

HYBRID FORMS OF CONFLICT MANAGEMENT AND SOCIAL LEARNING

IN THE DEPARTMENT OF CUSCO, PERU



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Hybrid Forms of Conflict Management and Social Learning

in the Department of Cusco, Peru

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Preface

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Preface

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1. Introduction

This book tries to give answers to complex questions and dilemmas that I dealt with as a professional who gave advice on “management of conflicts about natural resources”. I define conflict management as the actions of internal or external actors that aim to give a “positive” turn to the course of a conflict.

The research question of the study is the following:

What is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning?

This and the following chapter explain why I choose this question, why the question is a relevant one, what I consider as “positive” or as an “improvement”, and which route I followed in order to find answers to it.

The organisational process regarding conflict management of the Peruvian NGO Centro Bartolomé de Las Casas (CBC) is the main case study of this dissertation. This organisation, especially through its programme Casa Campesina, has conflict management activities since the late 1980’s. When I arrived in 1997 as an advisor, I noticed that the Casa Campesina already had developed a considerable experience in conflict management practice, but that the incorporation of (new) theory and methodology was almost absent. In the process of incorporating theory and methodology, we encountered many dilemmas that are crucial for the impact of the work of CBC and for the outcome of the conflicts concerned.

Most conflicts dealt with were between rural communities (*comunidades campesinas*) or their members (*comuneros*), and between *comunidades campesinas* and “external” actors: companies, ex-land owners, public agencies, etc. The conflicts were about natural resources because most conflicts dealt with land, and if not, with other natural resources such as wood, pasture, mining resources and water. In addition to the study of the organisational process of CBC, I studied three cases of conflicts about different natural resources with the involvement of various stakeholders, among which CBC.

It appeared that for most cases there were no straightforward answers, because the relation between practice and theory is complex, and because many of the issues are the subject of still ongoing academic debates. This dissertation aims to contribute to these debates with concrete “grass-root level” examples.

1.1 Emergence of the study

My first working experience abroad was in a Small Farmers’ Irrigation Programme in Nepal (June 1991- June 1993). Most requests for irrigation projects were not approved; the main reasons were not technical, but referred to the existence or probability of conflicts. During the implementation and after the handing over of the projects that had been approved, not one was without conflicts. Notwithstanding that, there was no conflict management specialist in the programme, no training was given about the subject and conflicts were not managed according to any systematic method.

In spite of the lack of attention given to conflict management, the case of Nepal was a rather successful “development” programme. I observed however that many other projects turned out to be failures because of the occurrence and denial of conflicts. Based on this, I am convinced that in most “development” work the issue of conflict management is under-valued and that more emphasis on this issue will improve the performance of ongoing and future efforts.

However, since my experience in irrigation projects, it still took years before I chose conflicts as a study theme. When I started with my Ph.D. study in 1996, the initial idea was to study common property. During a natural resource management study in Nepal (Basnyat, 1996a, 1996b), I learnt about some very interesting and impressive common property systems¹. Furthermore, from July 1993 to 1995, I was involved in a successful programme for participatory micro-watershed management through my work as an advisor for a District Office of the Nepalese Department of Soil Conservation. My intention was to study common property systems in Peru, complementing these findings with Nepalese experiences, in order to define design principles.

As my study progressed, through practice and literature study, I encountered more and more problems regarding my initial ideas. I perceived that common property system is a limited concept because there are multiple property relations, only some of them are common and the systems are not closed but form part of their surroundings. Furthermore I perceived² that the idea of “universal” design principles was not feasible.

I chose not to translate these findings into criticisms of current Common Property Theory as has been done by Nathalie Steins (1999) but to shift the subject towards management of conflicts about natural resources.

The reason for this choice is partly personal. In 1997, I started to work for the Programme Casa Campesina of the NGO Centro Bartolomé de Las Casas (CBC) in Cusco. Soon after the period of my arrival, because of various reasons (chapter 4), conflict management became a central working theme and my prime responsibility became to advise on conflict management. The shift from common property to conflict management was not clear cut: as will be described in this study, property relations and conflicts (or collaboration) go hand in hand.

1.2 Main issues

Conflicts are everyday headline news and most people consider them as a main threat for mankind and environment. In the specific situation of Peru, the occurrence of conflicts is high and increasing because of land degradation; population growth; sharp economic disparity; over-exploitation of natural resources; privatisation and strong presence of multinational companies; a multicultural society; confusing lawgiving; and poorly functioning governmental agencies (chapter 3).

¹ For example Phoi Mahadev is a village in which since more than 500 years an irrigation system functions successfully because of a complex management system. A neighbouring village with less agricultural production and more forest, profits indirectly because of the exchange of ‘wood for food’ from Phoi Mahadev (Basnyat, 1996a, 1996b).

² influenced by Actor Network Theory (see 2.1.7).

The management of conflicts mostly starts at a late stage when much harm has been done, as reflected in the Dutch saying: “one fills the well after the calf is drowned”. Arguably, the management of conflicts in an early stage contributes towards a culture of peace at different hierarchical levels.

Another problem is that conflicts often are not managed properly. Conflict management is very complex: one has to know why persons act in a certain way, what are their positions, interests and real needs, and one has to understand human and non-human interfaces. Actions have to be formulated and implemented in order to improve the course of the conflict. Measures are needed to ascertain the sustainability of agreements and to ensure that the conflict will not arise again in the future.

One issue is how to do it (methodology); another issue is who does it. Problems exist about roles and ontology. Everybody is responsible for conflict management, but it is not always obvious who takes a leading role and often tensions exist between conflict managers³ with different perceptions. Most conflicts involve many stakeholders: intervenors, conflictive parties and indirect actors. The interaction among them is crucial for the management of a conflict. Issues are among others: the influence of the surroundings (politics, laws, etc.) on the direct involved stakeholders; the dependence of intervenors on donors; and the relation between local and external conflict managers. A sub-problem is the presence or absence of scaling-up, for example the spreading of local successful experiences to other areas and to other conflict managers.

A subsequent topic is the specific character of conflicts about natural resources. In the introduction of this chapter, I already mentioned that almost all conflicts with an involvement of CBC have a natural resource component. From my choice for conflict about natural resources arise the following issues: are natural resources indeed a cause of conflicts (e.g., scarcity, abundance, resource dilemma, greed), what is the role of natural resources (as an actor⁴) and what is the impact of conflicts and their management on natural resources (environmental impact).

The next chapter will describe how academic interest has resulted in lively debates about the aforementioned issues.

According to Kriesberg (2001:416, 417), the following dissensus exist among conflict theorists:

- Differences in emphasis on settlement, resolution or transformation of conflicts;
- Difference in the importance accorded to coercion and violence in the ways conflicts are conducted and settled or resolved (“any reliance on coercion is antithetical”, “all conflicts are ultimately resolved by coercion”, or “power differentials are an unescapable fact of all relationships, but they may vary under influence of positive and negative sanctions, normative and persuasive inducements, and altruism and shared identity [Boulding in Kriesberg, 2001]”);

³ I define conflict managers, intervenors, stakeholders and actors in chapter 2 (2.1.5)

⁴ I use actor as defined in Actor Network Theory (2.1.7).

- Different opinions about the argument that dominant parties gain more than weaker parties because they have control over conflict management instruments;
- Disagreement about when, which method of conflict management may be appropriate.

All these topics are important for this study, I add the following differences of opinion: about the role of natural resources in conflicts (Homer-Dixon, 1994; Gleditsch, 2001; Röling, 2000; Richards, 2005), and about the role of intervenors (Frerks, 2003; Bigdon, 2004; Leeuwis, 2004).

I hope that this study will contribute to the aforementioned debates. My position in these discussions is as a “professional”. In a first instance, I want to know the most proper way to manage conflicts. Secondly, I want to know the social and environmental impact of conflict management. Thirdly, I want to know whether it is a short-term activity or whether it can contribute social learning and to transformation in a society (towards a “culture of peace”). These are the first three main issues of this book. The study of conflict management paradigms is the fourth main issue of this study, as I will explain below.

To get a better insight in the possibilities of change and transformation, I studied the social construction of conflict management and the possibility of social and interactive learning. I examined whether learning by individuals is “socially conditioned” and whether “social aggregates do learn” (definitions chapter 2), how conflicts hamper social learning processes, and how conflict management may attribute to wider social learning processes. For this aim, I looked into the interaction between intervention, local conflict management, scaling-up and research.

During the course of the study, I realised that by choosing social learning as a starting point, I shared myself under a category. This consideration is valid referring to social learning documents (SLIM, 2004) in which social learning scientists themselves opt for categorisation, seeing social learning as an alternative for hierarchical, market and information approaches. A practical and theoretical problem of conflict managers is that they are guided (consciously or unconsciously) by a set of principles and assumptions. This makes that they can be shared (by themselves and by outsiders) under a certain category, label, paradigm or ontology. These may conflict with each other.

Examples of conflict management categories are the following⁵:

- A traditional role of conflict management lies by public forces: law making, law enforcement and law interpretation. Most scholars categorise this as formal conflict management.
- In the last decades, however, it is recognised world-wide that formal conflict management has many shortcomings. As a response, since the 1960’s alternative dispute resolution or alternative conflict management is gaining importance. The main practitioners of this kind of conflict management are people belonging to private organisations.

⁵ In chapter 2, I give a detailed description of these categories.

- Furthermore, in “multicultural societies”, local conflict management practices appear to be more effective than the application of (formal) conflict management mechanisms that are the product of the “dominant” culture.
- A fourth category is market-oriented conflict management. Market forces are a possible cause of conflict and some see market forces as a way to manage conflicts.
- Other scholars suggest conflict transformation as an alternative, giving more emphasis to long-term goals. I consider social learning as an approach that focuses on transformation.

As will be shown in the next chapter also other conflict management categories, labels or paradigms can be distinguished. Arguably, a dogmatic use of paradigms by conflict managers may result in a non-optimal or even negative impact on conflict management.

1.3 Objectives

The challenge of this study is to contribute to the practice and theory of conflict management in order to improve the condition of the natural resources at stake, to reach a balanced division of the benefits of the management of the natural resources among the involved human stakeholders, and to work for a “peaceful society”.

Specific objectives are:

- To give a detailed analytical description of conflict management through case studies of the Casa Campesina/CBC and of conflicts at different levels in three different areas.
- To improve intervention⁶. The NGO Centro Bartolomé de Las Casas (CBC) for which I have worked more than seven years as a conflict management advisor is the central actor in the discourse. The study aimed to improve the institutional conflict management capacity of CBC and to serve as learning material for other institutions and practitioners.
- To give a positive impulse towards the management of conflicts in which CBC was involved as a third actor. The studied conflicts were not only research material; we (Casa Campesina/CBC) tried to find a synergy between knowledge gathering and management of the conflicts concerned.
- To participate in information exchanges (e.g., academic debates) with the aim to learn and to contribute to the improvement of knowledge and practice regarding conflict management. Learning depends on the spreading and interchange of information (scaling-up).
- To gain more insight into “where science meets society”. Science and society often live apart, while they should be together. The study has both an academic and a facilitating role, theory meets practice and vice versa. This “double function” carries risks (subjectivity) and opportunities (results on demand).
- To contribute to ongoing academic debates.

1.4 Justification

This study aims to contribute towards the aforementioned academic debates and to contribute to improved management of conflicts.

⁶ Leeuwis (2004) emphasises the importance of giving more attention to conflict management and intervention in social learning processes.

The study has the following “added values”:

An insider (me) followed the conflict management process within an institution (Casa Campesina) taking into account the “surroundings”. It was a research in which practice and theory continuously interacted. This particular “interactive research” may lead to some new insights about conflict management methodology.

Most Latin American case studies and theory about conflicts remain in that continent: information exchange between Europe and Latin-America about conflict management is scarce. This study combines Latin-American and European theory and was done by a European researcher in a Latin-American field situation.

Conflict management literature gives most attention to macro (armed) conflicts and micro conflicts (divorces, between companies, neighbours). The discourses at both levels show many similarities, but, especially in terminology, they show also differences. This study, in which most conflicts are at a “meso-level” (beyond family or village level with a multitude of stakeholders), may contribute towards a rapprochement between the micro and macro level.

Regarding the academic discussions about conflict transformation and social learning, I have the impression that scholars who look into conflict management from a ‘conflict transformation’ perspective, incorporate insufficiently (all components of) social learning theory. Social learning scholars, on their turn, might incorporate conflict transformation theory more thoroughly (see next chapter). This study combines both theories.

1.5 Contents of the study

The study has the following parts:

- Social and research problem, theory and methodology (chapters 1 and 2).
- The incidence of conflict management in the department of Cusco (chapter 3). For the understanding of the cases, chapter 3 shows the diversity and nature of conflicts in the department of Cusco with references to the Peruvian legal and political system.
- The efforts to manage conflicts by the programme Casa Campesina of CBC from 1985 to 2001 (chapter 4 and 5). Chapter 4 describes conflict management practice by the Casa Campesina until 1996. It is the period before my arrival in Peru, in which methodology was mainly based on practice and experience. Chapter 5 describes conflict management from 1997 to 2001, when the Casa Campesina looked for a link between theory and practice.
- The application of conflict management by the Casa Campesina in a local situation (Nueva Esperanza de Ccapana) and a conflict with an external actor and more complex power relations (Carhuayo) (chapter 6 and 7). In Nueva Esperanza Ccapana the influence of the Casa Campesina is marginal, but positive. Local conflict management had most influence. In the mining conflict of Carhuayo the methodology developed by the Casa Campesina appeared to be limited.
- Conclusions of the first phase of the programme “Conflict and Collaboration in Natural Resource Management in Latin America” (chapter 8). The results of

an action-research project that was implemented in 2001 gave the first reflections about conflict management by the Casa Campesina.

- Conflicts about the use of the Inca Trail (chapter 9). This case shows the unpredictability of conflict management, and that a paradigmatic approach may hamper a conflict management process.
- Conflict management in CBC (2002 and 2003). Within CBC, in 2002 and 2003, conflict management was not the sole responsibility of the programme Casa Campesina and became a basic activity of the whole organisation (chapter 10).
- Final conclusions (chapter 11 and 12). In these chapters I compiled answers on the research question from the previous chapters and I gave some suggestions for practice and for further research.

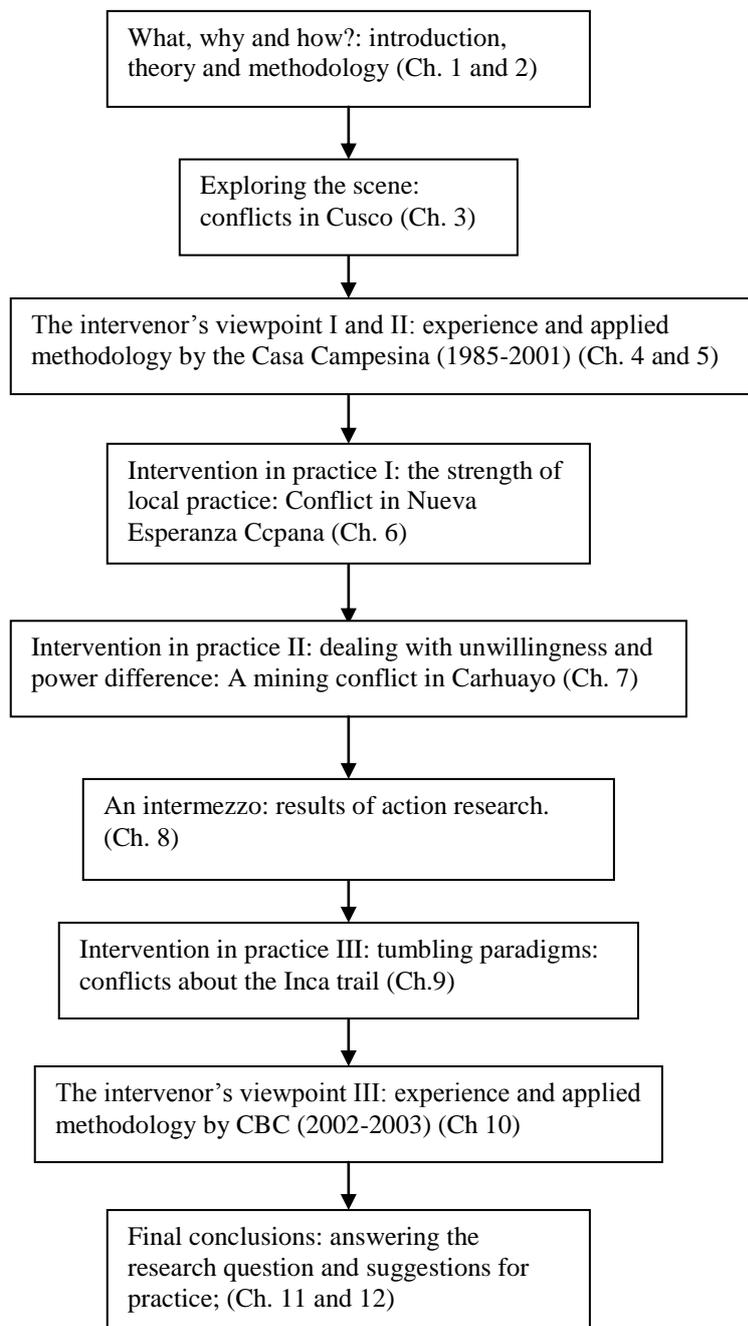


Figure 1.1. A graphic overview of the study

Chapter 2 Theory and methodology

Alexis de Tocqueville: A plain but false idea will always have more weight in the world than a true but complex idea (Achterhuis, 1988).

2.1 Theory

2.1.1 Conflicts

I use the following definition of conflict: “a situation in which two or more parties perceive to have mutually incompatible objectives” (Ormachea, 1999: 14). It is important to distinguish problems from conflicts: a conflict comes into being when a claim based upon a problem is rejected partially or totally. (Miller and Sarat, 1980-1981).

Conflicts have beneficial functions in a society (Coser, 1956); I perceive them as inevitable situations, as socially omnipresent and as possible initiators of social learning. The contra productive effects of conflict may be: the violence that is generated, the sub-optimal use and degradation of resources and the hampering of “sustainable development”.

I use the concept of those authors (Ormachea, 1999, Ortiz, 1998, Chevalier, 2001, etc.) who consider conflicts as “icebergs” with the elements: positions (above the surface), interests and needs (below the surface)⁷.

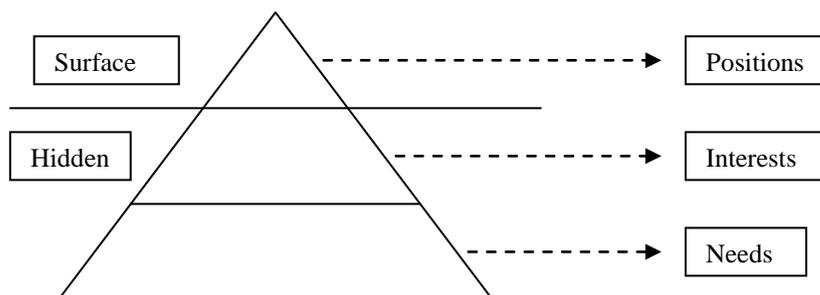


Figure 2.1 Iceberg: positions, interests and needs in a conflict

Leeuwis (2004) distinguishes five types of conflicts: conflicting cultural values, conflicts about norms, conflicts about resources and diverging interests, conflicts about power and influence and conflicts about knowledge. The cases described in this book are multilayered conflicts in which all these five elements can be detected.

There have been many debates about the causes of conflicts (and wars), for example: about scarcity of resources (see 2.1.2); about greed or grievance: about inter-group hatreds or economic considerations (Collier, 2000); about the existence of ineradicable cultural hostilities (new barbarism) (Kaplan and Huntington in Richards, 2005); about the ‘deleterious’ impact of (fundamentalist) faith (Juergenmeyer in

⁷ It is possible to add attitudes in the top level of the iceberg and to add values in the middle or lowest level of the iceberg.

Appleby, 2001); about the nature of political systems; and about the effects of globalisation (Allen, 1999). I agree with Richards⁸ when he states that mono-causal perspectives are ultimately unsatisfactory.

2.1.2 Conflicts about natural resources

There are many academic efforts that study conflicts about natural resources. Examples are the importance that the Wageningen University gives to “competing claims” and academic programmes, such as those from the Canadian International Research and Development Centre (IRDC); the Oregon State University and the Cornell University (USA); the Canadian Environmental Change and Acute Conflict Project and the Canadian Project on Environment, Conflict and Security Project; the Swiss Environment and Conflict Project (ENCOP); the Peace and Research Institute in Oslo (PRIO); The Forest Trees and People Programme (FTPP) of the FAO; the World Bank; the NATO; and the University of Peace (a university from the United Nations based in Costa Rica).

Jacqueline Ashby concludes that conflicts about natural resources are a normal characteristic of natural resource management according to her observations in six case studies (Ecuador, Honduras, Sudan, the Philippines, Laos and Indonesia) (Eberlee et al, 1998). I define⁹ a natural resource as “a part of the environment which is of use and value to the earth’s inhabitants (flora and fauna)” and natural resource management as “the process of decision making about the use of natural resources for fulfilling basic and other needs (of the earth’s inhabitants)” (Basnyat et al., 1996a: 26 and 29).

Traditionally, academics consider conflicts about natural resources from a “scarcity” viewpoint. They see scarcity of natural resources and emerging violent conflicts as a main threat for mankind. Studies about this issue deal with the nature of man (e.g., Hobbes and Rousseau), the relations between humans, and the function of society (Dobrowski, 2002, Achterhuis, 1988).

Since the early nineties an academic discussion takes place about environmental scarcity as a causal pathway to conflict between participants from different countries. Hauge and Ellingsen (2001) mention the “Toronto group” with Thomas Homer-Dixon as the best-known researcher and the “Swiss group” with as most salient initiative the Environmental and Conflict Project (ENCOP). Klem (2003) adds the Peace and Research Institute in Oslo (PRIO) to which belong Hauge and Ellingsen with Nils Petter Gleditsch as the main figurehead. Furthermore, he mentions the role of the NATO, the Oregon State University and the Worldbank, who financed and conducted studies about the issue. According to Klem (2003:16) there are three salient subjects that arose from the discussions and continue to “challenge our understanding of the linkages between conflict and scarcity”:

- Conflict or Cooperation. Scarcity may lead to conflict, but it also may lead to cooperation.

⁸ Richards proposes an ethnographic approach in which more emphasis is given to answering how people make war and peace and less emphasis on answering the question ‘what triggered war’.

⁹ In 1996, during the formulation of a policy plan in Nepal, we formulated these definitions in a participatory way with references to literature.

- Scarcity or abundance. According various authors, abundance of resources can be detrimental. Whether this natural wealth may also lead to cooperation is an issue of debate.
- Environment: a separate factor? The researchers from PRIO (Gleditsch, Hauge and Ellingsen) argue that conflicts about natural resources by no means only have environmental causes or characteristics. “We can always relate conflict to several issue dimensions, and the influence of one issue is usually modified by the influence of another. Resource and environmental issues do play a role in conflict but the relationship between these issues and violent conflict is modified by general political, economic and cultural factors at work in violent conflict generally” (Gleditsch, 2001: 64).

Hauge and Ellingsen (1998) found that scarcity plays a more important role in small-scale violent conflicts than in large-scale armed conflicts, and suggest that the role of scarcity becomes more important as the scale of conflicts decreases. Nevertheless, scarcity (or abundance), important or not, never can be taken for granted as a sole reason for conflict. Thus, a conflict about natural resources is not necessary a conflict that has its origin in the (scarce or abundant) condition of natural resources. Social, political, economical and cultural factors also can be main or additional causes of the conflict.

Already in the early 1970's, in response on the “Tragedy of the Commons” article of Hardin (1968), a number of scholars and practitioners, called the CPR (Common Property Resources or Common Pool Resources) movement, argued that scarcity not necessarily leads to resource degradation or conflict, and if so, conflict may provoke a better co-operation between the involved stakeholders (e.g., Ostrom, 1990; Steins, 1999; Röling, 2000). Elaborating on the logics of this group, Lubchenko (1998) and Röling (2000) prefer the term resource dilemma instead above scarcity, the term eco-challenge above global resource crisis, and the term environmental services above natural resources. At a large scale level, Wolf (2003) argues that, contrary to the belief of many, the last conflict between states about water occurred 4.500 years ago. On the other hand, he gives many examples of water scarcity that led to improved co-operation.

Röling (2000 and 2002) claims that a change of paradigm is needed to shift the emphasis from techno-centric and market-centric thinking towards a model in which adaptive management and social learning¹⁰ underpin the resolution of resource dilemmas in a sustainable way. Cognitive convergence is perceived as a process in which emotions/values, theory and perceptions, influenced by the context or surroundings, interrelate and lead to (collective and sustainable) action. Röling argues that, regarding natural resources, a focus on scarcity by economists or on control of natural causes by beta-scientists hampers an eventual ability to deal with the eco-challenge. One element for the change of paradigm is a closer co-operation between beta-(natural science) scientists and gamma-(social science) scientists.

I distinguish four opinions about the relation between conflict and natural resources.

- Natural resources are not main elements of conflicts (e.g., new barbarism, emphasis on political structures or religion).

¹⁰more about social learning, see 2.1.3

- Scarcity is a main element of conflicts (e.g., Homer-Dixon).
- Scarcity is one of the elements of conflicts (e.g., Gleditsch).
- Scarcity is a market-centric terminology, resource dilemmas is a more proper terminology (e.g., Röling).

My position in the debate about conflicts and natural resources is twofold. As a practitioner I have been promoting the concept of collaboration in natural resource management when I gave advice on irrigation management and watershed management in Nepal and when I worked with participatory community planning and knowledge exchange about natural resource management in Peru. At a micro-scale I have seen too many successful examples of co-operation in natural resource management as an answer to resource dilemmas to be sceptical about its possibilities. On the other hand, I also have experienced many rejections on the “CPR” approach because of very diverse reasons, differing between selfishness, ignorance, survival, ontology and ideology. As a researcher, I choose to be open-minded in the study of the relation between conflict and natural resources.

2.1.3 Conflict management

In conflict theory, one finds many definitions of conflict management, which in some cases contradict each other (for example the definitions of Miall, 2004 and Ormachea, 1999, this chapter). I consider conflict management mainly from a practical viewpoint: management is seen as the actions of internal or external actors who aim to give a positive turn to the course of a conflict. The term positive¹¹ on the one hand depends on the interpretation of the respective conflict manager; on the other hand it contains general elements such as trying to avoid casualties, trying to bring together conflictive parties, etc.

A conflict manager has the task to understand why individuals act in a certain way, why interactions between persons come into being, what is the relation between human and non-human ‘actors’, how the behaviour of the involved actors and the relations between them can be changed, and finally how this (positive) change will be sustainable. With other words, a conflict manager deals with questions to which sciences such as psychology, sociology, anthropology, economy and philosophy have not found definitive answers. The ideal conflict manager does not exist.

Consciously or unconsciously, theory and practice about conflict management try to deal with the aforementioned limitations, taking in account the capacities and possibilities of the conflict manager(s) and factors such as time and money. Normally conflict management comprises the investigation of “facts”, the search for “solutions”, the implementation of the solution (e.g., punishment or agreement) and follow-up.

For the analysis of conflict management I use the same method as e.g., Miall (2004), Hampson (2001), and Buckles (2000) who distinguish different categories or paradigms. Through comparison between these categories they aim to improve understanding about conflict management. However, it is impossible to make a perfect categorisation, there are many “hybrid” forms of conflict management, it is difficult to categorise, and often conflict managers act according to more than one

¹¹ More about the terminology “positive”: see 2.2.

conflict management category. Notwithstanding these limitations, I perceive that this method of trying to understand conflict management is the “least imperfect or unclear” way to do it.

Regarding to the practice of conflict management, I distinguish formal, alternative, local, market-oriented and social learning/transformation mechanisms. This “five partite” distinction is particular for this study. Many authors make a distinction between formal and alternative conflict management (Bush, 1994, Ormachea, 1994). These mechanisms may interact: for example, Ormachea (1999) emphasises that Alternative Conflict Management does not have the objective to displace or compete with the juridical process and does not aim to be converted into the only mechanism to solve conflicts. Local (also called customary or original) conflict management is a main study topic of “legal pluralists” (e.g, Yrigoyen, 2001, von Benda-Beckmann, 1998). Local conflict management may adapt formal and alternative characteristics. I include market-oriented conflict management, because many social scientists (table 2.1) mention market together with hierarchy (formal conflict management) as the most common-used interpretations of the arrangement of human affairs. I distinguish social learning and conflict transformation as a fifth mechanism, Leeuwis and others (2002) describe the relation between social learning and conflict management. Social learning has many overlaps with conflict transformation as used in conflict theory.

I do not claim that other (relevant) conflict management mechanisms do not exist or that the above is the most proper categorisation. Later on in this chapter I refer to Lederach (2001), Miall (2004) and Bigdon (2004) who make a similar categorisation using different terms (management, [re]solution and transformation). Hampson (2001) makes a distinction between hard and soft realist approaches, social-psychological approaches and governance-based approaches¹². The main reason for my choice is my own working experience and “conflict theory mentors” who influenced me personally while I worked in CBC (Ivan Ormachea, Pablo Ortiz, Franz von Benda-Beckmann and Niels Röling).

Formal conflict management

In formal conflict management the different parties of the conflict try to defend their interest from a “hierarchical” perspective through the use of power. At a macro-level Gleditsch (2001:53) mentions “the realist school of thought”. It is dominant in international relations, emphasising “the struggle for territory and resources with patterns of conflict and cooperation forming mainly on the basis of the struggle for power - military, economic and political.”

At a meso- and small scale, the most salient feature of formal conflict management is formal justice. In most societies, there is a division between legislative, executive and juridical power (Montesquieu). Arbitrage with sanctions is its most common conflict management mechanism. At all levels, the use of violence is considered natural.

¹² In my categorisation market-centric conflict management would fall under the hard realist approach, formal conflict management includes elements of both the hard realist approach and the governance-based approach, alternative conflict management shows overlap with the soft realist approach and social learning/transformation relates with the social-psychological approach, Hampson does not refer specifically to the local component of conflict management.

I consider power according to the perspective of Michel Foucault (1993) who states that the power of the State is not unique and monolithic, but that also a multiplicity of powers are exercised in the local spheres (social power) which can be applied in many ways against the power of the State. In this sense, power is a key attribute defined as the capacity to achieve objectives or to influence in decisions through the mobilisation of coercive resources (force and violence), utilitarian resources (material, human, economical and financial) or normative resources (symbolic and legal) (Etzioni, 1964).

The following disadvantages of formal conflict management can be mentioned (Ormachea, 1999, Churats et al. 2002):

- The participation of the conflictive parties is not voluntary.
- The parties cannot choose the conflict manager.
- The process is determined by rigid norms.
- The conflictive parties have limited possibilities to appeal to a decision they do not agree with.
- The process normally takes a long time.
- Juridical processes are expensive.
- In plurilegal societies formal law normally responds to the “dominant culture” and does not distinguish cultural characteristics of minorities.

Alternative conflict management

In the United States, since the late sixties Alternative Dispute Solution or Alternative Conflict Management became popular as a tool to solve community conflicts (Bush and Folger, 1994, Kriesberg, 2001). From then onwards the practice of Alternative Conflict Management is increasing steadily, not only in the United States and Europe, but also in Latin America.

Alternative conflict managers perceive that conflicts often arise because of miscommunication and the lack of communication. They use methodologies such as negotiation, mediation and conciliation to join disputing parties, to construct a mutual language and to pass through (cultural, social and economical) barriers that obstruct communication.

Scholars who use the terminology Alternative Dispute Solution and Alternative Conflict Management focus on small and meso-scale conflict. Comparing this conflict management category with approaches in large scale conflicts, I find similarities with those theorists and practitioners who propagate mediation as a management tool (Touval, 2001, Stedman, 1996, Wall, 2001) and with the “soft realist” approach of Hampson (2001). However, in most cases ‘large scale’ mediation is not a pure alternative method, but a hybrid method, because of the application of (soft) power (Hampson, 2001).

Between authors about alternative conflict management there are differences of opinion about the ‘social function’ of alternative conflict management; many of them focus their attention on settlement of conflicts. Bush and Folger (1994) emphasise the importance of placing alternative conflict management in a wider context and to opt for empowerment and recognition. “Empowerment means the restoration to individuals of a sense of their own value and strength and their own capacity to handle life’s problems. Recognition means the evocation in individuals of acknowledgment

and empathy for the situation and problems of others. When both of these processes are held central in the practice of mediation, parties are helped to use conflicts as opportunities for moral growth, and the transformative potential of mediation is realized.” (Bush, 1994: 2). “Working for empowerment and recognition usually results in reaching settlement as well, while focussing on settlement usually results in ignoring empowerment and recognition” (Bush, 1994: 3). In this study, I consider alternative conflict management mostly according the “narrow” view that focuses on settlement. As I will show later on, the concept of alternative conflict management of Bush and Folger overlaps with social learning and conflict transformation.

Buckles and Rusnak (2000:6) mention the following constraints of Alternative Conflict Management techniques:

- Alternative Conflict Management techniques depend on cultural and legal conditions, like the disposition to recognise a conflict publicly, and the administrative and financial support for the negotiated solutions.
- One depends on the voluntary participation of all the important actors. Especially in conflict with a power difference it occurs frequently that not all involved parties want to participate.
- Alternative Conflict Management can even be contra productive if the process only achieves to unite certain groups to mediate in their differences, while the causes of the conflict and the obstacles for the solution are beyond the control of those groups.
- The importance that is given to “specialist” mediators and conciliators may create a situation of dependency and may obstruct processes that lead to an improved local capacity to solve conflicts.

Another constraint of alternative conflict management is that its practitioners often do not regard a conflict as a process and that they do not pay sufficient attention to the surroundings.

Local conflict management

According to Kriesberg (2001), since the late sixties scholars such as Nader and Gulliver draw the attention on local conflict management. Local management of conflicts about natural resources refers to the local characteristics of conflict management that are the product of interaction between uniform or ‘hetero-cultural’ (Buckles and Chevalier, 2000) groups of people involved in the natural resource management of a certain area. Each region and each community has its own practices embedded in wider social, cultural, ethical and religious systems. Von Benda-Beckmann (2000), Upreti (2001) and Pendergast (2002) give examples of local conflict management in respectively Indonesia, Nepal and Sudan. As I will describe further in the next chapter, in Peru many of these practices coincide with the particularities of the *comunidades campesinas* and *nativas*, and specific problems like cattle robbery and terrorism, which resulted in the rise of *rondas campesinas* as indigenous institutions for conflict management.

With local conflict management I do not only refer to “traditional” conflict management that has its roots in old practices and beliefs, and remains the same in spite of social changes. Local conflict management also can be dynamic, adopt alternative and formal mechanisms and interpret them in an “own” way. It distinguishes itself from formal and alternative conflict management because of its

diversity and because it responds to “ethical” and environmental particularities of a certain region.

Paying special attention to local conflict management is relevant in each society, but even more in multicultural societies with a plurilegal structure. Plurilegality not only refers to different legal systems of different (ethnic) groups in a society but also to the interaction of laws and rules (about conflict management) within a society, distinguishing different levels (from family to international), using metaphors as a bundle of rights or a river in which the branches (of rights) join or separate themselves from the main flow (von Benda Beckmann, 1995 and 1998). Chevalier and Buckles (2000) mention peace, equality, community, secularity and rationality as culture-bound factors.

Because of the elusiveness of culture, I prefer the term local conflict management above cultural conflict management. Culture can mean a group of people, their habits, their art, etc. “Culture may refer to almost everything and nobody has been able to give an appropriate definition of culture” (Gustavo Hernández, personal commentary).

Box 2.1. About culture

Many (e.g., Winch, 1972) argue that it is impossible to understand culture; others (e.g., Jarvie, 1987) see more possibilities for a “scientific” understanding. In 1988, I dedicated a thesis to this theme. I share the opinion of Peter Winch, because I perceive that culture consists of ethical “non-bounded” webs that go beyond human understanding. However, I do not agree with culture relativists who opt not to study the interactions between “cultures”. None of us is “captured” in “one” web; some differences or similarities we may understand; other differences or similarities we may feel. On the other hand no one is able to “free himself totally” from his “cultural webs”. Therefore, I do want to underline the delicacy regarding the study of different cultures.

I am aware that I use a limited perception of the term local. Von Benda Beckmann (1998) and Leeuwis (2004) explain that local can refer to other circumstances: families, ministries, scientific knowledge, etc.

Local conflict management can be distinguished from formal and alternative conflict management not only because of its smaller scale, but also because of its emphasis on ethical factors such as oral tradition, magic, common history, religion, reciprocity, social control, etc.

Only focussing on local conflict management has the following dangers:

- Local conflict management may become static and “outdated” if conflict management in other parts of the society are not taken into account.
- In some cases local conflict management may favour local, powerful groups.
- In some cases local conflict management practices can be considered “cruel” in the eyes of “outsiders”.
- Local conflict management may conflict with “formal” law; acting independently from formal institutions may cause conflicts (in which local conflict management managers normally “lose”).
- “Copying” of local conflict management to other regions is risky because local conflict management depends by nature on site-specific “ethical” characteristics.

Market

In the occurrence of conflicts, many scholars see market as a (the) major factor (Dobkowski, 2002). Collier (2000) mentions greed as a major reason for (violent) conflicts. Scholars (e.g., Homer-Dixon) who mention scarcity as a main cause for conflicts share themselves implicitly or explicitly under the category of “market thinkers”.

Economical sanctions (Garoupa, 2003) are a market-centric way to manage conflicts, the same counts for mechanisms such as “dividing the pie” (Ormachea, 1999) or “pie-expanding solutions¹³” (Salla, 1997). Probably because of the supposedly “self regulating/laissez faire” function of the market, e.g. competition, compared with other conflict management categories, the aspect does not receive much attention in conflict management literature.

Critics about a “belief” in market mechanisms include:

- The actors with most (economical) resources profit most (the rich get richer and the poor get poorer).
- The environment is exploited because resources are viewed upon from an economical perspective and sustainability is not taken in account or even considered counterproductive.
- Market does not provide mechanisms to bring actors together: competition creates more conflicts than that it brings solutions.

Management, resolution and transformation

As mentioned before, I prefer to use a “broad” definition of conflict management: the actions of internal or external actors that aim to give a positive turn to the course of a conflict. Miall 2004 uses a narrow definition of conflict management set off against conflict resolution and conflict transformation. For me, conflict management does not exclude the possibilities of resolution and transformation.

Miall (2004: 69) states that “Conflict management is the art of appropriate intervention to achieve political settlements, particularly by those actors having power and resources to bring pressure on the conflicting parties in order to induce them to settle”. According to me, this definition coincides with “formal” conflict management.

Alternative conflict management in its turn coincides with Miall’s interpretation of conflict resolution: “It is possible to transcend conflicts if parties can be helped to explore, analyse, question and reframe their position and interests. Conflict resolution therefore emphasises intervention by skilled but powerless third-parties working unofficially with parties to foster new thinking and new relationships. They seek to explore what the roots of the conflict really are and to identify creative solutions that the parties may have missed in their commitment to entrenched positions. Conflict resolution is about how parties can move from zero-sum, destructive patterns of conflict to positive-sum constructive outcomes. The aim is to develop processes of conflict resolution that appear to be acceptable to parties in dispute, and effective in resolving conflict.” (Miall, 2004: 69).

¹³ I consider ‘pie expanding’ as a hybrid management technique (deals also with social learning).

Conflict transformation and similar concepts are becoming more and more the leading intellectual movement of conflict theorists: there is growing recognition, that every conflict involves many parties, issues and stages (Kriesberg, 2001). “Conflict transformation must actively envision, include, respect, and promote the human and cultural resources from within a given setting. This involves a new set of lenses through which we do not primarily ‘see’ the setting and the people in it as the ‘problem’ and the ‘outsider’ as the ‘answer’. Rather we understand the long-term goal of transformation as validating and building on people and resources within the setting” (Lederach, 1995 in Miall, 2004: 70).

Miall (2004: 78) mentions five types of transformation:

- *Context transformations* refer to changes in the conflict that may radically alter each party’s perception of the conflict situation, as well as their motives.
 - change in the international or regional environment
- *Structural transformations* refer to changes in the basic structure of the conflict, that is to the set of actors, their issues, incompatible goals and relationships, or to the society, economy or state within which the conflict is embedded:
 - change from asymmetric to symmetric relations
 - change in power structures
 - changes of markets of violence¹⁴
- *Actor transformations* include decisions on the part of actors to change their goals or to alter their general approach to conflict:
 - changes of leadership
 - changes of goals
 - intra-party change
 - change in party’s constituencies
 - changing actors
- *Issue transformations* concern the reformulations of positions that parties take on key issues at the heart of the conflict as well as the way in which parties redefine or reframe those positions in order to reach compromises or resolutions:
 - transcendence of contested issues
 - constructive compromise
 - changing issues
 - de-linking or re-linking issues
- *Personal changes of heart or mind within individual leaders or small groups* with decision-making power at critical moments may be crucial:
 - changes of perspective
 - changes of heart
 - changes of will
 - gestures of conciliation

In the same line of thinking, as an answer on the more frequent emergence of intrastate conflicts, Dorothea Hilhorst and Georg Frerks (1999) mention “local capacities for peace” as “new avenue to peace”. Other similar concepts are “sustainable peace”, a “culture of peace” and “integrated” or “cooperative” security.

