins, and the Secretary of Citizenship and Justice of Tocantins State. According to our interviews, CIMI was 'excluded' from the process due to its critical stance, such as being against the use of compensation funds to pay for education and health, considered by CIMI as a government obligation and not a mitigation action.

The implementation of PROCAMBIX was marked by several logistic difficulties in the acquisition of materials and the transfer of resources between the various institutions. Money was transferred twice a year from INVESTCO to the steering committee. However, for various reasons that are unclear, these payments were made via FUNAI, leading to delays in the funding being available to the projects. A new association, AIA (Associação Indígena Akwě), was created to manage the application of the funds, undercutting the power and resources of the existing association, AIX (Associação Indígena Xerente), which created resentment and hostility between the factions.

A midterm evaluation report (de Paula 2003) was commissioned. Despite being a very good analysis of many of the issues that were beginning to emerge with PROCAMBIX, its recommendations were largely ignored by the Steering Committee and there was little memory of that report at the time of the fieldwork for this research. Perhaps the most important concerns were that there was inadequate financial monitoring and a high potential for improper conduct. A substantial final evaluation (Cordeiro 2009) commissioned by the German Agency for International Development (GIZ, then GTZ) was completed in 2009, largely raising the same issues as the midterm evaluation. In contrast to the midterm evaluation, however, there was considerable awareness of the final evaluation and it was frequently mentioned in our interviews. All people we interviewed who mentioned the report spoke very highly of it, and considered that it was a fair description of what had happened with the implementation of PROCAMBIX. These evaluations have informed our analysis, and are considered in detail further below in our paper.

Our interviewees told us that the materials needed for the program had to be purchased through the government procurement system, which was considered to be bureaucratic and inefficient. Requisites had to be procured from the cheapest supplier, without consideration as to where in Brazil they were located or how long delivery would take. One interviewee

related the case of an agricultural project where seeds were needed at a critical time for sowing in order to secure a good harvest. However, due to delays in the transfer of funds and the transaction process to purchase the seeds, the optimal planting time had already passed before they arrived. Another interviewee described the purchase of chickens from a supplier over 2,000 km away in southern Brazil. Since the chickens were not used to the warmer climate of Tocantins, many perished soon after arrival. Furthermore, as industrially-bred chickens they had been de-beaked. Totally dependent upon commercial chicken feed, they could not scavenge for their own food. This resulted in extra costs and greater management effort in obtaining the feed and an increased workload in feeding them. These examples demonstrate how the compensation resources were wasted due to bureaucratic delays and inadequacies involved in the implementation of PROCAMBIX.

Many non-Indigenous people were contracted as consultants and paid out of the fund, providing a range of services such as technical support and general administration. An older Xerente described these non-Indigenous actors as being like 'jaguars preying on game' and noted that as soon as the feast was over [i.e. the funds for the compensation program were exhausted], the 'white jaguars' upped and left. Similarly, a Xerente (de Paula 2003, 2005) suggested that the program was perceived as a 'big fat tapir' to be feasted upon. In 2010 after the program had ceased, the Xerente attempted a class action suit to claim further compensation for the impacts of the on-going operation of the dam. There was a lengthy court case, with a judge deciding in 2013 that INVESTCO had fulfilled all its obligations and that the Xerente were not entitled to further compensation (Ação Civil Pública 2013).

7.4. CREATION MYTHS AND POLITICAL FACTIONS

The Xerente people are part of the broader Jê ethnic group. As with all Indigenous groups, mythology plays a key role in understanding the current order of the world. The jaguar, for example, is present in the Jê myth about how humans acquired fire. In the beginning, only the jaguar possessed fire and would not share it. In order to cook and to have warmth, the Xerente needed to capture fire from the jaguar. They eventually tricked the jaguar and were able to gain possession of fire. For being greedy and not sharing, the jaguar was punished and forever after could only eat raw meat (Mindlin 2002). This myth positions the jaguar as an important symbol to describe greedy people, but it also justifies the right of the Xerente to take things denied them in critical situations.

In general, Jê peoples share some common characteristics, one of which is a complex kinship system based on clan moieties (Maybury-Lewis 1989). The Xerente creation myth is based on the duality between the mythic heroes embedded in the sun and the moon, and is represented in the division between the exogamous moieties. The sun moiety is called *Doí* and the moon *Wahirê*, which, depending on the academic source, are each composed of three or four clans (Oliveira Reis 2001).

These clans are very important political groupings, governing many aspects of life. For example, according to the prescriptions around marriage, members of one moiety should only marry members from the other moiety. Although these marriage rules are not fully practiced nowadays (Oliveira Reis 2001), in everyday life, especially in politics, moieties still play a strong role and create a stage for significant factionalism (de Paula 2000; Fernandes 2012). The factions result in varying political alliances, be they amongst themselves, or with non-Indigenous political actors from the region and occasionally with national and international allies. Leaders need to act as political strategists in order to access resources available through the various government programs. They must transit between multiple and different worlds – amongst the many local Indigenous communities, and the many non-Indigenous political spaces (de Paula 2000).

An interesting ritual is 'the great fast', which was practiced by the Xerente to avoid having severe droughts. Nimuendajú (1942) wonders why this ritual would arise in the fertile and water-rich land the Xerente currently occupy. He speculates that the Xerente may have previously inhabited much drier lands closer to the São Francisco River region, where the ritual would likely have been meaningful. They took this ritual with them when they relocated hundreds of years ago and continued to practice it in their new environment where most agriculture was based on seasonal river flooding. This ritual reveals the cultural value of the seasonal flooding to the Xerente people and their livelihoods, and the direct relation between cosmology and their environment. The completion of the Lajeado Dam stopped the annual flooding and has led to the decline in fertility of downstream riverside land. Besides impacts on the Xerente cosmological order, the dam has also impeded the continuation of their traditional agricultural techniques based around the annual river flooding.

7.5. THE SOCIAL-CULTURAL IMPACTS OF THE DAM AND COMPENSATION PROGRAM

As discussed earlier, the licensing and impact assessment processes for the dam were controversial and were marked by protests and distrust from the impacted communities. The concerns of the Xerente people were clearly expressed by Xerente Chief Isaac in his address to the First Seminar in 1998:

> The Xerente people are very worried. Are the Xerente people ready to receive progress? Many people will move because they can't stand [the changes]. We have been talking with 30 chiefs in Serra da Mesa [where another dam has been built], and what we saw was dirty tricks. We do not want band-aid solutions (*remedinho*), we want things that help us guarantee that what is now on paper [referring to a range of promises by INVESTCO] is really going to be fulfilled. Today we are left in the bushes like animals. We need the authorities on our side, because not only the Indigenous

but also many whites will suffer the impacts of this construction (Seminário 1998: 37 – author translation).

Similar concerns were also expressed by Chief Domingos:

> We know that there might be an increase in prostitution, alcoholism, the arrival of new diseases, and the invasion of Xerente lands due to our proximity to the construction site (Seminário 1998:38 – author translation).

Although Brazil only became a signatory to ILO Convention 169 (on Indigenous peoples) in 2002 –establishing the state obligation to consult Indigenous peoples when their lives are affected by administrative or legislative actions and conferring on them the right to free, prior and informed consent (FPIC) (Hanna & Vanclay 2013) – there had been a strong debate about Indigenous rights in Brazil since around the Altamira gathering in February 1989. The Altamira gathering was the first major mobilization of Indigenous peoples in Brazil, and occurred as a form of protest against the building of a large dam (which is now called the Belo Monte Dam) in the Amazon region (Turner 1993; Fearnside 2006). The topics covered in this national debate on Indigenous rights are reflected in Chief Ranulfo's criticism of the consultation process for the Lajeado Dam, and his comparison of its development with a predatory jaguar:

> We Xerente are suffering for a long time, and only those of us who are chiefs and leaders in our communities know about our suffering. This [development] looks like a jaguar that wants to devour everything, not only the Indigenous, but also the white [people]. This progress will bring people we don't know close to us. Which chiefs were consulted? In our Reserve there are 30 chiefs and only 4 were consulted. The agencies responsible for monitoring need to be aware of this. We are here now, looking in each other's eyes, trying to find a way to get out of the jaguar's mouth. (Seminário 1998:38 – author translation).

Amongst the first impacts of the dam to be mentioned in most of our interviews were the decline in fish stocks and episodes of fish-kill. Prior to the dam, fish were the primary source of protein for the Xerente, and could be easily caught in the Tocantins River or obtained through traditional food sharing networks (Schmidt 2011). A similar impact happened to bushfoods. Due to increasing development pressure on the Indigenous territories, game became scarcer. The Xerente ascribe this to the loss of habitat and to the influx of non-Indigenous workers during dam construction. In addition to urban expansion and associated impacts (e.g. noise, roads, etc), many workers hunted on Xerente lands. Alongside the increased pressure on available game, the workers used more efficient equipment, such as four wheel drive vehicles with powerful spotlights for night hunting.

Another significant change relates to the traditional farming technique called 'roça de toco', a variation of slash-and-burn or swidden agriculture. It was stated in interviews that, as a result of PROCAMBIX incentives to farm mechanically, this traditional practice has been largely

discontinued. Thus, the inter-generational transmission of traditional farming knowledge has been affected. Indigenous peoples' traditional knowledge, modes of subsistence, cosmology, and their natural environment are all intrinsically inter-related (Descola 2005). Since mechanical agriculture is dependent on the on-going availability of cheap fuel and tractor parts, its implementation failed with the cessation of PROCAMBIX funding. The interviewees affirmed that there was not a return to traditional farming techniques, impacting negatively on their cultural reproduction and food security. Traditional food gathering of bush fruits and native honey was also affected, but not only by the dam. Due to the loss of native habitat for agribusiness expansion (especially soybeans and sugarcane) and the large amount of chemicals used on these monoculture crops, there has been a deleterious impact on native bee, bird and wildlife populations, significantly affecting the bushfoods eaten by the Xerente. As a result, there has been a significant change in their food habits with most food now being bought in neighbouring cities, rather than produced or collected locally (Schmidt 2011).

This change in the diet of Indigenous peoples (in Brazil and elsewhere) has led to a rise in obesity, diabetes, hypertension and other lifestyle diseases (Gracey & King 2009). The Xerente and other Jê groups share the conception that the non-Indigenous industrialized food is 'weak' and 'full of poison', and that eating it has made the younger generations weaker and more susceptible to disease (Hanna 2009). The change in food has also led to a rise in the amount of garbage in the villages (Schmidt 2011) and a change in traditional food sharing networks and consequently to a loss of community social capital.

When asked about their evaluation of project outcomes, the Xerente are clear: "It was 10 million at the time, a lot of money! Today we cannot really see where the money has gone". They stated that the legacy of the program can only be observed by the three items that were still standing in 2014 (when the interviews were conducted): (1) the rusty tractors that are lying about, abandoned due to lack of resources for their maintenance after the program ended; (2) a Cultural Centre in the city of Tocantínia, which was built to keep an archive of materials and allow the Xerente to have a facility for their internal and external administrative affairs, and is now also used for a range of other purposes; and (3) the few head of cattle provided to each family through one of the last projects of PROCAMBIX.

