



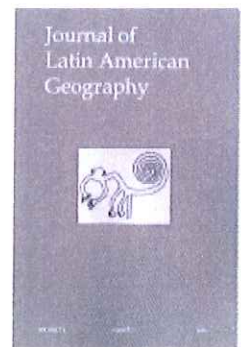
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Consultation, Compensation and Conflict: Natural Gas Extraction in Weenhayek Territory, Bolivia

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Abstract

This paper examines how the growing importance of natural gas production in the Bolivian Chaco has shaped the possibilities for lowland indigenous groups, such as the Weenhayek, to: a) recover ancestral lands; b) consolidate greater levels of self governance and autonomy; and c) and access flows of gas rents in order to sustain traditional ways of living. Through a focus on specific projects and processes of state-led Consultation and Participation, I explore how natural gas expansion has generated conflicts within Weenhayek society as well as between the Weenhayek, the Bolivian state and extractive industry enterprises. I argue that the tensions surrounding hydrocarbon expansion and processes of consultation must be understood in light of the particular economic calculations, territorial experiences and organizational dynamics of the Weenhayek in both historical and contemporary periods. These economic calculations are heavily marked by the logic of collection and the overriding importance of securing livelihoods – both in general but also from season to season. Tensions over hydrocarbons in Weenhayek territory must also be understood in a context in which government policies favor central political imperatives over the sub-national projects of indigenous groups.

Keywords: *Extractive industry; territory; natural gas; Bolivia; Weenhayek; indigenous people; Chaco*

Resumen

Este estudio examina como la creciente importancia de la producción de gas natural en el Chaco boliviano ha modificado las posibilidades de grupos indígenas, como los Weenhayek: a) recuperar sus tierras ancestrales; b) consolidar mejores niveles de auto-gobierno y autonomía; c) acceder a fuentes de rentas de gas, para sustentar sus formas de existencia tradicional. A través de un foco en proyectos específicos y el proceso de Consulta y Participación dirigido por el Estado, explora como la expansión de gas ha generado conflictos dentro la sociedad Weenhayek, como también entre ellos, el Estado boliviano y las empresas extractivas. El argumento es que las tensiones que envuelven la expansión de hidrocarburos y los procesos de consulta deben ser entendidas a la luz de cálculos económicos particulares, las experiencias territoriales,

y los dinámicos organizacionales de los Weenhayek en periodos históricos y contemporáneos. Estos cálculos están marcados por la lógica de recolección y la importancia principal de asegurar sustentos --en general y de temporada a temporada. En adición, las tensiones sobre la expansión de hidrocarburos dentro del territorio Weenhayek deben ser entendidas en un contexto en que las políticas del gobierno favorecen imperativos políticos centrales sobre los proyectos políticos sub-nacionales de grupos indígenas.

Palabras clave: *industria extractiva; gas natural; Bolivia, Weenhayek, indígenas, Chaco*

Introduction

Since the mid-1990s, investment in extractive industry in Latin America has grown at a remarkable rate (Bebbington and Bury, 2013; Bebbington, 2012). Much of this expansion has occurred on lands historically occupied and claimed as territory by indigenous and campesino populations, and has frequently involved real and perceived processes of dispossession as well as significant socio-environmental conflict (Garibay *et al.*, 2011; Perreault, 2008; Bebbington *et al.*, 2008; de Fchave *et al.*, 2008; Bebbington, 2007; Bury and Kolff, 2003). While at a certain level of abstraction such dispossession and conflict pit “companies,” “states” and “communities” against each other in broader struggles over the governance of territory, the extractive economy also creates new and significant disparities and conflicts *within* local populations, strengthening some local political economic projects while weakening others. Such internally differentiated dimensions of conflict and inequality have received much less analytical attention than have the broader processes of dispossession (Galeano, 1973). Yet their implications for populations affected by extraction can be critical because they elicit new patterns of social differentiation and identity formation, and affect the nature of, and possibilities for any future collective action.

With these observations in mind, this paper traces the interactions between the broad conflicts among companies, states and communities, and the dynamics that these conflicts can trigger within local populations. It does this by focusing on the ways in which consultation and compensation have been used to try and mediate state-company-community relationships, and then tracing how these very processes of consultation and compensation can create new sources of tension – both within populations and between them and the state. I do this through a detailed case study of natural gas extraction in the part of the Bolivian Chaco occupied by the Weenhayek people, and particularly on the ways in which actual consultation processes unfolded during 2008-09. I locate these experiences within longer histories of Weenhayek livelihood, organization and dispossession to draw attention to the types of transformation that natural gas extraction has triggered in Weenhayek society. In this sense contemporary consultation and territorial consolidation processes involving the Weenhayek need to be understood as products of relationships across time and across space (in particular between the highlands and lowlands, and between the central state and Tarija). While it is not possible to develop these connections more fully here, it is important to recognize that they are inherent to current negotiations over natural gas. The material for this discussion comes from nine months of fieldwork in the Bolivian Chaco as well as subsequent, shorter field visits. This fieldwork allowed me to observe consultation processes at close quarters.¹

In the following section I present elements of Weenhayek history and social organization. These histories and organizational dynamics are important to understanding the lenses through which contemporary hydrocarbon development is experienced. In particular, Weenhayek interest in revenue from hydrocarbons must be understood as a response to a long term “reproduction squeeze” on Weenhayek livelihoods, while the gravity of contemporary conflicts triggered by natural gas expansion should be viewed in the light of longer-standing tensions within Weenhayek organizations. With these points of reference I then describe how natural gas extraction has unfolded in Weenhayek territory, before moving to the detailed discussion of consultation processes through which British Gas-Bolivia and the Bolivian government sought to arrive at a compensation agreement that would allow extraction to proceed.

A Brief History of Weenhayek Livelihood and Organization

Dispossessions and pressures on livelihood

Known as *matacos* in the ethnographic literature on Amerindian peoples, the Weenhayek refer to themselves as the *other* or *different people*,² of the Bolivian Chaco. They live in a string of more than 20 main settlements that run along the left bank of the River Pilcomayo in the Chaco *tarijeño* from the city of Villa Montes in the north to the border with Argentina in the south.³ (Figure 1) Another two communities are located further inland, at the base of the Serranía de Aguarañe, where they live alongside Guaraní and campesino communities. Together these settlements account for a population of some 3,500 persons grouped into some 700 families (Cortez, 2006). While the Weenhayek continue to fish and collect fruits and honey from the forests for their subsistence, their livelihoods are increasingly reliant on financial resources that are external to their territory. Although there is an increasing sense that the younger generation is more open to change through further education and external employment, the Weenhayek have remained firmly apart from other segments of society, maintaining their language, preferring to live among themselves. Combès argues that “the sine qua non of the group’s survival – distribution – is also a social value in which no one should stand out, no one should eat if the neighbour has nothing to eat, and no one should stand above the rest” (Combès, 2002: 14; also Alvarrson, 1988; Cortez pers. com). One advisor to indigenous groups in the Chaco described the Weenhayek as the “anti-systemics of the Chaco,” noting their steadfast refusal to conform to the rules and expectations of a larger society that has slowly but surely deprived them of their territory and means of subsistence.⁴