¹⁴ Markets of violence refer to investments in war and to economic interests of the conflictive parties to make war.

In the next paragraph I explain that conflict transformation and similar concepts show much overlap with social learning.

Social learning

A social learning approach assumes that individuals and societies have an ability to change. One can consider conflict management as a learning process in which individuals and society incorporate knowledge and attitudes about how to manage conflicts and consider the importance of a “culture of peace”. Røling et al. (2004) mention the following products of social learning: widely shared meanings, collective or concerted action¹⁵, joint solutions to dilemmas, institution building, incentives for co-operation, decreased power differences, increased interdependence. These outcomes coincide with elements of conflict management. Many consider conflict management as an important aspect of social learning (Upreti, 2001¹⁶; Leeuwis, 2002). On the other hand precisely “the inability to either resolve or use productively conflicts of interests” is considered a main reason for “disappointing results” of innovation processes that are based on social learning (Leeuwis, 2004: 147).

“For some social learning means learning by individuals that takes place in social settings and/or that is socially conditioned; for others it means learning by social aggregates” (Parson and Clark, 1995:429). I perceive that these definitions do not contradict, but reinforce each other; therefore, I combine both definitions. On the one hand “organisational change can be studied as a rational response by organisation members to a changing environment”; on the other hand “organisations learn by encoding inferences from history into routines that guide their behaviour” (Parson and Clark, 1995:429).

Recognising and understanding the role of social learning in a society, however, provokes a new range of questions like: “Among the major categories of barriers and bridges are those pertaining to learning: learning what needs to be done, how to do it, whether it worked, and how to apply the learning to the emerging consequences; learning what must be unlearned and learning what must be learned new and by whom; learning about how to learn under the conditions that shape humans, on the one hand, and the environment, on the other” (Michael, 1995:461). Dealing with barriers and bridges regarding social learning we enter in the interface with other forces of change (e.g., power, interests), when we try to answer the question why learning is accepted or not, or why people do not act according their learning. In this context it is also important to realise that contrary to popular belief, most people under most circumstances are not all that eager to learn. Michael mentions socio-cultural, emotional and cognitive constraints to learning.

¹⁵ Collective action is more frequently used as a product of social learning, but according to Niels Røling (pers. comm.) concerted action is a more adequate term: collective action refers to doing things together, while concerted action keeps the possibility open of doing things separately but in concert: consulting with other actors.

¹⁶ Bishnu Upreti studied Conflict Management in Natural Resources from a social learning perspective with cases from Nepal. I used his study frequently as reference for my study because the topics are very similar. I have worked from 1991 to 1996 in Nepal and in two articles I compared cases from Peru and Nepal “Social Learning in the Management and Tenureship of Natural Resources: Experiences from Nepal and Peru” paper for the Himalandes workshop, Kathmandu, Nepal [1999] and “Collective action, property relations and natural resource management, a comparative study between two Peruvian and two Nepalese villages”, paper for the annual congress of the International Association for the Study of Common Property, Vancouver, Canada [1998]).

Adaptive management explains how social learning relates with action. Adaptive management is a guiding principle for the design of the interface between society and biosphere, and between community and eco-system (Röling and Jiggins, 2001). The essential point is that evolving systems require points and actions that not only satisfy social objectives but also achieve a continually modified understanding of the evolving conditions and provide flexibility to surprises (Holling, 1999). Adaptive management is a general principle that needs to be translated into concrete forms of experimentation, monitoring, probing and other forms of learning, conflict resolution and concerted action (Lee in Röling and Jiggins, 2001). The challenge for adaptive management of complexity is to learn to manage by change rather than simply react to it (Holling, 1999).

As mentioned earlier the concept of cognition is crucial for the understanding of social learning. For this purpose, Röling (2000) used theory of Maturama, Varela and Capra for the diagram below, in which he explains the relation between perception, emotion and action.

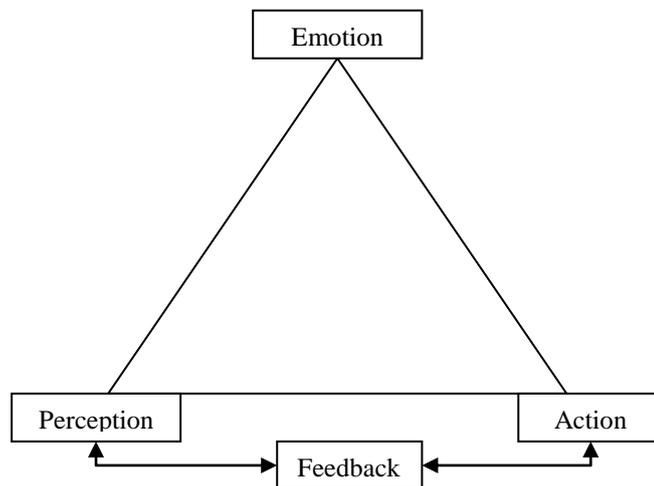


Figure 2.2: The cognitive system (Röling, 2000)

Röling uses furthermore the notion of praxis of Bawden (Röling, 2000, Figure 2.3) to explain different insights of thinking (his own social learning perspective and the “restrictive” way of thinking by modern scientists). I perceive that for the study of conflict management the interrelation between values, theory, context and action is very helpful.

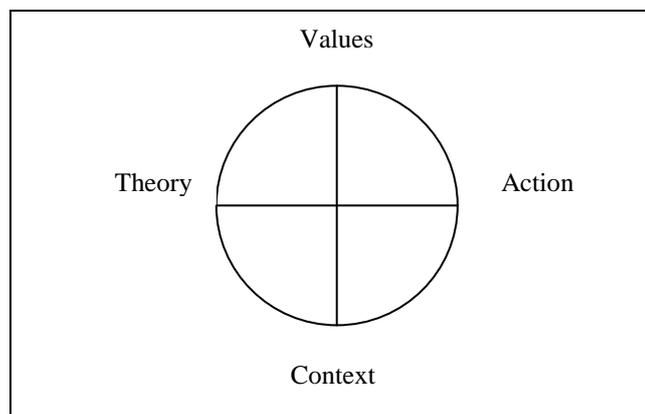


Figure 2.3 The Elements of Praxis and their Relationships (Bawden in Röling, 2000)

SLIM (2004) uses the term interactive learning. A process of transformation is induced that “allows stakeholders, who are making competing claims . . ., to engage in concerted action that leads to a more sustainable use. It may be described as:

- usually arising from a history of crisis and conflict;
- marked by convergence of understanding based on co-creation of knowledge and co-learning¹⁷;
- representing a change in relationships from individualism and competition to interdependence and collaboration;
- based on the creation, at multiple scales, of social platforms for interaction and learning in which people act together, interpret results and outcomes, and share information;
- punctuated by the emergence of routines, procedures and institutions that can be stabilised in structural relationships;
- facilitated by deliberate strategic interventions: for example, to create social spaces for interaction;
- placed in context by framework conditions;
- predicated upon the willingness of public administration to transfer responsibility for achieving public aims to the area based interaction of stakeholders.” (SLIM, 2004:2)

Regarding the academic discussion about social learning, I received the impression that conflict theorists (e.g., Miall, Lederach, Hilhorst and Frerks, Bush and Folger) who use terminology as “transformation”, “local capacities for peace”, “sustainable peace”, “a culture of peace”, “empowerment”, “recognition” and “integrated” or “cooperative security”, are incorporating insufficiently (all components of) social learning theory. Social learning scholars (e.g. Parson, Clark, Michael, Jiggins and Röling), in their turn, might incorporate conflict management theory (even) more thoroughly, as they struggle constantly with actors who are unwilling, unable or unaware regarding to social learning processes. Because of the aforementioned ‘communication gap’, I perceive that the study of social learning as a conflict management category is one of the most interesting challenges of this study. In this sense, I also will consider where social learning and conflict transformation overlap and where they contrast.

Implicitly the study of social learning and transformation in conflict management also implies the issue of social constructivism. In this sense a tension may be found with essentialism and fundamentalism: systems of thought and ethics that deny the possibility (or desirability) of change in a society (Latour, 2004b). Although almost no conflict manager presents him/herself as an essentialist or fundamentalist (Hacking, 1999), there do exist important differences of opinion about the extent to which a conflict is constructed (socially) or not. Later on in this chapter I will enter into more detail about this issue.

Some critiques on a social learning approach are:

¹⁷ The document of SLIM does not explain the meaning of co-learning, I interpret it as learning together, for example by two or more stakeholders who take part in the same “learning moment”.

- The conflictive character of social learning, change and innovation does not (always) receive sufficient attention.
- An ‘unrealistic’ belief in the possibilities of positive change of humans and society.
- Too much emphasis on participation, communication and interrelationships; and a lack of attention to power, access, authority, legitimacy, etc.

2.1.4 Conflict management and paradigms

Conflict managers place themselves consciously or unconsciously under a paradigm. “Such paradigms influence what people view as problematic and the possible solutions to such problems” (Maarleveld and Dangbégnon, 2002:70). Paradigm changes are for example changes in epistemology, ontology or methodology (Guba, 1989). Kriesberg (2001: 420) regards values as a main factor that make people decide about “what can and should be done regarding specific conflicts”. Frerks and Klem (2004) mention the influence of discourses on conflicts.

Conflict theorists coincide with social scientists who study the “co-ordination of human affairs” (Röling and Jiggins, 2004) and who distinguish different paradigms according to which people interact. I mentioned before in this and the previous chapter that I perceive that a more thorough incorporation of social science theory (especially social learning theory) may contribute to existing conflict (transformation) theory. I use table 2.1 to show that paradigms in conflict theory show similarities with paradigms used in social science literature that explain the co-ordination of human affairs.

Table 2.1: Distinctions made in literature with respect to approaches to co-ordinating human affairs (Röling and Jiggins, 2004:9)

Discourses	1. Use instruments	2. Assume rational choice	3. Rely on emergence from interaction
Rural policy practice (pers. com. Rob Schrauwen)	Regulating	Compensating	Stimulating
Rationality (Habermas, 1984)	Instrumental	Strategic	Communicative
Basis for Individual Behaviour Change (Kelman, 1969)	Compliance	Identification	Internalisation
Preferred ways of arranging human affairs (Hood, 1998 based on Mary Douglas' cultural theory) ¹⁸	Hierarchy	Individualism	Egalitarianism
Organisational co-ordination mechanisms (Powell, 1992)	Hierarchy	Market	Network
Causes of 'wealth of nations' (Bowles and Gintis, 2002)	Resources (such as power or natural resources), 'state'	Invisible hand of market forces	Social capital, trust, community

Relating formal, market-oriented, alternative, local conflict management and social learning with the above mentioned approaches, it appears that formal conflict management fits perfectly in the first column. Formal conflict management uses instruments, is regulating, demands compliance, is hierarchical, includes the use of power and natural resources (for the management of the conflict) and depends highly on the "state". Market-oriented conflict management coincides with the second column. Social learning and conflict transformation coincide in many aspects with the third column, although the elements of process and learning are not mentioned explicitly.

The characteristics of local conflict management appear to be considered poorly in the table. Only community refers directly to the "local". On the other hand, many of the mentioned characteristics may, but not necessarily do occur in local conflict management: regulation, hierarchy, compliance, communication, egalitarianism and trust. Factors that do occur less in local conflict management are (macro)market forces and individualism.

At a first sight alternative conflict management coincides with the third column. It relies on the emergence of interaction, stimulation, communication and trust. However, being "supposedly" neutral, no choice is made between individualism and egalitarianism. In giving emphasis to the solution of the conflict often the surroundings are not considered, which may mean that there is no internalisation and no construction of network and social capital. Even so, the concept of "community" is not taken into account. The (sometimes expensive) "expert" role of the third party can be in favour of parties with more economic resources. An emphasis on conflict settlement and ignoring empowerment and recognition (Bush, 1994) may benefit

¹⁸ Mary Douglas discerns a fourth dimension, fatalism, where the sense of belonging to a group is weak, but the domination by rules is strong (Röling and Jiggins, 2004).

“status quo” situations and hamper society transformation (towards more equity). The aforementioned “gaps” in alternative conflict management caused the participants of the final congress of the first phase of the programme “Conflict and Collaboration in Natural Resource Management”¹⁹ to suspect that Alternative conflict management may be influenced by “the invisible hand of market forces”. *Manejo Alternativo de Conflictos*: MAC was jokingly referred to as MAC-Donalds. I do realise that this may be an exaggerated perception of alternative conflict management, yet I give this example in order to explain the difference between the alternative conflict management paradigm, and the local conflict management and social learning paradigms.

Table 2.1 distinguishes two mainline paradigms (hierarchy and market) and several “alternative paradigms” (stimulation, communication, internalisation, egalitarianism, network, social capital, trust, community), which are the academic positions of the respective social scientists. For this study, because of the reasons that I mentioned in the beginning of this chapter, I choose three “alternative” approaches: local and alternative conflict management and social learning/conflict transformation.

The following table (2.2.) explains in a very general way the differences between “formal, market, alternative, local and social learning/transformation” conflict management. These can be found not only at a theoretical and practical, but also at an ideological level.

Table 2.2: Theory practice and ideology of five conflict management approaches

Conflict management	Theory	Practice	Intervenors	Knowledge/power	Ideology
Formal	Law	Promotes regulation and a good practice of formal justice	Actors with power and resources inducing the conflicting parties	The conflict manager (e.g., judge) has a knowledge and power hegemony	Static uniform society, static individuals
Market	Economics	Market regulates and determines relations between human actors	“Laissez faire”	Advantage for the parties with most (economic) resources	Static society, static individuals
Alternative	Communication sciences	Promotes the application of alternative conflict mechanisms	Skilled powerless parties working unofficially with the conflicting parties	The parties have knowledge of facts, the conflict manager controls the process	Static society, changing individuals and relations between them
Local	Anthropology	Promotes plural law and the (re)valuation of customary practices	Local actors, role division according to the local situation.	Local actors have power and knowledge	Diverse society, static individuals
Social learning/ Conflict transformation	Innovation studies/ conflict studies	Promotes learning/transformation at different levels	A low profile facilitator, preferably local, with the involvement of all relevant stakeholders.	Generation of knowledge at all levels, decision-power by all actors through participation	Changing society, changing individuals.

¹⁹ See chapter 5.

At present, most conflict theorists embrace the idea of conflict transformation. Likewise, the importance of local capacity still gains importance. This does not mean that other paradigms have lost their relevance. Formal conflict management has not lost its status in most societies, market forces are stronger than ever, and negotiators, mediators and conciliators who focus on short time goals still gain importance. With other words, the area of conflict management is a dynamic and complex arena and paradigms interact, contradict and synergise depending on the nature, stage and level of the conflict.

In addition to the described ‘conflict management’ paradigms, many other paradigms influence the actions of stakeholders. Examples are the belief that ‘the poor are good and the rich are bad’, that ‘technicians and experts know more’, etc. In the case studies we will see that these paradigms influenced the actions of conflict managers.

Regarding to the “choice” of paradigms for my own practice, in a first instance, I agree with the statement of Hampson (2001: 401):

“To the question, ‘What intervention strategy is most appropriate for managing (intercommunal) conflict?’ the only honest answer is ‘It depends’. Different tools and techniques are appropriate for different levels of violence and escalation of the conflict, for different types of conflict, and for differences in the number of parties and issues to the dispute. It may also take several false starts to figure out what works, what does not work, and what has the most to offer as a third party.”

However, the problem lies in the making of choices. Conflict managers (including me) are stigmatised by their mind set, belief, gender, origin, education, experience, prejudices, etc. Therefore, by nature, the choice for the most appropriate conflict management strategy is subjective.

2.1.5 Other issues in conflict management

To complete the picture about theories and practices of conflict management, I mention the following important developments:

Feminist theory and research have ‘provided a critique and an alternative to the prevailing emphasis on hierarchy and coercive power as the essential mode of decision making in social life’ (Kriesberg, 2001:412). This movement highlights the potential of women as conflict managers (Hilhorst, 1999 and Kriesberg, 2001).

Even so, social-psychological theory and research has made important contributions to conflict management theory, especially small-group experimentation tested theories pertaining to cognition, interaction, and personality, among others. Recently, emotional factors receive a renewed attention, looking into memories of past atrocities and humiliations, feelings of revenge, lost honour and emotional traumas (Kriesberg, 2001). Social learning theory as advocated by Rölting (2000 and 2002) incorporates social-psychological theory.

Another important contribution to conflict management is the considerable research and theorising about social movements (Kriesberg, 2001). This approach emphasises power differences, but also incorporates issues such as non-violence, the constitution of an opposition and local capacities. Orin Starn (1991, 1992) considers Rondas

Campeñas (Chapter 4) as one of the most important actual social movements in Latin America.

A macro-level, conflict theory and the rise of complex intrastate conflicts resulted in the rise of two-track and multi-track diplomacy (Kriesberg, 2001). Track one refers to activities with persons who are directly involved in the conflict, while track two refers to indirect actors who “are crucial in creating a critical mass to contribute to a society conducive to peaceful conflict resolution” (Hilhorst, 1999:7). Multi-track diplomacy strives towards conflict transformation, but incorporates short-term activities and goals.

Other tendencies regarding conflict management are:

- (Since the ending of the cold war) conflicts among groups identifying themselves in terms of ethnicity, religion, language, and similar attributes, rather than ideology, became more salient (Gurr in Kriesberg, 2001);
- The globalisation of the world due to technological advances and increased integration of the global market has also transformed conflicts (Kriesberg, 2001);
- Conflict management is becoming more institutionalised (Kriesberg, 2001).

A main problem of conflict management is the unwillingness (Salla, 1997) and spoiler role (Stedman, 2001) of many of the stakeholders. All conflict managers deal with this issue, but especially for “alternative and transformative” conflict managers these factors form crucial constraints, as they consider the enforcement of power undesirable for sustainable solutions in conflict management. According to Stedman (2001) spoilers are the greatest risk factors in peace making. In chapter 7 and 9 of this book, unwilling spoilers play an important role.

Another important theme for conflict management is the issue of timing. Conflictive parties are only interested or willing to participate in a conflict management process when they feel that they really deal with a problem that cannot or is difficult to be solved without taking action. Touval and Zartmann (2001) and Salla (1997) mention the “ripe moment” for the involvement of third parties and use the term “mutually hurting stalemates” for the condition in which the conflicting parties feel that they will lose more with a continuation of the conflict than with an agreement. Timing is a delicate matter, wrong timing may even cause a prolongation of the conflict, for example by creating a “grinding stalemate”, when the parties do not feel anymore an urgency to reach a settlement (Stedman, 1997). A disadvantage of waiting for the ripe moment, especially in the case of mutually hurting stalemates, is that in the meanwhile much harm can be done.

2.1.6 Role of conflict managers and organisations

An objective of this study is to contribute to the improvement of conflict management. I consider conflict managers as all persons who consciously or unconsciously are involved in actions with the aim to give a positive (see more 2.2) input towards the course of the conflict (in the broadest sense). Intervenors are the persons who are denominated by themselves or others as ‘third’ persons who have the task to give a positive input towards the course of the conflict. I perceive actors as human or non-human entities who do things and form part of the conflict, which I

consider as an ‘actor-network’ (see more 2.1.7). Stakeholders are the human persons or institutions that take part in the actor-network.

In this study, most intervenors are facilitators. Leeuwis (2004:158) argues that a facilitator²⁰ is not merely a neutral figure who enhances communication and learning, but “needs to have an active strategy, resources and a power-base in order to forge sustainable agreements.....a facilitator needs a certain amount of status, credibility, charisma and trustworthiness in order to be successful.....Apart from a certain amount of “leverage” a facilitator will have to possess the necessary insight and capabilities regarding social interactions, the shaping of negotiations and the organisation of learning processes.”

Crucial aspects of conflict management are the roles and interaction between “insiders” (e.g., farmers, community members and other stakeholders) and “outsiders” (e.g., scientists or external facilitators) (Leeuwis, 2004). The separation between “scientific” and “local” (because all knowledge is in a sense local) or “experts” and “laymen” (because everybody has expertise in some subjects and is layman in others) is not as relevant. “A great deal of the relevant knowledge will have to be provided from the ‘inside’ rather than from the ‘outside’. Of course, knowledge from the ‘outside’ may remain very useful and enriching, but it is unlikely to be the dominant force in an innovation process.” (Leeuwis, 2004: 163). This notion has an impact on this study, when I look into the role of interactive research and the relation between intervening agencies and local communities.

In addition to the role of the facilitator and the distinction between insiders and outsiders, the issue of interaction and scaling-up is considered important. This includes the following interrogations: how interrelates a local community with outside agencies? What is the institutional environment of the facilitator? Until what point are activities individual or teamwork? What is the role of indirectly involved actors (e.g., donor agencies)? etc. I make a distinction between individual action and actions by organisations, and examine the function of networking.

A wide range of public and private organisations play roles in conflict management. Many consider the role of civil society, as a counterbalance to state policy, essential in conflict management. Douma and Klem (2004) refer to civil society as a voluntary and non-profit set of institutions, organisations and behaviour situated between the state, the market and the family. They consider the following Civil Society Organisations (CSOs) as most important in conflict management: organisations whose primary aim is peace, faith-based organisations, the media, development and relief organisations, academic and research institutions, human right organisations, women’s organisations and self-help groups at community level.

Douma and Klem (2003) mention five structural and social factors of conflict that civil society organisations can address: bridging social capital, stimulating democracy, striving for justice, supporting and influencing governments and international actors, and improving the quality of life. Weaknesses of CSOs are: tension between

²⁰ Conflict theorists consider facilitators normally as conflict managers who only “facilitate” and try “to be neutral” and “not to interfere” among the conflictive parties (contrary to mediators who may show some action). According to Leeuwis a facilitator may steer a conflict management process to some extent, which coincides with the definition of a mediator in conflict literature.

conciliation and partnership; civil society may be as closely related to peace as to conflict; civil society is a vague notion; the effectiveness of CSOs is difficult to measure; the principles of Western CSOs may not match with local realities (in the South); civil society may be weak in conflict areas; many key conditions are outside the action radius of by and large most CSOs; there is a risk that CSOs (further) weaken the state; coordination between CSOs is to some extent an illusion; and, there is an inherent difficulty in external support to CSOs.

In this study, I will give special attention of the role of local NGOs (non governmental organisations) and CBOs (community based organisations). During the field study I have been working in an NGO (Centro Bartolomé de Las Casas), this NGO is an important study object. CBOs play an important role in the conflicts described in the the case studies. Various conflict theorists emphasise the role of NGOs and CBOs in conflict management (e.g., Aall, 2001, Pendergast, 2002, Douma, 2004, Bigdon, 2004).

Regarding conflict management, I observe (in practice and theoretically) that conflict managers act (partially) under influence of one or more paradigms or labels. This may have a positive or negative result on the outcome of the conflict management process. I perceive that (as a practitioner), I have worked under “local” and “alternative” labels, and that my strongest influence has been the “social learning” paradigm. In the analysis of this book I try to distract myself from these paradigms and to give as best as possible an analysis of the use of different paradigms by different conflict managers (among whom myself).

2.1.7 Conflict management and development

Although I have a “sceptical” notion of the term development, being a “development” worker myself, I cannot afford the luxury to skip the term from my vocabulary. Literally, development refers to a linear progress of the state of beings, while in reality “development” has both advantageous and (may be even more) harmful effects. Negative impacts of development are the aforementioned “environmental crisis”, increasing economic differences between states and between their inhabitants, and the rise of conflicts.

In its first decades (1960’s and 1970’s), “development aid” activities aimed to “transfer technology”. Since the eighties, paradoxically, “development” work becomes more and more a means to decrease the negative impact of development. Poverty alleviation, empowerment and environment became key issues, and development co-operation became a more common-used term than development aid. Notwithstanding, especially in western societies, the paternalist notion of development aid or co-operation still exists²¹.

The relation between conflicts and conflict management, and “development” is manifold. I started this book with an example in which the absence of conflict management hampered an optimal implementation of a development project. Frerks (2003) elaborates on the categorisation of development by Goodhand who discussed three major forms of involvement of development co-operation in conflict:

²¹ This is for example reflected in wide-spread critiques on development work, which state that decades of development “aid” have not resulted in “sufficient economic growth in the receiving countries”.

- Working around conflict. Conflict is considered as a ‘disruptive’ factor over which little influence can be exercised. Development projects withdraw from or keep out affected areas and continue to work in low risk areas.
- Working in conflict: development programmes are believed to be negatively affected by, and may have a negative impact on the dynamics of conflict. Development projects in medium and high risk areas make reactive adjustments, improve security management, put a greater focus on ‘positioning’, i.e. neutrality and impartiality, and cut back on high input programmes.
- Working on conflict: development programmes exploit opportunities to positively affect the dynamics of conflict. Programmes refocus onto the root causes of conflict, e.g., governance, poverty alleviation, social exclusion; attempts to influence the incentives for peace and disincentives for violence; support of mediation efforts, and focus on protection of human rights.

According to Frerks (2003), the current practice of development assistance generally approximates working around rather than working in or working on conflict. An eventual shift by development organisations towards a more active role is not without problems (Frerks, 2003)²²:

- Prevailing conflict analysis is absent or weak in the policy practice of most (donor) countries.
- Monitoring and evaluation are not always optimal, and hardly result in learning.
- Organisations have difficulties to make strategic choices, especially in co-ordination with other agencies.
- While development co-operation is increasingly subjected to the rigour of results-based planning and associated accountancy practices, such principles seem to be contradictory to conflict settlement through third party mediation. Linear approaches are not deemed valuable in view of the complexities of contemporary conflict. A longer-term approach is needed.
- It is felt that peace cannot be made at the top only, but has to be sustained from below as well. This fits nicely with some trends in development co-operation where there is a long tradition of bottom-up, participatory approaches. However, where in participatory development there often was an assumption of inclusiveness, this is more complicated in conflict situations.

2.1.8 Description of conflicts

In the previous paragraphs, I described theory and practice about conflict management, with an emphasis on possible ways to influence the course of conflicts. In the first paragraph of this chapter, I made clear that I do not look for general causes and functions of conflicts. However, to be able to manage a conflict adequately, a thorough understanding of the conflict in question is necessary. The theory described until so far includes analysis of conflicts but with a focus on practical applicability. Here, I include additional theory for the description of conflicts.

I think that the large amount of literature about possible causes of conflicts is only of limited use to conflict managers. It gives interesting retrospections and provides us with a large list of possible causes, but that is all. I perceived the impossibility to

²² These five issues appeared to be very relevant for the work of the Casa Campesina and CBC (chapter 4 to 10).

predict the course of conflicts and felt the enormous complexity of conflicts, when I tried to understand (because of personal interest) complex large scale phenomena such as the holocaust, the Rwanda genocide and the “War on Terrorism”, or national phenomena as the political violence by the Lighting Path and the army in Peru in the 1980’s and 1990’s, the civil war in Nepal and the increased tension since 2000 between “*allochtonen*” and “*autochtonen*” (original and not original Dutch citizens) in the Netherlands (see box 11.1), but also when I studied smaller scale conflicts as the one I describe in this book. According to me, these conflicts are only to a certain extent consequences of “logical cause-effect” processes. The amount of “(bad) luck” is very high and often people (as reflected in the Dutch saying) “listen to their abdomen, not to their mind”. Furthermore, I have the idea that conflicts themselves become active entities. At a certain moment not the causes but the conflict determines what happens. The “human factors and actors” have a less prominent influence on occurrences than “traditional modern science” makes us believe. Another weakness of the described theories and practices is that they all part (consciously or unconsciously) from ideological standpoints. Because I aim to study paradigms, as a researcher (not as a practitioner), I search for neutrality (is only possible to a certain degree).

Because of the aforementioned reasons, I use Actor-Network Theory (ANT) as the leading “way of thinking” to analyse the studied conflicts. Starting from three principles, those of agnosticism (impartiality between actors engaged in a controversy), generalised symmetry (the commitment to explain conflicting viewpoints in the same terms) and free association (the abandonment of all priori distinctions between the natural and the social) (Callon, 1986), ANT strives to avoid prejudgement.

I agree with Steins (2002) and Murdoch (2000) that ANT has much to offer regarding the study of natural resource management as a “theory of agency, knowledge and organisation”. Murdoch (2000) claims that it is a major challenge for post-modern analysis of natural resources management to rethink the interconnections, relations and co-constructions that link humans and non-humans. In this context, actor-network theory is cited as example of an ecological theory, one that stresses how social and natural entities come into being as a result of the complex relations (or networks) that link them together (Murdoch, 2000). The theory’s aim is to describe a society of humans and non-humans as equal factors tied together into networks built and maintained together in order to achieve a particular goal (Wasserman and Faust, 1994). According to Latour (1992) actors are “entities that do things”. The distinctions between humans and non-humans are less interesting than the complete chain along which competences and actions are distributed.

The term network is defined as a “group of unspecified relationships among entities of which the nature itself is undetermined” (Callon, 1993). The inclusive character of this definition becomes more evident when contrasted with one of the conventional sociological definitions of network where “a social network consists of a finite set or sets of actors and the relation or relations defined on them” (Wasserman and Faust, 1994) (Stalder, 1997).

Considering a conflict as an actor-network, allows us to perceive its functioning in a much broader sense than in the tradition of modern science, in which analysis is

limited to the human actors and natural resources. Instead, ANT focuses its attention on the relationships between all actors (living and not living).

Although social learning is not used explicitly, ANT offers an alternative way to understand socially situated learning: “Learning is ubiquitous in ongoing activity, though often unrecognised as such. Situated activity always involves changes in knowledge and action and changes in knowledge and actions are central to what we mean by learning (Law in Fox, 1999).”

Steins, Edwards and Röling (2000) give the following reasons why it is worthwhile to incorporate ANT in social learning about natural resource management: “decisions about property and management of natural resources will be influenced by (i) networks of social and technical relations, (ii) the meaning that is attributed to the management system, (iii) perceptions of the external environment, and (iv) social experience”. These four points illustrate a major dilemma of this study: conflict managers look for rational choices about a reality with a past and present that are not completely rational, and which in future will not be completely rational either. To overcome this problem at least partially (as I will explain in a more detailed way in the concluding chapters), for the study and practice of conflict management I propose to make a distinction between (theories about) the description of the conflict and the description of its management. On the one hand I want to know how a conflict is constructed (taking into account human and non-human actors and factors). On the other hand, I want to know the (deeper) nature of the actions of stakeholders, and of the actions (because they chose to “try to improve”) of conflict managers.

2.1.9 The impact of conflict management and social constructivism in conflict management

The previous paragraph proposes that the best way to understand conflict is to describe cases, without presuming that there exist “universal facts”. Combining this with the objectives of the study, I confronted serious dilemmas. First, the impact of conflict management becomes very difficult to evaluate, second, suggestions in order to improve conflict management are difficult to formulate.

In order not to contradict the theory that I use for this thesis, I cannot study the impact of conflict management based on the analysis of quantitative data or strictly verified indicators. In other words, I cannot evaluate in the traditions of positivist science. Therefore, I use a constructivist notion of evaluation (Guba, 1989). This choice is methodological and applies for the impact study of conflict management.

Regarding my position in the discussion between positivism and constructivism, I already stated that my research is constructivist; however as a conflict manager I do not consider myself as a “pure” constructivist²³. Rather, my aim is to study both constructivism and positivism in conflict management approaches. I do not consider any of the approaches as more or less appropriate or intrinsically “better”. I am above all interested at the opinions of the stakeholders about the different approaches and at

²³In practical situations, I do not consider positivism and constructivism as two clearly divided categories, both positivism and constructivism are broad kaleidoscopes of opinions, and one can qualify only few people as pure constructivists or positivists (especially outside the academic world). I believe that there is even a danger that “pure” constructivism converts itself in a new fundamentalism, if it does not respect the paradigms of others and if it does not realise that ontologically it never will never be able to “totally understand” paradigms of others.

the consequences of different approaches on the studied conflict management processes. Therefore, for me it is a challenge not to be caught in a “constructivist perceptive web”.

The central theme of the play *Tierno Bokar* by Peter Brook²⁴ was “There is my truth²⁵, there is your truth and there is the Truth”. This statement helps me to explain my position in the discussion between positivism and constructivism. Although simplified, I perceive that positivism takes the line of “my truth”, while constructivism takes the line of “there is my reality and there is your reality” (both constructed). Often, constructivists value their own reality more than the reality of the “others”, because they “at least know” that their own reality is constructed, while the “others” do not “realise” that their “reality” is constructed. Although I am not religious, I do like the notion of “the Truth” if it is seen as a component of the “trinity” “my truth, your truth, and the Truth”. From this perception “the Truth” can be regarded as the synergy and respect among my truth and your truth. By nature, we only will be able to understand “the Truth” partially. For me the question whether “the Truth” is “true or not” is not that relevant. I use the notion of “my truth, your truth and the Truth” in this study above all in order to explain my perception of people with other “(conflict management) paradigms”.

For the analysis of constructivism in conflict management (paradigms), I do not use a single definition of social construction; rather I quote Hacking (2000:6) who gives a more diverse explanation:

“Social construction is critical of the status quo. Social constructionists about X tend to hold that:

[1] X need not to have existed, or need not be at all as it is. X, or X as it is at present, is not determined by the nature of things, it is not inevitable.

Very often they go further, and urge that:

[2] X is quite bad as it is.

[3] We would be much better off if X were done away with or at least radically transformed.”

Therefore, constructivists are a broad category of people. Few people will deny that a conflict is socially constructed in some way or another. Elaborating on the three abovementioned categories, Hacking (1999) distinguishes six grades of constructionism²⁶: historical, ironic, reformist, unmasking, rebellious, and revolutionary. According to the logics of Hacking (1999: 19, 20), “historical and ironic constructivists” (category [1]) argue that a conflict has been constructed in the course of social processes, but “about which we can do nothing much right now”. Reformist and unmasking constructivists (category [2]) argue that the present state of being was not inevitable and we can at least modify some aspects to make the conflict “less of a bad thing”. Rebellious and revolutionary constructivists (category [3]) try to transform radically or even to revolve a present situation.

²⁴ Seen in Westergasfabriek in Amsterdam, 20 June 2005.

²⁵ Although “academically” truth is not an appropriate term, I perceive that the use of the term truth in this context is appropriate because our perceptions are based in notions of (our) truth.

²⁶ Hacking uses the terminology constructionism instead of constructivism.

Without “denying” their “positivist” characteristics, I will show in chapter 11 that conflict managers with different paradigms can be categorised according to the logics of the three mentioned social constructivist categories.

2.2 Research Question

The aforementioned problems and theoretical considerations resulted in the following research question: and are presented graphically in figure 2.4.

What is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning?

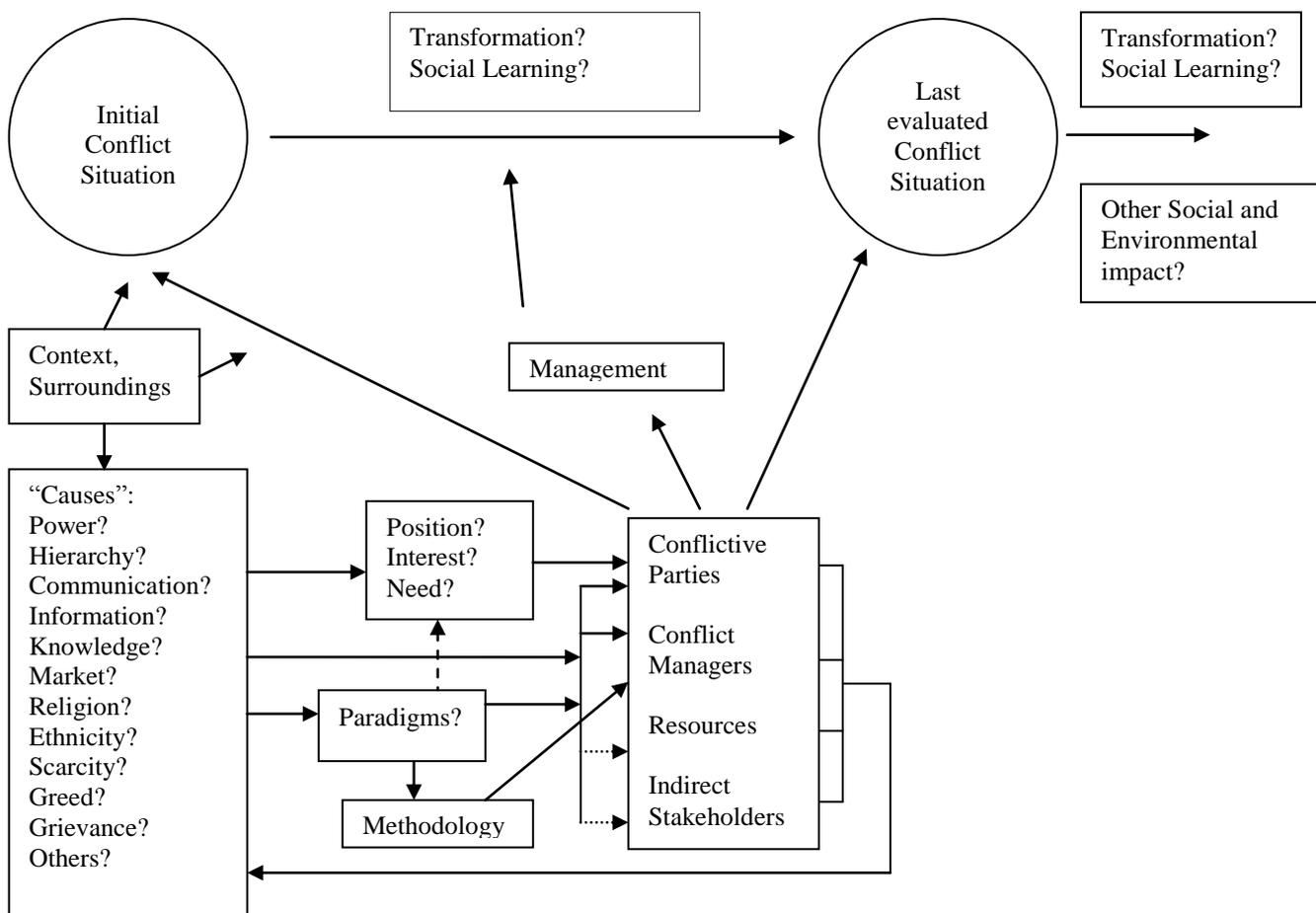


Figure 2.4. Graphic presentation of the research question

To respond to this question, I first study the conflicts and their “surroundings” thoroughly. Subsequently I analyse the “reasoning” of the involved stakeholders. The next step is how perceptions were translated into action or management. Consequently, I study the social and environmental impact of the management and analyse whether social learning took place. Concluding, I evaluate the applied management and do suggestions for its improvement. These suggestions may be an advocacy for a certain paradigm or an advocacy to ‘cross’ paradigms (“ybrid forms of conflict management”).

Earlier in this chapter, I discussed most elements of the research question. However, I did not go into detail about my notion of “improvement” and “positive” (which has a direct relationship with the terminology improvement). According to the theory that I use, each conflict manager can have his/her own notion of improvement. In the context of the research question, “improvement” refers on the one hand to the general objective of this study (“to improve the condition of the natural resources at stake, to reach a balanced division of the benefits of the management of the natural resources among the involved human stakeholders, and to work for a “peaceful society”). On the other hand it refers to what I understand and feel as such. Although I draw the conclusions on the basis of many field study data and literature research, I do realise that I never will be able to “totally escape” from my own ontology, paradigms and emotions. It depends on my ability to convince the reader whether they also perceive my notion of improvement as improvement.

2.3 Methodology

The investigation is an interactive research, because of the following reasons:

- I gathered the information of the study during seven years of field and office work for the organisation Centro Bartolomé de las Casas (CBC). During these seven years, I observed and systematised local conflict management practices and those of CBC and other “third parties”. In this period, CBC went through a process in which its conflict management approaches underwent several changes
- The investigation is an analysis of conflict management processes that have been concluded or still need to be concluded. I have participated in several of these processes.
- This thesis is based both in the practice and theory and therefore has a “praxeological” character. I define praxeology as the overlapping field between theory and practice that aims to reach a synergy between both. This includes the application of theory in the design of methodologies and activities and the systematisation of practice for theoretical purposes.
- The persons who provided information for this study did it most of the time as a part of conflict management activities (e.g., during workshops). As a team, we explained the relation between action and research, and afterwards we socialised the research information with the research participants. In the occasions that I “personally” had informal conversations and interviews, I informed people that the objective was my Ph.D research, and I tried to incorporate the information as much as possible in benefit of the respective conflict management processes.