According to the interviewees, the failure of the livelihood projects could be attributed to inadequate technical support. Where there was support from agronomists or other technicians, projects were typically abandoned or failed after they left. Unfortunately, in most situations there was inadequate capacity building to enable the Xerente to continue these projects autonomously, independent of the technical support. Another reason given for the failure of some projects was the inadequacy of the engagement processes about what local households wanted to produce. For example, chicken coops were provided to every family in an attempt to have a fair distribution of benefits, however not every family was willing to raise chickens. Furthermore, chicken and eggs are not part of the Xerente culture or their traditional diet. People said that there were times when there was an excess of eggs, with many people

tired of eating them, and no mechanism for their sale.

The lack of representation of all clans on the PROCAMBIX steering committee was another problem voiced in the interviews. Members of some clans considered that not all clans were equally enjoying the benefits of the projects, especially with regard to which individuals (and their clans) were employed by the program. Because of the conflicts between the clans, one MPF Federal Prosecutor we interviewed conjectured that the PROCAMBIX program might have caused more harm than the dam itself. It is very clear that there is recognition that PROCAMBIX had many negative consequences, as one Xerente interviewee stated:

> From the time PROCAMBIX emerged, it caused this division in the relationship and respect between the clans. They became divided, all because of the dam. We realize today that thinking about a program that will minimize the impacts is very complex, because it is not just about bringing in [mitigation] projects. It is not just that – it goes much further than that – the survival of 'a people' is at risk, the culture of a people, the speech, the language of the people, their customs, respect, belief, dance. Then it all ends up being affected, as it affected the Xerente Indigenous population.

A Xerente Chief voiced the same opinion and suggested that PROCAMBIX had negatively affected the public image and morale of the Xerente people. According to him, many local non-Indigenous people blamed the Xerente for the various failures of the program. This perception by the non-Indigenous comes from their view that R$10 million was a lot of money, together with their general prejudice that Indigenous peoples are inherently lazy, and that therefore the failure of the projects had to be the fault of the Xerente, that they just didn't work hard enough. The failure of the program had the effect of exacerbating the negative perception about the Xerente held by the non-Indigenous.

According to the Chief, a discussion about the Xerente which erupted at the national level caused major impacts to their self-identity, leading to apathy and despair, thus hindering the struggle for their rights. He cited a news report circulated widely on the internet, which was written by an anthropologist who had conducted research with them over a long time period. The anthropologist (who was later expelled from the Brazilian Association of Anthropologists) blamed the Xerente for their own fate by arguing that many of the program's beneficiaries had moved out of their villages to neighbouring cities, leaving the elderly and children behind in a precarious situation. Other anthropologists who had also worked with the Xerente promptly published a letter of repudiation (Giraldin et al. 2014). They stated that PROCAMBIX did not provide the Xerente with conditions necessary for their economic and cultural reproduction, and confirmed that the significant changes to the downstream water flow regime had impacted negatively on traditional riverside farming techniques and diminished fish and wildlife stocks.

NGOs stated in the interviews that INVESTCO and the federal government were using the program for greenwashing. They told us that PROCAMBIX was being presented to other communities (especially those in the middle of consultations for the construction of new dams)

as being very successful and fair in its compensation to the Xerente people. In fact, this was the story we had originally heard about PROCAMBIX and that it was the benchmark of good practice. Our interviews with the Xerente who worked for the program indicated that they shared this same opinion during the execution of the program, however, in retrospect, they perceived many limitations and failures. Reflecting on the resources and efforts deployed, despite the unsatisfactory outcomes, a Xerente Elder who worked for the program stated: "it was like a hunt, we went with shotgun, machete, dog and all, but the game got away."

Despite all its failures, some positive impacts were reported in interviews and in the final evaluation report (Cordeiro 2009). In particular, some interviewees mentioned that as a result of PROCAMBIX, the Indigenous organizations learned how to manage the bureaucracy, and their general ability to manage and implement projects increased. PROCAMBIX is still considered good practice in Brazil in the sense that it was the first attempt to implement a systematized program that went beyond a 'wish list' approach and actually implemented a broad, participative and long-term program. An important success factor for future compensation programs identified in interviews related to the need for engagement and goodwill of key people inside the institutions. Having a committed person inside the licensing authority who has had proper training, has sensitivity for dealing with social issues, and is willing to work hard to ensure that the best interests of the local communities are considered, makes an important difference to how processes are conducted and consequently on the final outcomes.

7.6. DISCUSSION

The final evaluation report prepared for the German Agency for International Development (GIZ) highlighted many of the issues with PROCAMBIX as discussed above:

> a series of conditions influenced the performance of the program … the resizing of the original proposal due to the lower values approved in the agreement; slowness in the processing of administrative procedures; staff turnover in technical departments; the time required for the management of the conflicts of interest inside the Indigenous community; interruption of activities for diverse reasons; complex institutional arrangements with implications to the financial management; an increase in the number of villages during the execution of the program; inherent limitations to the conception of productive projects; and operational challenges. (Cordeiro 2009:Executive Summary – author's translation).

Some of the failures of PROCAMBIX can be associated with a lack of proper consideration of the traditional cultural aspects of the Xerente people. PROCAMBIX was designed by an external group of non-Indigenous consultants, and there was a lack of social scientists, particularly anthropologists. As a consequence, the program failed to consider crucial cultural aspects that

negatively influenced the performance of the whole program. For example, one key aspect that was ignored was the existence of clan moieties and the associated tendency for factionalism, which are classic themes in the ethnology of Jê peoples (Fernandes 2012). The lack of adequate consideration of this issue led to many conflicts between the different groups and ultimately to a proliferation of the number of villages. This proliferation is related to the fact that each village had the right to receive certain compensation arrangements. In the development of the program, there should have been an awareness that rival groups would clash over the control of resources. An appropriate strategy would have been to engage with all local stakeholders in a manner that respects their traditional governance structures to find culturally-appropriate solutions to avoid conflict between the factions.

Another issue was the lack of support for and alignment with traditional farming techniques. The promotion of mechanized farming ultimately resulted in the abandonment of tractors due to the lack of resources for maintenance after the end of the program. Based on the interviews and document analysis, it appears that the proposed income generation and food sustainability activities seemed to have been considered only from a western perspective, with the Xerente traditional ecological knowledge playing little role in the planning and implementation of the livelihood projects.

Gender issues were also not adequately considered, as was clearly identified in the final evaluation report (Cordeiro 2009:128). This was evident in the composition of the steering committee, which comprised only male Indigenous representatives. Advocating for gender equality in many cross-cultural contexts is a complicated issue because, for example, political decision-making has traditionally been considered a male forum in Jê peoples ethnology (Lea 2007). However, it could have been possible to make the range of productive activities more inclusive for women if they had have been involved in discussions about what was appropriate for them. According to the evaluation report, the lack of attention given to gender issues was a key factor in the lack of long-term achievements of the program.

Since the beginning of the licensing process for the Lajeado Dam, pressure from organized civil society groups was a positive force for improving the quality and scope of impact assessments and the mitigation and compensation measures. The beneficial results of political pressure have been observed elsewhere (Hanna et al. 2016a, 2016b). For example, at the Ekati mine in Canada, following substantial social pressure, an independent watchdog was established to oversee the implementation of mitigation measures (Ross 2006). In the Lajeado Dam case, the First Seminar was a turning point in the way impacts were being considered. The First Seminar made it clear to the local population, the licensing authorities, and even INVESTCO, that impacts on the Xerente people should not be neglected. The Xerente and their non-Indigenous allies (NGOs, Public Prosecution) forced INVESTCO to conduct an impact assessment study specifically in relation to the impacts on the Indigenous land – which originally was not required ostensibly because the Xerente were located downstream. From the interviews, it becomes clear that the role of protest and NGO activism is absolutely necessary to ensure Indigenous rights are respected and cultural

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aspects are better considered in EIA (Hanna et al. 2014, 2016a, 2016b).

The total value of the compensation package was the outcome of a conflictual negotiation process rather than a fiscal assessment of the costs of appropriate mitigation and/or compensation entitlement. The mother project suggested a compensation program amounting to R$14 million. The final amount of R$10 million was determined by negotiation dynamics, not by technical analysis. Interviewees stated that the extra R$4 million may have made some difference to the final outcomes, possibly with longer-lasting measures. We consider that the value of compensation programs should not be determined by negotiation, but by clear planning of the actions necessary in order to mitigate or avoid the impacts on the local people and to provide reasonable benefits.

A problem with monetizing impacts is that money does not mitigate most impacts, and in fact, a large inflow of money can generate many more impacts (Vanclay 2002; Vanclay et al. 2015), especially when Indigenous peoples are involved (Gordon 2010). Unfortunately, licensing authorities, entrepreneurs, and even impacted communities often have the view that throwing money at the community will fix all issues and impacts (Cernea 2003; Esteves & Vanclay 2009). This leads to situations where large amounts of money are often provided and spent without consideration given to local culture and practices. Because of the complexity of cross-cultural contexts, proper planning and implementation processes to engage with Indigenous cultures takes more time and human resources than engagements with western communities (O'Faircheallaigh 2007).

Companies usually do not have the internal expertise on social development, making it necessary for them to hire consultants and sometimes use inexperienced internal staff to deal with the 'social issues' (Kemp & Owen 2013). Due to the lack of consideration of social issues, conflict with communities can occur and top-management will ultimate have to expend much more time and resources dealing with the so-called non-technical issues (Franks et al. 2014).

The strong alerts and red flags raised in the mid-term evaluation (de Paula 2003) apparently had little impact since most of the problems highlighted were also present in the final evaluation report (Cordeiro 2009). In its contribution to the midterm evaluation, the Office of Public Prosecution stated that the program implementation seemed to be like a 'runaway train', and recommended that the pace of spending should be slowed down so that the term of expenditure could be doubled from 8 to 16 years (de Paula 2003, 2005). This suggestion was not taken up by the steering committee, possibly because, as some interviewees suggested, INVESTCO wanted to spend the agreed sum as soon as possible and 'get rid' of its responsibility for the 'Indigenous problem', thus fulfilling its legal obligations and enabling its staff to focus again on 'core business' (Kemp & Owen 2013). Because of all the concerns, the mid-term evaluation recommended that, if corrections to the program were not made, it "might be better just to divide the money amongst all [Indigenous] families" (de Paula 2003:24, author translation).

Given the scale of PROCAMBIX and the fact that it was one of the first structured compensation programs for Indigenous peoples in Brazil, it is surprising that most of the institutional memory

about it has been lost or is inaccessible. During our visits to the licensing authority (Naturantins), when we asked for access to the documentation relating to the program and the EIA for the Lajeado Dam, we were informed that it was in the 'sarcophagus' – meaning the rarely-accessed, 'dead' archives, characterized by dust and disorganization. This demonstrates the lack of institutional capacity and inability for institutional memory and learning in many Brazilian governmental agencies, especially at the regional level. This is partly related to the high staff turnover, as was pointed out in some interviews. In Brazil and many other countries, a newly-elected government might change the whole staff of regulatory agencies, leading to their lack of commitment to long-term planning. We note that into the future this archive issue might improve given the digital revolution, with most documents now being stored online.