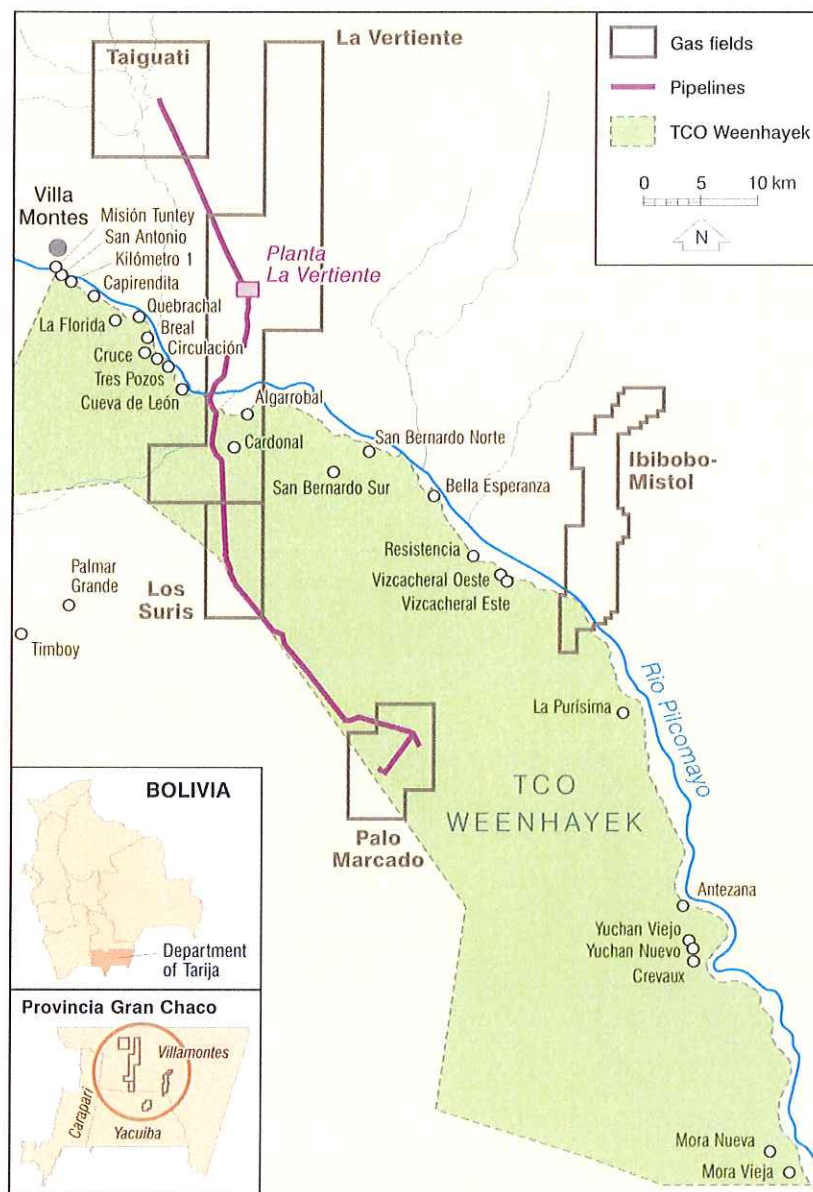


Figure 1. Weenhayek settlements in the TCO Weenhayek
(Source: M. Pérez, CER-DET, Tarija, 2008)

As with other indigenous groups of the Chaco, the Weenhayek have experienced a long history of dispossession and persistent discrimination that has extended up to present times. As a highly mobile group, scholars suggest that the Weenhayek were able to avoid much contact with the Spanish until well into the 18th century, though their territory certainly was of interest to authorities of the Spanish Crown as they sought to establish expeditious routes through the Chaco to settlements in Paraguay. Despite the growing presence of soldiers and mestizo settlers (and the diversity of lowland indigenous groups in the Chaco that often led to warfare and the domination of some groups over others), Alvarsson (2006) maintains that the matakoko were able to maintain their independence and cultural sovereignty within their traditional lands until the twentieth century when actions by the Bolivian military produced increasingly violent confrontations. The *coup de grace* came with the War of the Chaco (1932-1935) –ostensibly fought over oil reserves lying in the subsoil– during which Bolivian troops occupied nearly all of the territory considered to be Weenhayek.⁵ Because the Weenhayek were related to indigenous groups residing within Paraguayan territory they were branded enemies of the state. The army forced them to settle into camps and there are accounts that Weenhayek men were forced to serve as guides through the dry Chaco forest and as *chalaneros* (transporting soldiers and goods in small boats) across the Pilcomayo River, while Weenhayek women were pressed into work as domestic servants. Some Weenhayek today interpret these experiences as early dispossessions driven even then by the hydrocarbon economy:

“...Our grandfathers supported the army during the Chaco War as guides and *chalaneros* but they are not (considered) ex-combatants. In order to eat they have worked every day until the day of their death because they were never recognized for having defended oil.” (Lucas Cortez, former Capitán Grande of Organización de Capitanes Weenhayek (ORCAWETA) cited in Castro 2004).

After the Chaco war, soldiers-turned-ranchers occupied Weenhayek lands and introduced extensive cattle ranching, forcing the Weenhayek to settle on the banks of the Pilcomayo River on ever smaller and poorer strips of land. The forests, fruits and wild animals that underlay their subsistence were progressively destroyed by uncontrolled grazing and hunting, and as ranchers increasingly reduced their access to the forests, the Weenhayek were forced to collect fruits and honey from further afield and increasingly turned to fishing, part time wage labour⁶ and begging in town (Combès 2002). It was during this period that a group of Pentecostal Swedish missionaries settled in Villa Montes and began ministering to the Weenhayek. The Free Swedish Mission in Bolivia (Misión Sueca Libre en Bolivia, or MSLB) was established in 1948, and it has been the single most important institution among the Weenhayek for nearly five decades.⁷

With the loss of ancestral territories and destruction of forests, fishing became central to the Weenhayek economy. Attempts to calculate the composition of Weenhayek household income expenditure suggest that fishing may constitute as much as 50 percent of family resources, though intra and intercommunity differences make any attempt to calculate average income very difficult (Cortez pers. comm.). One consequence of this dependence upon the fishing economy is that outside of the fishing season, there are few other local economic opportunities that can provide sufficient resources to sustain families.

