

Inclusive Participation or Exclusive Right? The Politics of Democratic Participation through ‘Free Prior and Informed Consultations’ in Andean Latin America

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Abstract

In Latin America the introduction of practices of participatory governance in the natural resource sector has become entwined with the multicultural imperative. Across the world, indigenous people inhabit and claim land rights in areas that are environmentally protected and often extraordinarily rich in terms of biodiversity and renewable and non-renewable resources. In recent years, record oil prices, growing global demand, and commodity-based national economic strategies have led to unprecedented levels of natural resource exploration and extraction in indigenous areas. In this context, some Latin American states, especially in the Andean region, have put in place a range of reforms to devolve certain land and natural management rights to indigenous peoples.

The tensions around collective rights and participatory governance on natural resource management are the subject of this article. In particular, we explore the challenges of participation through the lens of multiculturalism and its potential for creating inclusive and effective forms of decision-making for marginalized social groups. Empirically, it examines a recent attempt to establish more participative forms of environmental governance for indigenous communities in Bolivia through the Free Prior and Informed Consultation (FPIC). Rooted in international human rights law, this framework aims at achieving more effective bottom-up participation by establishing an obligation on the state to consult indigenous peoples before large development projects get underway.

We argue that the FPIC is not a neutral exercise that will automatically lead to better governance and a more equal society. Instead its implementation embeds existing social, cultural and economic tensions with criteria of representation and legitimacy, inclusiveness and the management of common goods. Ultimately, we question a linear conceptualization of the relationship between democracy and rights and consider equality and inclusion not as teleologies of participation, but as the result of contingent political processes.

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