The position put in our interviews with representatives of the Brazilian authorities was that INVESTCO had fulfilled its legal role in conducting the EIA and compensation program according to the law, even though it was acknowledged that the mitigation strategies had largely failed. To some extent, this is also reflected in the judge's decision on the class action filed by the Xerente against INVESTCO, in which the Xerente requested ongoing funding for the program. The judge argued that INVESTCO had fulfilled its obligation in mitigating the impacts by conducting the agreed program and spending the agreed amount, regardless of the difficulties in implementation (Ação Civil Pública 2013). Thus, a legalistic approach seems to be dominant within government and INVESTCO.

7.7. CONCLUSION: MAKING A CASE FOR CONSIDERING THE CULTURAL DIMENSIONS

Based on our observations about the design and implementation of PROCAMBIX, some recommendations can be made that may assist future project developers, government institutions, NGOs, and Indigenous peoples facing project implementation. The first recommendation relates to a common problem in impact assessment, the excessive focus on the environment to the detriment of the social (Baines et al. 2013). This is evident in the program's name, the Xerente Environmental Compensation Program. It is also evident in the disciplinary background of the staff members who were engaged to design and implement the mitigation measures. Although some anthropologists and other social scientists were engaged at certain specific moments, the majority of the staff were environmental practitioners. Serious consideration of the social and cultural aspects of any project is strongly recommended. This would be enhanced by the use of ethnographic fieldwork, especially in situations where the communities are culturally differentiated. If cultural aspects are not considered, it is likely that the mitigation plans and compensation arrangements will create negative impacts instead of mitigating them.

Protest action played a key role in the environmental licensing process and the initiation of

PROCAMBIX. Without this community mobilization, it is likely that no specific impact assessment addressing the impacts experienced by the Xerente would have been conducted. However, the Xerente are not as empowered in the national and international political spheres to the same extent other Amazonian Indigenous groups are (Conklin 1997), therefore they did not have enough leverage to enforce the continuity of the program. This demonstrates how, despite the rise of robust EIA procedures in Brazil, culturally-differentiated peoples are still left worse off when large projects affect their lives (Hanna et al. 2014; Zanotti 2015). This is especially the case because processes do not fully respect the principle of FPIC, and consequently fail to consider the socio cultural aspects of impacted groups. FPIC is intended to imply an on-going process of meaningful engagement in which communities are continually involved in the decision-making processes that affect their lives, and not just as a once-off consultation for project approval (Hanna & Vanclay 2013).

It was clear in the interviews and literature review that the Xerente cosmology is reflected in their worldview, and in their perceptions about the dam, its impacts and the compensation program. The negative impacts of development and its non-Indigenous agents were compared to jaguars who devour the natural environment and destroy the Indigenous cultures, while the positive impacts (the compensation plan and its resources) were compared to a 'fat tapir' to be feasted upon. However, the inadequacy of cultural understanding in the implementation of PROCAMBIX led to a lack of retention of benefits locally. Very few benefits or infrastructure from the project remain, despite the expenditure of a considerable amount of money (the equivalent of about USD 5 million). Thus, the whole process of project implementation was compared to a hunt that failed to capture the prey.

Conducting ethnographic fieldwork in itself will not necessarily ensure that the cultural aspects will be properly considered in project development. However, it can be a basis for fostering culturally-appropriate engagement processes between the different stakeholders. Anthropologists who have conducted extensive fieldwork with the group in question and understand that group's culture are likely to be able to act as an effective translator and mediator (Henriksen 2004). In the case of PROCAMBIX, if local people had have been properly engaged in the design and selection of the livelihood projects, the program would have been more likely to achieve sustainable outcomes.

Despite the regular steering committee meetings with some leaders representing the Xerente communities, there was not an appropriate process of participation at the village or household level. Each family should have been able to decide on the kinds of projects they wished to participate in. Difficulties in decision-making and reporting back to Indigenous communities have been encountered in the functioning of multi-stakeholder steering committees elsewhere (Ross 2006), demonstrating that this is a common problem in cross-cultural EIA-follow-up. Improved cross-cultural governance arrangements that fully respect FPIC and the Indigenous right to self-determination should be put in place to enable equitable Indigenous participation.

The environmental licensing process in Brazil, and arguably almost everywhere, tends to ignore the cumulative impacts of different projects in the same area. While impact assessments are required

for each individual project, there is little or no consideration of the impacts of projects on each other. Impacts influence each other, and in most cases are amplified (Vanclay 2002). Cumulative impacts tend to become more severe with development pressure, however, national legislation around the world typically does not require EIAs to address cumulative impacts, or, where this is required, the studies tend to be shallow (Canter & Ross 2010; Gunn & Noble 2009; Therivel & Ross 2007). This has particularly adverse effects on Indigenous peoples (Ortolano & May 2006). In the Lajeado Dam case, the other projects that also contributed to cumulative environmental and social impacts included roads, other dams in the region, the expansion of agribusiness, and the creation of an inland shipping route (*Hidrovia Tocantins-Araguaia*). Each of these projects was analyzed individually without any consideration of the other on-going projects in the region, or of any other projects being implemented or planned. In the case of large-scale agriculture, there is no requirement for EIA, despite its grave consequences on the local environment and surrounding communities.

The Lajeado Dam was the first major infrastructure project in the state of Tocantins, and had considerable subsequent impacts. For example, the price of surrounding land increased exponentially, many kilometres of roads were built, and the region is now considered to be very important for agribusiness, particularly the production of soybeans. Such long-term impacts also tend to be ignored in the licensing processes of large projects (Bartolomé 2008). All this 'development' that accompanied the dam negatively affected the Xerente people's way of life, as the chiefs highlighted at the First Seminar in 1998. Unfortunately, the Brazilian environmental licensing process is still not able to adequately address these issues. In the environmental licencing processes, more consideration must be given to the cumulative and long-term social and environmental impacts that stem from the developments that accompany projects.

A final recommendation, which is being discussed by impacted peoples and social impact scholars around the world, is that an endowment fund to assist the on-going sustainable development of the affected group should be created (IFC 2015; Melia 2015; Vanclay et al. 2015). The fund would normally be invested in a managed low-risk portfolio, with a sustainable level of withdraws to fund worthwhile projects proposed and implemented by the local people themselves. This would provide the opportunity for communities to implement projects truly relevant to them, and would increase their ownership, contributing to sustainable and locally positive outcomes.

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CHAPTER 8

Conclusion: Improving outcomes for Indigenous peoples

8.1. INTRODUCTION

In order to answer the research question *"what are the necessary requirements and conditions to ensure that the rights and best interests of Indigenous peoples are respected prior, during and after environmental licensing processes and project implementation?"* and the associated issues (e.g. role of self-determination and FPIC) identified in Chapter 1, different theoretical orientations and perspectives of various stakeholders have been utilized. By addressing different themes related to the same topic, this study details a variety of aspects present in the 'circuit' of project development in remote regions of the world, especially when Indigenous and other culturally differentiated peoples are affected. Drawing on the conclusions of each chapter in the thesis, this concluding chapter summarizes the line of argument and provides overarching conclusions for the research as a whole. Directions for future investigation and recommendations for the stakeholders involved in the implementation of large projects affecting Indigenous peoples and other local communities are also provided.

8.2. THE BUSINESS CASE FOR RESPECTING COMMUNITY RIGHTS

The first observation that can be drawn is that, despite the fact that international law (e.g. FPIC, as explained in Chapter 2) is invoked in local licensing processes, risk analysis in companies, community based workshops and protest actions, Indigenous rights are frequently ignored in contexts of rapid development. When the interests of companies clash with those of local communities, there is a tendency that the interests of the former will prevail. The same applies for environmental licensing processes (see Chapter 3), which do not necessarily ensure respect for rights, being sometimes enacted as a mere formality for issuing the required licenses to secure installation and operation of the proposed project. However, the lack of compliance towards community rights has consequences for companies and governments, especially in the digital era as shown in Chapter 6. Due to the lack of a social licence to operate (SLO) from local communities, there is a high probability of protest action sooner or later during project implementation or operation, possibly leading to disruption of operations and associated financial losses for the company.

Engaging with communities early in project planning with full respect for the international FPIC standards provides better outcomes rather than overlooking the social impacts and ignoring communities' claims for participating in the decision-making process. When engagement is not undertaken in the beginning, with goodwill and in a transparent manner, communities tend to protest in order to gain access to information about the project and attempt to influence the decision-making processes that might affect their lives, as shown in Chapters 3, 5 and 6. Protest action from local groups can counter power imbalances between proponents and impacted groups and enable more equitable environmental licensing processes. Mobilized

communities tend to achieve more adequate social impact assessments, mitigation measures and/or compensation mechanisms. Protests are thus important to bring about full respect for communities' rights, enhance community wellbeing and build social capital.

Despite the reluctance of many companies to go beyond compliance with the minimum legal requirements of local or national laws, fully respecting the internationally established framework on human and Indigenous rights is a crucial step for successfully engaging local communities. Going beyond the limited compliance required by local law can generate positive outcomes for both companies and communities alike. Companies that apply FPIC and SIA processes and meaningfully engage with local communities are more likely to achieve a social licence to operate, thus reducing the costs with judicial litigations; blockade of operations; reputational damage; and delays in licensing processes. As stated in Chapter 4, by adopting good practices, thus not exclusively through conducting risk management, companies can mitigate the 'social risk' to their operations and associated high costs.

Traditional livelihoods are vulnerable, being subject to major changes even with apparently minor impacts, as explained in Chapter 7. For example, in the case of Indigenous peoples, the introduction of a western diet – which usually accompanies new large projects in a region – can have grave consequences for their health and social capital, due to the loss of traditional food practices and associated social events. Social impacts that are not properly managed can create serious long-term consequences for communities, including impoverishment, alienation, reduced health and negative impacts to communities' sense of place. Such impacts are often difficult to address, and after several years of their occurrence can create irreversible long-term impacts for traditional livelihoods that, in extreme cases, may lead to genocide or ethnocide (the destruction of a particular culture and its way of living).

This research has shown the consequences for companies and governments of not engaging early and properly with local communities. The consequences of not being able to achieve and maintain a SLO includes reputational damage, loss of shareholder value and extensive judicial battles. Another key finding is that protest has a central role to ensure respect of local community rights during project implementation, especially when community participation is limited or denied in decision-making processes affecting their lives. When communities protest effectively, catching the attention of mass and social media, and consequently of public opinion, companies and governments are more inclined to respect their rights and conduct licensing processes with procedural fairness. Communities that don't protest are more likely to be ignored in impact assessment and in licensing processes, thus in many cases being left with negative social and environmental impacts unattended by mitigation measures.

This study also contributes to the theory and practice of SIA by demonstrating the importance of considering local cultures in impact assessment and in the mitigation plans – a topic seldom addressed in the current SIA literature, despite its critical relevance. The planning and implementation of mitigation measures must carefully consider the cultural context in which

they will be implemented, along with the participation of the local people. As demonstrated in the case study of Chapter 7, mitigation plans that fail to consider culture, in its various forms, most probably will fail to fully address the social impacts, and might even end up creating other unintended negative impacts.