This often leads to a food crisis in many of the communities, in particular those more remote from the town of Villa Montes.⁸

Weenhayek Structure and Organisation

In the Bolivian Chaco, the Weenhayek *W'ikyi'* is the historical term for the social unit composed of families and related persons who together formed a band or clan that was recognized as such by other *W'ikyi'* and which moved about within a fixed territory, hunting, harvesting and fishing according to the seasons (Alvarsson, 2006: 2-3). The impulse to create a second level political organization of *W'ikyi'* appears to have been largely external and a direct result of the organizing activity carried out by the national level organization, the Confederation of Indigenous Peoples of Bolivia (CIDOB) during the 1980s – a period of heightened organization and mobilisation among lowland indigenous groups in Bolivia (Yashar, 2005). ORCAWETA was created in 1989 as a supra-communal organization bringing together both Weenhayek communities and the one remaining Tapiete community in order to recover and consolidate ancestral lands and to improve the economic and cultural conditions of its members.⁹ Its structure – a *Capitán Grande*, a *segundo* (or second) *capitán*, a directorate with secretariats based on specific issues or themes (for example, health, land, gender) and the community *capitanes* – was borrowed from the Guaraní whose forms of consensual decision-making are significantly different from the Weenhayek. Braunstein (2006) notes the dissonance between this form of modern representation and more traditional forms of group representation and this has often resulted in debilitating intra and inter-group struggles.

Both written accounts as well as my own interviews with leaders and NGO advisors reflect an agonizingly difficult first decade for ORCAWETA, one characterized by prolonged conflict and crisis. Much of this conflict appears to have been the product of opaque negotiations conducted with outsiders (development projects, transnational gas companies, political parties and local authorities), and centers on perceptions of ORCAWETA leaders acting independently and secretively, withholding information and perhaps enriching themselves and their clans in the process. They are seen as abrogating Weenhayek values, violating the ways in which decisions are taken by communities, and failing to distribute in a generous and fair manner – ultimately provoking internal conflict and division.¹⁰

The increasing dependence upon ORCAWETA to represent and negotiate on behalf of member communities engaging with a complex array of external actors has given rise to an ongoing crisis of internal governance in which community members grow ever more annoyed and restless with the lack of consultation, the lack of significant quantifiable products, the violation of the principle of distribution and the slow but sure destruction of their territory. The crisis usually comes to a head once the fishing season (and the period of financial abundance) is over and different groups turn their attention to controlling ORCAWETA which is seen as an alternative source of resources as well as (by some at least) a vehicle that might defend more effectively the interests of Weenhayek communities against outsiders who should not be trusted. If one group is unable to unseat the group in power, the tendency has been to simply announce that it is now the representative leadership giving

rise to confusion (for outsiders) and a further undermining of ORCAWETA's credibility.

This section has considered the history and evolution of Weenhayek organization and the increasing crisis of governance experienced by Weenhayek communities despite long term efforts to build organisational and political capacity. I want to suggest that while internal conflict among the Weenhayek is not new, the conflict dynamic has grown more complex and chronic and is in large part fuelled by efforts to consolidate access to the flows of hydrocarbon rents which have become increasingly important over the past ten years and which are part of this longer, continuous history of struggle to identify and secure access to resource flows to ensure Weenhayek reproduction. Before turning to a discussion of how this expansion of gas is negotiated, however, I will examine the rise of oil and natural gas activity in Weenhayek territory.

Hydrocarbon Development in Twentieth Century

The Weenhayek and hydrocarbon companies

It is not entirely clear when hydrocarbons first impinged upon Weenhayek lands and livelihoods: Swedish missionary accounts make only passing reference to their operations and my own interviews with Weenhayek leaders produced conflicting accounts about when and where operations began. Still, various reports and studies (Centeno, 1999; Combès, 2002; Ribera, 2008; Gutiérrez and Rodriguez, 1999; Mamani *et al.*, 2003) suggest that Weenhayek territory has long been the site of hydrocarbon exploration and exploitation, albeit sporadically, with periods of intense activity followed by prolonged spells of neglect and abandonment.

Almost certainly the state hydrocarbons agency, Yacimientos Petrolíferos Fiscales de Bolivia (YPFB), was the first to conduct exploratory activity sometime between the Chaco War and 1960.¹¹ In the decades between the 1950s and 1990s, hydrocarbon activity in the Chaco Tarijeño was conducted on a fairly limited scale. Within Weenhayek territory important reserves of natural gas were discovered, however bringing these reserves into production was constrained by Bolivia's reliance upon a single and somewhat unreliable buyer, Argentina. In the 1990s this situation changed drastically with the opening up of the Brazilian market and the subsequent acquisitions of gas reserves by large transnational firms. Indeed, the natural gas boom that began in the mid-1990s has developed in a significantly different way than in previous decades. This gas boom coincides with Weenhayek efforts to reconstitute their territory, shaping – as I will argue – both their strategies and success in this endeavor.

First, rather than engaging with a single company, the Weenhayek have had to negotiate and manage a wide range of projects and relationships simultaneously with a series of large scale transnational companies (Table 1). These projects include exploratory drilling and the reactivation of wells held in reserve, the construction of access roads, pumping stations, and a network of pipelines, environmental impact assessments (EIAs) and baseline studies conducted by consultancy companies, and the installation of work camps by contractors. During the late 1990s-early 2000s, the heart of the boom period, Weenhayek leaders were engaged in negotiations with British Gas Bolivia (BG Bolivia (1999) over expanded operations in the Block XX-Tarija Este, with the (then) privatized Chaco (1997 and 2001) over exploratory drilling in the

Timboy-Palmar Grande area,¹² with Transierra (2001) over the construction of a major north-south pipeline (GASYRG) and with Transredes (2002), another gas transport firm. By 2010 there were some fifteen wells operating within Weenhayek lands in addition to two major pipelines, a separation plant for liquids, a series of pumping stations and an extensive network of feeder (collector) lines and access roads in order to provide maintenance services to the wells, plants and gas lines.