For this study, I used methodology at three levels and for three different purposes:

1. Methodology used for data collection for the case studies of study: interview, appraisal, observation, own experience, etc.
2. Methodology for the analysis of the case studies.
3. Conflict methodology mentioned in literature and applied by conflict managers, and suggestions for its improvement

2.3.1 Methodology used for data collection for the case studies

The methodology that I used for data supply is at first a description of my experiences as a team member of the Casa Campesina, furthermore literature study, semi-structures interviews with key actors and participatory appraisals. The participatory conflict management appraisals were one or two day workshops (figure 2.5.) in which

as many as possible relevant stakeholders participated. Through group exercises such as mapping, timelines, transects, diagramming, matrices, etc., information was gathered, generated and shared. In most of the cases the event ended with a planning of activities for the management of the conflict, defining activities, responsible persons, data and costs (a more detailed description of this methodology can be found in chapter 5).



Figure 2.5. A conflict management workshop (photo Clotilde Gouley)

2.3.2 Methodology for the analysis of the case studies

In chapter 4, 5, and 10, I studied the institutional process of CBC and its programme Casa Campesina. For this aim, I used a “simple” methodology as will be described next. To study the impact of conflict management and the occurrence of social learning and transformation (chapter 6, 7 and 9), I used a more diverse methodology. In a first instance, I apply methodology schematically. Thereafter, I abandon the use of frameworks and make descriptions as suggested by Actor Network Theory and evaluate according to the suggestions of Guba and Lincoln (1989) (see below).

Organisational process

For the study of the organisational process of the Casa Campesina, I used the following methodology:

I identified the main stakeholders involved in the decision making process and the implementation of conflict management. I formulated assumptions about the opinions of the different stakeholders regarding a specific activity and the reason why they decided to participate or not. Subsequently I described the methods they used, or: how they participated. I consider the sum of assumptions and methods as a “data base” for the analysis of the organisational “learning” process of the Casa Campesina. I show this information in tables in the chapters with case studies.

Conflicts

In the methodology for the description of conflicts, I include elements from von Benda Beckmann (1998) who proposes the analysis of social entities, the objects, the relationship between holders and objects and the temporal dimension. Furthermore, I use the “web of life” theory of Capra (1996) who mentions the concepts structure, patterns of organization and process. Both authors place emphasis on the analysis of relations and add another important aspect: time or process.

Taking in account these principles, I studied the historical context of the area where the action takes place, the stakeholders (human actors), the interrelation between them, the resources in conflict, the relation between the human actors and the objects, paradigms and the impact on the conflict management process (social learning and transformation).

Table 2.3: framework for conflict analysis

	Events of the conflict	Stakeholders	Resources	Relations between Stakeholders	Relations stakeholders-resources	Impact on the conflict management process
P r o c e s s	Conversion of problems in a conflict Violent or non violent confrontation Application of different conflict management mechanisms. Rejection Solution Formalisation of the solution	Different levels, behaviour, positions, interests, attitudes, Needs, Personal values, Paradigms, Discourses, Categories, Labels. Biases, Ontology, Assumptions, Preferences.	Ecosystems, species, location, performance, production, ecological value, ecological services	Power relations, organisation, communication, conflicts. Ethical, cultural social and religious relations. Negotiation, mediation Conciliation Juridical process Other customary, alternative and formal mechanisms Institutions	Economical value, ethical/cultural value, Access, Property relations, management practices Scarcity	Widely Shared Meanings Collective Action Joint Solutions to Dilemmas, Institution Building Incentives for Co-operation Decreased Power Differences Increased Interdependence Transformation of context, structures, actors, issues, and personal changes of heart or mind.

Process and events

To understand the learning processes regarding conflict management, the chosen starting point is a sequential analysis of events. Although the description is chronological, the analysis goes forwards and backwards in time, as learning not only has a linear form, but also takes place in circles and loops and has a strong feed-back component. I selected the events as having a link with the conflict management process studied, therefore their selection and description was a difficult and subjective task that needed adaptation throughout the analytical process.

Stakeholders

The study of stakeholders does take place in a timeframe: behaviour, positions, attitudes, interests, needs and values change through time and can be seen as temporal initiators and results in a (learning) process. I give special attention to paradigms (and related issues, e.g. discourses), these can be single or multiple and dogmatic (fundamentalist) or non-dogmatic. Stakeholders include individuals, kingroups, associations, villages, private and public intervening agencies, researchers, the government, public opinion, donor agencies, international laws and policies.

Resources

Together with the study of stakeholders, non-human actors or resources (both individual species and resource systems: forests, agricultural and pasture lands) and their performance need to be described to evaluate the impact of the events and the role of the involved stakeholders.

Relations among stakeholders

The relations between actors describe interdependence and how the application of conflict management functions at a certain moment.

Relations between stakeholders and resources

The relations between actors and non-human actors are meant to explain how the interaction between actors and resources affected on the one hand the performance of the actors and on the other hand the performance of the resources. Through the static "analysis" of actors and resources the starting and end points of performances can be detected, while the study of relations helps to give answers to the why question.

Impacts on the conflict management process

This part forms the chain between the static (stakeholders and resources) and dynamic parts (relations between stakeholders and resources and between stakeholders) of the analysis and constructs the temporal dimension. The study of the temporal dimension facilitates the understanding of the past, ongoing and future processes.

Using the notion of constructivist evaluation, apart from the variables that arise as relevant issues from the descriptions of the studied conflicts (see next two paragraphs), I use the following variables to assess whether social learning took place in the conflict management process: widely shared meanings; collective or concerted action; joint solutions to dilemmas; institution building; incentives for co-operation; decreased power differences; increased interdependence. To determine transformation I make a distinction between context transformations, structural transformations, actor transformations, issue transformations and personal changes of heart or mind within individual leaders or small groups. The aforementioned variables will be described qualitatively. However, if possible I will use quantitative data in order to reinforce the qualitative statements I have made.

Incorporating ANT

Frameworks serve to "put information in its place", but I do not interpret them rigidly; they even may have to be "overruled" in order to try to make a good description of the case studies²⁷. The methodology mentioned above therefore has to be seen as the way I "arranged" the material from the field studies. I used this material and applied ANT principles in order to make a description "as good as I could". As Latour (2004a) explains to his student²⁸: it depends on the text and the way it is written whether it will or will not capture the actor network one wishes to study. "The text, in our discipline is not a story, not a nice story; it's the functional equivalent of a laboratory. It's a place for trials, experiments and simulations" (Latour, 2004a:5).

²⁷ Latour (2004a) suggests a rejection of frameworks, for me however it appeared in practice, especially during the facilitation of participatory exercises, that a total rejection of frameworks is neither workable nor desirable.

²⁸ The text of the article "A Dialogue on Actor Network Theory in The Social Study of ICT" is written as a conversation between a professor and a Ph.D student.

Study of social and environmental impact

I explained in paragraph 2.1.9 that in the case of this study constructivist evaluation is the most proper methodology to assess the social and environmental impact of conflict management. For this study I found the scheme of Guba and Lincoln (1989) about constructivist inquiry very helpful:

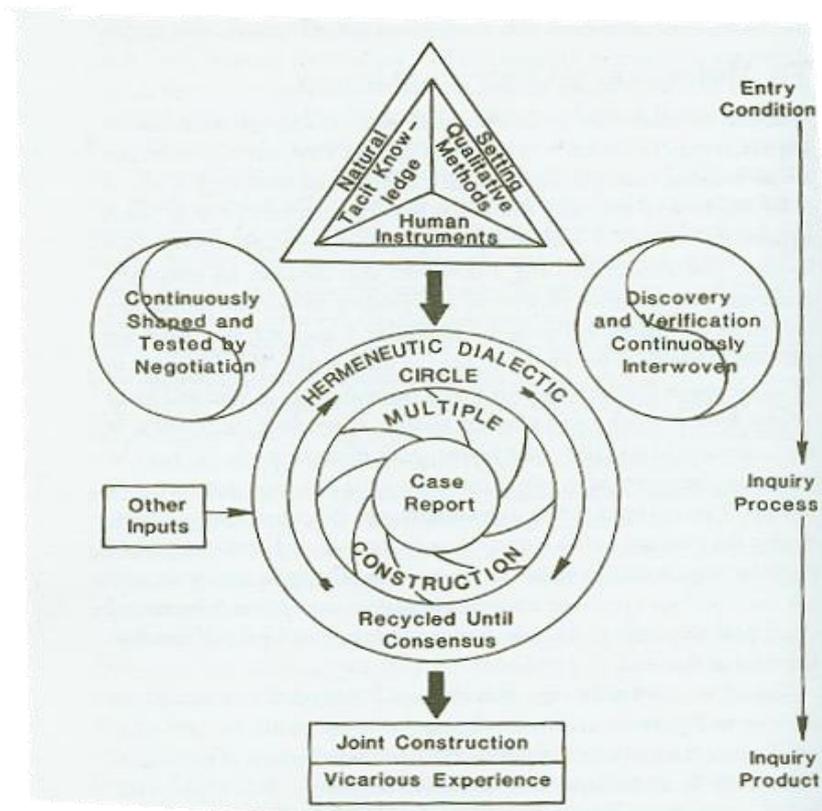


Figure 2.6 The Methodology of Constructivist Inquiry (Guba, 1989):

Key specifications of the methodology are (Guba, 1989):

- The study should be pursued in a natural setting, because multiple realities are assumed, other frames, for example a laboratory or another locality will not be relevant.
- One should enter with the attitude of not knowing what it is we do not know using human instruments, instead of beginning an inquiry of what they do not know.
- One is free to use quantitative methods as long as one is without prejudice. However, humans collect information best and most easily through the direct employment of their senses: talking to people, observing their activities, reading their documents, assessing the unobtrusive signs they leave behind, responding to their non-verbal clues and the like.
- The evaluation includes tacit knowledge. Often one can rely on a judgment that (in a first instance) cannot be explained.

When these specifications are met, one can enter in the “hermeneutic dialectic circle”, in which “four continuously interacting elements are involved, cycling and recycling until consensus (or non consensus) emerges” (Guba, 1989: 177):

1. Sampling that is not necessarily random or representative but serves the purpose of the study. The sample is collected serially, as a consequence of previous sample collection, description and analysis. And, the sample is collected contingently, “both in the sense that each proceeding elements are chosen as different as possible from preceding elements and in the sense that elements are chosen in ways that best serve the particular needs of the inquiry at that moment” (Guba, 1989: 178).
2. Continuous interplay of data collection and analysis.
3. Findings that emerge in the constructions of the respondents themselves. It must fit and it must work, it must have relevance and it must exhibit modifiability.
4. Emergent design. “Initially, given that the inquirer does not know what he or she does not know, it is impossible to be very specific about anything. But as the design proceeds, the constructivist seeks continuously to refine and extend the design” (Guba: 1980)

The final product is a case report, which is the joint construction that emerges as a result of the hermeneutic process. This case study is characterised by “a thick description that not only clarifies the all-important context but that makes it possible for the reader vicariously to experience it” (Guba, 1989, 181). Finalising the explanation of figure 2.5., the circle on the left represents the combination of inquirer and respondent values and judgments in design, emergent theory and “findings”. The circle on the right represents that discovery and verification are continuously interactive processes.

In practice, this means for evaluation and the study of social and environmental impact that the aforementioned hermeneutic/dialectic circle process takes place in a group stakeholders, specially focussing on claims, concerns and issues. Resolved claims, concerns and issues are sorted out, while unresolved claims, concerns and issues receive special attention. The stakeholders negotiate the unresolved claims, concerns and issues, a case study reports consensus and non consensus, and the process is recycled (Guba, 1989). Guba and Lincoln label this constructivist evaluation proposal as “fourth generation evaluation” (the first three “evaluation generations” are measurement-oriented, description-oriented and judgment-oriented).

I gave a rather extensive and literal description of this methodology, in order to defend my choice to assess conflicts and their management in a non-conventional manner. I want to add that I choose this methodology (or rather: the methodology imposed itself on me) as a result of the action-research process that I lived together with many other stakeholders, during the ten years of study (1996-2005). Previous analytical and evaluating methodology appeared to be insufficient for the (evolving) purpose of the study. In the final phase of this study the methodology that I applied, appeared to correspond to a large extent with the methodology, or rather “guiding philosophy” of Actor Network Analysis and fourth generation evaluation. Even the issue of changing methodology during the course of the study is according to the logics of Guba and Lincoln, as they mention in the principals of emergent design.

Regarding to the methodology of fourth generation evaluation, I add two issues about which I do not coincide with Guba and Lincoln:

First, fourth generation evaluation is human-centric. It does not consider the role of non-human actors and the role conflicts, relations, networks that come into being during a process and consequently play roles (as actors) in the following phases of the process. In this study I try to involve these non-human actors, by giving them as good as possible “a voice”, as will appear in the study non-human voices are often rather outspoken and easy to translate.

Two, fourth generation evaluation suggest a clear distinction between an evaluator and the respondents. I regard an evaluator as a facilitator²⁹. Often (and preferably), a facilitator is not one person, but a (diverse) group of persons, furthermore on beforehand it is difficult to determine who later on will appear to have been the (most relevant) evaluators or facilitators.

In my research question I use the concepts of social and environmental impact, which I consider as the outcome of a constructivist evaluation. In other words, I study social and environmental impacts as joint constructions between humans, and between human and non-human actors. It is impossible to give an objective judgement about such joint constructions. Therefore, it depends on the (subjective) criteria and opinions of the involved human stakeholders, on (subjective) environmental criteria, on (subjective) criteria and opinions of the researcher(s), and on (subjective) criteria and opinions of the readers if an impact is positive or negative. In this study I will use the criteria of Rölöng regarding social learning, the criteria of Miall regarding conflict transformation, the criteria of projects of CBC that included conflict issues, opinions of participants of workshops and of interviewed stakeholders, grounded argumentation by the researcher(s)³⁰ and, when convenient and available, quantitative data.

I perceive that Guba and Lincoln perceived the same fear that I encounter, now it appears that my Ph.D study is not based on “conventional” academic criteria. Probably in order to convince “traditional” scientists, they included in their book on fourth generation evaluation a chapter about quality criteria. The first criterion they described coincided with conventional academic criteria. The last part of the chapter they added four “authenticity” criteria: fairness, ontological authenticity, catalytic authenticity and tacit authenticity. I perceive that these criteria refer to a supposedly better understanding and respect for the ontology of others, more emphasis on action, and more attention to non-empiric understanding.

I doubt whether these quality criteria at the end will “convince” my readers of the “academic” value of this study. Although I maintain my fear of not being regarded as an academically convincing researcher, rather than using the efforts of Guba and Lincoln to define quality criteria, I prefer to use the statement that a description has to convince its readers (Latour, 2004). Therefore if a reader, no matter his/her paradigm(s), has enough respect for “the other” and if s(he) is sufficiently open-minded, the criterion of Latour should be sufficient to judge fourth generation evaluation, actor-network description, and thus also this study.

²⁹ This coincides with the description of Guba and Lincoln of evaluators as facilitators of a negotiation process.

³⁰ In most case studies I belonged to a team of researchers.

2.3.3 Conflict management methodologies

I showed in figure 2.1 that paradigms influence methodology. In this paragraph I will give a short overview of existing conflict management methodology. Chapter 4, 5 and 10 of this book describe how the programme Casa Campesina and CBC as a whole applied methodology, paradigmatically and non-paradigmatically. Chapter 8, 11 and 12 propose methodology in a more complex way, incorporating the results of the case studies.

“Formal” conflict methodology includes juridical processes, the importance and use of formal documents as property certificates, etc. I also consider the “designed” use of non-violent, little violent (Churats, 2001) and violent measures as formal conflict methodology, such as social protests, social movements and war (e.g., war “methodology” institutes and scholars).

Alternative conflict management gives emphasis to the following “primary mechanisms”³¹ (Ormachea, 1999):

- Negotiation: interrelation between the directly involved parties of a conflict in order to reach an agreement or a solution.
- Mediation: a third person facilitates to improve the communication between the disputing parties in order to reach an agreement.
- Conciliation³²: similar to mediation, only the role of the third person is more active, because (s)he can propose “solutions”, however (s)he cannot oblige the parties to accept it
- Arbitrage: The conflictive parts agree that a third person defines a binding solution after listening to the arguments of the two opponents.

Market-centric thinkers propose conflict resolution on the basis of sanctioning, compensation, competition, and on mechanisms that divide or enlarge (economical) resources (dividing or expanding the pie).

Local conflicts comprise a wide range of methodology. Many of them have their roots in formal or alternative conflict management (see for example chapter 4). A methodology becomes local, when it incorporates local factors as common history, shared ethics and religion, and geo-physical characteristics.

From a social learning perspective, the use of participatory methodology with the involvement of many stakeholders is crucial. For small-scale conflicts, conflict managers use methodology developed for general purposes, such as Participatory Rural Appraisal (PRA) (Pretty, 1995, Laats, 1995) and Rural Appraisal of Agricultural Knowledge Systems (RAAKS) (Engel, 1997). For both small-scale and large-scale conflict the facilitation of workshops became popular (Kriesberg, 2001).

³¹Out of the interrelation between primary mechanisms arise secondary mechanisms such as mediation-arbitrage, ombudsman, mini trials and others (Ormachea, 1999)

³² In this study the most discussed alternative conflict mechanism will be conciliation. In Europe and the United States mediation is the common term. In Peru exists the conciliation law, conciliation centres, certified conciliators and conciliation agreements: the term mediation is hardly used in cases of conflict management. My impression is that as well in the United States and Europe as in Peru the terms mediation and conciliation are mixed up. One could say that in Peru the definition is used more correctly because in the United States and Europe most “mediators” do propose solutions in at least some of their cases.

In Latin America several organisations published participatory conflict management handbooks (OLCA, 1998, Ortiz 1998, CONAM, 1999). There is difference in the way that participatory methodologies really conduce to transformation and social learning or only contribute to short-term objectives.

Throughout the case studies of this book, I study the influence of methodology on the impact of conflict management processes. I use this evaluation for some recommendations in order to improve methodology.

2.4 Reflection

Although in practice conflict management often has characteristics of more than one category, the use of categories and paradigms appears to be inevitable. Prevailing conflict management paradigms on the one hand are necessary and can not be avoided and on the other hand endanger the “most proper way” to manage a conflict continuously. This notion runs through this study like a thread.

Likewise a tension can be found between analysis and the management of conflicts. Analysis has as objective knowing the “facts”, while management aims to “improve” or “reshape” human relations. These components of a conflict are in some cases separated explicitly (e.g., the distinction between law-giving, executive and legislative power of Montesquieu), but in other cases for example in alternative conflict management or in the example of Rondas in local conflict management (Flórez, Hernández, Laats, 2003) this distinction does not exist or is not obvious.

I use constructivist theory in order to evaluate the impact of conflict management. This is a purely methodological choice; during the study I avoid biases regarding to non-constructivist paradigms, and I do not discard the possibility of giving non-constructivist suggestions for practice.

The theory I use obliges me to take a humble position. The results of this study will be an observation and description from my particular point of view. The quality and persuasiveness of the text that I have written will determine whether it will make a contribution towards the actor network in which I take part.

Chapter 3 Exploring the scene

Conflicts about natural resources and their management depend on the local situation. Peru is too diverse to draw a uniform picture of natural resource conflicts, because of geographical, economical and cultural differences. This study takes place in the department of Cusco. I will describe conflicts that occur in that particular part of Peru. However, I do take into account some factors at national level, such as history and political structure, focussing on events that affected the rural Andes region.

Although I describe many types of conflicts that occur in the department of Cusco and reflect upon tendencies towards the future, I do not pretend to draw a complete picture of the situation regarding conflicts and their management. Rather, this chapter shows diversity and complexity, but nevertheless creates an information base that helps to understand the context of the case studies.

3.1 General information



Figure 3.1: Map of Peru

Peru is a diverse country; natural resource management in the *Sierra* (Andes region) can not be compared with natural resource management in the *Costa* (coastal zone) and in the *Selva* (Amazon region). The case studies are in the department of Cusco; in this region the large majority of the rural population is indigenous; most agricultural

land is property of *Comunidades Campesinas* (see next paragraph); the agricultural and livestock production is for subsistence and for the local market.

Cusco is the capital of the department or region of the same name. It lies at 3,310 meters above sea level and has about 275,000 inhabitants. It is a regional economic centre with tourism as its primary income source followed by mining. Cusco is the point of departure for Peru's most important tourist attraction Machu Picchu (case study chapter 9). The region of Cusco has about one million inhabitants and is about three times the size of the Netherlands.

- Study Area Nueva Esperanza Ccapana and Carhuayo (chapter 6 and 7)
- Study Area Inca Trail (chapter 10)
- Cusco: CBC/Casa Campesina (chapter 4, 5 and 9)

Figure 3.2: The Department of Cusco: Provinces of the Case Studies

3.2 Comunidades Campesinas

The cases of chapter 6 and 7 take place in *comunidades Campesinas*. In Cusco, the majority of the communities fall under this legal denomination, a small minority of the communities consist of private landowners, for example under the construction of an “Asociación de Productores”³³. As can be described in this chapter, the particularities of these communities determine which conflicts occur and how they are managed. For a better understanding, I give first a short description of the history of the *comunidades* in Peru and subsequently a résumé of property laws.

During the colonial period *ayllus*³⁴ were reduced to small villages with the aim to facilitate tax raising and evangelisation. In this process the Crown granted lands to the *comunidades* under two forms of land tenure: (1) collective lands, its produce served to pay tributes to the Crown, (2) individual property by the peasants to support their own consumption (Revilla and Price, 1992).

In the beginning of the 19th century, after the declaration of independence of Peru, the new government tried to eliminate the *comunidades* because they were considered as colonial reminders and supposedly hampered the development of the indigenous population. Bolivar, inspired by the principles of the French revolution, pretended to resolve the problem of land tenure by establishing a division of the *comunidades de indígenas* into private plots in order to promote individual landownership. This decree did not have the intended results, because only few (*caciques*: Inca nobility and *recaudadores*: tax raisers) profited from the situation at the cost of the existing *comunidades de indígenas* which started to lose their lands (Revilla y Price, 1992).

Only since the constitution of 1920, the Peruvian State again recognised the existence of the *comunidades*. Slowly the policy of ignoring and disintegrating *comunidades de indígenas* changed into one of protection and tutelage, incorporating the *comunidades* into the national juridical system. Following the path that was initiated in 1920, the

³³ See example Asociación Ccapana (chapter 5).

³⁴ Rural communities during the Inca period

constitution of 1933 reiterated the legal existence of *comunidades de indígenas*, and went further by giving them a legal recognition (Revilla y Price, 1992).

In 1960, the first agrarian reform law was proposed and in 1962 the first supreme decrees were given and the first laws regarding the agrarian reform were published. The real agrarian reform took place in 1968 under the government of Velasco, which meant an important step towards the integration of the *comunidades* into the national economy. The agrarian reform expropriated haciendas in favour of peasant groups, according to the philosophy: “the land is for those who are working on it”. The expropriated lands became property of co-operatives. In this process, the official policies denied the autonomous social and cultural characteristics of the *comunidades*.

The Constitution of 1979, the general law of Comunidades Campesinas 24656³⁵ and the law of demarcation and entitlement of communal territory 24657 (both 1987), facilitated the conversion of cooperatives into *comunidades*.

The privatisation of land is a last change which is not yet very visible, but already plays an important role in how the rural population project future. The promotion of privatisation started around 1982 during the government of Belaúnde. Since the promulgation of the Constitution of 1993 and the approval of the new land law 26505 in 1995, communities have more possibilities to freely dispose of their lands.

3.3 Property relations in *Comunidades Campesinas*

According to State law, all land in *comunidades campesinas* in Peru is common property of the *comunidad*. De facto, however, property relations are much more diverse and complex, within a community exist private and communal lands, with different modes of individual and collective management.

The *asamblea general* (the village assembly), which consists of all *empadronados* (officially recognised family heads) and is represented by its *junta directiva* (village council), decides about which *comunero* has rights over which plot of land. Furthermore, it functions as a mediator and judge in conflicts over land. In principle, a family possesses a fixed size of land which is divided among the sons and daughters through inheritance. When a son is qualified as a *comunero empadronado*, the *asamblea* can decide to give him another plot. If people arrive from outside the *comunidad* the *asamblea* may agree to give them a small plot.

In most communities, the *comuneros* know and practise the buying and selling of land among themselves. The law prohibits the sale of land to third persons outside of the community and furthermore the monopolisation of lands inside the *comunidad*.

In the department of Cusco, most *comunidades* have lands in different altitude ranges. Every *comunero* has one or more plots of land in each of the different ecological zones (*queshua*, *chaupi*, and *loma*³⁶). The reasons for this division of lands are: risk spreading, effective labour allocation, diversity in farming products, avoiding conflicts among *comuneros* and having a balance between collective and individual action.

³⁵ In Peru, people refer to laws mentioning their number.

³⁶ Quechua (local language) terminology for high, middle and low altitude zones.

Many communities have rotational zones (*muyes*) in which each family has at least one plot. Some of the plots in the *muyes* are communal possession (*ayni*), these lands are cultivated according the *faena* (communal labour) system. One of the purposes of these plots is to accumulate communal funds. The *faena* system, however, is not limited to the *ayni* lands alone, also communal activities on private lands, for example ploughing or harvesting, may be done according to the *faena* system.

In addition to agricultural land, communal territory comprises pasture lands, forests, water resources for irrigation canals and drinking water, roads, etc., each which their particular property regime and management system. There are also many communities that have mining resources in the subsoil.

Pasture lands are managed as common property or as marked or unmarked individual plots. Scarcity/abundance and the organisational structure of a community are key factors for the definition of the management rules.

Most forests are plantations. Often, the public or private institution that provided the seedlings established rules to restrict cutting. People manage the plantations as private or common property or both (example Nueva Esperanza de Ccapana, chapter 6).

Water resources by law are the property of the government, while its structures (intakes, canals, etc.) are property of the users. In general, the rights of water users are not (clearly) defined and are a cause of conflict (example Nueva Esperanza de Ccapana, chapter 6).

The soil above mining sources is property of the community while the mining sources in the subsoil belong to the State (example Carhuayo, chapter 7).

3.4. Different types of conflicts about natural resources

Most of the information of this paragraph derives from the experience of the Casa Campesina³⁷ and gives a rather complete idea of the conflicts in the region of Cusco. As becomes clear in this study, conflicts are so diverse and unexpected that a complete list of types of conflicts never can be given. I set the narration in a broader Peruvian context, mentioning political and legal conjunctures, and socio-cultural and geographical characteristics.

Land conflicts

Reasons for land conflicts:

A particular cause of land conflicts in Peru is the serious inconsistency of Peruvian legislation. Another problem is the low reliability of the public registers: data about properties and the location of community borders are incomplete or not exact. Furthermore the overpopulation of the rural areas, fragmentation of plots and growing poverty sharpen confrontations.

The agrarian reform in the sixties and seventies and the constitution of *comunidades campesinas* in the eighties and nineties had an enormous impact on the tenure of land in Cusco. The government of president Belaúnde (1980-1985) and, with more force,

³⁷ I express my sincerest thanks to Juan Churats, who is the person who provided most of this information. I will introduce him more in detail in the next chapter.

the Fujimori presidency (1990-2000) promoted a process of “*contrareforma*” with laws that facilitate the privatisation of land. These dispositions did not cause major changes in land tenure in Cusco, but did cause uncertainty and confusion, forcing *comunidades* to give more importance to the *saneamiento legal* and *físico*³⁸ of their lands.

In this sense, the legal decree 653 of 1991 about “the promotion of private investment in agriculture”, the new Constitution of 1993 in which article 89 limits the rights of the *comunidades campesinas*, and the promulgation in 1995 of the land law 26505 that promotes the privatisation of land, have been sources of conflicts.

The emphasis that *comunidades campesinas* gave to their *saneamiento legal* in order to ensure their rights and to prevent conflicts, however, brought new obstacles and other conflicts. The Register Office and the Ministry of Agriculture, through the *Proyecto Especial de Titulación de Tierras: PETT* (Special Project of Land Entitlement), handle *saneamiento legal*. The PETT exists since 1992 in order to formalise agrarian property, supposedly, because the State wanted to promote investment in agriculture: “Nobody will invest if one does not know who owns the land”. There is a series of obstacles and difficulties that *comuneros* encounter when they deal with public institutions in order to achieve *saneamiento legal*:

Public offices are bureaucratic: there is a lack of co-ordination and rivalry between the Ministry of Agriculture and PETT. Each office manages a problem in its own way. Some personnel are competent, but others delay a procedure and ask for bribes.

Another problem is that functionaries do not take into account the cultural aspects of each *comunidad*, for example in cases where official documents do not exist and where local people act according customary law.

Furthermore, when they deal with a state agency, members of a community often do not feel themselves able to claim their rights or to question functionaries.

There is a lack of clarity in property titles and incomplete documentation of the Ministry of Agriculture. “*The process of the Agrarian Reform stagnated since the government of Morales Bermudez (1975-1980). For example, some terrains are left without any “resolución de afectación” they are not owned by the State, neither by the hacendado nor by the farmer. What to do? These problems drag along until today*”³⁹.

³⁸ *Saneamiento legal* refers to the process of getting legal security about land title deeds. In the case of *comunidades campesinas* the required documents are *resolución de reconocimiento* (resolution of recognition), *personería jurídica* (legal person), *título de propiedad* (property title), *inscripción de título de propiedad ante registros público* (inscription of the property title in the Register Office). In this study I use an amplified concept of *saneamiento legal*, going beyond the purely legalist interpretation. It includes for example the use of management tools, like the *padrón* (register) of *comuneros* and the statute of the *comunidad*. *Saneamiento físico* consists of the verification of the internal borders within a community and the markation with landmarks of the outside borders to define its territory physically (see more in chapter 4).

³⁹ In cursive: quotations of Juan Churats

Many problems arise because of inscription errors in the Register Office. *“In the past, functionaries wrote down data about communities in numbered books marked with stamps, little information disappeared. Nowadays, because of bureaucratic simplification, they write the information on index cards, these are loose and many are lost. The person who is responsible for the inscription sometimes makes mistakes and files a comunidad under another district or province, the farmer is the one who pays the price. For example: according to the official data a comunidad has twenty hectares less area. The guy from the public register may have made an error, but one has to measure the comunidad again to know if it really has been an error or if it is the real size of the comunidad.”*

In addition, there are many cases of *comunidades* that function for many years without an official inscription and are confronted by the ex-owners with antiquated land titles.

Another problem is that many estates count with one or more property registers, determined by different “resolutions of recognition” (*resoluciones de reconocimiento*):

- The Ministry of Agriculture approved the “recognition” but did not place landmarks and only established an imaginary map.
- There are “supreme resolutions” (*resoluciones supremas*) dictated by various governmental bodies at different moments in the past.
- During the agrarian reform, the Ministry of Agriculture released resolutions in favour of the former *comunidades indígenas* through a special section called SINAMOS.
- From 1980 onwards, the government of Belaúnde decentralised the registration of land. The Ministry of Agriculture did not anymore send official instructions from Lima, but every department recognises *comunidades campesinas* in its own way.
- There is politicisation in the allocation of land titles to the *comunidades*. *“According to the conjuncture of the moment and the convenience of the authority in power, there was politicisation. When a president or a minister visited Cusco, at once many land titles had to be transferred. Therefore the official procedures could not be followed; entitlement was approved without having the measurements of the domain, without the inscription of the comunidad and the removal of the name of the hacendado from the public register. Many documents remained in a notary’s office. Therefore, as a result of this negligence by the State, many estates do not have a proper inscription because of the deficiency of legal documents”.*

Descriptive reports (*memorias descriptivas*)⁴⁰ are wrong or inaccurate. The PETT manages maps with the scales 1:100,000, 1:50,000 and 1: 25,000. On these maps the borders of the *comunidades* are marked with a coloured pen and the interpretation in the field easily causes confusion, the margin of error is too high. Even so, the *memoria descriptiva* of the borders of the *comunidades* describes landmarks incorrectly, it contains names that do not correspond with the reality or distances between landmarks are too large, in some cases several kilometres.

⁴⁰ The description from where to where passes the border, with all the names, geographical location and how the map has been elaborated.

There is disorder in municipality offices. According to law, individual and communal owners have to make an inscription of their property in the municipality. But almost no municipality counts with such a documentation.

There are also cases in which municipalities do not respect the law. *“For example the municipality of Cusco charged estate taxes from comunidades which do not need to pay because of being exonerated by law.”*

When a property has no inscription, someone who rents a terrain receives a property title if he can prove that he rents it for more than ten years.

There are many filed legal processes without sentences, especially in the province La Convención and the “high” provinces of Cusco: Espinar, Chumbivilcas and Canas.

“Concluding: ‘in a disturbed river, there is profit for the fishermen’. Those who profit most are third persons, like lawyers and the civil servants responsible for registers, who ask bribes to solve the problem.”

Types of land conflicts:

The experience of the Casa Campesina and various participatory appraisals⁴¹ expose different types of conflicts about land within a community or between communities: the invasion of agricultural plots, monopolisation of land, disagreement about the location of a border, legal lack of clarity about property or possession of certain areas, etc. The most frequent conflicts dealt with by the Casa Campesina are those between *comunidades* and between *comuneros*:

One *comunidad* invades the land of another *comunidad* because of lack of clarity in the delimitation of borders. As mentioned before, inaccuracy and errors in the maps and the *memorias descriptivas* are the main reasons for this problem.

Because of having different local rules, there are conflicts between *comunidades* about access to land.

Invasion of plots, monopolisation of lands or the inaccuracy in the demarcation of the borders cause conflicts between families or *comuneros*.

Within a community conflicts exist between families, generations and sexes. Generational conflicts occur between fathers and sons and may split a *comunidad* in an older and a younger group in which local customs are questioned by the latter. According to the agrarian reform laws, only adult people have access to land. First the minimum age was 21 years but the government of Alan Garcia (1985-1990) established this age at 18. In reality, each *comunidad* applies its own criteria to define the age of legitimate access; one can observe cases where 25 or 30 year old *comuneros* do not have their own plots or only very small ones. Furthermore, the *comunidad* determines which sons get possession rights to land, depending on their residency, in or outside the community, and if daughters may or may not have land. Gender conflicts have a different character in each province.

There are also different types of conflicts with third parties:

Returning claims of ex-*hacendados*. Many landowners lost their land abruptly during the agrarian reform. As mentioned earlier in this chapter, there is a potpourri of property titles and there are many irregularities in the administration of land. Ex-*hacendados* take profit of the legal “mess” in order to recover former “belongings”. The tendency to stimulate privatisation of lands is beneficial for this group. “*With the laws that undermined the agrarian reform, one knew that the hacendados would react. All the compañeros were worried because the hacendados wanted their lands back*”.

Conflicts with the Church. “*It is said that the Catholic Church has an agreement with the State, they accept *margesi*⁴², but only in theory because there is no authority that says that the Church has to declare its property. Notwithstanding the validity of a legal entitlement process of community lands, when the parish priest wants to recuperate a terrain in name of the Church, he appeals to the conscience of the*

⁴¹ See chapter 2: methodology

⁴² *Margesi de Bienes* refers to real estates that (because of their historical value) belong to the State.

people and achieves what he wants. There are many of these cases, especially in the province of Paruro”.

Problems caused by the Ministry of Transport. *“The problems arise because, by Law, the Ministry disposes of nine meters on the right and nine meters on the left of a road for its maintenance. For the use of these terrains, the Ministry grants concessions to filling stations, restaurants, lodges, etc. For example, on the road between Marcapata and Limacpampa commercial people have installed themselves. They are not comuneros and therefore they do not participate in communal activities (faenas). However, they do use fuel wood and they do raise cattle”.*

Problems caused by the Ministry of Education. *“Most problems have their origin in 1994, because the Ministry in Lima gave of an internal order. This memorandum says that teachers in rural zones can ordain comunidades to donate a terrain for the constructions of a school”.* Normally the schools are located in the best terrains of a comunidad for the well being of the children; it includes a sporting field, some agricultural plots, a playing field, the school buildings and bathrooms. The community uses it for communal meetings, festivities, etc. A donation of these terrains implies a contradiction to the law: communal land can not be sold or donated without two third of the votes of the *comuneros*. It affects a comunidad because its property decreases and it means a great deal of bureaucratic transaction and complication. The problem becomes even worse because of plans to privatise education and give the administration of schools in concession, as has been done in the case of *Fe y Alegría* in Quispicanchis, a Jesuit institution that administers various schools.

Problems with the Ministry of Health occur in cases where a *comunidad* has to donate a terrain to the Ministry in order to construct a health post. As there is a scarcity of lands, a *comunero*, who does not dare to protest, may be forced to donate a terrain. *“This is for example the case in Huanca Huanca in Paruro”.*

Problems with municipalities. Many municipalities in provinces and districts usufruct terrains without having a title. Especially mayors do this often for construction purposes or for their own benefit.

Problems with private land owners. According to law, when a hacienda was affected by the agrarian reform, the *hacendado* could keep a small piece of land of 10 hectares for cattle raising and 4 hectares for agricultural purposes. He had to regularise his property and to re-inscribe it. In most cases, the *hacendado* sold his land to other private landowners. Nowadays many *comunidades* have the problem that a part of their terrain is private property while the other plots are in possession. *“The landowners often look for a confrontation with their neighbouring comuneros. What happens is that when a clay pot shocks with an iron pot, the clay pot will be destroyed, with other words the comunero will lose.”*

Water conflicts

Reasons for water conflicts:

The water laws are outdated: *“Fujimori said in the beginning of his presidency that water would be privatised, but because of protests of the people, especially of the comunidades campesinas, no changes have been made”.*

Legislation and intervening agencies have viewpoints that often differ from those of the inhabitants of a *comunidad*. “*This issue is very common and very serious, the actual legislation deals with land, water and watersheds as separate issues. In future laws these concepts should fuse to decrease the number of laws and to facilitate their interpretation. According to comuneros, water and land are a two-in-one; it is substantial for rural life.*”

Apart from the problems generated by gaps in the legislation, problems are caused because during the construction of structures for drinking water and irrigation, often implementing agencies do not take into account social and organisational aspects.

Another important cause of problems is that intervening institutions promote the constitution of specialised committees (*comités especializados*) responsible for the management of water (or other natural resources). “*There are comunidades that consist of 50 comuneros which have 11 committees, or even worse. For example there are three water committees: a drinking water committee, an irrigation committee of one canal and another for another canal, often there is a competition between the three of them*”.

Types of water conflicts:

Between *comunidades* and private concessionaires. The state is the owner and therefore the only provider of concessions of water resources: rivers, lakes and subterranean water, etc. A *comunidad* is owner of its lands but not of its water resources. This contradiction in the legislation has caused various problems between *comunidades* and third persons. For example, the second case study (chapter 7) describes a conflict between the *comunidad* Anccasi and the administrator of the mine Manco Ccapac about the users’ rights of a lake.

Between *comunidades*. The most common conflicts are the ones between an upstream community and a downstream community. The first uses most of the water and the second reclaims its share.

Conflicts because of scarcity, decrease or bad management of water. These have their origin in a lack of internal organisation to distribute the water or in inappropriate intervention. The consequences may be that some users or the whole community do not have access to this basic resource.

Pasture conflicts.

In the case of *comunidades Campesinas*, legislation about pasture resources coincides with legislation about land.

Types of conflicts:

Animals cause damage in crops. Most *comunidades* had sufficient common pasture land, the borders were well-defined and there were only few conflicts. With the increasing population and ensuing land pressure, borders become less clear, overgrazing increases, cattle enter into agricultural plots and conflicts arise.

Pasture conflicts because of land parcelling. These conflicts are wide-spread in the department de Puno, where a large scale process of pasture land parcelling has been

implemented. In Cusco, we see for example the case of the *comunidades* Accocunca and Ancasi in the province of Quispicanchi. Here, natural pasture land has been distributed according a criteria of equity, not taking in account the number of cattle of each *comunero*. All the time, animals are invading land belonging to another and conflicts continuously arise.

Conflicts about the burning of pasture lands. People burn pasture land because at the short-term it stimulates the growth of fresh grass sprouts. In the long-term however productivity decreases, because roots and seeds are destroyed and nutrients are lost: it is disastrous for the biodiversity because local flora and fauna disappear. Only few *comunidades* have included a regulation with sanctions in their statute in order to prevent pasture burning.

Conflicts between *comunidades* because of invasion of pasture lands. Lack of clarity about a border or a dispute between two *comunidades* about a border may cause these conflicts. Another reason is that one *comunidad* has more pasture land than the other. In the study area of chapter 7 there was such a conflict, nowadays the *comunidad* Hachacalla receives from neighbouring *comunidades* Carhuayo and Ancasi five soles per month for each animal that grazes in its territory.