8.3. COMPANY REACTION TO PROTEST

Companies and governments that do not comply with the Free, Prior and Informed Consent (FPIC) principle, and do not meaningfully engage with local communities in a transparent and culturally appropriate manner, are likely to be subject to a wide range of forms of community protest action. This is not a new phenomenon. Indigenous peoples in North America have been mobilizing against specific projects since the 1960s (Blaser et al. 2004), although now protest can reach a more global audience due to the widespread use of new digital media. The escalation of conflict can lead to serious setbacks for companies, governments and communities alike. The setbacks to companies include reputational damage, loss of shareholder value, increased risk of conflict with other communities, increased costs with crisis management and judicial litigation, reduced access to markets and new ventures (due to community resistance elsewhere), and the loss of revenues from blocked operations. Setbacks to communities can include legal action, repressive action from police and private security forces, as well as violence and assassination of activists. In developing regions, "there has been a dramatic expansion in the role of private security companies and professional mercenaries in securing economically valuable enclaves on the continent … Indeed, the use of private security companies has become routine" (Ferguson, 2005: 379). The setbacks to governments are mostly related to the high cost of securing specific sites and participating in negotiations, as well as the loss of tax revenues of blocked or delayed operations.

A good example of the participation of locally affected communities in discussions about spatial transformations taking place within their territories comes from Latin America. Frustrated with the lack of proper engagement initiatives from the government and industry and a history of unaddressed social and environmental impacts, many communities in Latin America have started organizing their own consultations and referendums about projects to be implemented in their territories (Walter & Urkidi, 2015). These consultations are different to FPIC in that they are not conducted by the central government, but instead are initiated by social movement groups. Many of these consultations have been conducted in contexts where Indigenous communities disagreed with the way the government-led FPIC processes were conducted (Perreault, 2015). In the face of the inadequacies of the FPIC processes led by national-states, these community-based consultations have quickly expanded throughout Latin America in the recent years. This fact shows that even when FPIC is observed, there is a shared socio-political setting in project implementation that fails to properly engage local communities and consider their perspectives

in the decision-making processes that affect their lives. This community-based consultation mechanism can be considered to be a form of protest action that aims to transform a conflict setting into a democratic and inclusive process of decision-making, in contrast to the government led meetings (Walter & Urkidi, 2015).

Similar to the way community forms of protest were listed in Chapter 6, it is possible to list the potential forms of company reaction to community protest (see Table 8.1). Depending on how the company and protesters react to each other, these reactions may lead to the escalation or de-escalation of conflict, and potentially to fomenting actual partnerships between companies and local communities. When facing an incipient protest, companies can choose from a range of strategies. When community protest occurs, it is usually due to unaddressed social and environmental impacts, lack of respect for their rights or simply lack of opportunity to participate in decision-making processes affecting their lives. Ignoring protest tends to provoke stronger reactions from communities in order to make their voice heard. Protest action can be considered as a form of grievance mechanism, in which companies can address community claims through engaging in meaningful dialogue with protesters. Negotiations conducted in a reasonable manner can lead to a de-escalation of the conflict. Companies can also engage in a range of activities intended to repress the protesters. The underlying causes of the protest are not addressed by repressive actions and the social drama around it will erupt again sooner or later in some form of community protest, leading to escalation in the long run. A list of the possible forms of reaction from companies towards protest is presented below. These potential reactions also apply to governments and lending institutions.

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Table 8.1. Forms of company reaction to protest

Name	Description	Likely outcome
Adopting standards	Publicly announcing voluntary company commitment to abide by an international or industry-based standard, such as IFC Performance Standards, Equator Principles, GRI, the Global Compact, the United Nations Guiding Principles on Business and Human Rights, etc.	De-escalation
Advertisement	The use of paid advertisements (TV, Internet or print media) usually to refute protesters claims and accusations (but could also be to validate).	Ambiguous, depends on the content
Astroturfing	A form of deceit in which companies forge grassroots support in favour of a particular issue.	Escalation (in the long run)
Bluewashing	The use of endorsements or logos from various international institutions (such as the UN Global Compact or UNICEF) to promote an image of 'best practices' in a deliberate attempt to cover up contentious practices targeted by protest action.	Escalation (in the long run)

Name	Description	Likely outcome
Bribery	Bribing government officials or protest leaders to suppress the protest.	Escalation (in the long run)
Commission or internal taskforce	Publicly announcing the establishment of an external commission or internal working group in order to address protesters claims.	De-escalation
Dialogue table	Establishing a dialogue table (stakeholder panel or other deliberative mechanism) with different stakeholders to reach a mutually acceptable agreement.	De-escalation
Formal statement	The issuing of an official statement or speech addressing the issues identified by the protesters.	Ambiguous, depends on the nature of the statement
Greenwashing	The use of propaganda and other promotional activities in order to sell a "green image " for the company without actually changing environmental practices which are targeted by protest actions.	Escalation (in the long run)
Informational events or materials	Organizing informational events and/or promotional material to address protesters' claims.	Ambiguous, depends on how it is utilized.
Infiltration	The use of informants who disguise themselves as protesters in order to get information for the company and/or disrupt protest events.	Escalation (in the long run)
Ignore	Ignore the issues of protest.	Escalation
Legal action	Invoke any of a possible range of legal actions such as suing protesters, initiating court action to deem protest action to be illegal, enlisting the support of the police to evict or arrest protesters.	Escalation (in the long run)
Lobbying	Using political lobbying as a form to influence policy makers towards the company's interests.	Escalation (in the long run)
Manipulating public opinion	Various ways of manipulating public opinion by commissioning bogus reports, engaging celebrities to speak on behalf of the company, etc.	Escalation (in the long run)
Mediation	The use of expert mediators or facilitators to reach an agreement.	De-escalation
Media briefing	Briefing media channels to communicate the company's position.	Ambiguous
Money	The transferring of funds to the protesting communities as an attempt to satisfy community demands and compensate impacts.	De-escalation (in the short run, at least)
Negotiation	Engaging in direct negotiation with protesters to reach an agreement.	Ambiguous

Name	Description	Likely outcome
Partnership	Establishing a partnership with the government, NGOs or affected communities in order to address issues targeted by protest.	De-escalation
Policy statement	The drafting and approval of internal policies for ensuring compliance with different issues, such as human rights, as an attempt to improve the relationship with local communities and avoid protests.	De-escalation (in the long run)
Resign	The resignation of a company leader or staff as a response to protest action.	De-escalation (in the short run, at least)
Redwashing	Similar to Greenwashing, but regarding social and communities issues – i.e. the use of propaganda and other promotional activities in order to sell a socially-responsible image for the company without actually changing current practices which are targeted by protest actions.	Escalation (in the long run)
Training	The provision of training about various issues, such as human rights or inter-cultural competences, as an attempt to improve the relationship with local communities and avoid protests.	De-escalation (in the long run)
SLAPP	The use of "strategic lawsuits against public participation", or the suing of protest leaders to halt further protest action, as a way of intimidating protesters.	Escalation (in the long run)
Social media	The use of social media to express the company's position about a contentious issue and/or engage with protesters.	Ambiguous
Suspending payments/ entitlements	The strategic suspension of financial transfers to affected communities as an attempt to repress protest action.	Escalation (in the long run)
Threats	Threats of judicial action or other forms of coercion against protest leaders to halt further protest action.	Escalation (in the long run)
Violent reprisal	The use of police and/or private security forces against protesters.	Escalation (in the long run)
War room	The summonsing of all staff related to the issue to discuss strategies to deal with the situation.	Ambiguous, depends on the defined strategies
Website	Creating an specific website to counter protest claims or establish dialogue	Ambiguous, depends on how it is used

Table 8.1. presents a summary of the typical forms of company reaction to protest actions. Some of the listed forms tend to escalate conflict, as it is obvious in the case of violent reprisal, while others have the potential to de-escalate conflict, such as engaging in direct negotiation or dialogue with protesters. At the time a serious protest happens, many companies summon all related staff to the 'war-room', as explained in Chapter 4. In the war-room, decisions are taken by using a combat approach from the Security department, for whom protecting the company assets is a central concern. As it has been seen in many cases across Latin America, Africa and Southeast Asia (Constanza, 2016; Ferguson, 2005; Holden, 2005;), when communities occupy corporate operations, police and security forces are quick to evict the protesters, be it with the use of 'less lethal weapons' or with real ammunition.

Violent reprisal (and other forms of company reaction that results in escalation in the long run) might repress the conflict, but only temporarily. This is especially true if we consider the use of social media and the process of realization-digitalization in protest, detailed in Chapter 6. Violent reprisal, for instance, might be recorded and uploaded online, creating serious impacts for company reputation and potential consequences for shareholder value. We recommend that the best strategies for de-escalating conflict foster some form of dialogue via the many available channels (e.g. directly, through professional mediation or using social media) in order to comprehend protesters' demands and to find a reasonable solution for all sides involved in the conflict. Solutions that might seem to be against the companies' interest in the short run might be the best option for all stakeholders when considering the long run. Yielding to protesters' demands can have some associated costs, but given that the cost associated with community conflict can be extremely high, the costs of addressing protester demands can in most cases be considered to be 'peanuts', to use industry slang. However, simply 'throwing money' at the issue without formalizing a culturally-appropriate Social Impact Management Plan (Esteves et al. 2012; Franks & Vanclay 2013) with dialogue and participation from the affected communities, does not necessarily mitigate impacts, and especially in the case of Indigenous peoples, might even create other long-term impacts (as explained in Chapter 7).

8.4. ACHIEVING INDIGENOUS SELF-DETERMINATION

Despite the several guides and guidelines for best practice that are available (Secretariat, 2004; ICMM, 2015; UNGC, 2013), typical company practice for engaging with Indigenous peoples tends to comprise inconsistent, uncoordinated, piecemeal actions (O'Faircheallaigh, 2015a). The launching of such guidelines at fancy CSR events can be considered as a form of performance on behalf of the companies and/or multi-lateral institutions, a performance often used to justify or reinforce current practices without really changing the traditional modus operandi (Rajak, 2011). A lack of any real commitment to how the guidelines are actually implemented in practice leads to situations where communities are still left worse off, such as in Brazil (Fearnside, 2014) and elsewhere (Gilberthorpe & Hilson, 2014).

O'Faircheallaigh (2015b) argues for the use of Community Development Agreements as a new form of agreement which could balance the power relations between proponents and local communities, but only when communities have enough leverage to negotiate a good agreement. The World Bank (2012) uses the concept of CDA to define all agreements signed between local communities and the extractive industries in order to promote community development, be it an Impacts and Benefits Agreement (IBA) or other kinds of legal agreements. According to O'Faircheallaigh, CDAs have the potential to influence industry compliance to go beyond what is required in local law and as well to force governments to require more strict industry regulations, bringing more equitable outcomes for impacted communities.

When communities protest, it is more likely that they will have leverage to negotiate a better CDA and that impacts will be better addressed through such an agreement. However, best practice outputs seem to be limited to a few communities in Australia (O'Faircheallaigh, 2015b), New Zealand (Bargh, 2012), Norway (Nygaard, 2015) and Canada (Gibson, 2006) where, in some cases, Indigenous peoples have had enough leverage to ensure a fair agreement negotiation – i.e. in which the resources provided were managed in a culturally-appropriate way to ensure their ethnodevelopment aspirations. A benchmark example is the Tuaropaki geothermal powerplant in New Zealand, which is owned and operated by the Maori people and genuinely aligns with Indigenous cultural values and their aspirations (Bargh, 2012).