Table 1: List of Hydrocarbon Companies & Projects affecting Weenhayek Territory 1960-2010

Period of Activity	Company	Block/Activity	Field/Area Affected
1960-61	YPFB	Exploration	La Vertiente
1960	Chaco Petroleum	Exploration	Palo Marcado Los Monos
1970s-1998	Andina	Exploration of Capirenda Block 96,000 hectares	Crevaux Yunchan
1972-1999	Tesoro Bolivia Petroleum Company	Exploration/Exploitation XX Tarija Este Block 161,000 hectares	Los Suris La Vertiente Escondido Ibibobo Palo Marcado
1999 to present	British Gas – BG Bolivia	Exploration/Exploitation of XX Tarija Este Block (161,000 hectares) Construction/amplification of gas line under Pilcomayo river	Los Suris La Vertiente Escondido Palo Marcado Ibibobo (retention)
1997-2006	Chaco(BP-Amoco)	Exploration/Exploitation of Aguaragüe Block 2,500 hectares	Los Monos
2001-present	Transierra	Construction/operation of 24km pipeline and compression station	Affecting communities of Timboy, Palmar Grande, Kilometro 1, Capirendita, San Antonio &
2002	Petrobras	Construction of 5km feeder line to Transierra pipeline	Timboy
2002-present	Transredes	Construction of replacement pipeline under Pilcomayo/operation of pipelines	Affecting fishing concessions
2010	Petroandina	Exploration/Exploitation of Aguaragüe Centro and Aguaragüe Sur Blocks	Affecting communities of Timboy, San Antonio, Capirendita & Kilometro 1
2010	YPFB	Amplification/Construction of the Juana Azurduy gasline (23kms) linking the Margarita Field and Yacuba	Not available

Source: Elaborated by author based on information from YPFB, BG Bolivia, Transierra, Transredes and Petroandina.

Second, the larger social and legal context in which this boom developed had changed considerably. Indigenous groups were now organized with recognized legal claims to ancestral lands and the government of Bolivia was signatory to international conventions protecting indigenous rights and habitats. Multi-lateral agencies providing financial backing to extractive projects - such as the Inter-American Development Bank (IDB), the Overseas Private Investment Corporation (OPIC) and the World Bank Group - were now obliged to require social and environmental policies and practices that included public consultations, and the granting of environmental licenses while ensuring that the rights of indigenous peoples would be respected. This context was shaped by persistent socio-environmental conflict involving transnational companies and local communities and high profile cases of human rights abuse linked to extractive activity in indigenous territory elsewhere in the Amazon in the 1970s and 1980s (Fontaine 2007; Sawyer 2004). Transnational alliances of civil society actors played key roles in bringing public attention to bear on the unfolding drama involving transnational firms and vulnerable indigenous groups in the Americas.¹³

Third, in response to rising criticism, transnational firms adopted policies of corporate social responsibility and corporate citizenship, as well as guidelines on environment and indigenous peoples, in an effort to cast themselves as contributors to processes of national development and wealth creation (O'Faircheallaigh and Ali, 2008). Though applied unevenly, the oil and gas sector (and their financial backers) had come under significant pressure from transnational civil society and increasingly political networks of activist shareholders, to change the way they conducted business.¹⁴ As will be seen in the case of the Weenhayek, however, the industry encountered a particularly challenging operational environment that has required significantly more corporate time and resources to obtain both "environmental" and "social" licenses and secure the necessary conditions for extraction to go forward.¹⁵

Territory and Hydrocarbon Expansion

The creation of ORCAWETA described earlier was accompanied by Weenhayek claims for collective land rights (known as Tierras Comunitarias de Origen, TCOs) over 195,659 hectares. In 1993, the government formally recognised the TCO Weenhayek claim (Supreme Decree 23500) and indicated that it would move quickly to demarcate the lands and proceed with formal titling. In the face of third party presence (over 100 privately-owned parcels) within the TCO Weenhayek, resistance from the ranching community, and corruption within the Tarija office of the Land Reform Agency, INRA, however, it was only in September 2008 that titling began. After Capitán Grande Moises Sapiranda attended a private meeting of indigenous leaders with President Evo Morales, some 25,000 hectares were formally titled in favour of the TCO. Sapiranda later told me: "after waiting nearly 15 years for legal title, one conversation with Don Evo and 25 days later the TCO had 25,000 hectares".¹⁶ (This would be repeated again during the final stage of the consultation process in July 2009, when another 8,206 hectares were titled).¹⁷

Land and territorial consolidation has been the single overarching objective of Weenhayek society. Initial efforts to secure land began with the MSLB's purchase of 5,000 hectares in the 1970s and the establishment of a

settlement adjacent to the mission and school. Decades later, in the 1990s, with support from the Swedish and Finnish governments, a more concerted project was launched to reclaim ancestral lands that culminated in state recognition of the TCO. The government resolution, Supreme Decree 23500 (1993), recognised Weenhayek sovereignty over the territory - however it also established a precedent as it allowed existing ranchers to maintain their presence and activity within the TCO. This disappointing result has effectively stifled the consolidation of the TCO.

The relationship between the presence of hydrocarbons in TCOs, the coincidental (or not) overlap of third party interests in these very same hydrocarbon spaces and the agonizingly slow progress in titling TCO lands, suggests that where there are known hydrocarbon reserves, TCO efforts to claim those lands systematically fail to advance.¹⁸ The Weenhayek case is a particularly extreme example of this source of territorial fragmentation in that 100 percent of its territory lies within an area classified as having hydrocarbon potential, where more than 50,000 hectares are under contract for hydrocarbon exploration and exploitation, where the territory has been penetrated and crisscrossed by pipelines and access roads, and where more than 80 percent of the TCO Weenhayek is effectively controlled by non-indigenous ranchers and farmers.¹⁹ Under these circumstances it is impossible to imagine an effective consolidation of territory and control of resources that might form the basis of livelihoods for future generations. I now discuss the evolving presence and impacts of one transnational gas firm, BG Bolivia, in the TCO Weenhayek to help illuminate this dilemma and the conflicts to which it gives rise.

BG Bolivia in the TCO Weenhayek

During the gas rush of the late 1990s the BG Group plc,²⁰ based in the United Kingdom, became active in the Bolivian gas market, successfully obtaining licenses for six exploration/exploitation blocks, as well as securing participating interest in two of the country's most important gas fields: Itaú and Margarita. These interests are almost all located in the Chaco Tarijeño. BG Bolivia also secured long-term rights in the Bolivia-Brazil pipeline which allows it to participate in the supply of gas to the São Paulo region of Brazil. In late 1999, BG Bolivia acquired the Tesoro Bolivia Petroleum Company that had carried out exploration and exploitation of gas on Weenhayek lands since the early 1970s and that also held the rights to explore and exploit the Palo Marcado gas field within the XX Tarija East block (Centeno 1999).

BG Bolivia, like other transnational oil and gas firms, found itself operating in a context of both increasing indigenous resistance and demands for compensation linked to its activities. Like other energy firms, it sought to smooth the negotiation of their projects by offering to support development projects. As part of its negotiations with ORCAWETA, BG Bolivia instituted a program of support to the Weenhayek. This included more short term concerns (the Programme of Community Relations and Support, or PRAC) and a mechanism to guide support for longer term initiatives (the Indigenous Development Plan or PDI) though in practice it is often difficult to distinguish between the two, and between these instruments and agreements over rights of way and compensation for damages.²¹ The PDI is a framework or open agreement between the company and the indigenous group in which financial

contributions can be negotiated and channelled to support a series of activities and projects during the company's operations (usually 20 to 30 years). BG Bolivia's PDI directs support to communities most affected by its operations but also responds to activities proposed by the Capitán Grande and the ORCAWETA Directorate while retaining say over what will - and will not - be funded as well as administrative control over the funds. Both negotiations and administration of the PDI have tended to be closed, and the information is not socialized or made public (at the preference of ORCAWETA leaders). There is no system to monitor the results of the PDI²² or even to establish if both sides have complied with their responsibilities even when disbursements can reach US\$250,000 per year.