Forest conflicts

Forests may fall under the regulation of natural parks (for example case study chapter 9) or be part of *comunidades campesinas*. In the latter case the legislation coincides with legislation about land. In the case of plantations often agreements are signed between implementing agencies and *comunidades campesinas* in which the use of the trees is established through rules and sanctions.

There are two types of forests in the mountainous area of Cusco:

1. Native forests, which are unique ecosystems in the world, with an enormous biodiversity. They are disappearing rapidly, which creates a problem for the environmental equilibrium; both local people and intervening agencies do not recognise the problem sufficiently.
2. There are many plantations with introduced species, especially eucalyptus and pine. The ecological value of these plantations is questionable because of the negative effects on soil fertility, water extraction and the fact that they are not local. However, these plantations are important for fuel and for timber supply and serve as a “substitute” for the native forests.

The conflicts about forests are mainly about illegal cutting by *comuneros*, within a *comunidad* or from another *comunidad*, and by third parties (for example timber companies).

Conflicts about mineral resources.

Reasons for conflicts about mineral resources:

The state provides permissions to companies to explore and exploit the mineral resources. The companies have to negotiate with the communities about the use of the subsoil. They are obliged to open an office for community affairs and to conduct a social and environmental impact study. In practice, especially small mining companies do not adhere to these obligations. This depends on the amount of corruption and control of the responsible bureaucracy (e.g., Ministry of Mining) and

depends therefore also on the local and regional governments that influence the appointment of personnel and functioning of the state agencies (for example case in chapter 7). The exploration phase has only a limited duration, if the exploitation of a mine does not begin within a certain timeframe, the permission expires. If a community and a company do not reach an agreement, the state may force the community to let the company use certain terrains. In such a case, the Ministry of Mining establishes the amount of the payment according to the law of *servidumbre* (easement).

Types of conflicts about mineral resources:

Although there are many potential (already claimed) mining areas in Cusco, in 2001, the only exploitation on a large scale was the mine BHP Tintaya, which features as a case study described by Churats, Escalante and Laats (2002). In 2002, Cusco became the venue of large-scale gas exploitation in the Amazonian region of Kamisea.

There are several small-scale mining conflicts, for example the conflict about a gold mine between the company Manco Capac and the *comunidades* of the district Carhuayo. This case forms part of this study and will be described in chapter 7.

Other conflicts are those between *comunidades* that possess quarries with stones or marble and the companies that exploit them.

Exploitation of mineral resources represents the second most important economic activity in the department of Cusco (after tourism), and creates conflicts that have an enormous impact on the lives of the affected rural people.

Conflicts related with tourism

The natural beauty and archaeological richness of Cusco cause that the department is one of the tourist hotspots of Latin America. It is Cusco's main income source. Consequently there are negative social and environmental impacts. The main conflicts focus on environmental degradation of tourist routes and the lack of benefits for the local people. (Case chapter 9)

3.5 Tendencies and perspectives in conflicts about natural resources

Tendencies in conflicts about land:

Because of population growth and erosion, land becomes scarce and profits decrease. The number of conflicts grows steadily. Furthermore, the *comunidades campesinas* go through accelerated changes, caused by globalisation and other processes.

In general, there are three types of *comunidades campesinas*:

- *Comunidades* that are reluctant to changes,
- “Modernising” *comunidades*,
- Communities that prefer to lose their status of being *comunidad*, so that their habitants will become individual land owners.

The trend is that communities reluctant to changes slowly disappear and that most *comuneros* prefer to belong to the second group (75% of the people interviewed by the Casa Campesina in 1997). Only few *comuneros* prefer to lose the status of

comunidad and to become private landowners (they will have to pay taxes and their social security based on reciprocity will decrease).

To be a “modern” *comunidad*, in a workshop about the “validity of *comunidades*”, its participants mentioned the following characteristics: “have a *padrón de parcelas*, which means that the *comuneros* have a possession but not a property title (as in Nueva Esperanza Ccapana); elaborate and implement appraisals and community plans; have a vision and a mission; strengthen identity and solidarity; tighten up external relations with governmental and non-governmental institutions; improve the organisation; and have a better natural resource management (Casa/Campesina/CBC, 1997)”. The choice to become “modern” has as a consequence that there is a tendency in conflict management to increase the use of “tools” such as statutes, *padrones de parcelas* and *padrones de comuneros*, and community plans.

Although the majority of the *comunidades* of Cusco has legal documentation of recognition and entitlement, the conflicts will continue because of the absence of *saneamiento físico* and inaccuracy and mistakes in the *memorias descriptivas*. There is a growing demand for visual borders between *comunidades*, and between *comunidades* and third parties (villages, districts, private land owners), which will mean more work for topographers and surveyors.

In the *comunidades* there is a growing generational conflict between older and younger people. The older *comuneros* always have taken the decisions, but nowadays many young people try to make clear their viewpoints and stand up for their interests through committees that they have constituted.

Women in modernising *comunidades* participate more in public life at communal and district level. Therefore the rights of women are better defended.

Tendencies in water conflicts

There are more water conflicts because of decreasing water resources, the increase of cultivated crops and the deficient irrigation infrastructure. *Comunidades* close to urban areas have serious problems as they lose most of their irrigation water because of increasing drinking water consumption.

If new and clearer laws will not be declared soon, problems will get very serious. In the meanwhile the users resolve the conflicts according to their own rules and knowledge.

Tendencies in conflicts about mineral and tourist resources.

From 2002 onwards, conflicts are increasing rapidly because of gas exploitation of Kamisea in the Amazonian part of Cusco. In the near future, probably many new mines that already have a concession will be exploited.

In both conflicts about mineral resources and about “tourist” resources the “presence of globalisation” becomes increasingly clear, not only because of the increasing number of tourists and foreign companies, but also because of a more “globalised” way of thinking by local actors (case of Tintaya: Churats, Escalante, Laats, 2002; Ortiz, 1997)

Other tendencies in conflict management.

Many conflicts that in the past would have been taken to a court nowadays are resolved within a comunidad, often with sustainable agreements. In general, solutions reached in an assembly are more respected than those decided by a judge.

This has to be seen in a wider context: the process of self determination by *comunidades* is recent. In the first years after the agrarian reform of 1969, most haciendas were converted into cooperatives, the farmers enjoyed being without the *patrón* (landlord), but were not prepared or in a position to assume this new responsibility. On its part, the State did not anticipate on the new rural reality and dimensions, and had no rural development proposal. The individualism within *comunidades* was not taken into account, because the rural population was expected to adhere to collectivist principles. Furthermore, between 1986 and 1991 because of violence by the Shining Path and the State, the official agencies lost credibility and the farmers started to assume new responsibilities, to believe in their abilities and to resolve their own conflicts. Concluding, only since the mid eighties, communities feel that they have some autonomy and their members feel that they can take decisions by themselves.

An inquiry held by Mosoq Allpa (the radio programme of Casa Campesina) in 1986 reflects this situation. In that year, in case of a conflict, the majority of the *comunidades* resorted to the police, the governor, the judge or (in some cases) to the farmers' union. Already in 1991, when the inquiry was repeated, most *comunidades* treated conflicts in their assemblies, some resorted to the farmers' union or the Casa Campesina and almost no one resorted to the governor, police or judge. Since then, this tendency has only increased.

During the nineties farmers' autonomy increased even more because of the rise of *Rondas Campesinas*. These are autonomous farmers' organisations (Churats, Florez, Laats, 2001 and Flórez, Hernández, Laats, 2003) that exercise justice. This can be seen as a message to the State by the rural people: "*We do not believe in you and you do not serve us*" (more about *Rondas Campesinas*: chapter 4).

Within this independent conjuncture, authorities take two kinds of attitudes: looking for compromise or opposition in which they question the legality of decisions taken by a comunidad. Anyhow, the fact that farmers do not resort to the official organs anymore undermines the legitimacy of the "formal" authorities and consequently their incomes decrease. This has caused various cases of blackmail and abuse against the *Rondas*, but notwithstanding the *Rondas* keep on gaining importance in conflict management.

Another "answer" to the shortcomings of the State is increasing attention to alternative conflict management mechanisms. Since the 1990's, several private agencies promote the application of mechanisms such as negotiation, mediation, conciliation and participatory conflict management (chapter 5 of this study). In 1998, the Peruvian government and congress recognised "their own" shortcomings when they promulgated the Conciliation Law. Indirectly, also decentralisation policies and

the promotion of “*mesas de concertación*” (organs in which public and private agencies consultation together) recognise that the (centralist) state has shortcomings.

3.6 Conclusion

The occurrence of conflicts in Cusco and Peru is increasing because of an incrementing pressure on natural resources, changing and contradictory state policies, sharper economic differences and influences of globalisation in tourism and exploitation of mineral resources. From the examples mentioned in this chapter, I distil the following particularities about conflict management in Peru and Cusco:

Peruvian law regarding property and management of agricultural land, water and mining resources in itself may cause conflicts and has an important impact on the eventual management of the conflicts:

- The agricultural reform of 1969 changed the land property relations dramatically; affected land owners (*ex-hacendados*) claim restitution of their former lands.
- The decision that a *comunidad* is the owner of the land and that the *comuneros* are possessors creates a complex situation in which conflicts easily occur.
- Abrupt changes in land law and lack of clarity in the administration of land property may cause conflicts.
- The absence of a recent water law and the fact that water is State property while the surrounding lands are private or common property create conflicts.
- Mining concessions give rights to companies to explore and exploit the subsoil, while the rights for the use of the surface remain in the hands of *comunidades*.

The implementation of Peruvian laws occurs often in an inadequate way. Ministries do not have complete data bases and proper filing systems. Many documents get lost, or give incorrect and incomplete information, and corruption is common. The legal value of documents is not clear, for example property titles that have been granted during different times and under different laws (more about this subject in chapter 4).

The economic problems of most of the Peruvian population and the enormous differences between rich and poor cause a lot of tensions. These are aggravated because the Peruvian population barely benefit from the wealth in natural resources, while (foreign) companies earn large sums of money by it. In Cusco, especially mining and tourism conflicts arise because of this reality.

The exploitation of mineral resources is one of the major income sources of Peru. This activity is potentially very conflictive because of economic interests and environmental and social hazards. In the case of Cusco, the risk is extremely high, because mostly foreign companies enter in rural areas with an indigenous population that is not prepared economically and culturally and has not enough access to information to deal with the changes that are brought about by the presence of a mining company (more about this subject in chapter 7).

Tourism is the mayor income source of the city and department of Cusco. Like mining, economic interest and social and environmental impacts are high and conflicts easily occur (more about this subject in chapter 9).

Peru is a multicultural society with different legal systems. State law appears to be less efficient than local rules in the management of at least some conflicts. The Constitution of 1979 and several laws for example the Law about *Comunidades Campesinas* (1987) and the Law about *Rondas* (2003) recognise the plurilegal character of Peru and local actors have some autonomy to administer law. However, in Peruvian Law, the amount of autonomy is not always clear and sometimes even contradictory (Laats, 2000). This lack of clarity and the resistance of “formal administrators of law” such as judges and the police cause conflicts.

Since the seventies, local rural organisations such as the *comunidades campesinas* and *rondas campesinas* went through a process of empowerment. The stronger position of the local actors has as a consequence that more problems are converted into conflicts and that the rural population has a stronger institutional base to manage them (more about this subject in chapters 4 and 6).

Diversity is not only high among several regions of Peru, but also among several zones of Cusco. Some of the described examples of conflicts only occur in specific parts of the Department.

Chapter 4 First conflict management activities by the Casa Campesina (1985 -1996)

Box 4.1. An example of the working method of Juan Churats.

“During an assembly one has to adapt certain attitudes and maintain neutrality from the beginning. The assembly is the highest authority and final decision-maker. One has to show a lot of respect, but at the same time make people feel one’s authority as a conciliator.

In conflict management, customary law is continuously present: during the discussion that leads to the agreement and in the way the agreement is sealed. The elements of customary law are not written down. The *campesinos* say that a custom that is written down ceases to be theirs, because others can use it. It is something that one guards in the soul.

If some articles in the Constitution are useful for the *campesinos*, they use them to form part of their practices and customs. They take possession of the law and transfer the paper to their heart, and from there, they apply it” (Juan Churats).

This chapter describes the experience with conflict management of the programme Casa Campesina of the Peruvian organisation Centro Bartolomé de Las Casas (CBC) from 1985 to 1996. In 1985, the programme started and in its first decade a strong (practical) experience has been built-up. I choose 1996 as the final year of this period, because in 1997 the Casa Campesina became involved in alternative conflict management, conflict management became a central working theme and my personal involvement with the Casa Campesina began. Many of the activities that have been started in the period 1985 to 1996 continue until today.

Centro Bartolomé de Las Casas has its office in the city of Cusco. CBC consists of three programmes: *Casa Campesina*, responsible for “development work”, *Colegio Andino*, a postgraduate school which also implements projects, and *Editorial*, the publishing house. CBC implements most of its activities in the rural areas of the departments of Cusco and Apurimac in the South Eastern part of Peru.

4.1 First conflict management activities of Centro Bartolomé de Las Casas and the formation of the Casa Campesina in 1985.

In 1974, a group of Dominican monks formed the Non Governmental Organisation (NGO) Centro Bartolomé de Las Casas as a place for study and reflection within the philosophy of liberation theology. The first known activities related to conflict management are those by the office for legal advice that functioned from 1978 to 1980, under the responsibility of a lawyer named Jorge Polo.

In its first years, CBC was a merely academic NGO. In 1984, the board of directors decided to create a programme for the benefit of rural people. They formulated a project, in November of the same year a building was bought and on February 4, 1985 the programme Casa Campesina was officially inaugurated.

Until the beginning of the nineties, political violence hampered the activities of the Casa Campesina. The guerrilla group *Sendero Luminoso* (Lighting Path) had bases in the rural zone of Cusco and Apurimac, which made it very dangerous to travel to rural areas. Because of actions by the Lighting Path as well as the police and the army, many innocent people were killed, injured or arrested. There was a severe lack of

trustworthy information and it was virtually impossible for rural organisations to act. In this context, the Casa Campesina focussed its activities during the first years on reception, lodging and information (consultations and courses) for rural visitors. The consultations initially were conducted in an informal way. Consultations refer to attending to (rural) people who visit the office or are visited in “the field” and need advice on specific legal or organisational problems (this activity will be described in detail later on in this chapter). In December 1985, Juan Churats gave the first course about legal and organisation aspects to community leaders.

Since the beginning of Casa Campesina, Juan Churats and his family looked after its visitors. Until today (2005), Juan Churats works there and he is one of the central persons responsible for conflict management. His testimony is the main source of this chapter:

“I was born in Limbani, a village in the department of Puno, in 1947. I went to Lima in 1960 and came to Cusco in 1983. I was member of the national board of directors of the union for printers (Federación Gráfica) of Peru. In Lima we organised meetings, workshops and courses. Every day, we attended compañeros who came to us with their problems. We had to resolve their labour problems. As a member of the directorate, I was member of the sector obrero (labourers’ sector) and because of the alliance between labourers and farmers I built friendships with various peasant leaders. We were together in historical congresses like the ones in Chacán (Cusco) and Querocotillo (Piura). Guido Delran (the director of CBC from 1974 until 1993) knew my experience in syndicates and he trusted me to look after the Casa Campesina.”⁴³



Figure 4.1 Juan Churats facilitating a village assembly

⁴³ In this chapter, literal quotation of words by Juan Churats will be shown in cursive.

4.2 1985-1990 The Casa Campesina organised a working team, defined its action lines and dealt with conflict management in a non-structured manner through consultations and field visits.

Between 1985⁴⁴ and 1987 the personnel of the Casa Campesina did not yet travel to the rural communities (*comunidades*); in the office they dealt with the following themes:

“From the beginning, we came into contact with many peasants of the region. The first courses and consultations dealt with themes about organisation and the political situation, especially those about the agrarian reform. The government of president Belaúnde (1980-1985) gave several decrees that reversed the process of the agrarian reform; the State did not help the comuneros. It was a period of struggle for land; peasants came to the Casa Campesina to get assistance in conflicts about land”.

In a notebook Juan Churats registered the problems of the peasants, they were mostly juridical. Guido Delran proposed to extend the working team, with the aim to make these problems public:

“Claudio Ortiz was contracted as a communicator and in 1986 the Casa Campesina started a radio programme called Mosoq Allpa (new land in the local language Quechua). The contents of the radio programme were problems reported by rural people and local music of comunidades. As a consequence of this programme, more people visited the Casa Campesina and more problems were presented. Therefore they also needed more legal advice; at the end of 1986 the Casa Campesina contracted a lawyer. I was the first one to attend to the comuneros, if they had problems about legal interpretation, I sent them to the lawyer.”

The First field visit was made in 1988, however not without difficulties:

“Guido told me: ‘the Casa Campesina is meant for urban activities of rural people and the Casa Campesina is not meant for rural activities’. There was a lot of discussion about the position of the Casa Campesina; I said: ‘we have to leave the city to verify’. At the end of the meeting, Guido said: ‘You can go to the field but you have to convince me’”.

The first field trips were to verify conflicts between *comunidades* (countercheck of consults), to conduct courses and to consultation about problems. If a solution “in the field” was not possible, people were advised to go to Cusco in order to seek assistance from a specialist.

Consultations

One can consider the consultations in the office and in the field as the first conflict management activities by the Casa Campesina. Consultations about legal issues and organisation have not lost relevance⁴⁵ and are therefore still the pivot of its activities.

⁴⁴ Presidential elections won by Alan Garcia from the APRA party.

⁴⁵ Table 5.1 shows that the number of consultations that directly dealt with conflicts: in 1997: 148; in 1998: 235; in 1999: 331. The total number of consultations (dealing [in]directly with conflicts) were in 1997: 702; in 1998: 1008; in 1999: 1198.

During the period from 1985 to 2003⁴⁶, other (public) agencies took consultation over with respect to some of the “thematic” activities, other themes lost importance, but continuously new themes arose (new laws, new policies, elections, presence of mining companies, etc.) for which *comuneros* needed advice. To be able to give proper advice the responsible persons for the consultations needed to permanently bring themselves up to date.

Until 1995, the main donor for consultations was BILANCE (now called CORDAID) in the form of “institutional support”. From 1996 onwards consultations formed part of other projects funded by COSUDE, Broederlijk Delen, Misereor and others⁴⁷.

A secondary result of consultations is that they create an enormous amount of information about rural reality, specifically about what people consider as their most severe problems (and conflicts). Since the mid nineties this opportunity received more attention and the Casa Campesina gave consultations in a more systematic way (for example by filling forms after each consult). This enabled persons related with CBC to write several articles and studies based on information from consults.

Since 1985, themes, financing and systematisation of consultations changed, but the methodology of consultations remained more or less the same.

In table 4.1 and in the tables in the next paragraphs and chapters, I analysed the process undergone by the Casa Campesina and CBC regarding conflict management. I selected the following stakeholders as being most relevant: (1) rural people (users of the Casa Campesina), (2) the facilitator Juan Churats (the person most involved in conflict management), (3) the organisation Casa Campesina and its programme CBC (management and staff), and (4) other institutions and interested persons who influenced or were influenced by the Casa Campesina/CBC (scaling-up). The analysis of changing assumptions and methods in the period 1985-2003 gave an impression of the (learning) process of the organisation.

Table 4.1 Consultations in office and field.

Event	Year	Rural people	Facilitator (Juan Churats)	Organisation (CBC)	Other organisations and interested people (scaling- up)
Consultations in office and field	1985 – end of study	Assumption: the Casa Campesina offers services for our benefit. Method: visit the Casa Campesina	Assumption: Conflicts hamper the “development” of <i>comuneros</i> . Method: consultations	Assumption: Rural population need a place where they feel at home, talk about their problems and receive consults. Method: Constitution of the Casa Campesina and appointment of Juan Churats as facilitator	BILANCE/CORDAID, a catholic donor agency from the Netherlands. Assumption: CBC is a trustworthy organisation that deserves financial support and does not require much control or follow-up. Method: Financial institutional support Broederlijk Delen, Misereor: Assumption: consultations are important. Method: Financial project support. People with an interest in rural issues: Assumption: Casa Campesina/CBC provide interesting information Method: use information from consultations for articles and studies

⁴⁶ I left the Casa Campesina in 2003.

⁴⁷ The “institutional” support of BILANCE to CBC was about US\$ 250,000 per year, while the “project” support of Misereor and Broederlijk Delen to the Casa Campesina was about US\$ 50,000 per year each.

Methodology of consultations about conflicts

During the period 1996 to 2003, the team responsible for consultations about conflicts in the Casa Campesina consisted of four persons: Juan Churats, another facilitator (Crisaldo Quispe) and two lawyers⁴⁸.

Methodology of Juan Churats:

In conflict management one has to use all his/her experience. A conflict has to be situated in its own context; in our case, Andean concepts have to be re-valued. To resolve a conflict, the first thing is not being part of it, maintain objectivity, listen to all parties, create a calm situation in which they can expose their different viewpoints, not agree with no one in a hasty way, find out the roots of the conflict, and look for the participation of everybody. In the search for a possible solution problem, things have to be simplified.

In a case of conflict about land between two *comunidades*, firstly one has to get clarity about the facts and secondly one has listen to the parties. If it is a problem about a boundary, at first all information has to be gathered; it is important to know whether it was before or after the entitlement. If the problem arose before the entitlement it becomes more complicated; if it was thereafter, one has at least a referee point, because the boundary has to be respected. In this case one may try to establish an agreement of equal division. The agreement becomes more sustainable through an old custom in which all *comuneros*, including all women and children, walk along the borders of the community, one should take care that the neighbouring communities see the crowd so that they will respect the borders in the future.

The village assembly (*asamblea*) deals with land conflicts between *comuneros*, facilitated by the village authorities, or in complicated cases by a third, external party. The facilitator confronts the parties until they reach an agreement. The parties have the possibility to withdraw in order to agree upon a solution that is satisfactory for both. In extreme cases, the *asamblea* decides through voting. When they reach an agreement the conflicting parts embrace.

During an assembly facilitated by an outsider, he/she has to adapt certain attitudes and maintain neutrality from the beginning. The assembly is the highest authority and final decision- maker. One has to show a lot of respect, but at the same time make people feel one's authority as a conciliator⁴⁹. At the conciliation table, each of the parties will have sufficient time to explain well their vision. Sometimes the facilitator writes key points on a blackboard in order to explain the common sense to the assembly. The compromise reached as a result of mediation is written in a record (*acta*), and preferably will be included in the statute too.

⁴⁸ Between 1996 and 2003, the lawyers were Marco Chevarria, Katarina Pozo, Adrian Alvarez and David Florez.

⁴⁹ The interviews with Juan Churats took place in 2001. He uses "alternative conflict management" vocabulary. I do not know whether he used the same vocabulary before 1997.

In average, of ten resolved conflicts, in seven cases the conflicting parties respect the agreement⁵⁰. There are always people who make new reclamations after a short while and continue disagreeing.

Before the management of a conflict, a conciliator or mediator never should borrow money from a *comunero*, drink with them, make *compadres* (being godfather of a child of a *comunero*) or give his address if asked for. They want to know this so that they can bring “*cariño*” (a gift, literally: kindness). Instead the conciliator responds: “I am grateful for your kindness (*cariño*), but you will not bring anything to me, my organisation pays me”. *Comunidades* are very sensitive about this, it is easily said that someone is corrupted or involved with one of the parties.

Box 4.2. A different example of conflict management by Juan Churats

The above description especially applies to conflicts about land or other natural resources. Other types of conflict often require a different kind of management, for example regarding a “family conflict” in Roccoto Juan Churats followed a rather different approach: *A woman invited me to take lunch and asked to castigate her husband for being an alcoholic, in order that he would promise not to drink again. In this case one takes a whip, one makes the man kneel, prays that the man will not touch alcohol again, the man has to kiss the whip and he will be beaten three times in the name of the Holy Father, the Holy Son and the Holy Spirit.*

In conflict management, biblical texts are used to recognise individual and common mistakes. The work with spiritual aspects, within the context of a social church (liberation theology), serves to come closer to the *campesinos* and to resolve any type of conflict. During the assembly this approach shows that the work goes beyond the role of a simple conciliator. In using religion one has to use own experiences and intuition.

Metaphors also serve to make people understand. It is important that everybody knows what is happening, because conflict resolution is a social act, in which one has to take into account the experience of all involved people.

Furthermore, references are made to other persons and *comunidades* about how they achieved to overcome their problems. One should try to give a positive value to experiences, although in some cases a negative experience may serve to help people avoid committing the same mistake.

A norm for good work is not to fool oneself, nor to fool the *campesinos*. To be able to help them, the best thing is to listen and to understand their practices and customs; these may be different in each *comunidad* and in each zone.

In box 4.1., I already indicated that a conciliator has to take into account customary law. For example, a conciliator has to respect oral agreements, and should be careful to write these down. On the other hand, one should not regard customary law from a

⁵⁰ This number is a rough estimation by Juan Churats based on long practical experience. Exact numbers are difficult to give as *comuneros* whose conflicts are resolved do not have a reason to return to the Casa Campesina. In 2001, as a result of participatory monitoring and evaluation workshops in eight communities, we found similar percentages: about 70% of the conflicts appraised in 1999 and 2000 had been resolved in a “sustainable” way (i.e. during at least two years).

narrow perspective. For example, if *comuneros* consider elements from formal law useful, they may incorporate them in their customary law.

Juan Churats has transferred much of his knowledge and experience to Crisaldo Quispe. This facilitator has developed his own working style in which he uses the lessons from Juan Churats, but also his own knowledge from his experiences as communal president and agricultural facilitator. Juan Churats uses his charisma and the reputation that he gained in *comunidades*, while Crisaldo Quispe prefers to mix himself among the *comuneros* and stay in the background as much as possible (especially when he travels to the field together with Juan Churats). He told me that he chose this strategy in order to become aware of the real opinions of the *comuneros* and to create confidence. In his role as mediator/conciliator he uses the same techniques as Juan Churats. Although he has less charisma and authority than Juan Churats, *comuneros* do appreciate him because of his trustworthiness, experience and being *ex-comunero*.

The lawyers assist the facilitators in legal issues and give consultations when the facilitators are in the field or if there are many visitors. Both have a critical attitude about (the application of) formal law, they have a human rights background and are interested in legal plurality.

As the facilitators and lawyers work in the same room, and they often have to replace each other (because of field visits), in practice the lawyers often act as facilitators and the facilitators as lawyers. The other staff of the Campesina is also involved in consults, for example when I left in 2003, a female pedagogue worked as a part of her job as a consultor for rural women who visited the Casa Campesina (because rural women in Cusco often feel “burdens” when they talk with men).

Concluding, it appears that consultation as a conflict management “tool” has its base in experience. The methodology of the Casa Campesina is the sum of the experiences of Juan Churats, Crisaldo Quispe and the two lawyers, including the influence of scaling-up: previous working experiences, training, exchange with other conflict managers, influence of donor agencies, etc. The methodology came into being as a result of trial and error during practice, with the help of ideological principles and intuition.

In the case of Casa Campesina and Juan Churats, consultations are a mix of “prevailing conflict management paradigms” and therefore a hybrid form of conflict management. Consultations incorporate alternative conflict management mechanisms (e.g., conciliation), local conflict management (e.g., oral tradition) and formal conflict management (e.g., title deeds to lands). However, consultations are not a “random” mix of the three aforementioned mechanisms. The narration of Juan Churats shows that, according to each circumstance, he makes a choice “out of the basket” of the available (known) conflict management techniques. However, in this approach paradigms do not necessarily disappear. Although the methodology does not follow “theoretical” formal, alternative or local mechanisms in a paradigmatic way, it certainly has paradigmatic characteristics, for example the use of liberation theology and the promotion of “the *comunidad*”.

The “practical” methodology of consultations provokes a reflection about the statement of Keynes (in FASOLEARN, 1997) that people who claim to be practical and not in need of theory usually turn out to be using the theory of yesteryear. Regarding consultations we see that, although theory is not rejected, its design is a result of practice. The question arises whether the methodology only “uses theory of yesteryear” or whether the relatively small influence of theory permitted a methodology with a relatively non-paradigmatic character. This element of the interaction between practice and theory will re-appear later on in this study.

4.3 1990-1996 Activities and methodology that deal with land tenure; Rondas Campesinas; more emphasis on conflict management.

Saneamiento legal and físico

The process of facilitating *saneamiento legal* became one of the principal tasks of the Casa Campesina because of the growing interest of *comunidades* to obtain legal recognition and to obtain management tools. From a legal point of view, a *comunidad* is *saneada* (literally translated: made healthy) when it has documents that assure its existence as an organisation and the property rights to its territory.

“The work of saneamiento legal gained importance because visitors of the Casa Campesina applied for information that should have been provided by the Ministry of Agriculture. However, the Ministry did not arrange the data and in many cases the comuneros had no access to them. In 1989, we signed an agreement with the Ministry and until 1992 we stored information: we revised and organised files and checked the public registry. Having done this work, we observed that there existed a problem because of the high number of communities that lacked official documentation. Therefore, in 1994, the first ideas arose for the project “Experiencia y Metodologías de la propiedad agraria en comunidades campesinas del departamento del Cusco”⁵¹.

The Casa Campesina implemented this project funded by COSUDE (Swiss financing agency) between May 1996 and December 1997. The principle activities were *saneamiento legal* and *físico*. The objective was to design methods and strategies for the consolidation of communal property and to ensure the possession of family plots. Successful pilot experiences were to be replicated on a larger scale.

The *Saneamiento legal*, functions, rights and obligations of *comunidades campesinas* are established in the Constitution of 1979, the general law for *Comunidades Campesinas* (No. 24656) and the Law covering the delineation and entitlement to communal territory (No. 24657) both from 1987. The required documents are *resolución de reconocimiento* (resolution of recognition), *personería jurídica* (legal person), *título de propiedad* (property title), *inscripción del título de propiedad ante registros público* (inscription of the property title in the Register Office).

It is important for a *comunidad campesina* to ensure legalisation of property and organisation, not only to become a corporate body with a legal status, but also to receive assistance from public and private institutions.

⁵¹ Experience and Methodology regarding agrarian property in *comunidades campesinas* of the department of Cusco.

The project amplified the concept of *saneamiento legal*, going beyond the purely legalist interpretation. For example, it gave importance also to the use of management tools, such as the *padrón* (register) of *comuneros* and the statute of the *comunidad*.

The register of comuneros was different for each comunidad and mostly not written. Therefore, the comunidades came to buy these books in the Casa Campesina, elaborated according Law 17716 of the Agrarian Reform". A register of *comuneros* is important for conflict management, because it determines the number of recognised *comuneros* and their personal data, and it is a requisite for the legal recognition of a community. Furthermore, the register contains additional information, for example the sanctions that a *comunidad* applies in case of an offence.

Likewise, there exists a high demand for the models of communal statutes based on the *Ley General de Comunidades Campesinas* (general law of *comunidades campesinas*). Each *comunidad* adapts these documents to their specific needs during workshops or assemblies in which the participants discuss the paragraphs of the Statute. The statute contains the rules of a *comunidad* and is therefore an essential document to exercise communal justice. A public notary legalises the statute.

The other main activity of the project was *saneamiento físico*. This activity consists of the (topographical) verification of the internal boundaries within a community and the verification and marking of the outside borders with visual objects like stones and wooden stakes. The main source for the verification of internal boundaries is verbal information of the concerned *comuneros* with an eventual arbitrating role of the village council. The sources for the verification of the outside boundaries are the registered map and topographical data of the Public registry office, the *memoria descriptiva* (legalised written description of the boundaries), and the comments of representatives of the concerned *comunidades*.

The final report of the project (CBC, 1997) states that the *saneamiento físico* of the family plots has the aim to endow instruments and abilities to the community to ensure the property and usufruct of the land, both communal and familiar; prevent conflicts about land and, if necessary, endow the tools to resolve them.

Saneamiento físico of family plots deals with an issue that most *comuneros* consider very important: the formalisation of the usufruct. It also forms an efficient mechanism for the solution and prevention of conflicts about land within a *comunidad*. In this sense, it is a “modern” instrument that helps the management of the communal territory.

The register of plots (*padrón de parcelas*) is furthermore a tool that ensures that all *comuneros* accomplish their duties according to the size of land they possess (e.g., *faenas*: free labour for communal benefits, payments).

The *saneamiento físico* of family plots is a process that takes about three to four months. In the framework of the project, the Casa Campesina facilitated this activity in four communities.

Saneamiento legal had its highlight during the nineties, in this decade the number of legally registered communities in Cusco rose from about two hundred to about nine

hundred, which means that at present almost all *comunidades* in Cusco are *saneadas*. Since the late 1990's the activity consisted mainly of consultations in case of problems with documents and in completing procedures (for example: elaboration of a statute or registry of *comuneros*).

The *saneamiento físico* of family plots is expensive and time consuming. The experience in four *comunidades* of the project "Experience and Methodology regarding agrarian property in *comunidades campesinas* of the department of Cusco" only has been repeated in the *comunidad* Ancasi in the district of Carhuayo, financed by the municipality of Carhuayo. Because of other priorities, the donor agency COSUDE did not give follow-up to the project that lasted less than two years and therefore no more *saneamientos físicos* of family plots have been conducted.

The activity of *saneamiento físico* to determine the external boundaries of a *comunidad* (verification, agreement and placement of landmarks) is still gaining importance.

Since COSUDE ended its involvement, Broederlijk Delen and Misereor financed the activities of *saneamiento legal* and *físico* with a growing financial contribution of the communities themselves.

Table 4.2 Saneamiento legal and físico

Event	Year	Rural population	Facilitator (Juan Churats)	Institution (CBC)	Other institutions and interested people (Wider context)
<i>Saneamiento legal</i> and <i>físico</i>	1990-present	Assumption: <i>Saneamiento legal</i> and <i>físico</i> is important for the strengthening of our organisation; Casa Campesina is a trustworthy facilitator. Method: visits and requests to the Casa Campesina.	Assumption: <i>Saneamiento legal</i> and <i>físico</i> prevent conflicts about land: Method: consultations and facilitation, functioning as a bridge between <i>comunidades</i> and governmental organisations		COSUDE (Swiss donor agency) Assumption: CBC is an appropriate organisation to implement a pilot project about land tenure issues. Method: financial project support. Other organisations: Assumption: The experience of Casa Campesina is interesting. Method participation and co-organisation exchange of experiences.

Concluding, *saneamiento legal* and *físico* are above all formal conflict management mechanisms. The activities aim to prevent conflicts through providing legal security, and establishing and visualising physical boundaries. Furthermore, they aim to facilitate the management of conflicts using documents such as the statute, the *padrón de comuneros* and the *padrón de parcelas*.

A continuous tension exists between the formal and local component of *saneamiento legal* and *físico*. The incorporation of a community in the formal legal system of the state brings with it risks of losing autonomy, diversity and independence. Although this problem is widely recognised (Casa Campesina/CBC, 1997), almost all communities in Cusco decided that legal security is anyhow necessary in order to be

“empowered” in the case of legal accusations by third persons (e.g., *ex-hacendados*, companies, the state). The Casa Campesina and the communities themselves try to overcome the problem of inter-dependency and uniformity by elaborating the aforementioned documents in a participatory way and by including customary law. In the previous paragraph I already mentioned the philosophy: “If some articles in the Constitution are useful for the *campesinos*, they use them to form part of their practices and customs. They take possession of the law and transfer the paper to their hart, and from there, they apply it”. I will discuss the tension between formal and local conflict management further in the next paragraph and later on in this book.

Rondas

In 1995, the Casa Campesina started an intensive relation with an important (potential) actor in conflict management: the *rondas campesinas* (literally: farmers’ night patrol). This work is still a main activity of the Casa Campesina.



Figure 4.2. Meeting of the *ronda campesina* of Ocongate-Carhuayo (photo by Paulino Cusihuaman)

In 1976, rural people constituted the first *ronda campesina*⁵² in the northern department of Cajamarca to combat cattle robbery and other crimes. Other parts of the country followed the success of the experience of Cajamarca. According to a study of Orin Starn (1991, 1992), there were 3,435 *rondas campesinas*⁵³ in Peru in 1991. At present this number is probably higher. Starn (1991, 1992) considers *rondas* among the most important social movements of Latin America.

⁵² *Rondas* have their roots in the organisations of the *montañosos* in the 19th century (Hernández, 2000, Florez, Hernández, Laats, 2003)

⁵³ *Rondas* exist at community, district and provincial level.

The example of the central *ronda* of Ocongate-Carhuayo⁵⁴ (to which belong the *comunidades* of case studies chapter 6 and 7) shows the importance and potentiality of *rondas* in conflict management, and the involvement of the Casa Campesina and other actors.

At the end of the eighties and in the beginning of the nineties, there were many cases of cattle robbery and theft of food, cloth and artefacts, often with the use of fire arms. For example, in 1990 there was a robbery in which 40 to 50 alpacas were stolen and in 1991 in one night eight to ten horses disappeared. In the few cases that the police interfered and captured the thieves, most of the time the police released them after receiving a bribe, for example a sheep.

The initiatives to constitute the *ronda* came from two directions. In 1990, after a request of the catechist Mariano Chillihuani, Father Antonio of the Parish of Ocongate brought books about *rondas campesinas* from Cajamarca, and catechists distributed them in *comunidades*. A year later, Father Antonio organised in co-ordination with the ONG CCAIJO a course about the experiences of the *rondas* of Cajamarca. The other initiative came from some leaders of the region⁵⁵ who assisted at meetings of the *rondas campesinas* in the province of Canchis.

The communal leaders with the help of father Antonio gave concrete form to the idea of constituting a *central de rondas* in the districts Ocongate and Carhuayo. The 20th of August 1992, the first meeting of the central committee of *rondas* took place in Yanacocha. To the *ronda* Ocongate-Carhuayo belong 46 *comunidades*: the ones from Ocongate and Carhuayo but also some of Ccatca: the *comunidades* Nueva Esperanza Ccapana, Asociación Ccapana (case study chapter 5) and Andayaque. In the first meeting about 6000 *comuneros* participated; the *ronda* judged thirty cattle thieves after they confessed that they had committed the crimes of which they were accused.

In the first years, there was a monthly central meeting that treated three cases on average (30-40 per year). The cases have decreased through the years and the committed crimes are less severe. In the beginning the cases were only about cattle robbery, but since then other cases, about issues such as domestic violence and sexual violence, abandoned children, and land conflicts, became more and more important.

In “normal” cases, the sanctions are for example: bathing of the convict in a (cold) lake, whiplashes, physical exercises, or obliging the convict to go to the affected communities with the proofs of the crime. In severe cases the *ronda* hands the captured criminals over to the police. The origin of some of the punishments refers to Andean tradition, for example, being washed in water is a symbol of purification, while the physical exercises have their origin in practices of the army (many *ronderos* served in the Peruvian army). There are very few cases of repetition of the crimes.

⁵⁴The information of this paragraph comes from interviews with Luis Cutiri Luna, ex-president of the *central ronda* of Ocongate-Carhuayo (until 2002), Toribio Mendoza Mamani, another ex-president of that *ronda* (until 2000), Vidal Fuentes, founder and ex-directive member of the *central ronda* Ocongate-Carhuayo and founder of the *central ronda* “*Margen derecha*”, Juan Churats, facilitator of the Casa Campesina and Father Antonio, priest of the Parish of Ocongate.

⁵⁵ Julian Rojo, Luis Luna Huanca, Vidal Fuentes and Julio Huaman

The *ronda* has ties with the following actors: the police, the “judge of peace”⁵⁶ and the governor of Ocongate. They are invited to the general meetings in which they speak about problems related with cattle robbery.

Since 1995, the Casa Campesina is the principal assessor of *rondas* in various parts of Cusco and Apurímac, assisting in administrative, legal and organisational issues, and capacity building.

Concretely, this consists of the following activities:

- Assistance at meetings
- Facilitation to obtain legal status (inscription in the Public Registry, etc.)
- Elaboration of statutes
- Facilitation of planning sessions
- Consultations in case of problems and conflicts between persons
- Facilitation of workshops about conflict management
- Facilitation of “exchange of experiences”, for example between Quispicanchi and Haqira
- Promotion of Rondas in other districts (Huanquite, Haqira, etc.)
- Co-ordination with other institutions that work with *rondas*
- Elaboration of articles
- Organisation of a workshop, in which the proposal of the Law about *Rondas Campesinas* has been discussed and recommendations have been sent to the Peruvian congress. Recommendations about *rondas* as committees in *comunidades campesinas* and the role of *rondas* as conflict managers have been included in the “law for *rondas*” (approved in 2003).
- Promotion of the first provincial *central de rondas* in the department of Cusco in Quispicanchi⁵⁷

⁵⁶ rural judge who forms part of the formal legal system, s/he conducts some of the tasks of a “court” judge, for example being arbiter in minor disputes.