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8.5. RECOMMENDATIONS

This recommendations section provides general guidelines for the many stakeholders considered in this study together with directions for further research. These recommendations do not only apply to companies and impacted communities, but also to various governmental agencies (e.g. licensing institutions, ministries, Indigenous affairs), consultants and multi-lateral lending institutions.

We demonstrated that, due to decades of struggle from Indigenous peoples' movements, FPIC is a new trend in corporate and institutional best practice. This will likely lead to better outcomes to all stakeholders involved in the circuit of project implementation affecting local (Indigenous) communities. However, only further research can establish whether company practices actually do change where FPIC is a legal requirement. This could be done by comparing the practices of the same company across the different countries where it operate, one (or more) with the FPIC requirement and other(s) without it. Despite the potential of FPIC to actually change the dynamic of relations between companies and communities and lead to SLO, it is likely that if FPIC is conducted merely to fulfill the requirements of governments or lending institutions without genuine commitment to its principles, little will be changed in these relations.

The first recommendation for governments, lending institutions and companies is that the free, prior and informed consent of impacted communities should be required for all projects, whether the affected communities are Indigenous or not. When the FPIC process is conducted in good faith, meaningful community participation should take place well before the project design is defined. Current practice tends to be that decision-making happens behind closed doors in meetings exclusively attended by company staff and government regulators, and mostly without participation of social experts (social scientists, anthropologists, sociologists, etc.). When communities have the opportunity to influence a project from the beginning, or even to express their disapproval, technical decision making can be better informed about the community position. In this manner, perceptions and demands about the project can be negotiated and incorporated early in project design, avoiding future conflicts. This saves the potential high costs of project re-design, community conflicts and associated 'social risks'. When FPIC is conducted without meaningful engagement, the process will likely be delegitimized by the local communities and they might resort to their own mechanisms of consultation and other forms of protest action.

A second recommendation for governments, companies, consultants and lending institutions is that environmental licensing processes should take every step possible to encourage community members (in the case of Indigenous peoples, traditional knowledge experts) to participate in the impact assessment teams and risk assessment meetings. This would ensure that impacts are not overlooked and those who participate in the teams could act as translators to explain the impacts in a culturally appropriate way to fellow community members. Independent community committees should also be established to monitor the implementation of mitigation measures provided in IBAs and SIMPs. Besides monitoring, it is important to establish strong accountability and enforcement mechanisms, possibly with supervision by an honest broker, in order to ensure that responsible parties are held accountable when mitigating measures and other conditions are not timely or properly implemented.

A third recommendation for governments, companies, consultants and lending institutions is that social experts should be more extensively utilised from the very first steps of project conception, and not just environmental experts. In the case of Indigenous peoples, anthropologists experienced with the ethnic group should be employed and ethnographic fieldwork should be undertaken to inform the EIAs, SIAs and mitigation plans.

As a recommendation for communities, protest is a legitimate and necessary strategy to be used when communities do not have the opportunity to effectively participate in decision-making processes affecting their lives, when their rights are not being respected or when impacts are not properly assessed and mitigated – a social drama being lived and enacted by the protesting community. Companies need to perceive such protests as a form of grievance mechanism and establish effective dialogue and negotiations with the protesters, instead of pursuing legal or repressive channels of dialogue. The lack of equitable communication with protesters tends to lead to the escalation of the conflict. When negotiation attempts are frustrated, peaceful

marches and the signing of petitions can escalate to more confrontational forms of protest, such as blockades of operations, sabotage or other forms of direct action. The ongoing process of digitalization-realization can also contribute to the escalation of protest actions. Unaddressed claims and unreasonable company responses are likely to be posted online and possibly become viral. A viral campaign can cause strong backlashes to company reputation and even the complete shutdown of operations in a given region or country.

In situations where, despite the best intentions of all stakeholders, processes do not properly engage local communities, or social and environmental impacts are not properly addressed in culturally appropriate ways, community protest will likely happen. Here, the company's response will determine whether conflict will de-escalate (e.g. by addressing community concerns) or escalate (e.g. when companies deny being responsible for the impacts). It is possible to conclude that respecting the local community's right to self-determination by complying with the FPIC principle, communicating risks and impacts transparently, and thus establishing long-term, mutual beneficial relationships seems to be the most viable solution for all the stakeholders in the circuit of project implementation affecting Indigenous peoples and other local communities. This can lead to self-determined development to impacted groups (or ethnodevelopment) and to a sustainable social licence to operate for companies.

These conclusions and recommendations do not only apply to cases where Indigenous peoples are involved, but to all local communities, each with its differences, own cultural practices, values and development aspirations. The right to self-determination is provided for all peoples by the Charter of the United Nations, which was approved in 1945; therefore cultural diversity and local communities should be respected in any planned intervention, whether the impacted community is Indigenous or not. FPIC can greatly assist all people in their attempt to access their right to self-determination. For a company or project, achieving and maintaining a social licence to operate implies considering communities as right holders and strategic partners in project development, rather than regarding them as a 'social risk', as it has often been the case in the past and unfortunately, still too often in the present.

8

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APPENDIXES

APPENDIX 1 - INDICATIVE INTERVIEW SCHEDULE FROM THE FIELDWORK CONDUCTED IN 2012 (BOA VISTA, BRASÍLIA AND SÃO PAULO)

Note: The interviews conducted were semi-structured. Therefore, this schedule was adapted to each collaborator who was being interviewed and not all questions were applied at each interview.

FPIC

Do you know what is FPIC?

What is your opinion about it?

Should it be adopted?

Is it related/How do you use it in your work?

Could you tell me some examples?

Do you consider it feasible?

Do you consider that it is implemented in Brazil? / Which do think are the obstacles for implementation?

Do you think FPIC should be restricted to traditional peoples or should it be applied to every community?

IBAs

Did you ever heard about IBAs? What is it?

Is it feasible in Brazil?

Can you tell me about experiences of IBAs? What happened?

     Is there corruption?

What should be the role of the state in IBAs in Brazil?

Do you consider that are any particularities in relation to Indigenous peoples?

Do you think that IBAs can be good for Indigenous peoples?

     How do you assess it? Are there any harmful cases?

How can the rights of Indigenous Peoples be protected at an IBA? (given the power unbalance)

(For companies) Do you have any ongoing IBA?

(For MPF/FUNAI) – Is there a national registry of IBAs? Is there any national body to check IBAs? (who is taking care of it?)

How can IBAs be improved? (recommendations)

Business and Indigenous Peoples

How does the engagement between Indigenous Peoples and Companies occur in Brazil?

Do you consider that it is working?

What is the role of the government in it?

Human Rights

Are the human rights of indigenous peoples respected in Brazil?

     If not, which are being violated?

Do you consider that FPIC is a pre-requisite for respecting Human Rights?

Do you know John Ruggie's principles? Do they help/ is it relevant?

Wellbeing of Indigenous Peoples

What needs to be done to improve the wellbeing of Indigenous Peoples, in a general way?

Questions for companies

How does your company manage the relations with Indigenous Peoples/Traditional Communities?

Do you have a specific team for it?

Do you have a specific policy for it?

APPENDIX 2 – CODES USED TO ANALYZE THE FIELDWORK DATA COLLECTED IN 2014 IN BRASÍLIA (CHAPTER 5) AND PALMAS (CHAPTER 7)

Codes used for analyzing the data collected for Chapter 5

- action point
- alliances
- analysis
- belo monte
- conflict
- claims
- disclosure
- dynamics
- environmental licensing
- food
- government
- impacts
- infowars
- interethnic
- media
- money
- negotiation
- NGOs
- performance
- rights
- social media
- spiritual
- tactics
- TV
- violence

Codes used for analyzing the data collected for Chapter 7

- board
- bureaucracy
- crops
- culture
- decision making
- evaluation
- fish
- food changes
- FUNAI
- IBA
- implementation
- negotiation
- politics
- positive impacts
- project management
- projects
- social change
- social impacts
- splitting

APPENDIX 3 – INFORMED CONSENT FORM FOR INTERVIEWS

The forms below were provided to participants whose interviews were recorded. Only the Portuguese version was used during fieldwork. The research was approved by the Ethics committee of the Faculty of Spatial Sciences, University of Groningen.

university of groningen   **faculty of spatial sciences**

Department of Cultural Geography

Project Title: Impacts and Benefits Agreements and Social Impact Assessment: An Ethnographic Case Study in Brazil

Contact Researcher: Philippe Hanna
PhD Researcher, Department of Cultural Geography, Faculty of Spatial Sciences, University of Groningen
Email: p.hanna@rug.nl

Description: The purpose of this study is to comprehend how the relations between companies and Indigenous peoples are occurring in the Brazilian context. During this study, you will be asked to answer some questions about this topic. This interview was designed to be approximately one hour in length. However, please feel free to expand on the topic or talk about related ideas. Also, if there are any questions you feel you cannot answer or that you do not feel comfortable answering, feel free to indicate this and we will move on to the next question.

All the information will be kept in such a way that you can't be identified. We will keep the data in a secure place. Only the researcher and faculty supervisors will have access to this information. Following completion of the project, the data will be destroyed.

If you have any comments or complaints about this research, you may contact my supervisor, Prof Frank Vanclay on frank.vanclay@rug.nl

Participant's Agreement:

I am aware that my participation in this study is voluntary. If, for any reason, at any time, I wish to stop the interview, I may do so without having to give an explanation. I understand the intent and purpose of this research, and the risks involved in my participation.

I am aware that the data will be used to prepare papers for publication in academic journals and for inclusion in a doctoral thesis. I understand that my personal identity will not be revealed, unless I specifically approve of such disclosure. I grant permission for the use of this information for the research purpose.

_____   _____
Participant's name   Participant's signature

_____   _____
Interviewer's signature   Date

Consentimento Livre e Esclarecido para Entrevistas

Título do Projeto: Acordos de Impactos e Benefícios (IBAs) e Avaliação de Impacto Social: Um estudo de caso etnográfico no Brasil

Pesquisador para contato: Philippe Hanna
Pesquisador PhD, Departamento de Geografia Cultural, Faculdade de Ciências Espaciais, Universidade de Groningen
Email: p.hanna@rug.nl

Descrição: O objetivo deste estudo é compreender como as relações entre empresas e povos indígenas estão ocorrendo no contexto brasileiro. Durante este estudo, você será solicitado a responder a algumas perguntas sobre este tema. Esta entrevista foi planejada para aproximadamente uma hora de duração. No entanto, por favor, sinta-se livre para expandir sobre o tema ou falar sobre idéias relacionadas. Além disso, se houver qualquer dúvida, ou alguma questão sobre a qual você não sinta confortável em responder, sinta-se livre para indicar isso e passaremos para a próxima pergunta.

Toda a informação será mantida de tal forma que os entrevistados não podem ser identificados e os dados serão mantidos em lugar seguro. Além do pesquisador, apenas seus supervisores de pesquisa terão acesso a esta informação. Após a conclusão do projeto, os dados serão destruídos.

Se você tem algum comentário ou queixa sobre esta pesquisa, você pode contatar o meu supervisor, Prof. Frank Vanclay em frank.vanclay@rug.nl

Consentimento do Participante:

Estou ciente de que minha participação neste estudo é voluntária. Se, por qualquer motivo, a qualquer momento, eu quiser interromper a entrevista, posso fazê-lo sem ter que dar uma explicação. Eu entendo a intenção e o objetivo da pesquisa, e os riscos envolvidos na minha participação.