It was in this context that BG Bolivia sought to expand its operations in the Weenhayek TCO by initiating the Palo Marcado project.²³ The proposal would bring into production three existing wells (held in retention since the 1990s) and allow for the drilling of a fourth well. It would also construct a pumping station and 23 kilometres of feeder gas lines. Though Palo Marcado is not a particularly large endeavour (total investment of US\$30 million) or a controversial one (exploratory drilling has taken place since the 1960s), in accord with recently passed governmental decrees to safeguard the rights of indigenous peoples, the project is required to carry out an additional process with the affected indigenous group prior to the elaboration of an Environmental Impact Assessment (EIA). Specifically, it must include a Consultation and Participation process with the representative organization of TCO Weenhayek in order to obtain an environmental license – a process which I will discuss in more detail below.

Negotiating Gas: Consultation, Compensation and Disputes over Representation in the TCO Weenhayek

In early August 2008, the leadership of ORCAWETA received a fax from the Ministry of Hydrocarbons and Energy notifying them of the government's intention to conduct a Consultation and Participation process in relation to a proposal to develop the Palo Marcado gas field affecting TCO Weenhayek lands. The Consultation and Participation Process was originally included in the new Hydrocarbons Law 3058 (2005) that grew out of Bolivia's "Guerra del Gas" (Perreault, 2006) and the prolonged social conflict over how the country's hydrocarbons resources were to be exploited – a conflict that in large measure set the stage for the subsequent election of Evo Morales' MAS government. Indeed it was only under the MAS government that the enabling law – which made Law 3058 operational – was promulgated. This law, together with Supreme Decree 29103, which regulates the law for carrying out participatory socio-environmental monitoring on indigenous-campesino territories, represented the culmination of years of mobilization, lobbying and negotiation with executive and legislative officials, bringing indigenous lowland groups closer to their goal of effective control over their territories. These mechanisms were also of enormous symbolic importance to the Morales government which heralded them as being of universal importance to indigenous societies faced with extractive activity in their territory.

Yet, despite these important legislative gains there has been a persistent tendency by the MAS government to disregard social and environmental

safeguards and participatory procedures (Yrigoyen, 2009; Bebbington and Humphreys Bebbington, 2011). Indigenous groups now find themselves immersed in increasingly acrimonious debates with government bureaucrats to ensure that the law is respected. As we shall see in the following section on the implementation of the Consultation and Participation process in the TCO Weenhayek, the way in which the state carries forward its programme of extraction clashes head-on with the discourse of a sympathetic state as well as with indigenous expectations for greater say in how extraction is to proceed. This leads to tensions between the Weenhayek and the state, while also creating and aggravating conflicts *within* Weenhayek society.

After some delays and false starts, the government appeared ready to carry out a consultation in the TCO Weenhayek. As envisaged by its promoters, the consultation process would be administered by the Ministry of Hydrocarbons with support from YPFB and from the Ministry of Rural Development and Environment who would form a government team to provide information about the project and conduct negotiations with indigenous groups.²⁴ The process was to be relatively straightforward. However its logic of narrowly focusing on the proposed activity did not allow for a more general treatment of indigenous concerns regarding previous or unresolved interventions elsewhere in their territory – and in the case of the Weenhayek *the way the state viewed Weenhayek territory* became an important point of contention. For their part, Weenhayek leaders were concerned about a number of unresolved issues regarding ongoing hydrocarbon activity within their territory and they sought to use the consultation process to seek remedy for these broader issues. This situation was further aggravated by confusion about the documentation provided, complaints that the information was incomplete, and questions about the ownership of the lands affected by the proposed activity. The Consultation and Participation produced the opportunity for the Weenhayek to gain access to a range of technical information about the BG-Group's operations within the TCO that had not been available previously and empowered ORCAWETA and the capitanees by providing them with historical information and a broader understanding of the rules of the game around hydrocarbon operations. However, it also fuelled growing concern among leaders that there would be insufficient time and resources to ensure respect for the Weenhayek way of consultation and decision-making, a process described as being “slow but sure”. Government representatives were concerned to emphasize time frames and the need to make progress while Weenhayek leaders insisted that unresolved issues be included in negotiations and that the whole TCO be considered the unit of analysis, not just the lands impacted by the Palo Marcado development.

The series of meetings conducted with government representatives, led by officials from the Ministry of Hydrocarbons and YPFB, revealed that the government team had limited knowledge about the history of the TCO Weenhayek or the cumulative impacts of decades of hydrocarbon activity on their territory and culture. The absence of BG Bolivia in the negotiations, initially viewed as positive by ORCAWETA, became an obstacle when discussion about the specifics of the proposed project got underway. Indeed, rather than representing a state now legally in control of the hydrocarbons sector, the government team's role in the process seemed to be that of an intermediary or interpreter, presenting a powerpoint of the proposed project that had been prepared by BG Bolivia and providing documentation obviously prepared by

BG Bolivia but without any accompanying analysis by Ministry of Hydrocarbon (or Vice-Ministry of Environment) officials. Weenhayek leaders and advisors grew increasingly tense and aggressive with the government representatives, sensing that the TCO might be forced into accepting a project by a state that claimed to be defending their interests. Gauging the sentiment of the capitanes, Moises Sapirada asked for various breaks during which he consulted with them in order to determine if the process should move forward. Finally, he and the capitanes decided to suspend the meeting after disagreements arose over how to proceed with complaints that BG-Bolivia had conducted other activities in the past year (the drilling of a well in the Escondido field, and the laying of larger pipelines under the Pilcomayo River) without consulting ORCAWETA. At this point ORCAWETA called for a suspension of the Consultation and Participation process.

In addition to creating tensions with the State, the consultation process was also aggravating tensions among the Weenhayek. The Palo Marcado project straddles two municipalities (Villa Montes and Yacuiba), each keen to see hydrocarbons projects within their jurisdictions and each looking to influence decision-making within the TCO by establishing (and funding) relationships with rival Weenhayek leaders. These rival leaderships were manifest during the consultation process, as reflected in the following moment in the Consultation process (the text is taken from my field notes).