⁵⁷The tasks of the provincial *central de rondas* are: to promote and assist the district and “zonal” committees; to coordinate with authorities and institutions; to systematise experiences in order to contribute to the development of “justice of peace” in Peru; to defend directive members of the district and zonal *centrals* when they are mistreated in the execution of their functions; to elaborate projects for donor agencies for the benefit of the *rondas* in the province; and to control district, provincial and departmental authorities.

Table 4.3 Emergence of *rondas campesinas* in Cusco

Event	Year	Rural population	Facilitator (Juan Churats)	Institution (CBC)	Other institutions and interested people (Wider context)
Emergence of <i>Rondas Campesinas</i> in Cusco	1990 – present	Assumption: Formal justice does not function well, we have to organise ourselves to fight crime and to solve conflicts. Method: constitution of the <i>rondas campesinas</i> in Cusco, following the example of Cajamarca facilitated by the Casa Campesina, and other actors.	Assumption: Formal justice does not function well, the rural population has to be organised to fight crime and solve conflicts. Method: consults, workshops and trainings	Assumption: <i>rondas campesinas</i> are important. Method: consults, no specific activities are formulated Since 1998: <i>rondas campesinas</i> are important second-tier organisations Method: special attention through consults, workshops and trainings. Since 2000: Assumption: <i>rondas campesinas</i> are important as unique social movements in Latin America. Method: special projects have to be formulated to promote <i>rondas campesinas</i> , socialisation and diffusion (e.g., elaboration of articles),	Father Antonio and CCAIJO Assumption: Formal justice does not function well, the rural population has to be organised to fight crime and solve conflicts. Method: introduction of the experiences of Cajamarca in Cusco. Interested institutions and persons. Assumption: the Casa Campesina has a lot of experience with <i>rondas campesinas</i> . Method: Attending information exchange workshops reading articles. Siembra Democracia Assumption: The project formulated by the Casa Campesina benefits the process of decentralisation and democratisation of Peru. Method: Financing of project

The Casa Campesina considered its work with *rondas* as successful and meaningful and at my departure activities were still increasing, for example through a project sponsored by Siembra Democracia (2002-2004). However, the work is very delicate, therefore assisting *rondas* does not work if one behaves as an “expert”. The Casa Campesina opts to participate and facilitate in the process undergone by the *ronderos* respecting the ethical and customary context of the region.

Concluding, *rondas campesinas* are important (potential) local conflict managers. It became clear in this paragraph that in the case of *rondas*, one has to regard local conflict management from a wide perspective, as there is a lot of interaction with other “categories” of conflict management and other actors. On the one hand the initiative for the *rondas* comes from other regions, on the other hand the functioning of each *ronda* is adapted according to special characteristics of each zone. Many of the applied conflict management mechanisms stem from the region and respond to local ethics. However, influences of the army are also important; in some cases the *ronderos* call for formal justice; and *ronderos* have requested training about alternative conflict management (courses about conciliation and participatory conflict management by the Casa Campesina). Although many of the initiatives came from *comuneros*, the role of external actors such as Father Antonio, Casa Campesina and CCAIJO have been crucial too. The relations of the *rondas campesinas* with local authorities (mayor, judge, governor, police) determine the performance of the *rondas*.

Similar to the case of *saneamiento legal* and *físico*, there exist both tension and synergy between the local and the formal in the case of *rondas campesinas*. Similar to the case of consultations, *rondas* do not act strictly according to a certain paradigm of conflict management.

4.4 Conclusions

The first conflict management activities of the Casa Campesina did not stem from predefined projects, but the rural visitors of the Casa Campesina expressed themselves about the conflicts in their communities and requested assistance by the Casa Campesina. Juan Churats on his turn had to make many efforts to convince the management of CBC to allow the Casa Campesina to become engaged in conflict management. All in all it is a strong example of a bottom-up initiative.

Until 1997 conflict management was part of the ongoing activities of the Casa Campesina. Conflict management was not defined as a working line; the theme was neither systematised nor analysed. At first conflict management formed part of “listening to and attending problems of the visitors of the Casa Campesina”. Since the beginning of the nineties the main objective of the Casa Campesina was ensuring *saneamiento legal* and *físico* of the land property of *comunidades Campesinas*. In hindsight, one can consider many of the activities implemented with that aim as conflict management. The same holds for the *Rondas Campesinas*. Since the beginning of its involvement, the Casa Campesina increasingly considered *Rondas Campesinas* as potential conflict managers.

One could conclude that conflict management of the Casa Campesina until 1997 was based on three pillars:

- Conflict management practice based on experience
- *Saneamiento legal* and *físico* of natural resources
- Strengthen local, customary practices of conflict management

Relating the findings of this chapter to the research question (what is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning?), I conclude the following.

This chapter shows that during the period 1985-1996 rural inhabitants of Cusco felt conflict about natural resources increasingly to be a problematic issue. During the same time, their confidence in “official conflict managers” such as police and judges decreased. The emergence of consultations about conflicts in the Casa Campesina and of *Rondas Campesinas* reflected these two developments. The increasing demand for consultations (see table 5.1. for exact numbers) about conflicts implied that the negative social and environmental impact of conflicts that were not managed increased, or was increasingly felt as such. The decrease of court cases, the increasing number of consultations and the rise of the *Rondas* indicate that local people felt that “traditional” conflict management did not satisfy their needs, while they saw “new and alternative” conflict managers as the Casa Campesina and the *Rondas Campesinas* as more attractive options. This indicates that the social and environmental impact of conflict management by these organisations was rather positive, at least when compared with the impact of “traditional conflict managers”.

This chapter mentions some factors that (in the context of the Casa Campesina and rural communities) influence the impact of conflict management:

Experience and personal characteristics

Because of his history, background and personal qualities, Juan Churats gained a considerable amount of status, credibility, charisma, influence and trustworthiness. He also has the necessary insights and capabilities regarding social interactions. His knowledge of the local situation, his “belonging to the same group” and the use of metaphors, ethics and religion are crucial for his success.

Positioning

The Casa Campesina positioned itself as an ally of the rural population; its origin was to support the farmers’ unions. Being an urban accommodation for rural visitors in the centre of Cusco, the location of the Casa Campesina proved to be a very adequate place for farmers to express their problems and to look for solutions. Strategically, the link with the farmers’ unions created a close tie with the rural population (compared with a “common” NGO).

Scaling-up

There was a powerful “spreading of information” about problems and conflicts as a result of the radio programme Mosoq Allpa. Furthermore, indirectly many actors influenced the Casa Campesina and vice versa regarding the activities with a conflict management component. For example: the co-operation with Ministry of Agriculture for *saneamiento legal* and *físico*; exchanges of experiences that led to the constitution of *rondas campesinas* in Cusco; and donor agencies that left many freedom to the Casa Campesina to implement activities.

With respect to conflict management paradigms, strategies of the Casa Campesina contained local, formal and alternative characteristics that instead of contradicting each other gave synergy. However, the Casa Campesina certainly was not “insensitive” towards paradigms (e.g., a suspicion of market forces and a belief in community). For example, the ‘biased’ choice for the empowerment of communities in a conflict, and for considering other actors (*ex-hacendados*, the State, etc.) as “opponents” and not as “equal” parties in the conflict, resulted in a lack of attention to acquiring deeper insight in the needs, interests and underlying motives of these actors.

The information of this chapter does not provide sufficient basis to draw conclusions about social learning and conflict transformation. However there are sufficient arguments to consider the process of the Casa Campesina between 1985 and 1996 as organisational learning. The main constraints are that conflict management had a rather individual profile (Juan Churats) and that the Casa Campesina did not recognise it as a working theme and therefore did not apply it “systematically”.

Chapter 5 Conflict management becomes a central theme of the activities of the Casa Campesina (1997-2001)

Between 1997 and 2001, I distinguish five events that had an important influence on conflict management in the Casa Campesina:

- Conflict management becomes a central theme in the activities of the Casa Campesina
- Participatory conflict management is introduced as a new methodology.
- Conciliation receives attention because of the promulgation of the ‘Conciliation Law’.
- Conflict management is implemented in the context of Participatory Community Planning and in capacity building of second-tier organisations.
- Action Research becomes an important activity of the Casa Campesina.

5.1 Conflict management became a central theme in the activities of the Casa Campesina

1997 was the last year of the project “*Experiencias y metodologías de reconocimiento de la propiedad agraria de comunidades campesinas del departamento del Cusco*” (“Experience and Methodology regarding agrarian property in *comunidades campesinas* of the department of Cusco”). As mentioned in the previous chapter, this project dealt with *saneamiento legal* and *saneamiento físico* in a systematic way. It recognised that these activities prevent the occurrence of conflicts; that the provided documents may serve as conflict management tools and that one has to solve conflicts in order to be able to conduct a successful *saneamiento físico*. This experience and the rising number of conflicts treated in consultations⁵⁸ (see table 5.1.), made the Casa Campesina decide to choose management of conflicts about natural resources as a specific working line.

Table 5.1 Conflicts attended by the Casa Campesina between 1997 and 1999.

Year	1997		1998		1999	
	No.	%	No.	%	No.	%
Total No. of consultations	702	100	1008	100	1198	100
Consultations about conflicts	148	21	235	23	331	28
- land conflicts	113	16	196	19	245	20,5
- forest conflicts	7	1,0	13	1,2	27	2,3
- water conflicts	17	2,4	16	1,6	31	2,6
- pasture conflicts	11	1,5	10	1,0	28	2,3

In 1997, the Casa Campesina signed an agreement with the Forest Trees and People Programme (FTPP)⁵⁹ of the FAO and in March all personnel and the president of the *comunidad* Nueva Esperanza Ccapana (case study chapter 6) participated in a workshop about *gestión participativa de resolución de conflictos* (literally:

⁵⁸ Almost all consultations deal indirectly with conflict management as they are all about legal and organisational problems.

⁵⁹ FTPP is a world-wide innovative programme of the FAO that promotes participatory natural resource management. Although most directly involved participants evaluated the programme very positively, in the Andes region, at the end of the nineties, funding decreased drastically because of the lack of “direct” (physical) results.

participatory management of conflict resolution, I will use the term participatory conflict management). In June, the head of the juridical department and I participated two weeks in a regional course about social environmental conflict management, also organised by FTTP/FAO. Since then, many workshops and courses followed, some of them organised by the Casa Campesina, among which a workshop about social environmental conflicts with participants from Peru, Ecuador, Chile and Bolivia. During this event, that took place in December 1998, *el Grupo Peruano de Conflictos Socioambientales* (Peruvian Group of Social Environmental Conflicts) was formed. Although the network as such ceased to exist after a few years, in 2003, its members still maintained contacts.

The participation of the staff in courses and workshops and my arrival in February 1997 as an advisor who had as his main task the “design and application of working methodologies”, had as a consequence a shift in emphasis from practice towards theory.

5.2 Participatory Conflict Management

In two (Nueva Esperanza de Ccapana and Santa Bárbara de Huallhua) of the four communities that received *saneamiento físico* in 1997, the process started with Participatory Conflict Management. This methodology includes a participatory appraisal of the ongoing conflicts in the comunidad and a planning of the management of the appraised conflicts. It uses tools that also are used in Participatory and Rapid Rural Appraisal (PRA and RRA), such as mapping, semi-structured interviews, transects and Venn diagrams⁶⁰. These are combined with an analysis of the positions, interests and attitudes of the actors in a conflict. A participatory conflict session ends with the formulation of activities in order to manage a conflict, the delegation of responsibilities and the elaboration of a time schedule.

The preparation for the team of Casa Campesina took place during the aforementioned course organised by the FAO and an internal workshop facilitated by me in which I used my working experience with participatory methodologies in Nepal (Laats, 1995). Especially Juan Churats⁶¹ started the workshop with some hesitation, because of his doubts about the methodology and reluctance towards changes introduced by “outsiders”. After the application in the communities his attitude changed, because the community members were enthusiastic about the methodology and the team spirit improved.

From 1999 onwards, the Casa Campesina applied Participatory Conflict Management in a more integrated way and in a wider context than as a part of *saneamiento físico*. As will be described later on in this chapter (5.4), from 1999 till 2002 Participatory Conflict Management became a part of Participatory Community Planning and capacity building. In 2001, an action-research project included Participatory Conflict Management.

⁶⁰ Diagramming of actors, the relations between them (good, regular, bad) and their ‘importance’ in the conflict.

⁶¹ For me it is difficult to analyse the relation between Juan Churats and outsiders. I had the impression that he mistrusted them (us), because of bad experiences in the past, a lack of appreciation, and a belief in local capacities. Fortunately, after a difficult first year we developed an excellent working relationship.

Although Participatory Conflict Management served its purpose (facilitate *saneamiento físico*, include conflict management in Participatory Community Planning and collect information for research purposes), there also turned out to be constraints:

- It is easier to appraise conflicts than to improve their management: it appeared to be very difficult to formulate a management plan; the activities did not come further than “discuss it in the village assembly”, “mediation with the help of the president or the Casa Campesina”, etc. This was not sufficient for more complex conflicts.
- The methodology was participatory but with a lot of involvement by facilitators and therefore not a “self-development or self-learning” process of the involved communities⁶².

The donor agencies that financed participatory community planning were respectively: COSUDE (*saneamiento físico*), Broederlijk Delen (Participatory Community Planning and capacity building) and UPAZ (action research).

Table 5.2 Participatory Conflict Management

Event	Year	Rural population	Facilitator (Juan Churats)	Institution (CBC)	Advisor (Henkjan Laats)	Other institutions and interested people (Wider context)
Participatory Conflict Management	1997-2001	Assumption: We have a good working history with the Casa Campesina, hopefully participatory conflict management is beneficial for us. Method: enthusiastic participation in participatory conflict management sessions	Assumption: first: external advisor does not know local reality. Later: it is a useful methodology Method: first: participation without enthusiasm. Later: enthusiastic participation and facilitation	Assumption: Because of external and internal evaluation we want to work in a more participatory way. Method: agreement with FTTP-FAO about participatory community planning and conflict management, contract an advisor.	Assumption: working opportunity and possibility to continue with my Ph.D. thesis. Method: accept the function and co-facilitate participatory conflict management.	BILANCE (evaluation): assumption: CBC does not work in a participatory way FTTP-FAO: Assumption: Casa Campesina is a suitable partner to participate in our conflict management programme. Method: course to personnel of the CC, invitation to international course, co-organisations of events. Broederlijk Delen: rely on activities developed by the Casa Campesina itself: UPAZ: interested in (new) methodologies of conflict management.

5.3 Conciliation

In 1998, the Peruvian Congress approved the Conciliation Law (*Ley de Conciliación*). This law stated that for most juridical cases before going to court the conflicting parties first have to attempt to conciliate. Until now, this law is applied only in a partial way, for example not in *comunidades campesinas*. There were plans to constitute a Conciliation Centre within the Casa Campesina and to have a capacity-building component to train community representatives as conciliators. In a first instance the team of Casa Campesina saw perspectives for the application of the law in rural areas, especially to depend less on badly functioning juridical institutions. However it appeared that the law places too many restrictions on a ‘free’ application of this alternative conflict resolution mechanism. Especially in a rural situation,

⁶² A detailed analysis about this issue can be found in Castro and Laats (2002).

instead of bringing new opportunities, conciliation would complicate local conflict management even more (personal commentary of I.Ormachea).

In that period the majority of the personnel of the Casa Campesina followed training to become conciliators; this signified a strengthening of the institutional capacity and knowledge about conflict management. The Casa Campesina did not lose the initial idea of local conciliators but adapted it in projects that included capacity building of *comuneros* involved in conflict management.

Retrospectively, I consider 1998 and 1999 as a period during which the Casa Campesina tended to emphasise alternative conflict management (with a focus on conciliation) as an institutional strategy, however several constraints appeared:

- Incorporating conciliation in formal law limits the possibilities of the conflict managers as they need to obey strict rules that may affect the conciliation process negatively.
- In practice, the principal conflict managers (Crisaldo Quispe and Juan Churats) of the Casa Campesina manage most conciliation techniques (adapted to local circumstances). However they did not graduate as conciliators, because they did not manage certain “study techniques”, for example it was the first time that they were confronted with a multiple choice exam. People without any experience with conciliation did pass through the exam. With other words, for people with a rural background (the most appropriate rural conciliators), it is very difficult to become an “approved” and “official” conciliator.
- “Formal” conciliation in Peru is not adapted to rural conditions.
- Conciliation focuses on the settlement of a conflict, while the underlying problems and the sustainability of a solution receive little attention.

The problems encountered regarding the application of the Conciliation Law did not mean that the Casa Campesina discarded alternative conflict management as a whole. Contrarily, the experience made it clear to the team of Casa Campesina that both the local conflict managers and the staff of the Casa Campesina already applied alternative conflict management techniques. The participation of Crisaldo Quispe and Juan Churats in the conciliation course enriched their “practical” knowledge and afterwards they were able to make a better analysis of their own practice. This was very useful when they facilitated capacity-building of local conflict managers.

Furthermore, alternative conflict management was incorporated as a part of the ongoing activities of the Casa Campesina. In the words of Baruch Bush and Folger (1994), conciliation was also used to generate “empowerment and recognition” (see chapter 2). Chapter 10 will explain that from 2001 onwards the Casa Campesina started to see conflict management as a process in which alternative conflict management is one of the components.

Although the Casa Campesina in 1998 and 1999 intended to receive funding for projects about alternative conflict management, no donor agency reacted positively on the project proposals. In a way donor agencies obstructed the intentions of the Casa Campesina to become active in alternative conflict management as an “isolated” activity, while the Casa Campesina came to the same conclusion later on, when it became aware of the aforementioned constraints.

Table 5.3 Proposal to constitute a conciliation centre

Event	Year	Rural population	Extension worker (Juan Churats)	Institution (CBC)	Advisor	Other institutions and interested people (Wider context)
Proposal to constitute a conciliation centre	1998-1999	Assumption: There exist a new law about a concept we are not familiar with. Method: no action	Assumption: the conciliation law may bring possibilities for the rural population and the Casa Campesina, but it will be difficult to adjust the law to the rural situation. Method: formation of the staff of the Casa Campesina as conciliators. Study the possibilities of becoming a conciliation centre. Present projects to donor agencies.			Peruvian State: Assumption: conciliation improves the legal system. Method: declare the conciliation law IPRECON: Assumption: the conciliation law offers organisational benefits. Method: a course for the personnel of the Casa Campesina, conversations about possible future activities

5.4 Conflict management as a part of Participatory Community Planning and as a part of organisational strengthening of second-tier organisations.

From 1998 onwards the central projects of the Casa Campesina are *Proceso de Formación a Campesinos del departamento de Cusco* (formation process of farmers in the region of Cusco) financed by Broederlijk Delen and *Asesoría y Servicios Múltiples a Campesinos de la Región Cusco* (consultations and multiple services for farmers in the region of Cusco) financed by Misereor. In both projects conflict management formed an important activity: in the first project through the appraisal of conflicts, planning and capacity building, and in the second one through capacity building, consultations and exchange of experiences.

The project “Consultations and multiple services for farmers” permitted the continuation of the legal and organisation advice, including consultations about conflicts.

The project “Formation process of farmers” started as a capacity building project for authorities, and women and youth leaders of 40 communities in 4 provinces. The former project office of CBC wrote the project without the involvement of the team members of the Casa Campesina. In the first year it became clear that it was not possible to have an effective invitation⁶³, we did not know the demands of the population and would not be able to monitor and evaluate the impacts in the communities. Therefore, for 1999, we rewrote the project thoroughly. We decided to limit ourselves to nine communities, in three districts or micro-watersheds. The methodology was to start the process with a participatory appraisal and the participatory formulation of a community plan that contained activities that the communities were to implement with or without the assistance of third organisations. Some of the activities of these plans involved the management of conflicts. The results of these intensive activities were to be spread to other communities according to the logics of an “oil-slick”, stimulating “farmer to farmer” exchanges.

⁶³ Invitation can only be done through radio messages or visits to the community, the first method is not very effective, while by applying the second method it would take weeks to convoke because of the remoteness of the communities.



Figure 5.1. Participatory community planning

As already indicated previously, since 1999, the Casa Campesina did not regard the work with Participatory Conflict Management and the work with *rondas* anymore as “isolated” activities. It tried to look for synergy between activities and also between “levels of users”, by linking activities at community level with second-tier organizations and with local governments. The project “Consultations and multiple services to farmers” gave emphasis to the organisational strengthening of second-tier organisations while the project “Formation process of farmers” tried to strengthen the link between communities and local governments. Both projects included many activities of “information and experience exchange” between stakeholders at different levels.

Thanks to the flexible attitude of Broederlijk Delen and Misereor, we were able to implement these project changes. Later on, Casa Campesina, in addition to its long-term projects, implemented short term projects financed by DIFD, USAID and others. These projects did not allow the Casa Campesina to work according to the here described philosophy, among others because of the obligatory use of strict logical frameworks⁶⁴.

The new synergetic approach encountered the following constraints:

- It is difficult to accomplish the objective with a small team.
- Trying to reach this synergy makes “things less clear”, work gets more complicated and the results become less direct.
- Activities from different projects have to be joined; some donor agencies handle strict logical frameworks in which this is not possible.
- Some activities depend on financial contribution of communities or local governments, therefore a synergy cannot be forced⁶⁵.

⁶⁴ I will get more into detail regarding the discussion about long-term vs. short-term intervention and about the use of logical frameworks in chapter 12. For the purpose of this chapter it is sufficient to comment that (without denying the need for “structure” that can be provided by logical frameworks) especially for complex social projects short-term goals and a lack of flexibility can be very harmful.

⁶⁵ In 2000, a programme of CBC called *Oficina Regional de Asistencia Técnica a Municipios* (Regional Office of Technical Assistance to Local Governments) joined the Casa Campesina. This programme focussed its activities at district and provincial level, while “traditionally” the Casa Campesina focussed its activities on communities. After the fusion, it lasted years until the two sub-programmes undertook their first combined

- To reach other communities through an “oil-slick” strategy appeared to be complicated

Table 5.4 Conflict management in the context of Participatory Community Planning and in organisational strengthening of second-tier organisations.

Event	Year	Rural population	Extensión worker (Juan Churats)	Institution (CBC)	Advisor (Henkjan Laats)	Other institutions and interested people (Wider context)
Conflict management in the context of Participatory Community Planning and in organisational strengthening of second-tier organisations.	1999-.....	Assumption: participatory community planning, capacity building activities and consultations about conflicts that affect us offer possibilities for individual and communal development. Method: enthusiastic participation.	Assumption: Conflict management as a part of planning and capacity building is important for community development. Method: application and adaptation of a working method based on experience within a new context.	Assumption: Conflict management as a part of planning and capacity building is important for community development. Method: include these activities in project proposals, implement the activities in a limited number of communities that belong to a concentration area and respond to certain criteria. Scaling-up of these activities through second-tier organisations, local governments, systematisation, socialisation and diffusion.	Assumption: the proposed activities are beneficial for the Casa Campesina and the involved communities, information will be produced that is useful for my Ph.D. research. Method: participation in design of methodology, capacity building of facilitators, monitoring and evaluation and systematisation	Broederlijk Delen, Misereor. Assumption: Casa Campesina is able to formulate and implement projects that they consider important. Method: project funding, moderate follow-up and control. Other organisations: Assumption: The experience of CC is interesting. Method participation and co-organisation of exchange of experiences.

5.5 Action research “Social and Environmental Impact of Alternative Management of Conflicts about Natural Resources in the Peruvian Andes”

Between September 2000 and September 2001, the Casa Campesina implemented the action research project “*El Impacto Social y Ambiental del Manejo Alternativo de Conflictos sobre Recursos Naturales en la Zona Andina del Perú*” (Social and Environmental Impact of Alternative Management of Conflicts about Natural Resources in the Peruvian Andes) which enabled a systematisation of the experience of the Casa Campesina, and to make an in-depth analysis of some conflict cases in Cusco. This project formed part of the (in 2005) still running long-term programme “*Conflicto y Colaboración en el Manejo de Recursos Naturales*” (Conflict and Collaboration in the Management of Natural Resources) financed by the International Centre for Development Research from Canada and co-ordinated by the University for Peace in Costa Rica. This programme co-ordinated and financed fourteen case studies in different countries in Latin America and the Caribbean.

The project comprised literature study, interviews, workshops and information exchange between the participants from the participating projects. It included the history of the Casa Campesina regarding conflict management and it obtained additional information about conflicts already appraised between 1997 and 1999. It was an excellent opportunity for the Casa Campesina to combine field activities with investigation (the traditional “raison d’être” of Centro Bartolomé de Las Casas). The project systematised earlier experiences, gave follow-up to already started field activities, and exchanged information

activities. The reasons were lack of flexibility by donors, lack of interest by local governments and lack of interest by the management and staff of the Casa Campesina (see more: chapter 10).

The programme “Conflict and Collaboration in the Management of Natural Resources” has as general objective the “strengthening of the culture of dialogue in the collaborative management of natural resources in Latin America and the Caribbean”. The specific objectives are:

- Contribute to synthesise the learning from the experiences of collaborative management of natural resources
- Develop strategies to integrate these lessons in the processes of decision-making of local and national institutions” (Borel and Buckles, 2002: 7).

The programme took alternative conflict management as a starting point, considering the strong influence of “North American approaches such as Alternative Dispute Resolution in Latin America and the Caribbean” (Borel and Buckles, 2002: 55).

The next two chapters describe two cases that formed part of this action research project. These cases evaluate the appropriateness of the methodology and practice developed by the Casa Campesina between 1985 and 2001. In chapter 8, I describe the overall conclusions of the Action Research Programme “Conflict and Collaboration in the Management of Natural Resources” to which I add some conclusions of my own.

Table 5.5 Action Research: “Social and Environmental Impact of Alternative Management of Conflicts about Natural Resources in the Peruvian Andes”.

Event	Year	Rural population	Extensión worker (Juan Churats)	Institution (CBC)	Action researcher	Other institutions and interested people (Wider context)
Action Research: <i>El Impacto Social y Ambiental del Manejo Alternativo de Conflictos sobre Recursos Naturales en la Zona Andina del Perú</i>	2001	Assumption: Assistance in the management of our conflicts by the Casa Campesina is beneficial, the fact that this happens in the wider context of an international research project does not bother us. Method: Active participation and information giving without restrictions.	Assumption: It is possible to implement conflict management activities, to systematise my experience and to share experiences with other specialists in conflict management. Method: Facilitation and consultations about conflict management, narration of experiences and methodology of conflict management.	Assumption: Two objectives of CBC can be reached through the project: sustainable development through conflict management and research. Method: Four case studies in areas where Casa Campesina already has other activities	Assumption: The project is according to the objectives of the Casa Campesina and enables me to obtain information for my Ph.D research. Method: participation in design of action-research methodology, facilitation of workshops, information gathering and systematisation.	UPAZ: assumption: It is worthwhile to finance and co-ordinate a comparative study about conflict management in Latin America, the proposal of Casa Campesina responds to our expectations. Method: funding and assessing action-research, organising encounters between the participating organisations.

5.6 Conclusions

In 1997 conflict management became “officially” a working line of the Casa Campesina; systematisation and analysis gained importance; new theory and methodology were introduced; and more attention was given to scaling up. At the same time conflict management practice that already existed before 1997 kept its importance.

Between 1997 and 2001, Juan Churats maintained his role as principal facilitator and enriched his experience through conciliation training and conflict management workshops. Furthermore, the other team members became more involved in conflict management and conflict management took its place in the organisational space of the Casa Campesina. As the Casa Campesina became more involved in conflict management (influence FTTP/FAO), it acted as a catalyst in bringing other actors together and in promoting knowledge exchanges about the theme. Indirectly the donor agencies facilitated this process by allowing the Casa Campesina some freedom in the decision-making about its activities

In this period, theories about conflict management nurtured the Casa Campesina in different ways. The strongest theoretical influence comes from North American approaches like “Alternative Dispute Solution” or “Alternative Conflict Management”. Regarding alternative conflict management, it appeared that the conflict managers of the Casa Campesina already used many of the mediation- and conciliation tools that formed part of the courses, workshops and literature, which influenced conflict management in the Casa Campesina between 1997 and 2001. Furthermore it appeared that opportunities of “formalised” alternative conflict management (as in the Conciliation Law) are limited for the work of the Casa Campesina in rural communities in Cusco.

During the period 1997-2001, the Casa Campesina developed an approach with social learning elements (participatory conflict management, scaling up, oil-slick, multiple levels, etc.).

Regarding to the research question: what is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning, I conclude the following:

The social and environmental impact of conflict management by the Casa Campesina in the period 1997-2001 improved in some aspects. On the other hand the Casa Campesina faced some constraints that (indirectly) influenced the impact of conflict management negatively:

Improvement

- There was more “social impact” because of increased scaling-up.
- Because of the internal institutionalisation of conflict management, there was a social impact of “conflict management” within the Casa Campesina.
- By “giving it a name” conflict management became a crucial component in other development activities facilitated by the Casa Campesina, such as *saneamiento físico*, strengthening of the organisational structure of rural organisations, activity planning and farmers’ exchanges.
- By combining practice with research, a social impact occurred in the interface between communities, practitioners and academics.

Constraints:

- The introduction of conciliation as proposed by the “Conciliation Law” was not a success.
- Participatory conflict management appeared to be a limited tool for conflict resolution and transformation.

In this chapter, some new factors appeared that affected the “improvement” of conflict management by the Casa Campesina:

Theory

The introduction of new theory gave some new impulses to the team of the Casa Campesina, but had also some negative effects. I perceive that we gave a “too high status” to new theory. We considered new theory as “expertise”, while we considered the practices of the Casa Campesina and of the communities as “lesser” knowledge. If we would have regarded the new theory more critically, probably we would have identified its shortcomings earlier.

“Name giving” of conflict management and scaling-up

By “mentioning” conflict management “by its name” and by making it a working line, field practice of conflict management did not change much, scaling-up with other organisations and persons however increased enormously. Regarding to conflict management, an answer to the question “what’s in a name?” appears to be: “a lot for the ones who are interested in names”.

Conflict management and other development activities

When the Casa Campesina defined conflict management as a working line, it faced difficulties to connect it properly with other development activities. It appeared that conciliation as a separate activity on the long term would not match with the objectives of the Casa Campesina. It also took some time to realise that it was preferable to implement conflict management in a concentrated area as a component of other “development” activities. Subsequently, the idea for a multi-level approach arose.

Regarding conflict management paradigms, because of external influence, during a period the Casa Campesina emphasised alternative conflict management. Retrospectively, the Casa Campesina concluded that such a mono-paradigmatic approach does not coincide with the nature of the organisation and would negatively affect the impact of its activities.

As chapter 4, this chapter dealt especially with organisational learning. I consider the period of 1997 to 2001 as a learning phase in which fortunately already existing practices could continue and in which newly introduced conflict management methodology improved practice in some aspects, however even more noteworthy were its shortcomings.

This chapter and the previous chapter described the organisational process of the Casa Campesina regarding conflict management until 2001. In the next two chapters I will evaluate whether the methodology and practice that evolved proved to be relevant for the fieldwork of the Casa Campesina. The influence of issues such as complexity of conflicts, local conflict management, and power and unwillingness of some actors will receive special attention.

Chapter 6: Nueva Esperanza de Ccapana: “local conflict management and involvement of third parties”.

Box 6.1: Testimony of Don Julian

April 21, 2001, Don Julian, ex-president of Nueva Esperanza Ccapana:
“In the past, Nueva Esperanza Ccapana belonged to the hacienda Ccapana, owned by Otto di Bari. This hacendado was strict but honest, I worked for him and he paid me according to law and he gave me extra money when I made overtime. His overseers however treated us badly. In 1973 or 1974, the hacendado respected the agrarian reform laws of general Velasco and Nueva Esperanza Ccapana became part of the Cooperativa Ccapana. The administrators of the Cooperativa were all corrupt and forced us to sign papers that served them to sell the animals and tools of the hacienda for their own benefit. After a few years we held secret meetings to dissolve the co-operative and to form comunidades campesinas. Since 15 years we go to the Casa Campesina to receive advice and training, in order to get saneamiento legal and físico, and to strengthen our organisation. We, the older people of the comunidad, would like that the Casa Campesina will continue this assistance in future, but especially for the younger people. We consider ourselves as teachers and would like to give trainings to the younger comuneros and to inform other communities about our experiences, for example the people of neighbouring community Association Ccapana, who have a lot of problems. Furthermore do I know a lot about agriculture, also because of the help of the NGO CCAIJO. I’d like to teach other farmers about this experience.”



Figure 6.1 Province of Quispicanchis: Comunidad Campesina Nueva Esperanza Ccapana

The previous two chapters described the theoretical and practical process of the Casa Campesina regarding conflict management. This chapter and the next give examples of how the Casa Campesina applied its theory and practice in “the field”. I examine not only the influence of the Casa Campesina, but also the impact of conflict management of local conflict managers and other third parties.

The cases of this chapter are conflicts in the community Nueva Esperanza de Ccapana. First, I give general information about the community followed by a description and analysis of the application of conflict management methodology by the Casa Campesina and the role of the community. Two conflict cases give more in-depth information. The chapter ends with an analysis of the relation between external and *local* conflict management.



Figure 6.2 Ccapana

6.1 General information

The Comunidad Campesina Nueva Esperanza Ccapana lies in the Middle and High zones of the Andes, at 3500-4500 meters above sea level. The agriculture is at different ecological zones on steep hill slopes. A few plots are in the valley in the river plains and receive irrigation. Most *comuneros* have cattle, but only in small numbers. Both the livestock and agricultural production are mainly for subsistence, the *comuneros* sell only a small part of the production to local markets. The community lies at five hours distance by car from the city of Cusco.

The comunidad Nueva Esperanza Ccapana has an area of 970 hectares. In 2001, it counted 78 entitled members (*empadronados*): 41 men and 37 women above 18 years. There are 37 families with an average of 4 children. The comunidad consists of two hamlets: Markhupata, which also belongs partly to the *comunidad* Andayaque and

Ccapana of which the other half belongs to the Asociación Ccapana (righthand-side of the photograph) (see figure 6.2.).

In addition to the agricultural and livestock production, Nueva Esperanza Ccapana has the following coping strategies: beekeeping, sale of trees, sale of groceries⁶⁶, and temporary migration to Cusco, Quillabamba and Puerto Maldonado to work in mining, agriculture, and construction.

6.2 History of Nueva Esperanza Ccapana

I give a rather detailed description of the history of Nueva Esperanza, because I want to emphasise the particularity of conflict management as a part of long-term processes. I believe that all the components that I mention from the community’s (early) history possibly influenced later conflict management and will influence future conflict management, directly and indirectly.

Hacienda

Until 1974 the actual Comunidad Campesina Nueva Esperanza Ccapana belonged to the hacienda Ccapana⁶⁷ (most *comunidades*⁶⁸ in the case study of chapter 7 also belonged to this hacienda), situated in the higher part of the valley of Paucartambo. It formed part of the actual districts Ccatcca and Carhuayo, the extension was about 20,000 hectares.

The first documents of the *hacienda* stem from 1590. The last *hacendado*, Otto di Bary, owned the estate from 1929 to 1974 and introduced various developments like improved livestock, the construction of roads, irrigation canals and schools.

In the early sixties, the Peruvian Congress discussed the first agrarian reform laws. This inspired some representatives of Parccocalla and Chillihuani⁶⁹ to go to Cusco and to visit the farmers’ union. Otto di Bary, on his turn, contacted a number of organisms in order to help him to organise the sale of the hacienda to the tenants (Martínez, 1962). In addition, he requested a development programme in favour of the tenants, as a “medium to stop the advances of communism” and as an “experimental trial of the Agrarian Reform”.

This agreement did not last long and in the late sixties Francisco Quispe, the community president of Parccocalla went to Lima to request the measuring of the agriculture plots by engineers in order to facilitate the transaction of the land to the tenants. The engineers did not come because just in those days the army under the leadership of General Velasco removed the first government of president Belaunde. A few months later, an engineer from the ministry of indigenous affairs came to visit the community, and Otto di Bary invited a *juez de tierras* (land judge). He offered during that visit to sell the land to the tenants. Some people were willing to buy the land and

⁶⁶ Groceries are sold to community members of Nueva Esperanza, but also to members of other communities who pass through on their way to Ocongate and Cusco.

⁶⁷The information about the hacienda Ccapana comes from Martínez (1962), Olivera Begazo (1977), semi-structured interviews and a PRA.

⁶⁸The actual communities Ancasi, Hachacalla, Sumana, Parccocalla, Andayaque, Asociación Ccapana and Nueva Esperanza Ccapana belonged to the hacienda Ccapana.

⁶⁹ This community belonged to the hacienda Lauramarca

others not. In the meanwhile, the news entered that because of the agrarian reform, the land would be distributed for free. Representatives of the agrarian reform came to the hacienda, who said to the *comuneros* and the *hacendado* that it was prohibited to buy or sell lands from then on.

After this notice, three inhabitants of Nueva Esperanza Ccapana went to Lima⁷⁰ to initiate the procedures to become co-operative. At their return the son of Otto di Bary was waiting for them with a rifle, and threatened to kill them. This incident was reported to the police in Cusco, and the information reached Lima. Short thereafter a radio programme reported that the hacienda Ccapana had been converted into a co-operative. In the meanwhile, Otto di Bary already had dismissed his son from the hacienda. All these events happened within a week.

Co-operative

The real agrarian reform took place in 1968 under the government of Velasco, expropriating haciendas in the favour of peasants' groups, according the philosophy: "the land is for those who are working on it". However, in this process, the official policies ignored the autonomous social and cultural characteristics of *comunidades*. Co-operatives were designed uniformly and government administrators managed them.

From 1971 onwards the agrarian reform affected the remaining parts of the hacienda Ccapana. In 1973/1974 the "*Comité de Administración: Predio Ccapana*" was formed. By resolution 134 CAJAF at the 10th of April de 1975, the constitution of *CAP Revolución de Ccapana B-VII-0035 LTDA* became a fact.

Ccapana was the central co-operative which comprised six sectors; its surface now contains five *comunidades* (Nueva Esperanza de Ccapana, Andayaque, Parccoccalla, Hachacalla y Ancasi) and two annexes⁷¹ (Ccalhua y Ccoya). The Ministry of Agriculture sent an administrator to supervise the co-operative. In the co-operative worked twelve permanent employees.

According to the *comuneros* of the comunidad Ccapana, already in 1974 (before its official constitution!) the co-operative failed, among others because of the abuses of the state officials (bad administration, fraudulent sale of machines, lack of maintenance of machines and livestock, etc.). For example, during the first years of the co-operative, the director of the Ministry of Agriculture in Cusco forced the Administration Committee of the Co-operative to sell livestock (10 cows and 100 sheep) to the administrator of the co-operative, who was his cousin. Afterwards he produced a false document in which he indicated to have paid the value of the livestock, which he never did in reality. At the end of the seventies farmers started to complain to the farmers' union FARTAC (*Federación Agraria Revolucionaria Tupac Amaru Cusco*).

⁷⁰ The journey was paid by the "*Movimiento Cristiana*".

⁷¹ Annexes are communities that belong to a "mother" community (*comunidad madre*), most of them have a village council and assembly, but did not receive their *saneamiento legal*. There are three main reasons for this: not sufficiently (50) entitled (*empadronados*) *comuneros*, conflicts with the mother community, lack of interests to be separated from the mother community.

People from Nueva Esperanza Ccapana perceive that the period of the co-operative was the worst in their history. Not everyone shares this opinion: people from neighbouring comunidad Parccocalla told that it was a bad period, but not as bad as during the *hacienda*. In Cjallhua and Hachacalla, the administrators of the co-operative did not interfere much in the agricultural activities, while the presence of the *hacienda* was felt strongly.

Transition phase

In spite of the described abuses and complaints, according to the *comuneros* of Nueva Esperanza Ccapana, only from 1981 onwards the *comuneros* stopped considering the administrator as the authority who one has to respect. That year; the Ministry sent an administrator who had severe problems with the *comuneros* (being drunk, embezzlement of funds, threatening *comuneros* with a knife). The *comuneros* complained with the Ministry and the administrator was removed from his office.

From 1981 until 1989, the six sectors officially still formed a co-operative but without administrators for its supervision. After the removal of the last administrator, by means of secret *asambleas*, the inhabitants of the six sectors made agreements for the management of the different sectors and about the destination of plots for each *comunero*. After this, each sector became independent in its way to administrate the production, without eliminating the formal existence of the co-operative.

In 1983 all the sectors demanded the dissolution of the Co-operative and its conversion in *comunidades*. However, because of bureaucracy these formalities took years. The law: “remission of agrarian debts” allowed the *comuneros* to pay 50% of the value of the lands, in this way the entitlement became a fact. Finally, in 1989 the *asamblea general* of the six sectors dissolved the Co-operative.

In the period from 1990 until 1993 Nueva Esperanza obtained the documents that are necessary to be recognised as a *comunidad campesina*.