Estou ciente de que os dados serão utilizados para preparar artigos para publicação em revistas acadêmicas e inclusão em uma tese de doutorado. Eu entendo que minha identidade pessoal não será revelada, a menos que especificamente aprovada tal divulgação. Dou permissão para o uso dessas informações para fins de pesquisa.

_____   _____
Nome do participante   Assinatura do participante

_____   _____
Assinatura do entrevistador   Data

APPENDIX 4 – LIST OF INTERVIEWS CONDUCTED

Formal recorded interview

Stakeholder	Place	Date
Multinational mining company staff (2 people from the CSR Department)	São Paulo	16/10/2012
Lawyer from a Brazilian NGO focused on environmental issues and Indigenous issues	Boa vista	22/10/2012
Lawyer from a Brazilian NGO focused on Indigenous issues	São Paulo	25/10/2012
Manager from an international NGO focused on environmental issues and Indigenous peoples	Brasília	20/11/2012
2 Staff from the Brazilian National Agency for Indigenous Affairs (FUNAI)	Brasília	20/11/2012
Staff from the Secretary for Social Coordination from the Presidency of the Republic, responsible for an inter-ministerial working group for incorporating FPIC in Brazilian law (Government Agency)	Brasília	21/11/2012
Indigenous leader, president of the Brazilian association of Indigenous NGOs	Brasília	22/11/2012
Public Prosecutor from the Federal Public Prosecution (MPF), specialist on the relations between Traditional peoples and companies	Brasília	22/11/2012
Public Prosecutor from the Public Prosecution of the state of Tocantins (MPF-TO), responsible for mediating the relation between Indigenous peoples and companies	Palmas	07/05/2014
2 Xerente leaders of an Indigenous association	Tocantínia	08/05/2014
Coordinator from a catholic NGO which supports the Xerente people	Palmas	13/05/2014
Former staff from the environmental licensing agency of the state of Tocantins (Naturantis), who was responsible for representing the agency during the implementation of PROCAMBIX	Palmas	14/05/2014

Informal interviews which could not be recorded

Stakeholder	Place	Date
Anthropologist consultant for several companies for their relations with Indigenous and Traditional peoples	Brasília	21/11/2012
Young Xerente	Tocantínia	08/05/2012
Xerente elder, who participated in PROCAMBIX implementation	Tocantínia	08/05/2012
Xerente Cacique (Chief)	Tocantínia	08/05/2012
Anthropology professor from the Federal University of Tocantins, experienced with environmental licensing processes	Palmas	10/05/2014
Rural producer from the state of Tocantins	Tocantins	11/05/2014
Indigenous leaders and FUNAI staff who participated in the implementation of PROCAMBIX	Palmas	12/05/2014
Anthropologist from the Federal University of Tocantins, specialist about the Xerente people	Miracema do Tocantíns	12/05/2014
Staff from the environmental licensing agency of the state of Tocantins (Naturantis)	Palmas	14/05/2014
2 coordinators of a catholic NGO focused on Indigenous peoples issues	Brasília	28/05/2014

Events attended

Name and description	Place	Date
NGO workshop for Indigenous peoples to learn about their right to FPIC	Boa Vista	20/10/2012 to 22/10/2012
Tii Flor Conference (Tecnologia, inovação e inclusão em Florestas), where an Indigenous leader was presenting	Brasília	22/11/2012
Launch of the book "Making Free Prior & Informed Consent a Reality: Indigenous Peoples and the Extractive Sector", where the UN special representative for the rights of Indigenous peoples was presenting	Middlesex, UK	02/04/2013
Meeting with the Xerente elders and Indigenous school teachers, for whom I presented my research	Tocantínia	13/05/2012
Agrotins. A farming convention in the state of Tocantins where an anti-indigenous congress woman was making a speech	Palmas	09/05/2014
Brazilian Indigenous National Mobilization	Brasília	26/05/2014 to 29/05/2014

SAMENVATTING (SUMMARY IN DUTCH)

Introductie

Bedrijven die de sociale impact van hun activiteiten onvoldoende aandacht geven, zullen minder makkelijk een *Social Licence to Operate* verkrijgen of behouden. Dit betekent dat bedrijven minder steun van de plaatselijke gemeenschap zullen hebben om een bepaald project te implementeren of uit te voeren, wat een flinke financiële tegenslag kan betekenen. Grote projecten met grote sociale en milieu effecten voor lokale gemeenschappen komen wereldwijd veelvuldig voor en kunnen tijdens de implementatie en uitvoering zelfs tot schendingen van mensenrechten leiden. Als aan de sociale impact (die vaak hand in hand gaat met de milieugevolgen) te weinig aandacht wordt besteed, kan dat leiden tot ongewenste effecten op de lokale bevolking: zoals zorgen over, en angst voor, projecten en hun impact op de verbintenis met de leefomgeving (*sense of place*), sociaal kapitaal en welzijn. Wanneer Inheemse volken beïnvloed worden, worden deze gevolgen vergroot vanwege de specifieke cultuur en de sterke band met de leefomgeving en het milieu. Negatieve effecten kunnen betrekking hebben op de sociale organisatie, de taal (waarvan vele met uitsterving bedreigd worden), het levensonderhoud, de plaatselijke voedselvoorziening, gezondheid en welzijn, en kan zelfs leiden tot ethnocide of volkerenmoord.

Deze studie gaat in op de implementatie van grootschalige projecten die waarschijnlijk een grote maatschappelijke impact hebben en milieubelasting betekenen voor Inheemse volken. Om de context van de complexe interactie tussen de verschillende stakeholders bij de implementatie en planning van een project beter te begrijpen, worden de posities van zowel bedrijven als overheden, non-gouvermentele organisaties én inheemse volken in beschouwing genomen.

Aanbevelingen worden gedaan voor alle actoren in het 'circuit' van project-implementatie die invloed hebben op inheemse volken. Naast het bieden van een theoretisch kader wil deze studie een bijdrage leveren om de huidige praktijken te verbeteren. Een 'circuit' is een antropologisch concept, dat in het leven is geroepen om het doen van etnografisch onderzoek in de moderne wereld te ondersteunen. Het refereert meestal aan meerdere plaatsen tegelijkertijd waar bepaalde culturele praktijken plaatsvinden. In de context van dit onderzoek betreft het het circuit van mensen die een rol spelen in de relatie met de plaatselijke inheemse bevolking of het mediëren in de relaties tussen inheemse bevolking en de ter plaatse opererende bedrijven. De actoren die hier een rol spelen zijn onder andere stamhoofden, medewerkers van NGO's, bedrijfsvertegenwoordigers, overheidsvertegenwoordigers, consultants en academici. Terwijl het meeste veldwerk in Brazilië heeft plaatsgevonden, is de onderzoeksdoelstelling erop gericht om op verschillende niveaus algemene aanbevelingen te kunnen doen die in meerdere contexten van toepassing kunnen zijn op projectimplementatie.

Omdat projectimplementatie meestal begint met het proces van toestemming en milieuvergunningen verlenen, is het belangrijk om begrip te hebben van hoe studies naar Inheemse volken en de waarschijnlijke effecten van projecten worden gedaan. Een ander belangrijk aspect, in het internationale kader van mensenrechten, is het concept van zelfbeschikking.

Zelfbeschikking stelt dat elke etnische groep het recht heeft zelf te beschikken over haar toekomst en ontwikkeling. Wanneer zelfbeschikking wordt toegepast op etnische groepen die zich cultureel onderscheiden (cultureel gedifferentieerd zijn) wordt ook wel gesproken van *ethnodevelopment*. Om er zeker van te zijn dat Inheemse volken zelfbeschikking hebben, is het principe van *Free, Prior and Informed Consent* (FPIC) ontwikkeld. Dit principe is in ontwikkeld vanwege de grote gevolgen van vele grootschalige projecten die in de jaren zeventig en tachtig van de vorige eeuw werden uitgevoerd. In deze periode speelde de emancipatie en de mobilisatie van inheemse bevolkingsgroepen wereldwijd een grote rol in het scheppen van een internationaal kader van mensenrechten voor inheemse groepen omdat deze groepen internationale bedrijven en staten begonnen aan te klagen vanwege mensenrechten schendingen. In het kort gesteld, vergt FPIC dat bij projecten die van invloed zijn op de leefomgeving van Inheemse volken al in een vroege fase de getroffen groepen worden betrokken. Alle informatie rondom een project moet op een begrijpelijke en transparante wijze beschikbaar worden gesteld zodat de plaatselijke groepen het besluitvormingsproces rond een geplande activiteit die invloed heeft op hun manier van leven nog op een zinvolle manier kunnen beïnvloeden.

Voor een eerlijke betrokkenheid van Inheemse volken en andere plaatselijke bevolkingsgroepen is respect voor het FPIC-principe van groot belang om de kans op negatieve sociale effecten te verminderen – iets wat voor alle partijen winst zou moeten zijn. Ondanks de recentelijk opgestelde waarborgen en richtlijnen die het toepassen van FPIC aanbevelen wanneer Inheemse volken mogelijk zijn getroffen, zijn door het uitvoeren van grootschalige projecten Inheemse volken vaak nog steeds slecht af en zijn sociale conflicten tussen bedrijven en Inheemse volken nog steeds schering en inslag. Daarom is een goed begrip van en kritische analyse van het concept van zelfbeschikking en de toepasselijkheid van FPIC principes de sleutel van dit onderzoek. Het uitgangspunt is, uiteindelijk, een descriptief begrip van hoe de voorgestelde mitigatieprogramma's die voortvloeien uit milieueffectrapportage (*Environmental Impact Assesment, EIA*) kunnen en moeten bijdragen aan de zelfbeschikking van benadeelde volken – en hoe ze in werkelijkheid worden geïmplementeerd.

Bijdrage van dit onderzoek

Dit onderzoek levert een bijdrage aan sociale effectrapportage (*Social Impact Assessment, SIA*) door middel van een innovatieve en interdisciplinaire benadering. De eerste bijdrage van dit onderzoek is de integratie van *social movement theory*, *performance theory,* en impact assessment zodat we protest tegen projectimplementatie beter kunnen begrijpen. Dit zijn interdisciplinaire onderzoeksgebieden waartussen meer interactie mogelijk zou kunnen zijn. Ondanks de maatschappelijke en theoretische relevantie van protest, is dit nog steeds slechts een nieuw, opkomend thema binnen de huidige impact assessment literatuur. Met deze interdisciplinaire aanpak wordt verklaard hoe maatschappelijk protest projectimplementatie kan beïnvloeden. Ondanks de, enigszins beperkte, discussie rondom inspraak van burgers staat impact assessment theorie nog grotendeels los van *social movement theory* waardoor de rol van maatschappelijk protest marginaal lijkt in relatie tot projectimplementatie. Dit onderzoek echter laat zien dat protest juist een centrale rol speelt in het proces van het verlenen van milieuvergunningen vooral

wanneer inheemse volken getroffen worden.