The patio of Moises Sapiranda's house, Capirendita, TCO Weenhayek, 27 November, 2008:

The Consultation and Participation meeting has reconvened in the patio of the house of Moises Sapiranda, Capitán Grande of ORCAWETA where a representative of the Ministry of Hydrocarbons and Energy, along with various government officials from other ministries and YPF have come in an attempt to revive the lagging process. At the last meeting, Weenhayek leaders voted to suspend the Consultation and Participation process after confusion arose about the process itself and the completeness of informational documents that had been given to ORCAWETA by the Ministry of Hydrocarbons and Energy. Today, at this informal, informational meeting in Capirendita, government officials hope to jump start talks.

I am late in arriving after spending over an hour trying to find the exact location of the meeting. There are some 100 people gathered in the patio of Sapiranda, among them the capitanes or leaders of the 22 Weenhayek settlements, members of the ORCAWETA directorate, advisors and staff from the NGO CER-DET and from the lowland indigenous organization, CIDOB, as well as former leaders now advisors of ORCAWETA. In one corner of the patio, near the house, is a group of women peeling and cutting vegetables for today's lunch. They talk among themselves but do not interact with the larger group.

One of the Weenhayek promoters, Saul, tells me that there will be problems today. There are growing tensions between Moises and a rival leadership that has not been part of the Consultation and Participation process. Saul tells me they fear being left out of negotiations over compensation - believing that the presence of government officials signals that such a negotiation is about to take place.

The meeting begins with a presentation by a representative from the Ministry of Hydrocarbons and Energy who talks of the government's good will in carrying out the Consultation and Participation process. The first Consultation and Participation meeting

between the government and ORCAWETA ended rather abruptly after the capitanes decided to suspend the meeting and the process for what they perceived to be duplicitous negotiations on the part of the Ministry of Hydrocarbons. At that meeting ORCAWETA expressed concern that not all informational documents were made available to leaders and advisors and there was confusion about the actual process as well (indeed this was among the first Consultation and Participation processes underway in the country following the new regulations). The capitanes are still cross with government officials from the last meeting and their comments reflect their impatience and frustration with the incompetency shown in the first meeting.

During the course of the morning, rival leader Pablo Rivera and his followers arrive uninvited to the meeting. They are immediately challenged by some of the capitanes loyal to Sapiranda and the rebel group is told to leave. They refuse and an argument ensues with pushing, shoving and kicking among the two groups. The rebel band shouts out that Sapiranda and his capitanes are cutting deals with the government and BG Bolivia behind their backs, that they are corrupt and will keep all the money for themselves. The pushing and shoving eventually stop, but the heated verbal exchange goes on as the rebel band adamantly refuses to leave. Sapiranda is angry and overwhelmed and paces nervously as he makes phone calls on his mobile. He complains to a group of us standing nearby that Pablo Rivera and his followers have come to his home, his own patio, to confront him and embarrass him in front of government officials. Moises continues making phone calls (one of which I am told later is to the head of YPFB who told him to alert the colonel at the local military base in Villa Montes). Sometime later a military transport vehicle arrives with 20 or so well armed soldiers in the back. The rival group stands to one side. The Colonel says he will accompany the Ministry representatives away from the meeting and warns that violence will not be tolerated. But violence is not necessary now. The rebel band has succeeded in preventing the meeting from going ahead. The ministry officials leave with the soldiers, with the representative from the Ministry of Hydrocarbons murmuring that the situation requires a political solution. Pablo Rivera and his capitanes satisfied that they have kept any negotiations from taking place talk among themselves and eventually leave. The women who have been preparing food throughout the morning, undeterred by the violence unfolding around them, pour the thick chicken and vegetable stew onto paper plates and the remaining leaders eagerly tuck into their dinner.

Following the intervention of the rival band in the patio of Moises Sapiranda, rebel leader Pablo Rivera then pursued a campaign to further undermine Sapiranda's leadership. Rivero faxed a letter to YPFB, BG Bolivia, and CIDOB, claiming he was the legitimate Capitán Grande of ORCAWETA and accused BG Bolivia of intending to "once again trick the Weenhayek people with false promises of social and economic development as a consequence of environmental damage caused by its hydrocarbons operations". The letter specifically condemned ORCAWETA-BG Bolivia talks around compensation for the unauthorized well in the Escondido field and threatened to organize a roadblock if his leadership were not recognized within 72 hours. Unable to recruit a sufficient number of capitanes to unseat Sapiranda, Rivera and his band could not make good on their threat. However they did return later to mount yet another challenge.

By early December 2008, ORCAWETA and BG Bolivia were able to resolve the impasse and agree on compensation for the unauthorized well in the Escondido field. This allowed for the next stage of the Consultation and Participation process to move forward though it too would suffer even more delays. ORCAWETA prepared a plan and budget and organized a technical team

to conduct Consultation and Participation activities with the 22 communities of the TCO over a three month period which was later reduced to two months and a smaller budget by Ministry officials.²⁵ After gaining state approval of the plan, ORCAWETA leaders and the team then traversed the TCO socializing the contents²⁶ of the proposed Palo Marcado development, discussing its potential impacts and the nature of those impacts, and recording the responses of participants. The team was under enormous pressure to finish the work within the allotted time while travelling to communities, holding workshops and analyzing a large amount of data. A general assembly was then called to inform on the results of the workshops and to hone the inputs of the final proposal that would eventually be reviewed by the Vice Ministry of Environment and then signed off by ORCAWETA and the Vice Ministry in a Validation Agreement (*Acta de Validación*). In the end the team managed to finish the process within the time frame and present a proposal to the government by late April 2009.

In its proposal to the Vice-Ministry of the Environment, ORCAWETA argued that BG Bolivia's was a non-indigenous vision of Weenhayek territory in that it (like the state) did not recognize privately held land within the TCO as constituting part of Weenhayek territory and thus excluded this land –80 percent of the TCO– from compensation negotiations. ORCAWETA also argued that BG Bolivia's vision did not take into consideration the combined impact of its and other companies' operations on the TCO and livelihoods, nor consider how population growth might impact the availability of resources for future generations.

ORCAWETA's proposal also included a table of impacts which attempted to group impacts into categories (cultural, social, psychological, economic and environmental [flora and fauna]) and sub categories (cultural-values, social-internal/external conflict, psychological-self esteem, etc) and then define whether the impacts would be positive/negative, short/long term, direct/indirect, acute or cumulative. A set of activities were then recommended to avoid, mitigate or control impacts. The table would come to form the heart of the discussion over which impacts would be defined as ones that could be managed or moderated (*mitigable*) and which impacts would be considered as unmanageable (*no mitigable*) and whether they would be subject to compensation or not.

After socializing the findings of the Consultation and Participation exercise and the contents of the proposal in a general assembly of the TCO Weenhayek, the document was then submitted to the Vice Ministry of Environment for review and comment. Meetings to conduct a joint review of the proposal were scheduled, cancelled and rescheduled. The months in which Weenhayek family incomes and resources fall short were now upon them and there was an increased urgency within ORCAWETA to get to the next stage: negotiations over compensation. According to one of the advisors present, the Ministry officials were almost entirely preoccupied with reclassifying impacts (in ways that would reduce compensation) and generally challenged how ORCAWETA categorized different impacts (Bossuyt pers. comm.). By late May the Validation Agreement (an agreement in which both parties agree to a list of the project impacts) was finalized and the government now stepped aside to allow its partner BG Bolivia and ORCAWETA to negotiate the final compensation package.