Neighbouring communities

The processes of Nueva Esperanza Ccapana and Parccocalla contrast with the history of the Association Ccapana and Sumana.

Asociación Ccapana bought in 1968 its land from Otto di Bari and became a *grupo campesina*. Now it has a title as *asociación de productores*. There live 70 families, 40 of them are the *socios*, the families who bought the land from the *hacendado* and still share the land title. The 30 other families entered the community during the past 30 years, mostly through buying small parts of land from the *socios*.

Another case is Sumana, in 1965 its inhabitants bought this sector with the help of the “*Dirección de Asuntos Indígenas*” for 100.000 soles, after this Sumana became a “*grupo campesina*”. In 1976 the comunidad became a “pre-co-operative”. In 1981/82, a new chosen *junta directiva* decided to donate the land to Comunidad Campesina Sumana. The reason for this donation was because they thought that they were legally obliged to do so, a fact which most *comuneros* now regret, because they prefer to be private landowners.

Comunidad Campesina

After years of delay because of state bureaucracy, in 1989, a representative of the ex-co-operative and the presidents of each sector formed an arbitration commission that solved conflicts about boundaries between the future *comunidades* and annexes.

A year later, on 22 June 1990, Nueva Esperanza obtained its *Resolución de Reconocimiento* (resolution of recognition) and in 1993 it inscribed its property title in the *Registros Públicos* (public register). To obtain its official recognition, Nueva Esperanza furthermore obtained the following documents: *Memoria descriptiva* (descriptive report), *actas de colindancia* (record of boundaries), *padrón de comuneros* (register of community members), *estatuto* (statute) and *reglamentos* (regulations). 12 July 1993. It received its *personaria jurídica* (legal person).

6.3 Intervention by the Casa Campesina

Since 1987 inhabitants from Nueva Esperanza Ccapana visit the Casa Campesina for legal and organisational advice. With the help of the consults, Nueva Esperanza obtained the legal requisites for their *saneamiento legal*. Because of the interest, motivation and vision of its community members, Nueva Esperanza became a regular destination of field visits and its inhabitants received invitations for courses and workshops in Cusco.

The mutual relations remained very positive and in 1997 Nueva Esperanza became the first community with a *saneamiento físico*. As a part of this activity, the Casa Campesina applied participatory conflict management in the community. The *comuneros* participated enthusiastically because of their good working relation with the Casa Campesina and because the president of Nueva Esperanza participated in a course about conflict management for the team of the Casa Campesina given by FTTP-FAO (see previous chapter).

The participatory conflict management workshop brought to the surface ongoing and past conflicts of Nueva Esperanza, more than ten conflicts were defined, and the participants formulated a management plan. Before the fieldwork started, facilitated by the Casa Campesina, the inhabitants of Nueva Esperanza resolved the conflicts that would form an obstacle for the *saneamiento físico* of the comunidad. The measurement of the agricultural plots lasted three months with the continuous work of a topographer and his assistant and a rotating team of four *comuneros*.

Although Participatory Conflict Management served its purpose (facilitating the *saneamiento físico*), there were also restraints. It appeared to be very difficult to formulate a management plan; the activities did not come further than “discuss it in the village assembly, mediation with the help of the president or the Casa Campesina”, etc. This was sufficient for the management of the conflicts about borders of plots that would hamper the *saneamiento físico*, but not sufficient for more complex conflicts that will be described later on in this chapter.

As mentioned in the previous chapter, in 1998, the Casa Campesina started two new projects: *Proceso de Formación a Campesinos del departamento de Cusco* (Formation process of farmers in the region of Cusco) financed by Broederlijk Delen, and *Asesoría y Servicios Múltiples a Campesinos de la Región Cusco*

(Consultations and multiple services for farmers in the region of Cusco) financed by Misereor.

Nueva Esperanza Ccapana was one of the selected communities for intensive intervention. Regarding conflict management it became clear that most but not all of the conflicts that were recognised in 1997 had been solved. Some new conflicts had arisen in the meantime. During participatory planning sessions and consults, the community and the Casa Campesina formulated activities in order to manage the remaining and new conflicts. One conflict arose between catholic and protestant members of the village council. The conflict was resolved by the community itself. Another example of a “new” conflict is mentioned in box 6.2.

Box 6.2: Conflict about the Sunday market

In 2001 there arose an internal problem in Nueva Esperanza between the newly chosen president (who lives in the hamlet Markhupata) and the ex-president of the comunidad (who lives in the hamlet Ccapana). The ex-president took the initiative to organise Sunday markets in Ccapana, while another part of the comunidad wanted to organise Sunday markets in Markhupata. The two parties applied for conciliation by the Casa Campesina and decided to continue with the Sunday market in Ccapana, with an eventual possibility to have rotating markets in the future (one week Ccapana, one week Markhupata).

During these participatory planning sessions, people also planned capacity building and farmer-to-farmer visits according to the specific demands and problems of Nueva Esperanza. Some of the capacity building activities included conflict management.

Between September 2000 and September 2001 Nueva Esperanza was one of the five cases of the action research project “Social and Environmental Impact of Alternative Management of Conflict about Natural Resources in the Peruvian Andes”. The project allowed more in-depth insight of the conflicts in Nueva Esperanza.

In 2003, a female and a male leader of Nueva Esperanza participated in a year-long capacity building programme for the formation of leaders in which conflict management is an important theme. This activity is partly the realisation of an idea that came into being in 1998 when the Casa Campesina formulated a first draft for a capacity building project of local conflict managers.

From the many conflicts that have been appraised in Nueva Esperanza, I will describe two conflicts in a more detailed way:

6.4 Conflict about pasture lands between Ullpo and Nueva Esperanza Ccapana: a case in which the Casa Campesina applied consultations and *saneamiento legal* and *físico*.

As most communities, Nueva Esperanza had and has problems and conflicts with neighbouring communities about the invasion of animals. The most severe conflict occurred with the neighbouring comunidad Ullpo. In 1989 a *comunero* from Ullpo frequently invaded the pasture lands of Nueva Esperanza Ccapana. The *comuneros* of

Ccapana captured the thieves and his animals, and made the invaders pay⁷². This was effective on the short-term but did not bring a sustainable solution.

After this incident, the village councils of both communities had a meeting headed by the local representative of the Ministry of Agriculture, who assumed the role of mediator. This initiative has been followed by various meetings between the authorities of both communities in which one sought for solutions to prevent future invasions of pasture lands by *comuneros* of both Ullpo and Nueva Esperanza Ccapana. These meetings resulted in a notification signed by both communities to prevent damage to the pasture and agricultural lands.

To assure a long term, sustainable management of the conflict, authorities (*directivos*) of both communities consulted the Casa Campesina. This organisation facilitated the verification of the boundary between both communities and the placement of landmarks

Intervening agencies had a crucial role in the management of the conflict. People from the involved communities told the representative of the Ministry of Agriculture about the problem regarding the pasture lands. He took an active role in inviting the leaders of both communities to his office and assuming a role as mediator. The Casa Campesina offered legal-organisational and technical assistance that was not available in the communities.

In this conflict the community authorities did not wait for an escalation of the conflict before taking action. A representative of a public Peruvian agency acted as a creative intervening actor (conflict manager). The disputed resource was pasture land without rules and well-defined borders. A redefinition of the resource by establishing clear rules and landmarks was necessary to manage the conflict.

⁷² This is a “customary” mechanism; *comuneros* who capture the animals of an invader are called *rematero*. The invaders have to pay a fine according to the decision of the general assembly.

Table 6.1 Conflict about pasture lands between Ullpo and Nueva Esperanza:

Year	Event	Conflictive parties	Local conflict managers	External stakeholders	Natural Resources
Before 1989	Incidental invasion of pasture lands	Toleration by both communities			Pasture land is scarce but both communities have it, borders are vague
1989	Frequent invasion of one <i>comunero</i> of Ullpo	One persons “crosses” the limit and Nueva Esperanza Ccapana decides to take action			Pasture land becomes a conflictive resource
1989	Capture and conviction of the invader	The <i>comunero</i> undergoes its punishment; Nueva Esperanza is for the moment satisfied. People from Ullpo respect the decision but feel annoyance because of earlier invasions by people from Nueva Esperanza.	Nueva Esperanza solved the conflict acting as “police and judge”		Pasture land becomes a problematic resource.
1990	Conciliation by the Ministry of Agriculture	There exists a latent conflict between people from Ullpo and Nueva Esperanza, after the conciliation both communities agree to improve rules and to verify borders	Ullpo decides to call for assistance	The representative of the Ministry of Agriculture in Ocongate cites both communities and act as mediator.	Pasture land remains a problematic resource
1989 - 1993	Both communities receive their <i>saneamiento legal</i>		Both communities achieve a legal status	The Casa Campesina gives consultations about the process of <i>saneamiento legal</i> The Ministry of Agriculture in Cusco provides the documents.	The communities obtain a legal status and the Ministry of Agriculture defined the borders of the communities in a <i>memoria descriptiva</i> and a map. This definition is not exact.
Beginning of the nineties	Meetings between both communities	The communities agree on clearly defined rules	Community authorities reach an agreement between them which is verified by the village assemblies		There are clearer rules about the management of the pasture land but the borders are still imprecise
Mid nineties	Consults, verification of the border and placing of landmarks	The communities agree on the verification of the border and the placing of landmarks	Community authorities request the Casa Campesina, community members assist in the verification of borders and the placement of landmarks	The Casa Campesina facilitates the verification of the border between the communities and facilitates the placement of the landmarks.	Pasture land has clear rules and borders.

6.5 Two interrelated conflicts: the irrigation canal Umakucho and forest plantations

Forest plantations

In contrast to its neighbouring *comunidades*, Nueva Esperanza has two forest plantations. This provokes illegal cutting of trees by inhabitants of other communities and illegal sale of trees by *comuneros* of Nueva Esperanza to other communities. Another conflict is the illegal cutting and sale of trees between *comuneros* because of lack of clarity or rules that are not respected.

The first step in the management of these conflicts occurred in 1990 when the assembly decided to allocate the trees of one of the two plantations of the comunidad to individuals⁷³. However, this decision could not limit the illegal cutting of trees by inhabitants of other communities and created another problem: the cutting of trees of someone else, because of lack of clarity about which tree belongs to whom. People solve these conflicts according to each separate case. In case of cutting by members of another community, one normally sends a notification to the other community and in case of a conflict within the community, one deals with the conflict or offence in the general assembly. In almost all cases, these measures provide (short-term) solutions to the conflicts.

Furthermore, the village council and general assembly established new rules. For example, the prohibition to sell trees with its roots and the obligation to cut trees within 15 days after its sale, because in 2001 there existed a problem of *comuneros* who bought trees 9 years ago without cutting them, and who then claimed the possession of the land where these trees grew.

Irrigation water

The conflict is between Nueva Esperanza and Asociación Ccapana about the use of irrigation water of the river Umakucho. This problem arose each year in the dry season. It is about a canal that was constructed in the forties during the period of the *hacienda*. In that period, during the co-operative and the first years of the independence of the communities there were no problems caused by water scarcity.

In 1991, with the help of the NGO CCAIJO people rehabilitated the canal. During this process trainings took place about the opportunities of irrigation water, for example for home gardens. Because of the irrigation of the home gardens and an increased population, water became scarce and problems started. There were no clear rules and agreements. Asociación Ccapana held the position that the comunidad Nueva Esperanza had its own irrigation canal⁷⁴ (Ccatcamayo) and hardly collaborated in the rehabilitation of the canal, while Nueva Esperanza responded that they participate in the yearly *faenas* to clean the canal, that the canal Ccatcamayo does not reach until the home gardens of the *comuneros* of Nueva Esperanza who live in the “urbanisation” Ccapana, that the streams that feed the canal belong partly to Nueva Esperanza and that Nueva Esperanza historically always used a part of this water.

Since 1991, the village councils and assemblies of both communities have been sending several notifications to each other, but did not enter in severe disputes. Between the *comuneros* however, the conflict produced several violent confrontations: throwing of stones, corporal fights and with sticks (however without major injuries). The solutions that have been reached were temporal. The proposal of the *comuneros* of Nueva Esperanza was to construct a new canal fed by the water sources that belong to Nueva Esperanza, parallel to the existing canal. The *Asociación* rejected this proposal, because they do not want less water.

⁷³ Until my departure from Peru (March 2004), it was prohibited to cut trees from the other plantation.

⁷⁴ Constructed with fundings of the government projects *Proyecto Especial Sur* and PRONAMACHCS (National programme for the management of watersheds).

The first involvement of “outsiders” was when the irrigation conflict was recognised during the participatory conflict management workshop organised by the Casa Campesina in 1997. However, during that event the participants and facilitators were not able to find a way to manage the conflict. In addition, no solution was found during consultations upon request from worried community members of Nueva Esperanza.

Between 1998 and 2000, Asociación Ccapana lost many agricultural lands because of river damage⁷⁵, while in the same years Nueva Esperanza increased its production because of the construction of an irrigation canal fed by the river Ccatcamayo. Nurtured by frustration⁷⁶ caused by these events, in 2001, a notification of Asociación Ccapana prohibited the use of the water of the Umakucho canal by Nueva Esperanza. In turn, the assembly of the *comunidad* proposed to forbid the sale and donation of trees to the Association. According to the *comuneros* of Nueva Esperanza this argument made the *Asociación* decide to allow the use of the water by Nueva Esperanza.

It is an example in which “outsiders” were not able to manage the conflict successfully. Intervention (intensification of water use) of an “outsider” (the NGO CCAIJO) is one of the root causes of the problem and (direct) intervention (of the Casa Campesina) could not provide a solution.

A *comunero* finally had the idea to settle the conflict in a creative way, he transferred it to the village council, the village assembly approved it and the other community received a notification. As a result a (temporary?) solution of the conflict came into being. It is possible that capacity building of the local managers (facilitated by outsiders) indirectly helped to find these solutions.

In this conflict the “exchange” between of forest and water resources seems to have been the clue for the (temporary?) solution of the conflict. On the other hand, the loss of agricultural lands in Asociación Ccapana and the supplementary irrigation water in Nueva Esperanza aggravated the conflict. Although “the exchange of incompatible resources” is a mechanism known in alternative conflict management (Ormachea, 1999), in practice it appears very difficult to recognise it as a cause or solution for a conflict. This is an example that shows the complexity of conflict management. The next table shows a simplified scheme of assumptions and methods by human actors and the role of non-human actors (natural resources) in the case of Umakucho.

⁷⁵ Figure 6.2. shows the river damage, the small river that flows through the forest is the Umakucho, while the large river is the Mapacho.

⁷⁶ According to Don Julian, ex-president of Nueva Esperanza.

Table 6.2 Conflict of the irrigation canal Umakucho:

Year	Event	Conflictive parties	Local conflict managers	External stakeholders	Natural Resources
1940's	Construction of the canal				Water is not scarce
1991	Improvement of the canal and capacity building about home gardens	Asociación Ccapana: "Nueva Esperanza already has its irrigation canal (Ccatcamayo) and hardly collaborated in the rehabilitation of the canal". Nueva Esperanza: "we participate in the yearly <i>faenas</i> , the canal Ccatcamayo does not reach until the home gardens, the streams that feed the canal belong partly to Nueva Esperanza, Nueva Esperanza historically always used a part of this water".	Nueva Esperanza: construct a new canal fed by the water sources of Nueva Esperanza, parallel to the existing canal. Asociación: rejection because they do not want less water.	CCAIJO assumes that there is sufficient water for home gardens, and that excluding Nueva Esperanza in the rehabilitation activities would not cause any conflict	The land appears to be suitable for home gardens, water becomes scarce
1997	During Participatory Conflict management and consults, the Casa Campesina becomes aware of the conflict	The inhabitants of Asociación Ccapana do not participate and therefore their opinion is not heard.	The directives of Nueva Esperanza show there willingness to meet with the directives of Asociación Ccapana	The Casa Campesina uses participatory tools to identify the problem and co-formulates an idea for the management of the problem, having in mind earlier successful experiences	
2001	Asociación Ccapana sends a notification to Nueva Esperanza in which they prohibit the use of the irrigation water	The users of Asociación assume that they have more rights to use the water of Umakacho because they did suffer from natural disasters while Nueva Esperanza during the same period got access to more water resources. Nueva Esperanza is not willing to give up its use of the irrigation water of Umakucho.			A land slide and river inundation destroyed agricultural land in the Asociación. Irrigation water became less scarce for Nueva Esperanza because of the construction of the irrigation canal Ccatcamayo
2001	Proposal to forbid the use of trees from Nueva Esperanza by the Asociación	The users from the Asociación consider the use of the trees (and not escalate the conflict?) more important than having to deal with water scarcity.	Someone in Nueva Esperanza got the idea of using trees as an exchangeable resource, this idea was accepted by the village assembly and notified to Asociación Ccapana.		Forest resources become exchangeable with irrigation water

6.6 Conclusions

This chapter showed the example of a community that only recently (1990) became (officially) autonomous and that in its struggle for independence (beginning of the 1960's-1990) gained experience with conflict management. As shown in the cases, "insiders" played a dominant role in conflict management; while in some occasions "outsiders" (e.g., the Casa Campesina) played a supportive role.

When we consider the previous chapters 4 and 5, there appear some new viewpoints regarding the role of the Casa Campesina as an intervening actor:

The role of local conflict managers was crucial in the management of all conflicts. They showed willingness and creativity and often came with solutions which a (external) third party impossibly could have brought up. Furthermore, apart from the Casa Campesina, other external actors played crucial roles in conflict management:

e.g., the representative of the Ministry and Agriculture from Ocongate as a mediator and the Ministry of Agriculture in Cusco as provider of legal documents. The previous chapters, being written from an “organisation-centric” standpoint⁷⁷, suggested a dominant function of the Casa Campesina in conflict management. However, in this case the significance of conflict management by other “external” actors and the significance of local conflict management imply that this is not necessarily so. I perceive that the recognition, appraisal and incorporation of “knowledge” of insiders and of other (outside) conflict managers are essential for a positive impact on intervention.

This does not mean that the role of the Casa Campesina was insignificant, because in at least one conflict (Sunday market), the facilitator of the Casa Campesina achieved conciliation between conflictive parties. As well, technical assistance (fixation of boundaries for pasture land) by the Casa Campesina facilitated the prevention of conflicts. This chapter also showed that the application of Participatory Conflict Management and Participatory Community Planning was useful in the analysis of conflicts and for the implementation of the *saneamiento físico*, but limited for the management of the conflicts. Furthermore, consults, trainings and exchanges of experiences improved local conflict management capacity.

Another finding is that several moments of scaling up (and scaling down) can be detected. For example, Nueva Esperanza was the first community in which Casa Campesina applied Participatory Conflict Management, a methodology that was promoted by the Forest Trees and People programme of the FAO. Scaling-up also occurred during exchange of experiences with other communities, representatives of Nueva Esperanza explained about successful experiences of organisation and conflict management. At an international level, Nueva Esperanza was a case study for the Programme Conflict and Collaboration in Natural Resource Management, in which experiences from 14 action research projects in several countries of Latin America have been exchanged.

Regarding the research question, there are various findings that suggest that conflict management had a positive social and environmental impact. A positive social indicator is that because of their recent “autonomy” and because of the establishment of internal and external borders, especially the older inhabitants of Nueva Esperanza Ccapana perceive the period since 1990 as “the best period they lived in”. There is a positive environmental impact because of more sustainable pasture management, a better division of water, a better management of trees and more long term activities in agriculture, including for example soil conservation activities. This resulted in a positive social impact regarding self-sufficiency of natural resources and food, and regarding higher incomes. Conflict management helped the community to overcome organisational crisis, which is a positive social impact that is reaffirmed by the people of Nueva Esperanza who emphasised in many occasions that their well-functioning organisational structure is essential for their well-being.

⁷⁷In general, a main problem of intervention is that intervening agencies exaggerate their “own” importance and are reluctant to co-operate with other agencies (my own experience in “development work”, 1991-2004).

The occurrence of social learning after examining the criteria established in chapter 2 is as follows. Regarding *widely shared meanings*, I distinguish a language and an ethical component. During my frequent field visits, I observed that for the Casa Campesina, Nueva Esperanza and neighbouring communities, conflict management and its related terms became a part of the vocabulary and became more “meaningful” as an essential part of organisation and sustainable development. In the described cases *collective action* has been applied to manage conflicts and the conflict management enabled improved collective action (example irrigation, forest and pasture management). The results of the meetings in the pasture conflict with and without a third party person were *joint solutions to dilemmas*, the solution for the dilemma of the Umakucho canal has not been formulated jointly but has been accepted by the two conflictive parties (a joint formulation probably would have assured more sustainability). Regarding *institution building*, in this case no new institutions have been established but old institutions (Casa Campesina, village council: *junta directiva*, and village assembly: *asamblea general*) have been strengthened. In both the pasture and forest management, various *incentives for co-operation* can be detected: joint rules, placing of landmarks, etc. In the studied conflicts there did not exist many power differences, in the cases described in the next chapters, the criterion of *decreased power differences* will receive special attention. Regarding the criterion of *increased interdependence*, for a sustainable pasture, irrigation and forest management, it appeared that the disputing parties depended on each other to maintain their agreements in order to assure a sustainable management of the resources.

Applying the distinction of Miall regarding conflict transformation (chapter 2), I conclude that *context transformation* regarding land tenure policy (hacienda, co-operative, *comunidad*) was crucial for conflict management in Nueva Esperanza Ccapana. The transformations of the context had a direct impact on *structural transformations*: power relations changed dramatically. Apart from the disappearance of the *hacendado* and administrators of the co-operative, *actor transformations* are not a crucial issue in Nueva Esperanza Ccapana, since the constitution of the *Comunidad Campesina* all authorities acted for the well-being of the community. Especially in the conflict of the canal Umakucho, *issue transformation* was a key element in the conflict management process. And finally, in Nueva Esperanza, *personal changes of heart or mind* were not the most important factors in conflict management.

Regarding paradigms of conflict management, one can observe that most conflict management had a local character, in the sense that practice of conflict management included knowledge about the local situation, and the communal organisational structure “channelled” this knowledge. However, the use of “customary” mechanisms is not very present. Therefore, one could also regard the “local” conflict management practices in Nueva Esperanza Ccapana as hybrid forms of conflict management that on the one hand contain elements from alternative, formal, social learning and market-oriented paradigms, but on the other hand have a particular local character. In the case of Nueva Esperanza Ccapana, people perceived that a unilateral choice for one intervening actor and for isolated conflict management mechanisms probably would not have a positive impact. In this community, “non-dogmatic” conflict management appeared to be rather successful.

Notwithstanding the “positive” impression that the analysis of this chapter leaves, it does not become clear in which situation which actor and which methodology will become effective and when and to which extent social learning will occur. Experience, knowledge of the local situation, creativity and flexibility are important factors, but none of them can be generalised. Even so the local conflict management capacity of a community cannot be taken for granted. The example in the box below shows a totally different situation than the one of Nueva Esperanza Ccapana.

Box 6.3: Another community: Asociación Ccapana

In 1968, this community consisted of 40 families (the “*socios*”), 30 other families entered gradually during the past thirty years through buying small plots of land from the *socios*. In the course of time, the original and new habitants divided the community in two conflictive parts. The *socios* wanted to privatise the community and receive the land they own according to the entitlement certification of 1968, in this case the newcomers only would receive ownership of the small pieces of land they bought from the *socios*. The main problem concentrated itself about the division of the “waste lands”, lands that in 1968 were not cultivated and that now are cultivated by both the *socios* and the newcomers; however the *socios* considered them as their property. The *socios* and newcomers have been in a long-lasting lawsuit about the issue of the land “property”, including large financial expenses.

The conflict escalated in the beginning of the nineties in the sense that there was no responsible body for the whole community, but both groups had their own committees. Since 1998, the general assembly and the *junta directiva* function again and it seems that the majority of the habitants are willing to resolve the conflict. In 2000, both the *socios* and the newcomers agreed on the terms how they want to divide the lands and are requesting the measurement and entitlement of their private plots.

Although an improvement in the management of this conflict can be detected, the impacts have been very severe: because of the dispute during thirty years almost no collective activity could be implemented. Until now, as a cause of the lack of unity in the community, there are many conflicts between families about land and, contrary to its neighbouring *comunidades*, there is no intervention by outside agencies.

The case of Nueva Esperanza described a particular situation with a relatively equal power balance, with actors that are embedded in the same local culture and conflictive parties who showed a certain willingness to manage conflicts. Box 6.3 and the next chapter describe cases in which these elements are not present.

Chapter 7 The conflict of Chillihuani, Tayancani, Hachacalla, and Ancasi with the goldmine Manco Ccapac: “power abuse and unwillingness”

Box 7.1: My personal impressions about the manager of Manco Ccapac

In the first conversation that I had with the manager of the Mining Company Manco Ccapac, he talked about his social “compassion” with the people of Carhuayo. He told me that his father, who died a year earlier because of cancer, visited the district a few years before and had left a foundation for children’s projects. The manager of the Mining Company proposed that the Casa Campesina might implement a project for the children of Carhuayo financed by his father’s foundation. After this conversation my impression about the man was positive and I thought that a constructive “solution” of the conflict might be very possible. In the months that followed this conversation, this positive impression changed because of various conversations with local people from Carhuayo in which the manager was accused of making false promises. My impression however changed abruptly when I saw the manager returning to his apartment in the centre of Cusco. Two street children were resting in the porch of his house (a public space) and the manager insulted and shouted at them in a harsh manner.

Figure 7.1 The province Quispicanchi: *comunidades* Chillihuani, Tayancani, Hachacalla, Ccasapata, Ancasi and goldmine Manco Ccapac

The case study of Ccapana Nueva Esperanza dealt with conflicts about natural resources within a *comunidad* and between two *comunidades*. This second case study focuses on its relations and relations with a third actor. The case study narrates the consequences of the presence of a mining company that directly affects four *comunidades* (Ccasapata, Hachacalla, Chillihuani and Tayancani). I include a firm *comunidad* (Ccasapata) because of its particular interests. Although the mine was still in the exploration phase, I finished my study, since the arrival of the mining company, many problems and conflicts arose that linked directly and indirectly with its presence.

The direct problems are related with the construction of the basements of the mine and the behaviour of its personnel, especially intimidations towards the local population and promises that are not kept. Indirectly, problems arose between *comuneros* who are in favour of and *comuneros* who are against the presence of the mining company and a conflict about boundaries between two communities about pasture lands that supposedly are destined for the support.

Contrarily to the case of Nueva Esperanza that described a rather large, mainly internal process of changes in the management and property of natural resources, in the case of Manco Ccapac, we see an abrupt change in the situation of the affected communities because of an external “intruder”.

7.1 General information about the involved communities

The four communities belong to the province Quispicanchi and to the district Carhuayo. According to the *Registro de Comunidades Campesinas* (Chevarría, 1999), Carhuayo has 2584 inhabitants. The four communities belong to the micro-watershed Ancasi, located in the higher part of the watershed of the river Mapacho.

Hachacalla and Ancasi formed part of the Hacienda Ccapana and became a sector of the Co-operative Ccapana in 1974. Chillihuani, Tayancani and Ccasapata belonged to the Hacienda Lauramarca and became part of the Co-operative Lauramarca in 1972.

Hachacalla⁷⁸

This community received its *resolución de reconocimiento* and *personería jurídica* in 1993. In 2000, the comunidad consisted of 79 registered families and about 20 that were not registered. The community has two annexes: Coya and Chullohuire.

Hachacalla lies at three hours walking distance from Carhuayo, the district capital. To the community belongs one of the few remaining original Andean forests. The mayor crops are potato, maize, *oca* and *lisas* (both Andean tubercles) and the following animals are bred: alpaca, cows, sheep, llamas and horses. Apart from the mining conflict, its main conflict is about the independence of annex Ccoya.

In the period of terrorism Hachacalla was accused of having a cell which was related with the “Lighting Path” and it suffered from police and army interference.

Casa Campesina and PRONAMACHCS had several activities in this community.

Chillihuani

In 1985, Chillihuani received its status of *comunidad campesina*. Until recently both Tayancani and Ccasapata were annexes of Chillihuani, in 1998 Tayancani and Ccasapata became *comunidades campesinas*.

In 2000, the comunidad had 38 registered families and 4 families that were not registered. Its main crop is potato, the main livestock is alpaca; other animals are sheep, cows, horses and llamas. Since 2001 Chillihuani is accessible by road from Carhuayo, during the rainy season landslides impede the access.

The only intervening agency that visited the community frequently was PRONAMACHCS, the relation with the Casa Campesina is limited to consultations (in office and in the community). The community resolved recently conflicts about boundaries with Tayancani, Coya and Ancasi, but was still in conflict with Ccasapata when I finished my study, as will be described in this case study.

Tayancani

This community became a comunidad in 1998; in 2000 it consisted of 50 registered families. Its area is 2600 has. The main crop is potato and the main livestock alpaca. Since the solution of the conflict with Chillihuani, the community did not have conflicts with other communities. The nearest road is about one hour walking distance. PRONAMACHCS is the main intervening agency; now and then community members visit the Casa Campesina for consultations.

Ccasapata

Like Tayancani, Ccasapata received its independence in 1998; and in 2000 it was also inhabited by 50 registered families. The main crop is potato; there are very few

⁷⁸ The information about the communities stems mainly from PRAs that were facilitated from 1999 to 2002.

livestock, mainly alpaca. The community has a small area of agricultural land along the Mapacho River, where crops as maize, wheat and barley are grown.

During the dry season, it is connected by road (since 2001) with the village of Carhuayo. The main intervening agency was PRONAMACHCS, CCAIJO worked with some of the *comuneros* and in 1999 and 2000, Casa Campesina had “intensive” activities in this community. During the study its main conflict was with Chillihuani.

Ancasi

Ancasi received its legal recognition in the beginning of the nineties and, in 2000, had about 60 registered families. The cultivation of potato and the breeding of alpacas are its main agricultural activities. Since it resolved conflicts with Ancasi and Chillihuani, the community did not have any conflicts with its neighbouring *comunidades*. PRONAMACHCS was the only intervening agency. Its inhabitants visit the Casa Campesina for consultations; a topographer who worked for the Casa Campesina conducted an internal *saneamiento físico* in 1999. The community lies at five hours walking distance from the village of Carhuayo.

7.2 History of the conflict

Already during the colonial period “the Spanish” exploited the mine. Probably even before then, local people exploited the mine for additional incomes.

In 1806, Martín Garmendia in partnership with Miguel Carazas and Juan José Gartaño started to exploit the mine. Since 1854, there was an intensive exploitation of the mine by Francisco Garmendia. “With the incomes of the exploitation of the gold mine, Francisco extracted a considerable sum of money (Olivera, 1977: 26)”. He became one of the richest men of Cusco and had “high” functions, for example vice-president of the Republic during the government of Manuel Pardo.

“Around 1880, a Chilean company under the name of Minas Mancco Cápac exploited the mine. About 1900, the family Calvo (Italians) took it over. In 1922, Leguía studied the potential of the gold vein and the name changed to Simón Bolívar Gold Mines. At the end of the forties, Mateo Kalafutovich tried to exploit the mine, however without success (Olivera, 1977: 27)”.

In 1994, a representative of the company Coluccio Mining of the United States visited the zone for the first time. In 1996, the company conducted the legal requisites and achieved the exploitation rights. The same year, this man, accompanied by the district mayor Jacinto Mendoza, visited the *comunidades* and created expectations: the construction of a road, schools and communal houses, a tractor, and the introduction of *maca*, a high altitude tuberous plant.

The population saw the presence of the company at first as an opportunity to improve its living standards. The first problems related with the presence of the mine started in 1997, when the *comunidad* Ancasi donated a terrain to the company for the construction of a mining camp in change for materials for the construction of an eating place.

In 1998, the first administrator of the mine raped a woman from Ancasi. Because of this crime the administrator was fired and the former mayor of Carhuayo Jacinto Mendoza became his successor.

In 1998, the mining company constructed a camp in Hachacalla, according to its habitants without permission from the *comunidad*. The manager of the mine told them that the Peruvian state had given him the terrain. He did not want to give work to all *comuneros*, only to those who cultivated the affected plots. That year also the first conflicts arose between the mining company and individual *comuneros* of various *comunidades* (Chillihuani, Hachacalla, Ancasi, Tayancani) about the use of the mine and the gold washing places.

In addition, problems arose between *comuneros* of Ancasi and workers of the mine about aggressions against *comuneros*, especially women, and about illegal cutting of bushes and trees of the *comunidad* by workers of the mine. There was a serious case when the workers of the mine threatened the “judge of peace” Paulino Ccapa with arms. He brought the case to the district committee of the “*ronda campesina*”, but there was no follow-up, according to Paulino Ccapa, because the committee did not want to affront the mining company. A reason for this may be that the then president of the *ronda* was the brother of Jacinto Mendoza, the new administrator of the mine. Another problem in Ancasi was that since 1998 Jacinto Mendoza had been cultivating two hectares of agricultural land without permission and rights.

In all the involved *comunidades*, since 1998 there are complaints about promises that are not fulfilled by the mine. Furthermore, in 1998, the manager of the mine invested money in the election campaign of a candidate who had ties with the mining enterprise. The other candidate, who demanded a higher financial contribution by the mine for the district, lost the elections with a margin of 18 votes.

In 1999, the same topographer who worked in Nueva Esperanza Ccapana measured the individual plots of Ancasi. This activity was financed by the municipality of Carhuayo. The Casa Campesina supported the activity, because they saw it as an example of a community that gave importance to *saneamiento físico*. Later on, it appeared that the idea for the measurement of the plots probably came from the manager of the mine. He thought that the measurement of the individual plots would allow him to buy them. In chapter 3 and 4, I described why this is not possible.

That year, another conflict arose between Ancasi and the administrator Jacinto Mendoza about illegal fishing in a lake within the territory of the *comunidad*. After the first complaints by the community, Jacinto Mendoza went to the agency of the Ministry of Fishing and received a permit to fish for consumption and commercial purposes in the lake. The *comunidad* had started two years before with the breeding of trout in the same lake. After many complaints and visits to the agency of the ministry, the *comunidad* achieved the annulment of the fishing permit of Jacinto Mendoza.

Another conflict came into being between Chillihuani and Ccasapata about the boundary between the two *comunidades*. The terrain in question is suitable for the construction of a heliport that may be used by the mining enterprise in the future. With the help of the administrator of the mine, Ccasapata managed to obtain a

document of the Ministry of Agriculture in which the boundary between Chillihuani and Ccasapate is located in favour of Ccasapata.



Figure 7.2 Disputed terrain between Ccasapata and Chillihuani

Furthermore in 1999, the Casa Campesina for the first time became “involved” in the conflict when in Ccasapata the issue was raised in the context of Participatory Community Planning.

In 2000, the district municipality constructed a road from Carhuayo to Ccasapata that facilitates the transport to the mine. Furthermore in that year, the son of Jacinto Mendoza broke all the windows of the community hall of Hachacalla in a state of drunkenness.

The involvement of the Casa Campesina became formal, when the *comunidad* Chillihuani applied for the help of Casa Campesina in their conflicts with Ccasapata and the mining company. This resulted in an assembly with the participation of authorities of Tayancani and Ccasapata. The assembly discussed mining issues in general terms and evaluated the positions of both Ccasapata and Chillihuani regarding their boundary conflict.

In 2001, also Hachacalla, Ancasi and Tayancani formally applied for the help of the Casa Campesina in the conflict. In various visits to Hachacalla, sometimes with the presence of authorities of Ancasi and Chillihuani, the Casa Campesina discussed the mining conflict. In August of that year representatives of the affected communities constituted an inter-communal mining committee as the responsible organ to negotiate with the mining company. In December the committee elaborated its statute facilitated by the Casa Campesina. Paulino Ccapa, the judge of peace of Ancasi, was the first president and the board consisted of members of all affected communities. There were no concrete results of the committee until the termination of my involvement (at the end of 2002). The board was not united, the president did not fulfil his promises and there seemed to be a lack of creativeness and knowledge regarding the formulation of actions.

Furthermore in 2001, Casa Campesina had two conversations with the manager of the mine, in which the different positions were exchanged. The position of the mine was that some of the accusations were true, but most of them exaggerated. The manager suggested a role of Casa Campesina as a mediator and raised again the possibility to fund a project for children, to be implemented by the Casa Campesina. The Casa Campesina rejected both suggestions, because its position in the conflict was primarily to support the affected communities.

In November 2001, another conflict arose when *comuneros* of Ancasi captured one of the mining employees, an *ex-comunero* of Ancasi, together with a policeman. The two persons were in possession of weapons and were hunting illegally in the territory of Ancasi.

In the elections of 2002, again a mayor who had close connections with the mining company, was elected (in the last years of his period the former mayor distanced himself from the mining company). My last visit to the area was in October 2002, the information that I received until March 2004 (my departure from Peru) is that the inter-communal committee had not been very active; on the other hand no further escalations were reported.

In 2003, Coluccio Mining extended its concessions in Ancasi and Hachacalla, but not the ones in Chillihuani and Tayancani. *Comuneros* from these communities came to the Casa Campesina to get information about the possibilities for them to achieve concessions for eventual mining activities.

7.3 Stakeholders

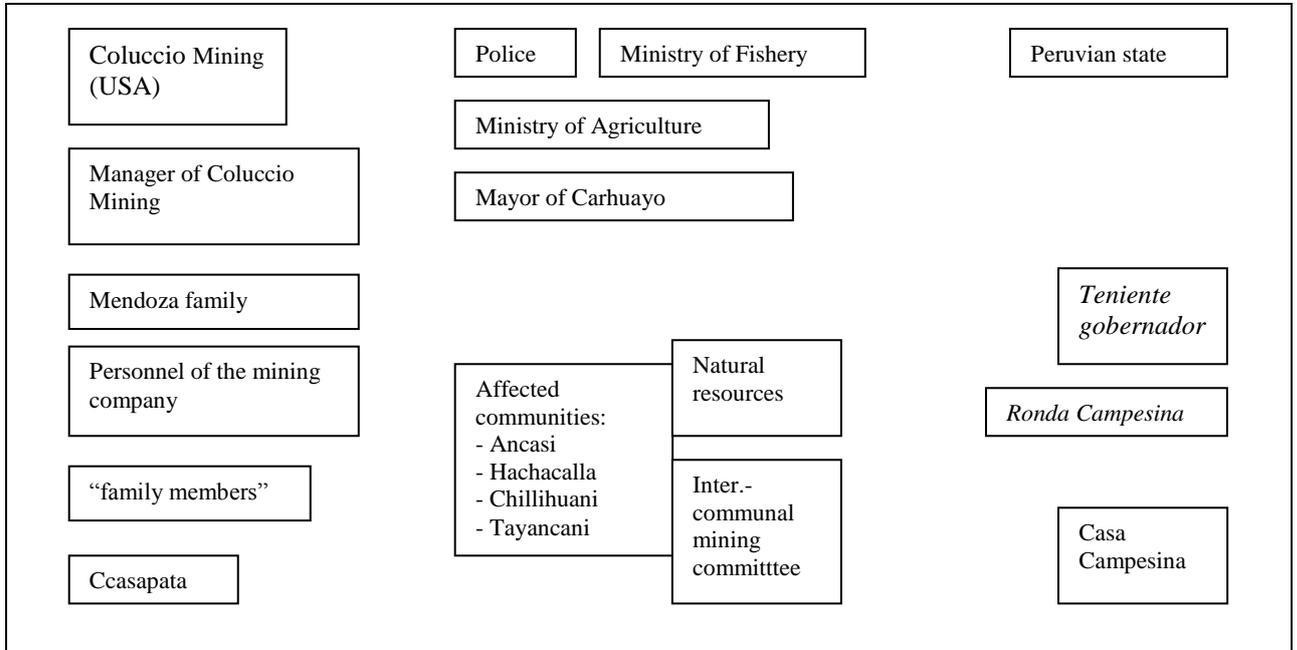


Figure 7.3. Stakeholders of the conflict of Chillihuani, Tayancani, Hachacalla, and Ancasi with the goldmine Manco Ccapac.

Different persons have a close relation with the company Coluccio Mining. The manager from the United States showed preoccupation about public relations. He acted in a friendly way, made promises to the involved *comunidades* and supported his allies. For example: when the minibus of Carhuayo that was conducted by the mayor had an accident, he helped the victims, logistically and financially.

On the other hand: in many cases he did not accomplish his promises, influenced the local politics for his own advantage, did not accomplish legal requisites for the exploration of the mine (did not pay rent for the use of the land of the *comunidades*, did not implement an environmental impact study, etc.), and probably bribed authorities (for example in the case of the conflict between Chillihuani and Ccasapata). Furthermore, he made use of “family ties”: through the involvement of the district’s most powerful family, the Mendozas and through being the *padrino* (godfather)⁷⁹ of dozens of new-born children and married couples in the district. It seems that his major interest was to exploit the mine with the lowest possible investments, with local people who do not know their rights.