De rol van het wetenschapsgebied antropologie in SIA en FPIC processen, en het verband tussen impact assessment en FPIC krijgt nog weinig aandacht in de literatuur terwijl ze in de praktijk zeer relevant blijken. De perspectieven van getroffen groepen zouden middels etnografisch veldwerk meer aandacht moeten krijgen in SIA's. Op deze manier kan er een effectievere betrokkenheid met de gemeenschap zijn, terwijl het FPIC principe gerespecteerd blijft. Zo kunnen gevolgen beter begrepen worden door getroffen groepen en mitigerende maatregelen beter aangepast worden aan de specifieke culturele context. Zo worden deze maatregelen efficiënter en tegelijkertijd kunnen zo negatieve gevolgen van inadequate mitigatieplannen worden voorkomen.

Met antropologie, project management, en social impact assessment draagt deze studie ook bij aan de discussie rondom sociale risico's; de perceptie van een sociaal risico is cultureel bepaald - zelfs binnen de context van risicomanagement. Sociale risico's worden vaak over het hoofd gezien door milieukundige en technische experts, wat leidt tot grotere risico's voor zowel de gemeenschap als voor de bedrijven. Om de kans van het over het hoofd zien of het verkeerd inschatten van risico's te beperken, zouden de gemeenschappen een rol moeten spelen in de risico-analyse in plaats van juist als een sociaal risico voor projecten beschouwd te worden.

De combinatie van de verschillende wetenschappelijke theorieën draagt bij aan de ontwikkeling van een interdisciplinair overzicht over de impact van grootschalige projecten op inheemse volken. Verschillende benaderingen en perspectieven komen aan bod en bruikbare en integrale aanbevelingen voor de verschillende partijen worden voorgesteld. Door de diversiteit van de betrokkenen in het circuit van projectimplementatie die Inheemse volken treft, is er een veelzijdig theoretisch kader nodig. Waar bijvoorbeeld etnologie belangrijk is om het perspectief van Inheemse volken te begrijpen, is literatuur over projectmanagement juist van belang om het perspectief van planners en ingenieurs van de projecten te begrijpen. Dat de verscheidenheid aan wetenschappelijk achtergronden zo bruikbaar is gebleken voor het verkrijgen van inzicht in de verschillende perspectieven, maakt dat deze studie zowel maatschappelijk als wetenschappelijk relevant.

Voor het onderzoek is gebruik gemaakt van een breed scala aan kwalitatieve onderzoeksmethoden, onder andere semigestructureerde interviews met - via de sneeuwbalmethode geïdentificeerde - sleutelfiguren, fotografie, kwalitatief onderzoek en aanverwante methodes zoals veldaantekeningen, participant observatie en dagboeken. In totaal zijn 22 interviews afgenomen met sleutelfiguren zoals stamhoofden, medewerkers van NGO's, bedrijfsvertegenwoordigers, overheidsvertegenwoordigers, consultants en academici.

Proefschrift opzet
Om de interacties tussen Inheemse volken, natiestaten en multinationals beter te begrijpen, is het eerste aspect dat in beschouwing is genomen het internationaal juridisch kader dat bestaat om de rechten van inheemse groepen te beschermen. De hoeksteen van dit kader is het begrip zelfbeschikking, waarbinnen elke inheemse etnische groep zelf de eigen ontwikkeling bepaalt, het

recht heeft invloed uit te oefenen op besluitvormingsprocessen waarbij projecten hun leven en gebieden beïnvloeden. In Hoofdstuk 2, wordt het *Free, Prior and Informed Consent* mechanisme besproken, een concept dat is ontwikkeld om te zorgen dat inheemse groepen daadwerkelijk participeren tijdens projectplanning, en om het recht op zelfbeschikking van inheemse groepen te waarborgen.

In Hoofdstuk 3 wordt de *environmental licensing procedure besproken. Deze* bepaalt hoe processen ter plaatse zouden moeten plaatsvinden, en is afhankelijk van nationale wetgeving en de sociaal politieke context. De nadruk ligt op projecten in Brazilië, waar het praktijkonderzoek heeft plaats gevonden. In de laatste tien jaar is er een significante stijging in het aantal procedures geweest waarbij inheemse bevolkingsgroepen betrokken waren in Brazilië. De *Social Impact Assessment* is bij projecten verbonden met milieuvergunningsprocedures en kan onder nationale of regionale wetgeving vallen. Het blijkt vaak moeilijk om de sociale gevolgen van projecten te bepalen omdat vaak meerdere, verschillende overheidsinstanties bij regelgeving betrokken zijn en vanwege het ontbreken van duidelijke richtlijnen over wanneer precies een *Indigenous component study* nodig is. Een andere kwestie is het implementeren van mitigerende maatregelen omdat regulatie ontbreekt en er geen monitoring is. Project toestemming wordt vaak gegeven zonder dat de aanbevelingen uit de impact assessment in ogenschouw worden genomen of zonder dat wordt voldaan aan de voorschriften van het *Free, Prior and Informed Consent* mechanisme.

In Hoofdstuk 4 wordt de praktijk van de bedrijven in de omgang met belanghebbenden gepresenteerd. Hierbij staat het onderwerp risicomanagement centraal. Ook de gevolgen voor de relatie tussen bedrijven en de lokale gemeenschap worden kritisch geanalyseerd. In plaats van de plaatselijke gemeenschap als een risico te zien, zouden bedrijven ze juist als partner moeten zien teneinde de risico's te verkleinen.

Met betrekking tot de rol van protest in deze vaak conflictueuze relaties, worden in Hoofdstuk 5 en 6 het effect van protest op het resultaat van projectimplementatie besproken. Hoofdstuk 5 geeft een gedetailleerde beschrijving van de grootschalige mobilisatie van de inheemse bevolking in Brazilië gericht tegen de bouw van wat de derde grootste dam in de wereld zou moeten worden (de Belo Monte Dam). Hoofdstuk 6 geeft een theoretische analyse over de potentiële vormen van protest die kunnen worden aangewend om invloed op projectimplementatie uit te oefenen. De Hoofdstukken 5 en 6 verklaren de dynamiek van protestacties van gemeenschappen en ze scheppen een kader om dergelijk protest te begrijpen. Hoofdstuk 6 somt meer dan 200 vormen van protest op. In deze hoofdstukken wordt aangetoond dat protest een centrale rol heeft in het beïnvloeden van beleidsmakers en dat protest meestal opkomt daar waar eerdere problemen niet adequaat geadresseerd zijn. Protesten uit de gemeenschap gericht tegen projectimplementatie moeten worden begrepen als processen van sociale drama's die zich ontvouwen, waarin performance, innovatie, nieuwe informatie en computertechnologie een grote rol spelen.

Hoofdstuk 7 betreft een *case-study* uit het Noorden van Brazilië om te illustreren hoe projectimplementatie plaatsvindt. Er is gekozen voor een *case-study* omdat het goed uitbeeldt

hoe het milieuvergunningsproces in zijn werk gaat waar inheemse volken getroffen worden. Door middel van interviews met stakeholders (Inheemse volken, NGO's en overheid) wordt de bouw van de Lajeado hydro-elektrische dam beschreven, waarbij ingegaan wordt op de sociale en milieugevolgen van de dam, en de pogingen tot verzachtende maatregelen door uitgebreide en gestructureerde compensatieprogramma's.

Tot slot worden in Hoofdstuk 8 algemene conclusies gepresenteerd die op de voorgaande hoofdstukken steunen. Deze conclusies bevatten voor de diverse belanghebbenden aanbevelingen, in het circuit van projectimplementatie met gevolgen voor Inheemse bevolkingsgroepen en andere plaatselijke bevolkingsgroepen. Ook wordt er een tabel gegeven met voorgestelde mogelijke reacties van bedrijven op protest. Hierbij wordt besproken in hoeverre bepaalde reacties van bedrijven een conflict kan de-escaleren dan wel juist laten escaleren, afhankelijk van of bedrijven zich op een eerlijke manier de betogers betrekken of juist repressieve maatregelen nastreven.

RESUMO (SUMMARY IN PORTUGUESE)

Introdução

Empresas que são incapazes de gerenciar adequadamente os impactos sociais de suas operações dificilmente conseguirão obter e manter uma licença social para operar, o que em outras palavras significa que faltará apoio das comunidades locais para implementar ou executar um projeto em particular, potencialmente causando problemas financeiros graves para as empresas. Grandes projetos que causam impactos sociais e ambientais para as comunidades locais são cada vez mais comuns a nível mundial, e muitas vezes podem levar a violações de direitos humanos durante a sua implementação e operação. Quando não tratados adequadamente, impactos sociais (que são altamente integrados com os impactos ambientais) podem causar efeitos adversos sobre as populações locais, como medos e ansiedades sobre o projeto e impactos no capital social e bem-estar das comunidades. Quando povos Indígenas são afetados, esses impactos são amplificados, devido à sua cultura diferenciada e forte conexão com seus territórios e o meio ambiente. Os impactos incluem mudanças negativas na sua organização social, linguagem (muitas com o risco de extinção), meios de subsistência, práticas alimentares e condições de saúde, mesmo levando a situações de etnocídio ou genocídio.

Este estudo fornece uma perspectiva global sobre implementação de grandes projetos que são propensos à gerar impactos sociais e ambientais à povos Indígenas. A fim de compreender melhor esse complexo contexto de interações, perspectivas e posições de *stakeholders* típicos no planejamento e implementação de projetos foram sido consideradas - isto é, empresas, Estados-nação, organizações não-governamentais (ONGs) e comunidades Indígenas locais.

Recomendações são fornecidas para todos os *stakeholders* envolvidos no "circuito" de implementação de projetos que impactam povos Indígenas e, assim, além de trazer uma contribuição teórica esse estudo busca contribuir para a melhoria das práticas implementadas. Um circuito é um conceito antropológico que foi criado para apoiar a realização de pesquisa etnográfica no mundo moderno e refere-se aos vários espaços onde uma prática cultural particular ocorre, sendo geralmente multi-localizado. No caso desta pesquisa, refere-se ao circuito de pessoas que trabalham nas relações ou mediação entre empresas e povos Indígenas afetados por operações de empresas. Pessoas que normalmente transitam neste circuito incluem líderes Indígenas, funcionários de empresas, ONGs e agências governamentais, consultores e acadêmicos. Enquanto a maior parte do trabalho de campo foi realizado no Brasil, a intenção da pesquisa é fornecer recomendações gerais em múltiplos níveis, que possam ser aplicadas à implementação de projetos em qualquer contexto.