The final negotiations were held in the community of Capirendita. In attendance were the capitanes from communities directly impacted by the project but also members of the fishing syndicates based in Capirendita, as well as ORCAWETA leaders and advisors. A team of four representatives from BG Bolivia were present as was a representative of YPFB. When the BG Bolivia representative attempted to open the meeting with an explanation of the project he was stopped cold by the capitanes who argued that they were quite familiar with the project. Calling for a break, the capitanes agreed to refuse to allow BG Bolivia to engage in what they perceived as stalling tactics, and they insisted that the meeting proceed on the basis of the Validation Agreement signed with the Vice Ministry of Environment. The BG Bolivia representative attempted to continue with his explanation in order to highlight the company's planned efforts to avoid damaging areas of natural and cultural importance to the TCO. The capitanes insisted that the discussion focus on compensation. This prompted the BG Bolivia representative to present the company's own proposal: the company would only compensate "non-mitigating" impacts, and would offer interventions to address the "mitigating" impacts. Social and cultural impacts were generally ignored. BG offered compensation and indemnification of a one off payment of US\$185,000 to compensate for the loss of natural areas linked to subsistence activities (areas of gathering and collecting) and for the loss of cultural knowledge and practice related to the use of those natural resources, together with an increase of the PDI's budget by US\$50,000 per year for 20 years. BG Bolivia also proposed to hire and pay (directly) the salaries of environmental monitors and offered salaries for three indigenous women to form part of an oversight committee.

ORCAWETA's proposal called for a compensation package of US\$11 million (an additional US\$550,000 per year over 20 years for the PDI). As this was considered excessive by the BG team the capitanes called for a break to discuss the next steps. BG then revised their offer but this too was unacceptable. The meeting ended without an agreement and BG threatened to turn over negotiations to YPFB, suggesting that ORCAWETA may get nothing at all. Perhaps fearing that they would lose rights to compensation, a group of the capitanes urged Sapiranda to accept a revised BG offer consisting of a one off payment of US\$500,000 and an annual increase to the PDI of US\$100,000 per year (US\$2 million over 20 years). The negotiation was conducted behind closed doors without the knowledge or presence of all the capitanes and without the knowledge of ORCAWETA advisors. Despite efforts to democratize and transform negotiations around hydrocarbon operations within the TCO, the final negotiation thus retreated to a well known pattern of secretive discussions and the consolidation of asymmetries of power.

In the weeks and months following the final negotiation with BG Bolivia, there was an abundance of both cash and conflict within the TCO. Rival leaders and followers besieged Sapiranda and he responded with offers of cash and motorcycles. Unable to pay them outright, he resorted to borrowing from local loan sharks at interest rates of 10 to 20 percent monthly and this led to a further crisis. Anger over the agreement and the distribution of monies triggered a new round of debilitating internal conflict including episodes of sporadic intra communal violence, challenges to ORCAWETA leadership, accusations of corruption and a general breakdown in the social order. The most immediate effect was the fragmentation of the 22 Weenhayek settlements

as members broke away to create new communities, oftentimes only 500 metres away from the existing community, in order to access resources from the compensation agreement. This was largely fuelled by the belief that creating a new community would entitle members to negotiate their own (enhanced) portion of the settlement with BG Bolivia.

Conclusions

In this paper I have presented a historicized and ethnographic analysis of the ways in which hydrocarbon expansion has interacted with, and affected, a particular indigenous population, the Weenhayek of the Bolivian Chaco. In particular I have explored the tensions that the hydrocarbon economy has produced both within Weenhayek society and between the Weenhayek, the state and one particular hydrocarbon company. I used a detailed discussion of a Consultation and Participation process oriented toward identifying compensation as my principal means of exploring these issues. I have also suggested that patterns discussed in the paper are illustrative of a larger phenomenon of indigenous-state negotiations over the expanding the extractive frontier in the Chaco and beyond.

I argue that in the case of the TCO Weenhayek, the tensions surrounding hydrocarbon expansion and processes of consultation must be understood in light of the particular economic calculations, territorial experiences and organizational dynamics of the Weenhayek. These economic calculations are heavily marked by the logic of collection and the overriding importance of securing livelihoods – both in general but also from season to season. These imperatives and logics clearly affect what they negotiate for and also how the dynamic of negotiation will vary across the annual cycle.

Meanwhile Weenhayek territorial integrity has been historically compromised first by soldiers, then ranchers, and more recently by hydrocarbon actors. In the face of this historical experience, the Weenhayek consistently seek to reconsolidate territory. This collective aspiration to restore territorial wholeness affects what is negotiated for and how. It reflects a group who, because of this history, is quick to distrust government, even a MAS one, meaning that as soon as a government team acts in ways suggesting duplicity then negotiation will become harder to conduct. Where the MAS government sees excessive demands for compensation, the Weenhayek leadership argues that they are merely asking for what is owed to them and what has been promised to them by MAS. Finally, how Weenhayek negotiation is conducted reflects a group whose organisational structures have been induced from the outside, and which as a consequence of this and other factors (including recent experiences of negotiating with hydrocarbon companies), suffers recurring cycles of internal conflicts and tensions.

The Weenhayek have been called *inmediatistas* (short-termists), a reflection of the strong instinct to collect that characterises much of their interactions with outsiders. While this characterisation might be *descriptively* true (at least in part), it is analytically misleading because it suggests only opportunism and short-sightedness. Yet the immediate compensation that the Weenhayek demand reflects a clear understanding and awareness of the very limited and fragile nature of what is on offer, and the weak ties/relationships

that the Weenhayek have with those who are making the offer as well as their own limited bargaining position.²⁷

On the other hand, we clearly see *inmediatismo* on the part of the state and hydrocarbon companies as they look to the Consultation and Participation process as a means of gaining local agreement for a specific project through selective offerings of financial compensation (in the form of direct payment or through programs for indigenous development). The time span for conducting a Consultation and Participation process is very condensed and this fosters a sense of uncertainty and vulnerability. The climate of tension and distrust that characterises negotiations around extraction further weakens (already fragile) local organisations as well as efforts to build more participatory institutions.