The first administrator of the mine abused his power in a brusque manner, which culminated in the rape of one of the *comuneras* of Ancasi. His successor Jacinto

⁷⁹ This relation is called *padrinazgo*.

Mendoza and his family members also abused their position, but in a more “subtle” manner, the committed abuses are: illegal fishing in the lake of Ancasi; illegal pasturing; fishing with dynamite in the Ancasi river; illegal woodcutting; illegal hunting; illegal possession of agricultural lands; destroying the windows of the communal building of Hachacalla; forbidding to pass through and to access the mines and the terrains occupied by the mining company; insulting women; threats with arms and law suits; and false information. The population did not protest in an organised way because the Mendozas are (ex) authorities and the most powerful family in the zone and people were afraid to be threatened and to lose eventual possibilities to work in the mine. The interests of Jacinto Mendoza and his family are the salaries of the mine and to maintain and amplify a position of power in the zone that enables them to exploit resources and to gain money. Allies of the family clan of the Mendozas are a decreasing (because of false promises, and decreasing employment opportunities) group of people who benefit of the mine because of employment. These *comuneros*, the family members of Jacinto Mendoza (who is from Ccasapata), his wife (who is from Ancasi), and *comuneros* who have a “*padrinazgo*” relation with Jacinto Mendoza or the American manager, caused a division in the involved *comunidades* (especially in Ancasi) with respect to the position that the *comunidades* should take in the conflict with the mine.

The family Mendoza belongs to the comunidad Ccasapata, in principle, all *comuneros* of this comunidad benefit from the presence of the mine and the role of the family Mendoza: the mine is not part of the comunidad, the comunidad is now accessible by road, received help for the construction of the communal building, and benefited in the boundary conflict with Chillihuani. However, a large number of especially young *comuneros* did not agree with the powerful position of the Mendozas, and preferred to maintain good relations with its neighbouring communities and have the mining company act according to law.

I have not been able to achieve an insight on the role of the head-office of Coluccio Mining in the United States. The company is mainly a construction firm that has only few mining activities. It seems that the manager in Peru acted rather independently without a lot of control from his supervisors. Evaluating the case of Carhuayo, I suppose that Coluccio Mining does not have strict procedures to protect the environment and to support the local population as have most big multinational mining companies nowadays. So, it is not clear if an eventual future international publicity campaign may have any effect (this is an often used strategy in other mining conflicts in Peru, for example in a mining conflict in the province Espinar of Cusco: Churats, Escalante, Laats 2002) .

The Peruvian state played an indirect but important role in this conflict, through its laws and the performance of government officials. The Peruvian laws state that a company who achieved exploitation rights may use the subsoil, but needs to have the permission of the owner of the surface, in this case *comunidades campesinas*, for all its activities at the surface. If the company cannot reach an agreement with the owner of the surface the law of “servitude” (*servidumbre*) may be applied in which the state determines the price that the company has to pay to the owner. Furthermore the mining companies are obliged to conduct an environmental impact study and to install an office for communal affairs. A more detailed description about Peruvian laws and natural resources can be found in chapter 3.

Both the Ministry of Fishing (in the case of the request by Jacinto Mendoza to fish commercially in the lake of Ancasi) and the Ministry of Agriculture (when it produced a document about the boundary in favour of Ccasapata) were allies of the mining company, probably after having received money. Regarding the actions of government officials, it seems that in the period 1980-1990, during the governments of Fujimori, almost all decisions by government employees and judges were in favour of the mining companies, in that period therefore the inequality of power made it almost impossible for local communities to protest. The only strategies that had in some cases a positive effect for the population were non-violent or “hardly violent” protests (Churats, Escalante, Laats, 2002). It seems that since the new government of Toledo local communities have a better chance to be treated according to justice. In the case of Carhuayo it seems that since the change of the government both the manager and administrator of the mine were acting a little more carefully in cases where government employees are involved.

Although the majority of the population of Hachacalla, Ancasi, Tayancani and Chillihuani already questioned the presence of the mining company, until 2000 the only complaints came from few individual *comuneros*. Since the end of 2000, the communal council of Chillihuani, followed in 2001 by the councils of the other three *comunidades*, applied for the assistance of a third party (Casa Campesina). The main interest of the majority of the population was to benefit from the presence of the mining company and to maintain good relations. Since the end of 2000 they were interested in being well informed and to become empowered. The *comunidad* Chillihuani had a specific interest, which is the boundary conflict with Ccasapata.

Regarding the conflict the affected *comunidades* used the following strategies:

- Complaints to the management and personnel of the mining company, without many results.
- Complaints to responsible institutions in the zone but the *Ronda Campesina*, neither the police nor the local government took action on behalf of the local communities.
- Applying for assistance from the Casa Campesina

The police were an ally of the mine in some cases, e.g., when *comuneros* were digging and washing gold of the mine, and when a policeman was hunting illegally with an employee of the mine. Another ally was the municipality of Carhuayo (except for the last months of the period of the former mayor). In most cases its decisions benefited the mining company.

There are other possible actors in the zone such as the NGO CCAIJO, the civil defence committee of Ocongate and the “judge of peace” of Ocongate, but none of them became involved in the conflict until now. Furthermore, there are two actors who received complaints but did not take any action: the Central Committee de *Rondas* in the case of the threatening of a *comunero* of Ancasi, and the *Teniente Gobernador* (acting governor) in the case of the destruction of the windows of the community hall of Hachacalla.

I discuss the role of the Casa Campesina and my role as action researcher in paragraph 7.5.

7.4 Natural Resources

The surface of the goldmine lies in areas of little agricultural value; most of the area is low quality pasture land. This is one of the reasons that people in a first instance did not perceive possible negative effects of the presence of the mining company. The only concern was that they might lose the small income opportunities from manual mining during the agricultural low season. The manager and administrator however promised in the first visits that people still could continue this practice, as described before, already in 1998, they broke this promise.

Soon after the arrival of the mining company, problems about the management and property of natural resources arose that the population had not foreseen. The personnel of the mine illegally cut trees and brushes, fished in the river with dynamite, pastured and hunted illegally, Jacinto Mendoza cultivated an agricultural plot in Ancasi and tried to obtain the exclusive rights to fish in the lake of Ancasi, furthermore agricultural lands were damaged because of the construction of roads to the mine basements.

Although these “environmental” problems occurred already in the exploration phase, none of the affected *comunidades* seemed to be concerned about probable environmental effects during an eventual exploitation phase, for example the pollution of agricultural lands and the Ancasi river with mercury.

Another problem related with natural resources is the conflict about pasture and agricultural land between Ccasapata and Chillihuani.

7.5 Intervention by the Casa Campesina

The role of the Casa Campesina was to provide information about the rights of *comunidades campesinas* vs. the presence of a mining company and to facilitate the formation of the inter-communal mining committee. Furthermore it assumed a conciliating role in the conflict about boundaries between Ccasapata and Chillihuani. The Casa Campesina refused a possible role as mediator, but, on the other hand, hoped that it could facilitate an encounter between the conflicting parties.

Evaluating its involvement, it appears that Casa Campesina did not have much experience with mining conflicts. In a first instance its activities were according to the methodology of Juan Churats as described in chapter 4. In the course of the conflict it appeared that this methodology (on its own) is not applicable on a meso-scale conflict as the one in Carhuayo with a powerful unwilling actor.

Furthermore, the Casa Campesina did not take into account the hidden agenda of the Mining Company regarding the *saneamiento físico* of Ancasi (with the indirect involvement of the Casa Campesina). Another “unfortunate” choice was to raise the issue for the first time during an assembly about in Ccasapata. The territory of this *comunidad* did not fall within the concession of the mine and many of its members took profit from actions of the mining company that affected other communities.

Later on the Casa Campesina changed its strategy. Through the assemblies, interviews and meetings with key persons, courses and the constitution of an inter-communal mining committee, the affected communities gathered knowledge and became

empowered, but no concrete “improvements” in the management of the primary conflicts could be achieved.

In my role as action researcher, I encountered some dilemmas, which are interesting to be mentioned in the framework of this study. As I mentioned in box 7.1., because of some coincidental circumstances, my personal opinion about the manager of the Mining Company Manco Ccapaq changed abruptly. I felt that the man had a double face and indeed could not be trusted and that probably his only interest was making economical profit. I do realise the subjectivity of my impressions but also the impossibility of being objective.

Table 7.1 The conflict of Chillihuani, Tayancani, Hachacalla, Ccasapata and Ancasi with the goldmine Manco Ccapac

Year	Event	Conflictive parties	Local conflict managers	External Stakeholders	Natural Resources
Before 1996	Exploitation by several mining companies and local exploitation of the mine	Exploitation firms (powerful) and local people (there are no reports about local protest)			Gold became an important resource for especially Francisco Garmendia, no information about environmental impact
1996	Colluccio Mining achieved exploitation rights, visits to the affected <i>comunidades</i>	None			Affected communities believed that the arrival of Coluccio Mining would bring new opportunities for their natural resource management (e.g., <i>maca</i>)
1997, 1998	Ancasi donated a terrain to the mining company, the mining company constructed a camp in Hachacalla	Coluccio mining against Ancasi and Hachacalla	After having received information about their rights the communities started to complain		Land became a conflictive resource
1998-.....	Aggressions against comuneros and non-accomplishment of promises	Local people and mining personnel	Affected persons and communities complained with the “responsible” institutions	<i>Ronda Campesina</i> , police and <i>teniente gobernador</i> did not act.	
1998 -.....	Personnel of the mining company used natural resources of the affected <i>comunidades</i>	Local people and mining personnel	The village councils and assemblies were not able to manage these conflicts because of being divided and having lack of “power”.	Third parties did not act.	Agricultural land, pasture land, (river) fishes, trees and brushes, and wild animals became conflictive resources
1998	The mining company influenced local elections	The candidates for mayor of Carhuayo and their supporters		The electoral control instances did not act.	
1999	Jacinto Mendoza received fishing permit	Jacinto Mendoza and the <i>comuneros</i> of Ancasi	<i>Comuneros</i> of Ancasi achieved the annulment of the fishing permit	The Ministry of Fishing was part of the cause and solution of the conflict.	The lakes of Ancasi and its fishes became conflictive resources
1999	Boundary conflict between Ccasapata and Chillihuani	Ccasapata, Chillihuani and the mining company.	The communities were not able to reach an agreement	The Ministry of Agriculture was part of the cause of the conflict, Casa Campesina was not successful in its role as conciliator	The terrain between Ccasapata and Chillihuani became a conflictive resource
2000	Construction of the road Carhuayo-Chillihuani	Only small complaints by <i>comuneros</i> whose agricultural land was affected.			Environmental degradation because of road construction
2000, 2001	The affected communities requested the Casa Campesina to assist them		Local communities perceived that they needed external support in order to manage the conflict(s)	Casa Campesina became an “official” external stakeholder in the conflict, supporting the affected communities	
2001	Formation of the inter-communal mining committee	The mining company and the affected communities (united in a committee)	Local communities felt that they would have a stronger “power base” being united (in a formal organisation)	Casa Campesina facilitated the formation of the inter-communal mining committee	

7.6 Conclusions

This is a case of a powerful actor who does not show willingness to resolve/transform the conflict peacefully. Negative social and environmental impact occurred because of the presence of a relative small mining company that was still in its exploration phase. The case showed difficulties and complexities of (social learning in) conflict management and it showed the limitations of local conflict managers and the Casa Campesina. Abovementioned dilemma is crucial for this thesis. I will elaborate on the issue of the tension between social learning on the one hand and power abuse and unwillingness on the other hand in chapter 11 and 12.

There is a potpourri of conflicts; therefore for analytical purposes I made a categorisation. I distinguish two types of conflict. Primary conflicts in which the mining company tries to achieve benefits for itself at the cost of the affected communities: building of the basements in Hachacalla and Ancasi; prohibition of the use of the gold washing places; facilitating access to a possible terrain for a heliport; construction of a road; making false promises and influencing the election of the district mayors. Secondary conflicts where the personnel of the mine (mis)use their power and presence at communal territory for the exploitation of natural resources and abuse of the inhabitants: illegal pasturing, cutting of brushes and trees, illegal fishing and hunting, use of agricultural terrains, achieving a fishing permit, damaging the communal building of Hachacalla and abuse of *comuneros*, especially the rape of the *comunera* of Ancasi and the armed threatening of the Judge of Peace.

The case shows that many extra conflicts may occur that are unexpected, complex and diverse. These conflicts have no direct relation with the primary conflict resource (in this case gold), but their impact can even exceed the consequences of the primary conflicts and each of these conflicts requires its own management. One could say: the subsequent stages of the conflict shifted so far away from the root cause that the conflict “started its own life”. I consider it as an “actor network”, in which relations, conflicts and meanings between human and non human actors go through a continuous process of change, in which how and why questions become more and more difficult to answer.

The negative social and environmental impact of the described conflicts is high. The organisational structure of the communities suffered; inter-human relationships got tense; profits from natural resource management decreased for community members that do not work for the mining company; income from gold washing disappeared; and legal security about natural resources became problematic. The environment suffered because of fishing with dynamite, illegal pasturing, illegal wood cutting, and illegal fishing. Apart from some small social and environmental “achievements” such as the constitution of an inter-communal mining committee and the annulment of the fishing permit of Jacinto Mendoza, conflict management activities have not been able to reverse these negative social and environmental impacts.

For the occurrence of social learning I viewed upon the criteria established in chapter 2. Regarding *widely shared meanings*, rules and rights, the significance of the presence of a mining company and the importance of conflict management have been shared between the affected *comunidades* and with the Casa Campesina. These meanings could not be shared with the “opposite” party (the mining company and its

allies). I consider the constitution of the inter-communal mining committee and the occurrence of inter-communal assemblies as *collective action*. The lack of action by the committee weakens the outcome of this criterion. Regarding *joint solutions to dilemmas*, the affected communities formulated some joint proposals, between the conflicting parties there is no joint solution until now. Even so, the conclusion about institution building is mixed, on the one hand the inter-communal mining committee came into being because of the conflict and the affected communities and the Casa Campesina gained knowledge and practice regarding the management of the conflicts. On the other hand communities suffered internally and weakened their collective organisation because of the tensions created by the presence of the mining company. Regarding *incentives for co-operation*, communities took incentives to co-operate between them and to involve the Casa Campesina. The mining company proposed a co-operation with the Casa Campesina, this organisation, however, refused because it did not trust the intentions. *Power Differences* barely decreased, the mining company achieved an enormous power base in the district, the attempt of the affected communities to unite themselves, and to incorporate the Casa Campesina by no means counterbalanced the political, social⁸⁰, economical and knowledge power of the mining company. Instead of *increased interdependence*, the mining company became less dependent of the communities especially by achieving the user rights for the basement camps.

Regarding conflict transformation, contextual change because of the fall of the government of Fujimori opened more possibilities for the affected communities to defend their rights, in the case of Carhuayo, however, this did not result in structural transformation. The main actor transformation in Carhuayo was the formation of the inter-communal mining committee. During the time of my research, this organisation has not been able to transform the conflict. Although more issues became part of the conflict; and therefore issue transformation took place, this did not influence the process of the conflict positively. The recognition by most *comuneros* of the problematic nature of the presence of the mining company is a change of heart and mind that on the long-term may contribute to the transformation of the conflict.

The criteria show that some social learning and conflict transformation occurred, but that this did not result in an approximation among the conflictive parties.

Not many moments of scaling-up can be detected. There has not been much communication with communities in a similar situation. The Casa Campesina dealt with the case within the framework of the Programme “Conflict and Collaboration”, but this did not result in any action. It is a case in which the interaction among local communities, the Casa Campesina, action-research and other actors caused valuable information and many learning moments for the concerned actors. However (analysing the situation until 2003), for the local communities this came too late and has been overruled by the well-thought and prepared actions of the mining company.

Other conclusions are that in a conflict with a powerful actor who does not show willingness to solve a conflict peacefully, the legal context (lawgiving and executing) becomes very important (see example box 7.2.).

⁸⁰ because of its allies

Box 7.2: Formal justice during the governments of president Fujimori (1990-2000)

It seems (a.o. Churats, Escalante, Laats, 2002) that especially in the period from 1990 to 2000, during the governments of Fujimori, governmental officials and judges acted in favour of mining companies, in many cases without respecting the laws. The reason for this attitude lied in the toleration of corrupt procedures and in a neoliberal policy with a strong emphasis on privatisation and investment.

Because of the enormous impact of a conflict as described in this chapter, one should not discard local conflict management and the intervention of an actor such as the Casa Campesina, but other ways have to be looked upon that allow these actors to become more effective in conflict management.

Another mayor reason for the lack of success in the management of the conflicts of this case is the total absence of allies for the local communities and the Casa Campesina. Almost all possible counterparts (*Ronda Campesina*, local government, public agencies, NGOs: CCAIJO, police, *teniente gobernador*, other second-level organisations) chose the side of the mining company (because of shared interest or corruption) or did not show interest.

Regarding categories and paradigms, I perceive that both the communities and the Casa Campesina had difficulties to see things from a “broader perspective”, while the manager of the mine (mis)used the “paradigms” of the communities, the Casa Campesina, and other actors for his own benefit:

The communities saw the mining company mainly as a possible initiator of “development”. They did not consider the possible negative consequences of the presence of the company and did not inform themselves about their (formal) rights. The only case of successful “local” conflict management is when community members applied to “formal” mechanisms in order to solve the conflict about the fishing permit. In a first instance, the Casa Campesina did not realise that the mine could misuse the current activities (*saneamiento físico* in Ancasi, assembly in Ccasapata). Later on, the Casa Campesina was not able to adapt new, sufficiently effective, strategies in order to give another turn to the management of the conflicts.

The management of the mining company discovered “weak” spots in the communities, the Casa Campesina, local government, local “second-tier” organisations and public agencies and used these for its own profit: establishing relations of “*padrinazgo*”, making the most powerful family of the zone its ally, making attractive promises (knowing the wishes of the people), offering project funding to the Casa Campesina, buying elections and government personnel, etc.

This case cannot be generalised. Other examples in Peru and Latin America show several cases in which local communities and outsiders achieved more positive results. This could be achieved because of⁸¹:

- Massive protests of the affected communities.
- Organisation of the affected communities.
- Strong role of the *Ronda Campesina*
- International Campaigns

⁸¹ See for example in the web page of OLCA (*Observatorio Latinoamericano de Conflictos Ambientales*): www.relca.net

Chapter seven: The conflict of Chillihuani, Hachacalla, Tayancani and Ancasi with the goldmine Manco Ccapac: “power abuse and unwillingness”

- Environmental and Social Impact Studies.
- (Election of) local governments that support the affected communities.
- Law suits of communities against mining companies.
- “Successful” negotiation or mediation
- Platforms.

I end this chapter emphasising again two issues that appeared in this case and should get special attention in conflict management: unwillingness of actors to reach a solution and the difficulty of “bridging” unequal power relations.

Chapter 8 An intermezzo: Conclusions of the first phase of the Programme “Conflict and Collaboration in Natural Resource Management in Latin America”.

This chapter looks into the conclusions of the first phase of the action research programme “Conflict and Collaboration in Natural Resource Management in Latin America”. Subsequently, I elaborate these conclusions, including my own. It is an intermezzo in which I explore an integral conflict management approach, which is a first step towards the final conclusions of chapter 11 and 12. The findings of this chapter are from the standpoint of intervening agencies, e.g., Actor Network Theory is not included yet, and the (active) role of stakeholders, others than the “recognised” conflict managers, does not receive “sufficient” attention. I will add these “not intervenor-centred” issues at the end of this book.

8.1 Conclusions of the action research project “The Social and Environmental Impact of Alternative Management of Conflicts about Natural Resources in the Peruvian Andes”

As mentioned in chapter 5, the action research project “The Social and Environmental Impact of Alternative Management of Conflicts about Natural Resources in the Peruvian Andes”, was one of the fourteen projects that participated in the first phase of the Programme “Conflict and Collaboration in Natural Resource Management in Latin America” (further on I refer to it as the Programme “Conflict and Collaboration”).

I will not describe the conclusions drawn by the Casa Campesina in 2001 in detail, as I included most of them already in the previous four chapters. For the purpose of this chapter, I emphasise the conclusion that one has to view conflict management from a wide perspective; tools such as mediation and conciliation are part of a larger process. The project of the Casa Campesina mentioned the following possible components of a conflict management process facilitated by the Casa Campesina (Churats et al., 2002):

- local management: negotiation, mediation, conciliation, arbitration, confrontation (violent and non violent);
- achievement of *saneamiento legal* and *saneamiento físico*;
- provision and use of management tools;
- information giving, capacity building, legal-organisational advice;
- training and advice about conflict management;
- participatory appraisal and management of conflicts;
- with the participation of external parties: mediation, conciliation and arbitration;
- formal procedures;
- juridical processes.

8.2 Conclusions of the first phase of the action research programme “Conflict and Collaboration in Natural Resource Management in Latin America”

The programme co-ordination team of the University of Peace concluded, after analysing the 14 research projects, that a focus on only alternative conflict management is too limited. “On the one hand, it does not reckon with the range of approaches and strategies that are used in our region to appraise and treat socio-environmental conflicts. On the other hand, many of the premises that guide alternative conflict management are based in suppositions that do not always exist,

like the disposition to dialogue and to work collaboratively”. (Borel and Buckles, 2002: 55).

As a résumé of the 14 research projects, five different conflict management approaches were distinguished (Borel and Buckles, 2002):

1. Assistance to conflict management: experiences promoted by NGOs (in some cases accompanied by local organisations) that try to assist and/or strengthen local actors (communities of farmers, fishermen, indigenous people or Afro-Latin Americans, and community-based “second-tier” organisations) in the management of inter/intra communal conflicts or conflicts with third parties (the State or companies). This approach has a clear orientation towards the promotion and the strengthening of dialogue, local participation and organisation through strategies as communal self mapping, discussion workshops, reflection and exchange of knowledge, mediation and legal orientation, etc.
2. New institutional arrangements: a tendency of governmental organisations to develop new institutional arrangements. This type of approach materialises through commissions, committees and formal agreements between actors.
3. Confrontation and resistance by local communities: situations with a high grade of power asymmetry between actors, for which it is necessary to use strategies of social pressure, such as civil disobedience, denouncements, communicational campaigns and lobby, promotion of legal changes and creation of alliances with other actors, to be able to create the necessary conditions for dialogue, negotiation and eventually, social transformation.
4. The promotion of sustainable development at a local and regional level. For this purpose diverse strategies are used: the application of conflict management to achieve sustainable development (for example in the definition of a local development plan) or the “use” of development activities to manage conflicts with local inhabitants.
5. Local conflict management, without the involvement of NGO or public agencies, in which local actors form a platform to give answers to conflicts.

The report of the first phase of the programme “Conflict and Collaboration” made a distinction between “proactive and reactive” strategies. Proactive strategies try to avoid the eruption of new conflictive situations, through new processes of planning and joint management of natural resources. Reactive strategies give answers to concrete conflicts. Public agencies tend to develop proactive conflict management strategies, while NGOs and local communities have a tendency to use reactive strategies.

Proactive strategies:

- Compensation for environmental services
- Agreements
- Development and conservation plans and projects
- Shared decision-making (commissions, committees, etc.)

Reactive strategies:

- Civil disobedience
- Social mobilisation: denouncements, communication campaigns, lobbying, social alliances

- Legislation
- Mediation
- Facilitation and Dialogue
- Negotiation.

Concluding, the main conclusion of the first phase of the programme “Conflict and Collaboration” was that the categorisation formal, alternative and local management took on a wider perspective, distinguishing approaches, and proactive and reactive strategies.

Although the reflection about the 14 projects by the programme “Conflict and Collaboration” “caused a deeper understanding about conflict management of natural resources in Latin America and the Caribbean”, according to the authors of its final report, also various question marks remained. One of them is the effect of conflict management on natural resources⁸². Most projects lacked a gender analysis. The balance between adversary and collaborative focuses was not studied, neither from the viewpoint of the different actors nor from the perspective of the maintenance of the natural resources. It is necessary to obtain a deeper insight in the analysis of the contexts and factors that contribute to change an adversary approach in a more collaborative approach. (Borel and Buckles, 2002).

8.3 Elaborating the conclusions of the first phase of the action research programme “Conflict and Collaboration in Natural Resource Management in Latin America”

Applying the logic of the Programme “Conflict and Collaboration”, I define the following approach and strategies of the Casa Campesina and CBC regarding conflict management:

Approach of the Casa Campesina/CBC:

Facilitation of “sustainable development” (through management of conflicts, capacity building and networking)

Strategies:

- consults
- conciliation
- facilitation of *Saneamiento legal and fisico*.
- Participatory Conflict Management (appraisal and planning)
- capacity building of community members, local governments, second level organisations and (youth) leaders
- promotion of decentralisation and co-ordination between democratic institutions at different levels
- exchange of information with other institutions and persons and promotion of platforms
- action research

⁸² The study of Casa Campesina/Centro Bartolomé de Las Casas was one of two exceptions. “Here the importance of the security of communal boundaries for a more sustainable and rational use of natural resources was emphasised” (Borel and Buckles. 2002: 60)

The field studies showed that the Casa Campesina/CBC has a limited influence in the management of conflicts. Other conflict managers have their own approaches and strategies. Conflict managers in Nueva Esperanza Ccapana were the representative of the Ministry of Agriculture, the directives of Nueva Esperanza and neighbouring committees, the village assembly, and individual *comuneros*. In Carhuayo, apart from the Casa Campesina, the inter-communal mining committee was the most prominent conflict managing institution. More striking however were the potential conflict managers who did not take action: the *Ronda Campesina*, the mayor and other members of the municipality, public agencies, the police, etc.

Examples of approaches of other conflict managers in this study are:

- *Village council of Nueva Esperanza de Ccapana*: Local management of conflicts (to assure the well-being of the inhabitants of Nueva Esperanza).
- *Inter-communal Mining Committee Carhuayo*: Empowerment of the affected communities.

Some strategies applied by these conflict managers are:

- negotiation (with neighbouring communities, with the mining company)
- rule-making (for the *comunidad*)
- constitution of a co-ordination organ (inter-communal mining committee)

Apart from the inclusion of other conflict managers than the Casa Campesina, for a more complete analysis, I perceive that one also needs to include the actions of and interactions between other human and non-human actors. In other words, the conclusions in 2001 of both the programme Collaboration and Conflicts, and the Casa Campesina are “intervenor-centred”. In the remaining part of this chapter, I will further elaborate the “intervenor-centred” analysis proposed by the programme “Conflict and Collaboration”, while in chapter 11 and 12 I will formulate conclusions and suggestions from a more “holistic” standpoint, including Actor Network Theory, the (active) role of stakeholders who are not “recognised” conflict managers, and some other issues that deal with complexity.

Methodology

After determining approaches and strategies, a following question is how to implement strategies. For this, one needs a reflection about methodology. I distinguish the methodologies described in the case studies in (1) methodology to “understand” the conflict (investigating methodology), (2) methodology to reach a solution between the conflictive parties (solution oriented methodology), and (3) methodology that promotes social learning (transformation oriented methodology).

Regarding methodology to understand the conflict (investigating methodology) the study mentions the following examples:

- *Formal Justice*: investigation of facts by the executive power (police), explanation and defence by the conflictive parties with the help of lawyers.
- *Rondas Campesinas*: investigation of facts by the *ronda campesina*, explanation and defence by the conflictive parties for a (large) audience of members of the involved communities.
- *Casa Campesina (1985 to present)*: methodology of Juan Churats: “use all your experience, locate the conflict in its own context, do not be part of the conflict,

maintain objectivity, listen to all parties, create a calm situation in which they can expose their different viewpoints, do not agree with no one in a hasty way, find out the roots of the conflict, things have to be simplified”.

- *Casa Campesina (1997 to present)*: conciliation methodology: listen to the conflictive parties: create empathy, paraphrase in order to understand the bottlenecks of the conflict, reduce negative emotions and give confidence to the parties; problem identification: make an agenda or a list of the problems, redefine the problems in neutral way, appraise common interests (Ormachea, 1999).
- *Casa Campesina (1997 to present)*: participatory Appraisal of Conflicts: use of tools to gather information about the conflict with the participation of all or most of the relevant actors: timeline, mapping, Venn diagram, semi-structured interviews, matrix of positions, interests and needs, etc.
- *Thesis*: Actor Network Theory: focus on the relations between actors (human and non-human), starting from the principles: agnosticism, generalised symmetry and free association (Callon, 1997, Latour 1997, Law, 1997, Murdoch, 2000).

I mention the following solution oriented methodologies and transformation oriented methodologies in this study:

Solution oriented methodology:

- *Formal justice*: application of written State laws and regulations.
- *Rondas Campesinas*: conciliation or arbitrage in assemblies with the participation of a large part of the population of the community, zone or district(s). If the assembly considers one of the conflictive parts guilty, the *ronda* applies sanctions that have their origin in Andean tradition and in practices of the Peruvian army.
- *Methodology Juan Churats*: confronting the parties until they reach an agreement. They are offered the possibility to separate themselves in a room to agree upon a solution that is according the satisfaction of both. In extreme cases, the *asamblea* decides through voting. If they reach an agreement the conflicting parts embrace. The compromise reached as a result of mediation is written in a record (*acta*), and preferably will be noted in the statute too.
- *Confrontation and resistance*: e.g., the protest actions of the inhabitants of Ccapana against the owners of the hacienda and the administrators of the Co-operative.
- *Conciliation*: search for solutions through brainstorming and integrative solutions (“enlarge the cake”, no related compensation, related compensation or reducing costs, exchange, bridge building). The aim is to reach a clear, feasible and durable agreement and to achieve the commitment of the parties to accomplish the agreement.

Transformation oriented methodology:

- *Saneamiento legal* and *físico* and the promotion/use of management tools: Achievement of legal security, location of landmarks, use of documents that enable the decision-making regarding conflicts
- *Capacity building*: trainings and workshops about conflict management for the population in general, focus groups, (local) governments, (young) leaders, etc.

- *(Participatory) planning of conflict management*: participants formulate activities that lead towards the transformation of the conflict(s), they are put in a timeframe, costs are estimated and responsibilities are defined.
- *Institution building, platforms*: formation of new organisations that engage themselves in conflict management; construction of platforms in which institutions are represented that are actors in a conflict.

From above, it appears that, “investigating methodology”, “solution oriented methodology” and “transformation oriented methodology” differ about the way that actors are supposed to interact, about the phases of the conflict addressed and about the (final) objectives of the conflict managers. In the final chapter, I will get deeper into the nature and the causes of differences between conflict managers (and their methodology).

Conflict solution methodology and conflict transformation methodology often overlap. For example, the embrace between the conflicting parties in the methodology of Juan Churats, and the participation of many people and the “Andean” nature of the methodology applied by *Rondas* foment the sustainability of conflict solution and thus conflict transformation.

8.4 Second phase of the programme Conflict and Collaboration

The proposal for the second phase of the programme “Conflict and Collaboration” emphasises filling the gaps that were left by the first phase. Centro Bartolomé de Las Casas was given the opportunity to participate in the second phase through the project “*Manejo de conflictos y recursos naturales en un área protegida: el ejemplo del Santuario Histórico de Machu Picchu*” (Management of conflict and natural resources in a protected area: the example of the Historical Sanctuary of Machu Picchu). My involvement in the project was the elaboration of the proposal, the starting up of the project (January to June, 2003), holding interviews and the facilitation of conflict management workshops (November 2003 to January 2004), and participation in the elaboration of the final report⁸³ (February to May 2004). I did however not participate in the workshops in which information with the other research projects has been exchanged. In general my role was more low profile than in the first project. While I am writing this, the conclusions of the second phase of the programme have not been published yet. In the following chapter, I will include one of the case studies of the research project.

8.5 Conclusions

The main finding of the first phase of the programme “Conflict and Collaboration” is that conflict managers who participated in the programme did not implement “isolated” conflict management activities (for example mediation) but acted according to approaches and strategies, which one cannot share under single paradigms.

Transferring these conclusions to a more general context, the results contradict the widely accepted assumption, that different conflict management categories (such as formal conflict management, alternative conflict management, and local conflict management) are “alternatives” to each other, between which one can (and should)

⁸³ Through email, because I left Peru (for the second time) in April 2004.

choose. Rather, these categories may interact (synergically) in (long term) conflict management processes.

Agencies who act as conflict managers from a “wide perspective”, such as the ones that participated in the programme “Collaboration and Conflicts”, can structure their actions by distinguishing their involvement in approaches, strategies and methodologies. Such a structuring permits intervenors to improve their understanding about what they do with respect to conflict management and what are eventual missing parts. Thus, it helps them to find out how they can improve their intervention, how they can plan more systematically, and which allies they should look for (to fill the missing parts).

Within this structure, one can distinguish pro-active and reactive strategies; and investigating methodology, solution-oriented methodology, and transformation-oriented methodology.

Regarding the research question, the first phase of the programme “Conflict and Collaboration” gave a deeper insight into the issue of paradigms in conflict management and it gave some suggestions for practice. On the other hand, in spite of having it as one of its objectives, it could not give a satisfactory answer on the issue of social and environmental impact of (alternative) conflict management.

In its objectives, the programme did not use the concepts of social learning and conflict transformation. Notwithstanding, I perceive the focus on processes, and on approaches and strategies as a choice for long term conflict management, in which elements of social learning and conflict transformation are included. Furthermore the programme touched the dilemma that arose from chapter 7 (the tension between social learning, and power asymmetry and unwillingness) as it stated that “strategies of social pressure” might create, “eventually”, “social transformation” (paragraph 8.2.).

In spite of the aforementioned “gaps”, the conclusions of this chapter serve to develop further my ideas about the nature and “possible improvement” of conflict management. I will elaborate on the conclusions of this “intermezzo” in the final conclusions (chapter 11 and 12).

Chapter 9. Conflicts about the use of the Inca Trail: “tumbling paradigms”

Box 9.1 Changes in CBC

Compared with the cases of Nueva Esperanza and Carhuayo, in this case the position of Centro Bartolomé de Las Casas and my position are different. As will be described in the following chapter, in 2002, Centro Bartolomé de Las Casas achieved a better cooperation between its programmes Casa Campesina and Colegio Andino and conflict management became an important working line for all programmes of CBC (not only Casa Campesina).

I gathered most information for this chapter from the action research “Management of conflict and natural resources in a protected area: the example of the Historical Sanctuary of Machu Picchu” which I introduced in paragraph 8.4. Not the Casa Campesina, but the Colegio Andino was responsible for the implementation of this action research. Until the end of my contract for the Casa Campesina in July 2003, I worked for this action research as a member of the Casa Campesina with the team of Colegio Andino, in order to improve the synergy between both programmes. From November 2003 until May 2004, I worked as a consultant for the aforementioned action research project (paid by the Colegio Andino).



Figure 9.1. Map of the Inca trail

9.1 Introduction of the case

This case study describes conflicts that occurred because of the use of the Inca Trail, which is a three to four days hike that starts at “kilometre 88” of the railroad from Cusco to Machu Picchu and ends at the archaeological complex. The trail lies in the Historical Sanctuary of Machu Picchu, which is both a nature protected area and an archaeological protected area. The principal users are tourists, guides and porters. Because of its frequent use, during the nineties, various involved actors expressed their concern about the environmental impact. A master plan for the Sanctuary of Machu Picchu and the regulation of the use of the Inca trail established environmental rules and a maximal number of hikers.

In the same period, various organisations and the porters themselves expressed their concern about the social conditions of the porters⁸⁴. The porters constituted a labour union which, together with the Machu Picchu Programme⁸⁵, achieved approval by the national congress of Peru of the *Ley de Porteadores* (Porters’ Law). The law determined the working conditions of the porters: wages, maximal weight, equipment, etc. Furthermore trainings were given to porters to raise their environmental awareness (waste management, respecting biodiversity, use of kerosene or gas instead of fuel wood, etc). Since these events the environmental and social impact of the use of the Inca Trail improved significantly. I call this the first phase of this case study. The second phase of the case study refers to a number of conflicts that arose afterwards, especially about the implementation of the Porters’ Law.



Figure 9.2. Machu Picchu (destination point of the Inca Trail) (Photo Clotilde Gouley)

⁸⁴ Actually there are about 8,000 porters (6.593 according to a registry elaborated by the UGM in 2003) who transport the equipment of tourists on the Inca Trail (tents, backpacks, sleeping bags, food, cooking equipment, fuel, medicines, etc.). During the high season (May-October) about 265 porters per day transit the Inca Trail. Originally most porters were from the Ollantaytambo region, but nowadays the group comprises of men from all rural areas of the department of Cusco.

⁸⁵ sponsored by the Finnish government

9.2 History

First phase

Since 1977, tourist guides and merchants benefit from tourists who hike on the Inca trail. In 1979, a group of involved persons met in the regional office of the Ministry of Tourism (DRIT) in order to improve the organisation of the route. The “Historical Sanctuary of Machu Picchu” received its legal status in 1981. This meant that the area became both an archaeological and a nature park and that therefore certain rules established in the Peruvian Law had to be respected.

In the following period the users took some initiatives to co-operate and to improve the management of the Inca trail. In 1982, a meeting took place that discussed the creation of camping places and the condition of porters. In 1985, local stakeholders formed a committee to deal with the management of the trail. A year later, an inter-institutional forum urged the necessity of an autonomous authority that would be responsible for the management of the trail. In 1988, guides, porters and cooks who worked for travel agencies that were member of APTAE⁸⁶ (*Asociación Peruana de Turismo de Aventura y Ecoturismo*: Peruvian Association of Adventure Tourism and Ecotourism) constituted ATTAP (*Asociación de Trabajadores de Turismo de Aventura del Perú*: Association for Adventure Tourism Labourers in Peru).

Since 1989, because of political violence, the Peruvian cholera epidemic and the Golf War, tourism decreased dramatically. Only in 1993, tourism started to increase again and that year the first basic services were constructed.

With the increase of tourism, more and more stakeholders became aware of the negative social and environmental impact as a result of the use of the Inca trail. Since the mid nineties, various actors involved (travel agencies, tourists, NGOs, public agencies) complained about the deteriorated environmental conditions of the Inca Trail: fires, wild camping, hunting, use of fuel-wood for cooking, collection of plants, garbage and lack of toilets. Furthermore, there was a preoccupation about the lack of environmental knowledge and awareness of the Inca trail by tourists, guides, travel agencies, porters and the authorities concerned with the management of the Sanctuary. Regarding the porters, a severe social problem arose because of excesses in the weight of the packs they had to carry, low wages, lack of good equipment and good alimentation, etc.

The aforementioned Machu Picchu Programme and some top travel agencies took a leading role in addressing the environmental issues, for example through media campaigns, and lobbying activities in ministries and in the Peruvian Congress. State agencies responded as follows. In 1996, the Peruvian government published the Master Plan for the Sanctuary. In 1998 UGM, the *Unidad de Gestión de Machu Picchu* (Management Unit of Machu Picchu) came into being. The most powerful agencies in this organ were the National Institute for Culture (INC) and the National Institute for Natural Resources (INRENA), however, because of conflicting interests of these organisations, the UGM never functioned optimally. Furthermore, in May 2000, the Peruvian government promulgated the “Regulation for the Use of the Inca

⁸⁶ APTAE is an organ that unites the “richest” travel agencies and is known for its good working conditions.

Trails⁸⁷ of the Historical Sanctuary of Machu Picchu”. It prohibited the free access of “backpackers” and made the services of registered agencies and guides obligatory. This policy meant also that each group of tourists had to be accompanied by porters.

Because of the regulation, the environmental management of the Inca Trail improved significantly. The philosophy “everything that enters has to leave” was applied, which means that every group of tourists counts with porters who carry the garbage out of the Inca Trail in order to be taken by train to Cusco. The hunting of animals, the collection of plants and the use of fuel wood for cooking ceased to be a problem. Although a project of ecological toilets failed, the problem of human residues became less severe.

The aforementioned events focus on measures to decrease the negative environmental impact because of the use of the Inca trail. Apart from that, a growing number of (especially “private”) stakeholders draw more attention to the working conditions of the porters. In 2001, in co-operation with the UGM, the Programme Machupicchu (a bilateral programme financed by Finland) started a series of training courses for porters about the functions of the organisations that manage the Sanctuary, about natural resource management, about the management of solid waste, and about the archaeological monuments of the Inca Trail.

In order to formalise the position of the porters, the UGM decided to grant carnets to porters who followed all courses. Participants were porters with previous experience, and *comuneros* who wanted to work as porters. It was also an opportunity to express claims. The participants of the meeting elected a committee of eight persons with experience in labour unions.

At the same time, provincial, district and communal committees came into being. Consequently, with the assistance of the Labour Union of Cusco (*Federación de los Trabajadores de Cusco: FTDC*), the Porters’ Union of Cusco (*Sindicato Unico de Porteadores de Cusco: SINDUP*) was born. Also in 2001, the already existing porters’ organisation ATTAP requested UGM to organise a workshop for its affiliated porters in Ollantaytambo. This event was partly financed by APTAE.