Como a implementação efetiva dos projetos geralmente começa com um processo de licenciamento ambiental, compreender como os estudos sobre povos Indígenas e os prováveis impactos do projeto são realmente realizados é um elemento-chave. Outro aspecto fundamental, que se relaciona à uma estrutura internacional de direitos humanos, é o conceito da auto-determinação. Este conceito estabelece que qualquer grupo étnico tem o direito de decidir sobre o seu próprio

futuro e sobre seu caminho de desenvolvimento. Quando aplicada a grupos étnicos culturalmente diferenciados, a autodeterminação também pode ser definida como etnodesenvolvimento. A fim de assegurar que os povos Indígenas possam ter acesso à auto-determinação, o princípio do Consentimento Prévio, Livre e Informado (CPLI) foi estabelecido, em particular por causa das diversas e graves consequências da implementação de projetos que afetaram negativamente povos Indígenas durante as décadas de 1970 e 1980. Neste período, a capacitação e mobilização de povos Indígenas em todo o mundo desempenhou um papel significativo na criação de uma estrutura internacional sobre direitos Indígenas, principalmente à partir de suas denuncias em fóruns internacionais sobre violações de direitos humanos por parte de empresas e Estados-nação. Em suma, o CPLI exige que projetos que afetem os territórios de povos Indígenas devem realizar o engajamento prévio com os grupos potencialmente afetados. Todas as informações sobre o projeto devem ser divulgados de forma transparente e compreensível, para que os grupos locais tenham a capacidade de influenciar significativamente os processos de tomada de decisão relativos à qualquer intervenção planejada que possa vir a afetar suas vidas

Respeitar o princípio do CLPI é chave para o engajamento adequado com povos Indígenas e outras comunidades locais, reduzindo a probabilidade de impactos sociais para as comunidades e também de protestos contra a implementação do projeto – o que constitui, sem dúvida, uma situação favorável para todas as partes envolvidas. No entanto, apesar da recente elaboração de medidas precaucionarias e notas de orientação recomendando a aplicação do princípio do CPLI, quando povos Indígenas são afetados pela implementação de grandes projetos, os Indígenas são frequentemente desfavorecidos e conflitos entre povos Indígenas e empresas são lugar comum. Por esta razão, compreender e fazer uma análise crítica da aplicabilidade dos conceitos de CPLI e autodeterminação é fundamental para essa pesquisa. Finalmente, iremos descrever e compreender como os programas de mitigação propostos - que resultam do Estudo de Impacto Ambiental (EIA) e devem contribuir para a autodeterminação dos povos afetados - são realmente implantados.

A contribuição desta pesquisa
Este estudo faz uma contribuição para o campo da avaliação de impacto social (AIS), fornecendo uma abordagem inovadora e interdisciplinar para a AIS. A primeira contribuição acadêmica é a integração da teoria dos movimentos sociais e a teoria da avaliação de impacto, a fim de compreender os protestos de comunidades focados na implementação de projetos. Estes são campos interdisciplinares que deveriam interagir mais entre si. Apesar da relevância social e teórica dos protestos, este ainda é um assunto incipiente na literatura de avaliação de impacto atual. Nossa abordagem interdisciplinar preenche essa lacuna e explica o papel e os mecanismos pelos quais protestos comunitários influenciam na implementação de projetos. Apesar de algumas discussões limitadas em torno de participação popular, a teoria da avaliação de impacto, em geral, tem sido desligado da teoria do movimento social, em grande parte, relegando o papel dos protestos a algo marginal à implementação dos projetos. A pesquisa, no entanto, demonstrou que protestos tem um papel central nos processos de licenciamento ambiental, especialmente quando povos Indígenas são impactados.

A ligação entre AIS e o CLPI, e ademais o papel da antropologia em processos de AI e CPLI são temas pouco discutidos na literatura, apesar de serem altamente relevantes na prática, especialmente quando povos Indígenas estão envolvidos. A AIS precisa considerar melhor as perspectivas dos grupos impactados através do uso de trabalho de campo etnográfico. Isto pode promover o envolvimento adequado das comunidades impactadas, respeitando plenamente o princípio do CPLI. Desta forma, os impactos serão melhor compreendidos do grupo e medidas de mitigação serão melhor adaptadas aos contextos culturais específicos, tornando-os mais eficientes e evitando impactos negativos que possam resultar de planos de mitigação culturalmente inadequados.

Se utilizando da antropologia, gerenciamento de projetos e avaliação do impacto social, este estudo também contribui para discussões em torno do "risco social", argumentando de que as percepções sobre risco são culturalmente construídas - mesmo no contexto herméticos de gestão de riscos. Riscos sociais tendem a ser ignorado pelos especialistas em riscos ambientais e técnicos, consequentemente levando a maiores riscos para empresas e comunidades. A fim de mitigar o risco de que riscos não sejam plenamente identificados ou mesmo ignorados, as comunidades devem participar da análise de risco (na maioria dos casos os risco decorrentes do projeto são bastante elevados para as comunidades impactadas) e não serem consideradas apenas como um "risco social" para os projetos.

Esta combinação de diversos campos teóricos contribuiu para o desenvolvimento de um estudo abrangente e interdisciplinar sobre os impactos de grandes projetos sobre os povos Indígenas. Ele inclui diferentes abordagens e perspectivas para um problema comum, e fornece recomendações úteis e integradas para as diferentes partes interessadas. Devido à grande variedade de *stakeholders* envolvidos no circuito da implementação do projetos que causam impactos à povos Indígenas, um quadro teórico multifacetada é necessário para lidar com um problema multifacetado. Por exemplo, enquanto a etnologia Indígena é importante para compreender a perspectiva Indígena sobre os impactos, a literatura de gerenciamento de projeto é útil para compreender o ponto de vista dos gerentes e engenheiros que projetam e implementam tais projetos. Neste sentido, o campo teórico diversificado tem se mostrado muito útil para compreender as perspectivas dos diferentes atores que atuam no circuito, tornando a pesquisa relevante para a teoria acadêmica e fornecendo uma contribuição social.

Para a pesquisa, foram utilizados uma ampla gama de métodos qualitativos, incluindo entrevistas semiestruturadas com *stakeholders* identificados através do método de bola de neve, fotografia, pesquisa qualitativa e métodos associados, tais como notas de campo, diário e observação participante. Ao todo, 22 entrevistas semiestruturadas foram realizadas com informantes-chave, tais como líderes Indígenas, funcionários de empresas, ONGs e agências governamentais, consultores e acadêmicos.

Estrutura da Tese
A fim de melhor compreender as interações entre os povos Indígenas, os Estados nacionais e multinacionais, o primeiro aspecto que deve ser considerado é o quadro jurídico internacional

destinado a proteger os direitos dos povos Indígenas. A pedra angular deste quadro jurídico é o conceito da autodeterminação, em que cada grupo étnico Indígena deveria ser o protagonista de seu próprio caminho de desenvolvimento, tendo o direito de influenciar o processo de tomada de decisões sobre projetos que afetam suas vidas e territórios. O mecanismo do Consentimento Prévio, Livre e Informado foi desenvolvido para permitir que a participação Indígena realmente ocorresse durante o planejamento do projeto e garantir a autodeterminação Indígena – assunto que é amplamente discutido no Capítulo 2.

O procedimento de licenciamento ambiental, que norteia como o processo ocorre na prática baseando-se em uma regulamentação nacional (além de ser influenciado pelo contexto sócio-político) é discutido no Capítulo 3. Foi dada ênfase ao caso brasileiro, onde o trabalho de campo foi realizado. O número de processos de licenciamento ambiental envolvendo os povos Indígenas no Brasil aumentou significativamente ao longo da última década. A avaliação do impacto social de tais projetos está ligada ao processo de licenciamento ambiental e pode estar sujeito a leis regionais ou nacionais, dependendo da situação. Isso muitas vezes leva a dificuldades em avaliar efetivamente os impactos sociais, devido ao envolvimento de diferentes agências reguladoras governamentais e uma falta de parâmetros legais claros para definir quando é necessário o "Estudo do Componente Indígena" e como deve ser feito. A implementação das medidas mitigadoras previstas nos estudos é um problema, uma vez que carece de regras claras sobre a forma como os planos de mitigação devem ser implementadas e quem deverá monitoras a sua implementação. A autorização para um projeto proceder é frequentemente realizada sem considerar adequadamente os resultados da avaliação de impacto e sem seguir as exigências do consentimento prévio, livre e informado.

No Capítulo 4 são apresentadas as práticas das empresas em suas relações com *stakeholders*, analisando criticamente como isso influencia as relações entre empresas e comunidades locais. Em vez de considerar as comunidades locais como riscos para suas operações, as empresas deveriam engajar-se com as comunidades locais como parceiros, e não como riscos, e assim reduzir os riscos das operações tanto para as empresas como para comunidades.

Considerando o papel dos protestos nessas relações muitas vezes conflituosas, os Capítulos 5 e 6 apresentam como protestos podem influenciar os resultados da implementação de projetos. Enquanto o Capítulo 5 fornece uma descrição detalhada de uma grande mobilização de povos Indígenas no Brasil, e que atacava fortemente a construção do que será a terceira maior usina hidrelétrica do mundo (Belo Monte), o Capítulo 6 teoriza sobre as potenciais formas de protesto que comunidades podem usar para influenciar a implementação de projetos. Capítulos 5 e 6 explicam a dinâmica de protestos de comunidades e propõe um modelo para compreender ações de protesto, com mais de 200 formas de protesto sendo listadas no Capítulo 6. Estes capítulos demonstram que protestos tem um papel central em influenciar tomada de decisão em projetos e que, na verdade, protestos geralmente emergem onde problemas não tenham sido previamente resolvido. Assim, protestos por parte de comunidades que sejam focados em influenciar implementação de projetos são entendidos como o desdobramento de processos de dramas sociais mais amplos, em que a performatividade, inovação e novas tecnologias de informação e

comunicação têm um papel central.

O Capítulo 7 se baseia em um estudo de caso na região Centro-oeste do Brasil, a fim de elucidar como a implementação de projetos realmente acontece. Um estudo de caso foi escolhido por ser exemplar de como o processo de licenciamento ambiental é realmente conduzido no Brasil quando povos Indígenas são afetados, proporcionando um exemplo ilustrativo real. Com base em entrevistas realizadas com diferentes partes interessadas (povos Indígenas, ONGs, agências governamentais), a construção da Usina Hidrelétrica Lajeado é descrita junto com seus impactos sociais e ambientais e as tentativas para mitigá-los através de um programa de compensação amplo e estruturado.

Finalmente, o Capítulo 8 apresenta as conclusões gerais baseando-se em todos os outros capítulos. O capítulo de conclusão fornece recomendações para todos os *stakeholders* envolvidos no circuito da implementação de projetos que impactam povos Indígenas e outras comunidades locais. Além disso, também é fornecido uma tabela com as possíveis formas de reação das empresas aos protestos. Discute-se como algumas reações têm o potencial de de-escalar ou escalar o conflito, dependendo se as empresas se envolvem em negociações justas com os manifestantes ou se medidas repressivas são adotadas.

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The social impacts of large projects on Indigenous Peoples
Procedures, processes and protests

Companies which fail to properly address social impacts are unlikely to achieve and maintain a Social Licence to Operate, which in other words means that they will lack the support of local communities to implement their projects, potentially causing serious financial setbacks. Around the world, it is increasingly common that there are large projects causing many social and environmental impacts to be experienced by local communities, and frequently leading to breaches of human rights during implementation and operation. These social impacts include fears and anxieties about the project and impacts on the sense of place of community members as well as their social capital and wellbeing. When Indigenous peoples are affected, these impacts are amplified due to their differentiated culture and stronger connection to their territories and the environment. The social impacts include detrimental changes to their social organization, language, livelihoods, food practices and health conditions. This study provides an overall perspective of the implementation of large projects that are likely to create social and environmental impacts for Indigenous peoples and it addresses several topics of interest, including: free, prior and informed consent (Chapter 2); environmental licensing procedures (Chapter 3); risk and crisis management (Chapter 4); community mobilization and social protest (Chapters 5 and 6); the role of social media (Chapter 6); and EIA follow-up (Chapter7). Based on a Brazilian case, recommendations are provided as to how projects can fully respect community rights and reduce conflict, thus improving the relations between companies and Indigenous peoples.

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