In this way, Consultation and Participation processes come to be constitutive of the society of the groups who participate in them. First, the hydrocarbon extraction that drives Consultation and Participation changes landscapes in ways that alter livelihood practices forever, albeit in ways that reflect historical continuities. Among the Weenhayek this combination of transformation and continuity is exemplified by the maintenance of the logic of collection but in a context in which the practices of collection and the nature of what is collected change fundamentally (in addition to fauna and flora they now “collect” compensation). Second, the Consultation and Participation process becomes part of internal socio-political dynamics in ways that can strengthen or weaken the indigenous group. In the case of the Weenhayek we have seen how the process has caused great stress both to the supracommunal organization ORCAWETA as well as to intra-communal relationships. Third, the extent to which the Weenhayek succeed or fail in negotiating their larger concerns around territory through Consultation and Participation will determine how far they are going to be able to fulfil their aspiration to consolidate their territory. In this regard, the Consultation and Participation constitutes a critical moment for the group and is much more than a simple negotiation at a point in time – rather its outcomes will determine, for the foreseeable future, the ability of the Weenhayek to fulfil, or not, their historical project of territorialisation.

Notes

¹ Fieldwork involved a close collaboration with the NGO CERDET, based in Tarija. It has been supported by the Economic and Social Research Council of the UK, and more recently by a Ford Foundation grant. I would like to thank Guido Cortez and Anthony Bebbington for their guidance and support. I am also appreciative of the suggestions of David Robinson and an anonymous reviewer. I also thank Nick Scarle, School of Environment and Development, University of Manchester, for the drafting of the map.

² Alvarsson (2006) describes the Weenhayek’s decision to reject the term *matawo* (which had come to be used pejoratively by whites and mestizos) and refer to themselves as Weenhayek wiky’i as part of a long and ongoing process of ethno regeneration – in which a group attempts to define or recover an identity that has been submerged. Cortez says the term distinguishes those living in the upper Pilcomayo from those living along the lower Pilcomayo. In this section,

I use the term Weenhayek and only use mataco when used by the author being cited.

³ At the beginning of my field research in May 2008 there were 22 Weenhayek communities. In 2010 however the number of settlements swelled to 36 after disputes arose among clans linked to a negotiated agreement between ORCAWETA and BG Bolivia in 2009-2010. As of July 2012 there are more than 55 settlements. The forming of new settlements reflects the strategy of clan members to gain additional access to financial resources, especially from negotiated agreements around gas.

⁴ Interview with Erik Araoz. 24 June 2009.

⁵ Bolivian scholars link the causes of the Chaco War to an emerging conflict between Standard Oil of New Jersey, a U.S. based firm with operations in Bolivia and Royal Dutch Shell, a British firm with interests in Paraguay, for control over what was thought to be significant hydrocarbons reserves. Other historians (e.g., Klein, 1992) dispute this view. What is important is that the majority of Bolivians, among them, President Evo Morales, *believe* the Chaco War was the result of transitional oil companies' greed and duplicitous dealings.

⁶ Including migration to Northern Argentina to work cutting sugar cane.

⁷ Concerned with the dire situation of the Weenhayek, the MSLB established a mission in Tuney, then on the outskirts of Villa Montes. The missionaries applied strict rules in their quest to civilize and *bolivianize* the Weenhayek, establishing a series of bi-lingual schools as well as health services and economic activities. While there is both criticism and recognition of the MSLB's actions there is no debate about the enormity of their influence in helping the Weenhayek reconstitute their territory. Despite the MSLB's withdrawal in 2006, the organization continues to exert influence in local affairs through the local Weenhayek pastor and the Fundación Indígena Weenhayek.

⁸ Artesanía, or handicrafts, constitute an important activity among Weenhayek women, especially during the off season for fishing, however the income received is far less (see Combès, 2002) than fishing income.

⁹ The Tapiete have since withdrawn from ORCAWETA.

¹⁰ Here I draw on interviews with indigenous leaders and promoters.

¹¹ While important reserves of gas were detected decades prior to the 1990s gas boom, these reserves were "stranded" in the sense that there were no markets to take the gas. It was not until the 1990s with the opening up of the Brazilian market that these reserves could be brought into production.

¹² A small portion of the TCO Weenhayek is located further inland, at the foot of the Serranía de Aguaragüe, and is thus affected by the Aguaragüe hydrocarbon block, at the time operated by Chaco, an area covering nearly 64,000 hectares.

¹³ Among these groups are: Acción Ecológica; Amazon Watch; Cultural Survival; Friends of the Earth; Oilwatch Rainforest Action Network; and Survival International.

¹⁴ Interview with Hugh Atwater, Social Performance Manager BG Group PLC, 10 November 2008.

¹⁵ Interview with Jose Magela Bernardes, General Manager BG Bolivia, 22 January 2009.

¹⁶ Interview with Moises Sapiranda, December 16, 2008.

¹⁷ TCO, or originary communal lands, refers to the legally recognized territorial claims of indigenous groups such as the Weenhayek and was first established in the Law for the National Institute of Agrarian Reform of 1996. The new Constitution (2009) created the denomination Indigenous-Originary-Peasant Territories (TIOC). In the case of the Weenhayek they continue to use the term TCO.

¹⁸ Interviews with Erick Araoz and Nolberto Gallardo; also see Aróstegui (2008); Orduna (2004)

¹⁹ Many of these ranches are owned by absentee landlords. Compensation settlements with hydrocarbon companies then provide important resources that permit an otherwise unprofitable and unsustainable activity to continue. There is an interesting similarity here to arguments made above all in Brazil that ranching in the Amazon was often a strategy for gaining fiscal benefits rather than for producing cattle (Hecht, 1985; Binswanger, 1991).

²⁰ Information about BG Group's operations in Bolivia are from the BG website <http://www.bg-group.com/OurBusiness/WhereWeOperate/Pages/Bolivia.aspx> (accessed multiple times)

²¹ This ambiguity serves a useful purpose in that companies can engage in short-term negotiations linked to specific problems or activities linked to projects without having to renegotiate the larger program of support. ORCAWETA does not maintain a single register of agreements negotiated with BG Bolivia and other companies. Interviews with ORCAWETA leaders revealed significant confusion over the different categories of financial support and compensation.

²² The Bolivian government does not have a mechanism in place to oversee fulfilment of these negotiated agreements.

²³ Proyecto Desarrollo del Campo Palo Marcado, BG Bolivia, (2008) Powerpoint presentation and Información sobre el Proyecto “Desarrollo del Campo Palo Marcado” Proceso de Consulta y Participación, Ministerio de Hidrocarburos y Energía, 2008.

²⁴ Originally YPFB was not involved in the process; the government modified the Consultation and Participation process in 2008 to include YPFB.

²⁵ The costs related to Consultation and Participation processes are covered by the company.

²⁶ I use the term socializing information in the literal sense of making the information social and legible to the Weenhayek.

²⁷ Alvarsson has made similar comments in regard to Weenhayek relationships with the city and with missionaries. See also Stuart Kirsch (2006) on indigenous peoples' relations with mines in Melanesia.

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