This process led to an increased legitimacy and recognition of the demands of the porters on the travel agencies. Representatives of SINDUP and the Programme Machu Picchu lobbied with members of the Peruvian Congress, especially with Daniel Estrada, a well-known Congress man from Cusco. On 24 December 2001, the Peruvian Congress approved the Porters’ Law (*Ley del Porteador, N° 27607*). The most important rules established in the law are the maximum carriage weight of 20 kg, the obligatory provision of food, adequate ropes and equipment for the porters by the travel agencies and the determination of minimum wages.

Second phase

In the period of its constitution SINDUP had severe internal problems: the first secretary general Mariano Inkiltupa Huarhua embezzled funds (more than twelve

⁸⁷ In the region of Machu Picchu, there are several trails which are constructed by “Incas” and which have a tourist purpose. In this case study I deal with the Inca trail between “km.88” and the archaeological complex. This trail is used most intensively, and is known as the Inca Trail.

thousand soles, about three thousand Euros), because of this and other irregularities other members of SINDUP dismissed him in June 2001.

In his free time, an (ex)employee of the Casa Campesina was assessor of the SINDUP and the office of the Casa Campesina was used for training and for the registry of porters in SINDUP. Although the employee of the Casa Campesina was not involved in the embezzlement of funds, these irregularities were harmful for the reputation of the Casa Campesina.

In September and October 2001, during the visit to Lima⁸⁸ of the new secretary general of SINDUP (Damián Huamán), a person called Juan Huamán pretended to be the secretary general of the syndicate and granted false carnets for money.

Another conflict arose about the rule that travel agencies have to pay ten dollars for each porter who enters the Inca Trail. In 2001, the board of directors of UGM declared that these ten dollars had to be spent in favour of the porters⁸⁹: the board charged the technical management unit of UGM to negotiate with the National Institute of Culture (INC) in order to apply this policy in practice. When I left Peru in April 2004, this had not been done yet.

25 July 2002, the Peruvian Congress approved the Regulation of the porters’ Law (*Decreto Supremo* N° 010-2002-TR). However, this regulation is very short and does not include the minimal requisites in order to be able to apply the law appropriately. Juan Loayza, the president of ATTAP, commented: “*The regulation should at least consider the working hours, assurance, employers’ obligations, etc.*”

Box 9.1 Peruvian laws and their regulations.

In Peru, when the national congress approves a law, the law itself includes dates in which the law should be implemented and a date in which the regulation should be finished. In practice however, often these dates are not respected, which means that a law is implemented too late or partially, and/or that confusion exists about the interpretation of the law. Because of this, Peruvian law contains many contradictions. This problem occurred also in the case of the conciliation law (chapter 4) and in the case of lawgiving about *rondas* before 2003. I described the confusions in lawgiving regarding *rondas* in an article (Laats, 2000).

In August 2002 the *Defensoría del Pueblo* (Ombudsman), UGM, the Ministry of Labour and the Regional Directory of Tourism (DRIT) and the associations of travel agencies made a “gentlemen’s agreement” in presence of SINDUP, FDTC and the FARTAC (*Federación Agraria Revolucionaria Tupac Amaru de Cusco*), according to which all porters will receive an income as established in the law. Travel agencies respected this agreement during three months, but from November 2002 onwards, wages decreased again. The labour unions reacted by sending memos to the Peruvian Congress in which they claimed the correct payment of wages by the travel agencies.

Since the declaration of the porters’ law in 2001, guards stationed at the entrance of the Inca Trail check whether the conditions of the porter adhere to the law and whether the maximum carrying capacity at the trail (500 persons per day) is not

⁸⁸ In order to lobby for the Porters’ Law

⁸⁹ Newspaper el Sol, 18 September 2001

exceeded. However, this control is becoming less strict and the guards of INRENA and the controllers of INC are known to accept bribes. It is common that porters pass through the control with the allowed weight, and that they augment it up to 35-40 kg a few hundreds of meters further on, because travel agencies oblige them to do so and/or because they receive extra money for it.

Another conflict arose between porters and Perurail. This railway company has the duty to transport the porters from Ollantaytambo to “km. 88” and from Aguas Calientes to Ollantaytambo for a small amount of money. The porters complain that there are not always trains, that they are not always allowed to enter the train and that the treatment is abusive.

The funding of the Programme Machu Picchu finished in 2002. With the disappearance of this programme, organisational efforts for the environmental management of the trail and the situation of the porters diminished significantly.

On 6 June 2003, David Canal, the mayor of Ollantaytambo, organised a congress during which 500 participants discussed the Porters’ Law and the problems of the porters of the Inca Trail. That year, the mayor organised a blockade of the railway from Cusco to Machu Picchu demanding an increase in percentage of the earnings from the tourist entrance fees (*boleto turístico*) that was allocated to the district municipalities.

In December 2003, the Regional Network for Economical, Social and Cultural Rights (*Red Regional de Derechos Económicos, Sociales y Culturales*: DESC) announced that the Porters’ Law was not accomplished and pointed to the Ministry of Labour, DRIT (Regional Directory of Tourism), the travel agencies and the regional government as guilty parties. The same month SINDUP, during the assembly of its third anniversary, announced that 2004 would be a year of struggle, in which they would undertake the following actions: regional strike, blockade of km. 88 of the railway Cusco Machu Picchu, and posting at the entrance of the travel agencies.

In January 2004, Centro Bartolomé de Las Casas organised a workshop with 20 participants from private and public agencies, travel agencies and SINDUP. The organisation facilitated a participatory analysis that included problems and conflicts, history, communication and power relations. The participants installed a working group with members of UGM, the syndicate, APTAE and Government institutions.

On 23 January 2004, the Peruvian government published a new regulation for the tourist use of the Inca Trail of the Historical sanctuary of Machu Picchu. It obliges travel agencies and guides to register themselves with INRENA and to satisfy a series of requisites, among which the presentation of a list with porters who will be contracted during a year. Furthermore an affidavit has to be presented with respect to respecting the Porters’ Law.

On 2 and 3 April 2004, SINDUP and ATTAP, in coordination with the mayor of Ollantaytambo, organised a regional congress for porters in which 860 participants discussed the law and the destination of the ten dollars paid by the travel agencies for the entrance of each porter. The most important result of the congress was the creation of the *Federación Regional de Portadores de Caminos Incas “Dr. Daniel Estrada*

Pérez”. This federation unites the bases of SINDUP and the members of ATTAP and has as its president Isaac Riquelme Mamani, member of ATTAP and alderman of Ollantaytambo. It is remarkable that the committee organising the congress was headed by the first secretary general of SINDUP who was removed from his position in 2001 because of corruption charges.

9.3 Stakeholders

The stakeholders of the aforementioned conflicts form a complex panorama, which is schematised in figure 9.2.

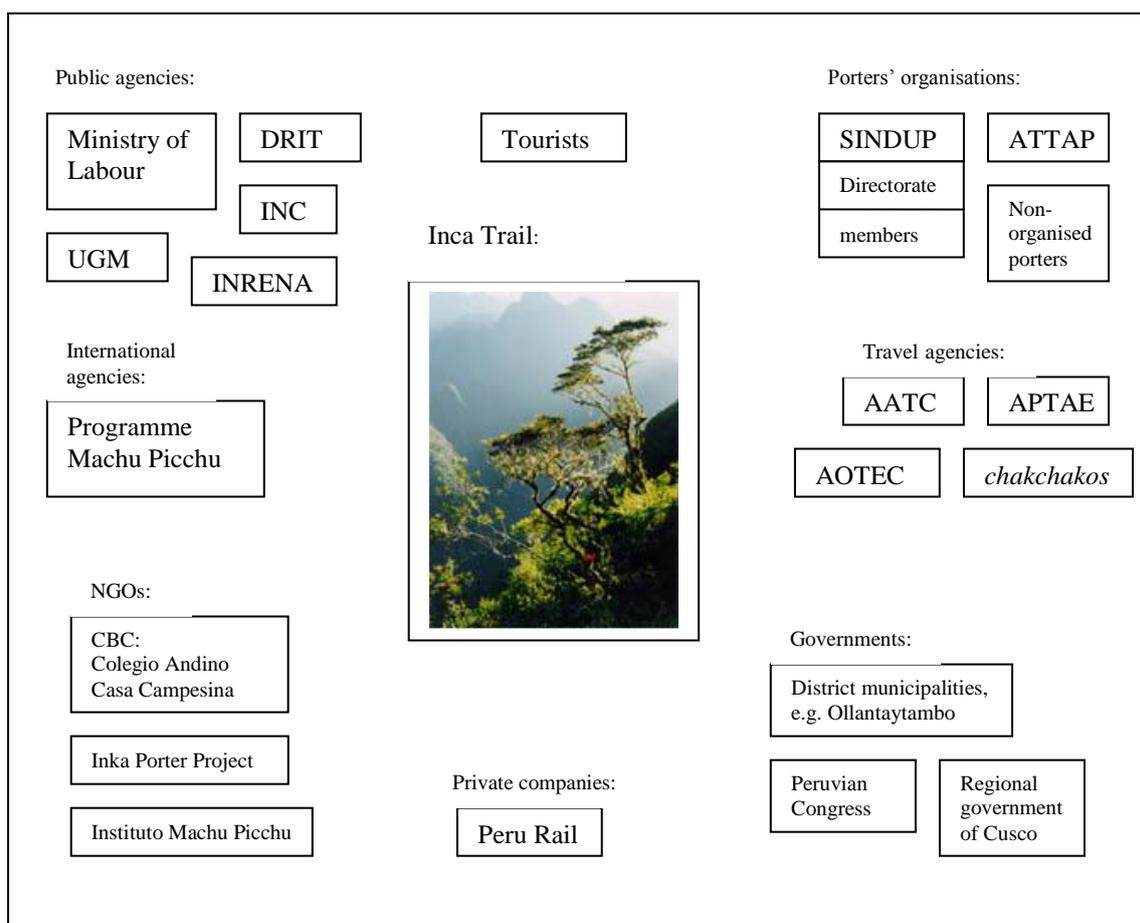


Figure 9.3. Stakeholders of the conflicts about the use of the Inca Trail⁹⁰

The porters are a divided group, from an estimated total of 8,000 porters (6,500 registered with UGM and 1,500 unregistered) about 3,000 were member of the SINDUP and 2,000 were member of ATTAP, the latter organisation unites the porters that mainly work for APTAE. The members of the directorate of SINDUP had a bad reputation. The first secretary general was removed because he walked off with the contributions of the members of the syndicate. The second (in 2004 still acting) secretary general was said to be a puppet of his advisor, a lawyer who is known for corruption scandals related with syndicates in Arequipa. Therefore, the impression existed that the spokespersons of the porters' organisations did not express the

⁹⁰ Photograph: Inca Trail, km 104, by Cesar Morán

opinions of the porters themselves. This was reflected in a decreasing ability to mobilise the members. The aforementioned persons had alliances with the mayor of Ollantaytambo⁹¹ and some members of the regional government. Possibly the constitution of the *Federación Regional de Portadores de Caminos Incas* “Dr. Daniel Estrada Pérez” in April 2004 improved the unity amongst the porters (I cannot go further into this event as I left Peru in April 2004).



Figure 9.4 Porters on the Inca Trail (photo Kirsten Roth)

The Tourist agencies are united in AATC (Association of Tourist Agencies of Cusco), there are three groups: APTAE, AOTEC (this organ unites a number of other travel agencies, its reputation is not as good as APTAE), and the *chakchakos* (unorganised small travel agencies with a bad reputation). The position of the organised travel agencies was that the porters’ syndicate exaggerated its demands. But more than anything else, they were afraid for the possible actions of the porters and were therefore willing to provide good working conditions to the porters.

All state agencies underlined their inability to undertake action. The UGM (management Unit of Machu Picchu) lacked funding to control the regulation of the Inca Trail, the Regional Directory of Tourism did not have any budget for the Inca Trail, and the Ministry of Labour did not know how to control the working conditions of the porters because of the irregular character of the Porters’ Law. The INC (National Institute of Culture) and INRENA (National Institute of Natural Recourses) are responsible for the management of the national park of Machu Picchu, but were of the opinion that the porters’ problem is the responsibility of the Ministry of Labour. The Natural Resources Unit of the regional government had just been renewed and therefore had to “study the issue” before action could be undertaken.

In the private sector NGOs such as the Instituto Machupicchu and the Inca Porter Project had limited human and financial resources.

There are several actors that had an indirect influence on and interest in the conflict. During my study, the number of tourists that hike the Inca Trail was still increasing

⁹¹ Interests for the mayor may be the facilities that could be provided to Ollantaytambo as starting point for the porters and the fact that many of his electors are porters.

(153,182 in 2002 and 168,107 in 2003). Their behaviour was crucial for the environmental impact and the treatment of the porters. It is however a diverse and unorganised group, they influenced the management of the conflict by the way they chose travel agencies, giving more importance to APTAE, AOTEC or the *chakchakos*.

Perurail had a monopoly for all the transport to Machu Picchu, its interest was to transport as many tourists as possible, who buy train tickets as expensively as possible. The transport of porters created a dilemma, it caused extra logistics and costs, but on the other hand their transport was necessary as part of the transport of tourists, Perurail signed agreements and an eventual blockade of the railway was very harmful for Perurail.

The role of the Peruvian Congress has been the approval of the Regulation for the use of the Inca Trail and the Porters’ Law. Other actors who have an interest but had not undertaken concrete actions so far were: the communities in the area, the local governments (besides the one of Ollantaytambo) and the managers of lodges.

9.4 Resources

The beauty of the landscape, because of its natural and archaeological resources, is the reason for the success of the Inca Trail. When it became clear that the use of the Inca trail caused degradation of its resources, it was in the interest of all involved stakeholders to resolve this problem. The Regulation for the use of the Inca Trail established rules that seem to be a reasonable solution for the environmental problems according to most stakeholders (although nature conservationists perceive that the trail does not have a carrying capacity of 500 persons a day and that the closure during one month a year, February, is not sufficient).

The Porters’ Law established that the travel agencies are responsible for the provision of food and fuel for the porters, which decreased the need of the porters to use the natural resources of the trail. Trainings and information are given to all users to respect the natural resources as much as possible (including garbage management and hygienically sound behaviour).

Concluding, almost all human stakeholders take the resources into account, because of its value for tourism. For this, many meetings had to be held and events had to be organised. The criteria for the “level of sustainability” of the resources are established from a tourism point of view and not from a nature or archaeological conservationists’ point of view.

9.5 Involvement of Centro Bartolomé de Las Casas and myself

As I mentioned in box 9.1., the programme Colegio Andino of Centro Bartolomé de Las Casas was responsible for the implementation of the action research project “Management of conflict and natural resources in a protected area: the example of the Historical Sanctuary of Machu Picchu”. The role of the Casa Campesina in the project was not very prominent.

Colegio Andino profiled itself through different studies about the area in the past years. Apart from the development of an environmental teaching package, the involvement did not have an action component.

In the workshop facilitated by the Colegio Andino in January 2004, all participants started very reluctantly because many of the meetings in which they participated were conducted with a political agenda (for example those called by the regional government). In the course of the workshop and thereafter, their participation became more active as they perceived the Colegio Andino as a relatively neutral actor with a methodological capacity to organise workshops and without conflicts with any of the involved stakeholders. In April 2004 the Colegio Andino continued this role when it called a meeting with many participants about the possibilities to improve the control of labour conditions of the porters (after my departure from Peru).

As in Carhuayo the involvement of CBC (as an organisation that is responsible for its programmes Colegio Andino and Casa Campesina) the conflict started “rather unfortunately”, as a result of the employee of Casa Campesina who in his free time became assessor of SINDUP. In this sense, the Colegio Andino probably was a more appropriate (neutral) stakeholder than the Casa Campesina. On the other hand, contrary to the Casa Campesina, the Colegio Andino did not develop a methodology/practice in conflict management during its history. Therefore in the first months of the project, in spite of the methodology proposed in the project proposal, the applied methodology was mainly “traditional academic”. Information was gathered from literature, interviews and “own experiences” in the area.

This attitude changed after the participation of two project participants in a workshop organised by the Programme “Conflict and Collaboration in Natural Resource Management in Latin America” that dealt with methodology, and after the arrival in May 2003 of a new director in Colegio Andino, who was my counterpart of the Casa Campesina. Since then, the research team consisted of Clotilde Gouley, who has a Msc. in Natural Resource Management, but relatively little “practical experience”, Cristina Giraud, who has a long working experience in the sanctuary of Machu Picchu, but little experience with action research and myself.

My role in this project was different from the two other case studies, because I was not familiar with the working mode of the Colegio Andino and only slightly with the situation in Machu Picchu. I was the person who was most involved in the elaboration of the action-research project; however my involvement in the implementation of the project started slowly. The objective of reaching synergy between the Casa Campesina and Colegio Andino was not supported by the then director of the Colegio Andino. My involvement became more active when he was replaced four months after the beginning of the project. Thereafter, I perceived the collaboration with my colleagues from the Colegio Andino as very positive. It was possible to develop a synergy between the information of Colegio Andino about the area, and the methodology and the experience that I had gained in the Casa Campesina.

In addition to literature study, the methodology that we used consisted of participation in porters' events, semi-structured interviews and participatory workshops. In the workshops, participatory conflict management tools were used (problem and conflict appraisal, timeline, Venn diagram, activity plan) and stakeholder-power appraisal as proposed by the programme “Conflict and Collaboration in Natural Resource Management in Latin America” which included an analysis power, interest and

legitimacy⁹². It was difficult to achieve a uniform picture about power, interest and legitimacy of the stakeholders involved. The reasons are twofold; different definitions can be given and the concepts have a high degree of subjectivity. Nevertheless, the research team perceived that the combined use of the aforementioned methodologies allowed gathering the information required and undertaking some (low profile) actions.

I consider CBC’s involvement as convenient at that particular moment in the process of the conflicts about the use of the Inca Trail. In 2001 the first phase of the conflicts management process ended, with the publication of the regulation for the use of the Inca trail and the promulgation of the Porters’ Law. Subsequent conflicts arose because of problems regarding the implementation of these regulations. Most stakeholders in this “second phase” were too partial to be able to play a constructive neutral role in the management of the conflicts. This situation became even more difficult, when in 2002 the Programme Machu Picchu, the probably most suitable conflict manager for these conflicts, ceased to exist. The stakeholders considered the Programme Colegio Andino of CBC as a neutral and able conflict manager. Through the second phase of the programme “Conflict and Collaboration in Natural Resource Management in Latin America”, CBC was given the opportunity to use previous activities of Colegio Andino in Machu Picchu and to use previous involvement of the Casa Campesina in conflict management into a “new” and “enriched” conflict management experience. Unfortunately, I only have been able to follow this process until April 2004, when the conflict management process still was in a dynamic phase. I consider my departure in “the middle of the process” also as an inevitable aspect of conflict management. The case of Machu Picchu affirms the statement of conflict transformation theorists who state that conflicts are never-ending stories that include many sub-stories with different intensities.

⁹² <http://www.carleton.ca/~jchevali/STAKEH.html>

Table 9.1 Conflicts about the environmental impact of the use of the Inca Trail

Year	Event	Conflictive parties	Local conflict managers	“External” stakeholders	Natural Resources ⁹³
1977	Hiking the Inca Trail became an “economical” activity	Porters, cooks, merchants, guides and tourists started to get small conflicts because of the lack of rules			Natural resources started to suffer from the use of the Inca Trail
1979	Organisations met in order to improve the organisation of the route	Conflicts between porters, cooks, merchants, guides and tourists grew	Local organisations met with DRIT	DRIT met with local organisations	Users started to communicate in order to decrease negative environmental impact
1981	The “Historical Sanctuary of Machu Picchu” received its legal status as an archaeological and a nature park.	Users who used the Inca Trail causing negative impact, organisations who aimed to protect the archaeological and natural resources of the area		Peruvian government established rules	Archaeological and natural resources had to be dealt with according to the laws about archaeological and natural parks
1982	A meeting took place that discussed the creation of camping places	Users who used the Inca Trail causing negative impact, organisations who aimed to manage the natural resources of the area “in a better way”	Local organisations met between themselves		Environmental degradation because of “wild camping” decreased
1985	Formation of a committee for the management of the trail	Users who used the Inca Trail causing negative impact, organisations who aimed to manage the natural resources of the area “in a better way”	Local organisations met between themselves		Users formalise communication in order to decrease negative environmental impact
1993	Construction of the first basic services	Users who used the Inca Trail causing negative impact, organisations who aimed to manage the natural resources of the area “in a better way”	Construction of infrastructure in order to decrease negative environmental impact		Negative environmental impact decreased because of services as toilets, garbage deposits, etc.
1996	Publication of the Master Plan	Users who used the Inca Trail causing negative impact and the Peruvian government (concerned about a loss of prestige of the country’s major tourist destination)		Peruvian government formulates a vision about the future of Machu Picchu (including the Inca Trail)	Long term plans at a “high” level of authority were possibly beneficial for the sustainability of Natural Resource Management ⁹⁴
1998	Formation of UGM	External public and private organisation do not co-ordinate properly		Creation of a co-ordination organ	A better co-ordination possibly improved natural resource management
2000	Regulation for the Use of the Inca Trails of the Historical Sanctuary of Machu Picchu	Users who used the Inca Trail causing negative impact, local and external organisations, and the Peruvian government	Local organisations pronounced the need for a regulation	External organisations pronounced the need for a regulation; the Peruvian government established the rules.	The negative environmental impact decreased significantly because of the Regulation
2001	Training courses for porters about natural resource management	Because of having limited resources and (possibly) because of lack of training, porters used fuel wood, etc.	A large number of porters assisted the trainings	External organisation gave trainings	A probable positive environmental impact
2002-.....	Control of accomplishment of the Regulation became less strict	Corrupt guards, poorly functioning responsible government agencies, and lack of co-ordination		No organisation has been able to improve the co-ordination and performance of the responsible agencies.	Negative environmental impact
2002	Disappearance of Programme Machu Picchu	Programme Machu Picchu received little appreciation of public agencies and local governments		The only organisation that co-ordinated disappeared and notwithstanding their critique, public agencies have not been able to take over this role.	Negative environmental impact

⁹³ The beauty of the Inca Trail and the need for a sound natural resource management was a constant pressure for most stakeholders to look for “solutions” of the (sub)conflicts that came into being.

⁹⁴ Because of their complexity, I did not evaluate the environmental impact of the Master Plan, the creation of UGM and the training of porters.

Table 9.2 Conflicts about the social impact of the use of the Inca Trail

Year	Event	Conflictive parties	Local conflict managers	“External” stakeholders	Social impact
1977	Hiking the Inca Trail became an “economical” activity	Some small conflicts between cooks, porters, guides, merchants and tourists			Increased incomes
1982	Meeting about the condition of porters	Travel agencies and tourists that did not treat porters well and preoccupied organisations, tourists and porters.	Some travel agencies, tourists and porters expressed their preoccupation about the social conditions of the porters		Small (informal) improvements in the social conditions of porters
1988	Constitution of ATTAP	Guides, cooks, and porters affiliated with APTAE and their employers	Employers and employees easily came to an agreement (some employers even stimulated the initiative)		The working conditions of guides, cooks and porters affiliated to APTAE improved
2000	Regulation for the Use of the Inca Trails of the Historical Sanctuary of Machu Picchu	Travel agencies and porters.	Some local organisations and individuals lobbied in Lima	Peruvian government established the regulation	Porters received more work because each tourist had to be accompanied by porters.
2001	Courses for porters	Porters, and stakeholders that were annoyed because of negative environmental impact by porters	Porters attended trainings in large numbers	Organisation offered trainings	Porters received trainings, they had an opportunity to complain and they got registered
2001	Constitution of SINDUP	Porters (not affiliated with ATTAP) and (abusive) travel agencies	Creation of a porters’ union	Advice	Porters who were not affiliated to ATTAP were able to act united.
2001	UGM declared that ten dollars had to be spent in favour of the porters	Porters, travel agencies and Peruvian government	Lobby by porters and their allies	UGM made a promise	According the promise the porters would receive more economical resources
2001	Approval of the Porters’ Law	Porters, travel agencies and Peruvian government	Lobby by porters and their allies	Peruvian congress approved the law	According the law the socio-economic position of porters improved significantly
2001-.....	Internal problems of SINDUP	Between porters, and with external organisations and individuals	Little action by porters	SINDUP lost a lot of goodwill	The e personal benefits of few persons had a severe negative social impact on many others
2002	Regulation of the Porters’ Law	Porters, travel agencies and Peruvian government		Lack of elaboration of the regulation	Because of remaining unclearness, the social impact of this regulation possibly was negative
2002	“Gentlemen’s agreement” about accomplishment of incomes of porters.	Between porters and external organisations		Informal agreement	Short-term improvement of working conditions of the porters
2002-.....	Control on porters’ conditions became less strict.	Porters and officials	Little actions, because of fear to lose job opportunity	Lack of co-ordination, poorly functioning public agencies	Negative social impact
2002-.....	Conflict between porters and Perurail	Porters and Perurail	Complaints by porters		Difficult working conditions of porters
2002	Disappearance of the Programme Machu Picchu			Ally of porters disappeared	Negative social impact
2003-.....	Civil protest demanding the accomplishment of the Porters’ Law	Municipality of Ollantaytambo, SINDUP against travel agencies and public agencies		Involvement of external actors (interested in own benefit)	No major results regarding working conditions, severely worsened relations among stakeholders
2004	CBC got involved by organising a workshop	Public agencies, travel agencies, SINDUP, regional government, Inca Porter Project	Active participation	Facilitation by CBC	Creation of a working group
2004	New Regulation for the use of the Inca Trails		No participation	Peruvian government established the regulation	In favour of “formalised” porters
2004	Creation of the <i>Federación Regional de Portadores de Caminos Incas “Dr. Daniel Estrada Peréz”</i>	Lack of co-ordination between porters’ organisations	Organisation and participation in congress		unknown

9.6 Conclusions

Regarding the Inca Trail, in the beginning there were two major conflicts. The first one was about the degradation of the natural resources of the trail, and the second one was about the social conditions of the porters. There is a high grade of parallelism between these conflicts; in respectively 2000 and 2001 both conflicts became regulated. Since then a new phase started with conflicts that mainly are about the implementation of the rules.

In the management of the conflict about the degradation of the natural resources, some travel agencies that form part of APTAE took the most active role. These agencies, which were among the first that started to explore the Inca Trail and which earned a considerable amount of money because of this activity, expressed their concern to various other public and private actors, with as final result the publication of the regulation for the use of the Inca Trail. Their methodology was mainly lobbying and the organisation of meetings.

The main manager of the porters' conflict was initially the Programme Machu Picchu. Soon representatives of the porters joined initiatives of this programme. Public agencies supported the initiative and congress man Daniel Estrada was the decisive factor in the formulation and approval of the law. The travel agencies were against the law, because according to them the conditions established were not according to "standard" labour conditions in Peru. The methodology of the management of the first phase of this conflict was lobbying, organisation of meetings and the constitution of a porters' organisation (SINDUP).

Box 9.2 Favourable working conditions of porters

APTAE already in 1988 discerned the problem of porters and participated in the creation of ATTAP, they were however against the law because according to the travel agencies the conditions of the law are too expensive for them. This opinion is understandable, because the established income is three times the Peruvian minimum wage, excluding food and equipment. The established carriage weight of 20 kg is very little according to rural Peruvian standards. These favourable working conditions for porters are confirmed by the high number of people who want to become porter. Furthermore each travel agency has to pay US\$ 10 for each porter who enters in the Machu Picchu Sanctuary

Several actors became involved in the management of the conflicts about the implementation of the regulation and the Law but none of them achieved much. The Programme Machu Picchu ceased to exist, UGM took some action, but lacked power, the regional government organised various meetings, but apparently with its own (political) agenda, and SINDUP lost sympathy because of internal conflicts, (too) high demands, and the personal interests of its representatives. Confusion existed about the tasks of the public agencies regarding the implementation and control of the Regulation and the Law. The local directors expressed their impotence, and undertook little action to improve this situation. Travel agencies are diverse, some of them do not respect the rules, but on the other hand fear existed about possible actions of the SINDUP. NGOs have not undertaken many actions, only CBC organised some conflict management events in 2004. The management methods until so far are basically the organisation of meetings in order to improve the responsibilities for implementing the rules, and to improve the relations between the involved actors in order to create an "environment of dialogue".

Approaches and strategies

In the management of the environmental and social conflict until 2001, the stakeholders involved in the governance of the Machu Picchu Sanctuary and National Park acted according to an approach of institutional strengthening and improved co-ordination.

Since 2002, I categorise the conflict management approach of the secondary conflicts that arose because of the regulation and law, as “new institutional arrangement” (according to the definition of Borel and Buckles, 2002). Public agencies created and organised platforms to unite the conflicting parties. The main reason of the failure of these intents was the lack of neutrality by the public agencies.

Since 2004, Centro Bartolomé de Las Casas organised workshops applying participatory conflict management and action research, according to its approach of facilitation of “sustainable development” (through management of conflicts, capacity building and networking),

Some strategies applied by conflict managers other than Casa Campesina/CBC in the case studies are rule-making (for the use of the Inca Trail), law-giving (Porters’ law), mobilisation (in order to implement the porters’ law) and constitution of a co-ordination organ (UGM)

Impact of conflict management

The management of both primary conflicts (environmental degradation because of the use of the Inca Trail and social conditions of the porters) had a positive social and environmental impact. The main problem lies in the sustainability of the “agreements” and the implementation of the rules. Both the regulation and the law have their roots in the actions of local stakeholders, but the ministries and the Peruvian Congress defined the contents. Neither the tourist agencies nor the porters perceive them as their “own” rules. Furthermore, the conditions of both the regulation for the use of the Inca Trail (high entrance free) and the porters’ law (high wages) are favourable for people who want to take (irregular) profit. These are the main reasons for the rise of secondary conflicts (e.g., not obeying the law by some tourist agencies and actions by SINDUP in order to force the implementation of the Porters’ Law).

Although the happenings since 2001 may give the impression that conflict management has not been successful in the case of the Inca Trail, I do not share that viewpoint. The social and environmental impact improved significantly as a result of the regulation of the Inca Trail and the porters’ law. While I am writing this, the positive impact still continues. Although one might argue that some measures could have been taken in order to make the agreements more sustainable (e.g., more participation of all stakeholders or better division of responsibilities to implement the rules), on beforehand the rise of secondary conflicts could not have been avoided with certainty. Some of the conflicts arose because the conditions of the porters’ law are very advantageous. The people who are meant to benefit from these conditions belong to “the poorest of the poor”, one could argue that the improved benefits for this groups counterbalance the conflicts that came into being. From a “conflict transformation” point of view, this case is an example of a conflict that has not been resolved but that transformed.

Social learning and conflict transformation

To assess social learning, as in chapters 6 and 7, I analysed the pre-established criteria. Regarding *widely shared meanings*, since the beginning of the conflict management, all involved actors increasingly recognised the meaning of the Inca Trail and the notion that a proper (environmental) management is crucial for their well-being. In the activities to improve the environmental management of the Inca Trail and to improve the circumstances of the porters there were many moments of *collective action*. In the conflicts about the implementation of the porters' law and the regulation of the Inca Trail only little collective action occurred. The regulation and porters' law are examples of *joint solutions to dilemmas*, for the implementation no joint solutions have been found so far. Regarding *institution building*, several organisations have been constituted in order to unite forces to combat problems (e.g., APTAE, AOTEC, ATTAP, UGM, and SINDUP), co-ordination among these organisations is not optimal. In the last few years most of the organisations have become weakened. In the conflict about the environmental management of the Inca Trail and the social conditions of the porters there were many moments of *co-operation*. Since 2002 there was a lack of co-operation. The porters achieved *decreased power differences* with others by uniting themselves, after this new problems arose with respect to power differences within the porters' organisation. Regarding the last criterion, regulation and lawgiving shaped *interdependence*.

Regarding conflict transformation, I perceive that globalisation and particularly the increase of tourism was a main cause for both the occurrence and the management of the conflict. At first pressure on natural resources increased, subsequently stakeholders achieved to manage the emerging resource dilemma. As a consequence, the conflict was transformed structurally (in a positive way). With the shift of the conflicts from the first phase (no rules) to the second phase (implementation of the rules) new actors and new issues came to the surface; this actor and issue transformation brought with it the rise of new conflicts. Personal changes of heart and mind with respect to the awareness of environmental and social problems have been crucial for the transformation of the first phase of the conflict.

Paradigms

Regarding paradigms, I consider the regulation of the Inca trail and the Porters' Law as (formal) products of various conflict management activities that did not respond to a sole paradigm. Initiatives by some tourist agencies, the Programme Machu Picchu and some porters, organisation building, communication, social mobilisation and lobbying resulted in regulation and legislation that established rules in favour of the environment and the social conditions of the porters. Contrary to the previous cases, (except from the involvement of Centro Bartolomé de Las Casas) conflict management did not have its roots in practical experience, nor in alternative mechanisms or local conflict management.

A particular issue occurred regarding the paradigm of Casa Campesina/CBC to work with "the poor" (see also chapter 4). In a first instance CBC worked "automatically" with SINDUP, considering this organisation as a trustworthy representative of the (economically weak) porters, it appeared that since 2002 the actions of representatives of SINDUP and their allies are a principal cause of conflicts. It seems that their actions are mainly for their own benefit and that the porters as a group (on the long-term) do not benefit from these actions. Economically well-off stakeholders such as

the tourist agencies that belong to APTAE, in their turn, seem to act in a more beneficial way for the porters.

It is an example in which a “non-flexible” bias towards “the poor”, not only may conflict with a sustainable development approach, but also, on the long-term, may be counterproductive for “the poor” themselves. The example also implies that within a stakeholder approach a (group of) stakeholder(s) possibly is diverse and may have internal conflicts. A “simple” stakeholder analysis based on paradigms may provide incomplete or even erroneous results.

Concluding, the main findings of the case of the Inca Trail are that a conflict does not necessarily end when an agreement is reached among most parties. It strengthens therefore the opinion of conflict theorists who argue that within conflict management instead of focussing on solutions, one should focus on transformation. It is also a case in which stakeholders often appeared to act contrary to what conflict managers (of CBC, including me) thought on beforehand. Groups of stakeholders that at first sight appeared to have similar interests turned out to have many internal differences and conflicts (between porters, between public agencies and between travel agencies). Furthermore, this case affirms the conclusion of chapter 7 that power abuse and unwillingness may form major bottlenecks in a conflict. In chapter 8 I already discussed this issue briefly, in the concluding chapters 11 and 12 this dilemma will be one of the main issues.

Chapter 10 Conflict management becomes a central theme in all programmes of Centro Bartolomé de Las Casas (2002-2003)

Box 10.1: Generation and sharing of knowledge in CBC:

“In 28 years of working as an actor in the Andean region and world, CBC developed an experience based on activities of creation and sharing of knowledge. In spite of the apparent diversity of these actions (courses for capacity building, publications, investigations, consultations to *comunidades Campesinas*, cultural exchanges, etc.), all of them have this common element. We affirm that generation of knowledge cannot be separated from the process of knowledge sharing. In the interaction between the multitudes of actors that have been involved with CBC, the knowledge of the interlocutors has been gathered. The recognition of this principle locates CBC in the middle of a continuum in which there is an outstanding diversity of actors, cultures and methodological focuses. It is because of this that the generation and sharing of knowledge constitute a vital choice in the strategy of institutional strengthening of CBC.” (Centro Bartolomé de Las Casas, 2002: 3)

In the period 2002 to 2003, Casa Campesina did not implement new conflict management activities. The main efforts were to achieve a better co-operation with other programmes of CBC, especially Colegio Andino, and to deal with the theme during activities with “leaders”.

The central projects of the Casa Campesina with a conflict management component remained the same as in the period 1998 – 2001: *Proceso de Formación a Campesinos del departamento de Cusco* (Process of the formation of farmers in the region of Cusco) financed by Broederlijk Delen and *Asesoría y Servicios Múltiples a Campesinos de la Región Cusco* (Consultations and multiple services for farmers in the region of Cusco) financed by Misereor.

There were three major changes. First, as mentioned in chapter 5, in 2000 the sub-programme ORTAM (*Oficina Regional Técnica de Asesoría a Municipios*) joined the Casa Campesina. In the period 2002 to 2003, more emphasis was given to the incorporation of ORTAM in the Casa Campesina. This had as a consequence that the Casa Campesina was divided in two sub-programmes: ORTAM and *Servicios Rurales* (Rural services). In practice ORTAM focuses on the work with local governments in the themes of planning and decentralisation, while *Servicios Rurales* works with communities and second-tier organisations in the themes of capacity building, organisational strengthening and conflict management. In this period the Casa Campesina also implemented some projects (about decentralisation and *rondas campesinas*) that involved personnel from both sub-programmes.

Second, CBC gave more emphasis towards a synergy between its programmes Colegio Andino, Casa Campesina and Editorial. During 2002, members of the three programmes had each week meetings or workshops, they diagnosed the possibilities for synergy and proposed better co-ordination and formulated joint projects. The group, called “Generation and Sharing of Knowledge in CBC”, diagnosed three central thematic groups in CBC, of which “conflicts, land tenure, *Rondas Campesinas*, legal pluralism and validity of *comunidades campesinas*” was one⁹⁵ (CBC, 2002).

⁹⁵ The other themes were: “social sciences and Andean culture” and “planification and decentralisation”

The third change was the attention given to rural leaders (see later on in this chapter).

As I did in the previous chapter, because of the improved synergy among the programmes of CBC, I will deal with conflict management not only as a part of the activities of the Casa Campesina but as a part of the activities of CBC as a whole (three programmes).

My role in conflict management was less active. From January 2002 until June 2003, I worked three days part-time for the Casa Campesina (the other two days I worked for the NGO Casa del Cargador). Apart from advice on conflict management, my main tasks were “transference of my knowledge and experience” and co-facilitating the institutional synergy among the programmes of Centro Bartolomé de Las Casas. From November 2003 until May 2004, I worked as a consultant for the action research “*Gobernanca en el Santuario de Machu Picchu*” (Governance in the Sanctuary of Machu Picchu), during this period I was not involved in the “internal affairs” of CBC

10.1 Action research

In 2003, CBC implemented an action research project in the framework of the second phase of the aforementioned programme “Conflict and Collaboration in Natural Resource Management in Latin America”. Colegio Andino co-ordinated the project “Management of conflict and natural resources in a protected area: the example of the Historical Sanctuary of Machu Picchu”. Before, 2002, the Colegio Andino dealt with conflict management as one of the main themes of its Msc. course “Environmental Management and Development”; from a plurilegal perspective as a part of its Msc. Study “Law and Society”, and through consultancies in the area of the Machu Picchu. Since 2002, as a result of the improvement of the collaboration and synergy among the different programmes of CBC, these experiences were to be fed with the experiences of the Casa Campesina in conflict management.

In the first phase of the programme “Conflict and Collaboration in Natural Resource Management in Latin America” special attention was given to alternative conflict management and actor analysis, while in the second phase the analytical framework became more complex and factors such as power were included⁹⁶.

The project was a very interesting experience for the Colegio Andino and CBC as a whole. The main restraints were that the synergy with the Casa Campesina was less than expected (first because of a problem with the director of the Colegio Andino and later because of other priorities by the Casa Campesina). Another problem may be that the Colegio Andino because of lack of personal and funding might not be able to give sufficient follow-up to this project.

⁹⁶ For a detailed description of the analytical framework:: <http://www.carleton.ca/~jchevali/STAKEH.html>

Table 10.1 Action research “*Gobernancia en el Santuario de Machu Picchu*”

Event	Year	Rural population	Institution (CBC)	Action researcher (Henkjan Laats)	Other institutions and interested people (Wider context)
Action research <i>Gobernancia en el Santuario de Machu Picchu</i>	2003	The actors of this project were governmental institutions, local governments and second level organizations. There assumption was: Our conflict is severe, we know CBC as a serious (neutral organisation). Method: participate in interviews and workshops	Assumption: (in a first instance) Colegio Andino: an interesting research project, the action part is not so interesting for us. Later: Machu Picchu is an area in which we had and want to have activities; action-research is an interesting new working line for us. Method: Interviews, using information from former projects, workshops.	Assumption: Good opportunity to shape the synergy of CBC (which was one of my tasks in 2002), useful information for my Ph.D. research. Method: Participation in design of methodology, facilitation of workshops and systematisation of information.	UPAZ. The assumption for the first phase remains valid, it is however recommendable to give the participating organisations concrete instructions. CBC implemented its first project satisfactorily and its second proposal responds to our expectations. Method: funding and co-ordinating action-research, organising encounters between the participating organisations.

10.2 Capacity building of leaders



Figure 10.1 Participants of the leaders’ course 2003

Field activities with direct involvement of the Casa Campesina decreased because the institution emphasised capacity building of male and female rural leaders who received courses in conflict management as a part of their training. The participants had to participate during a year in monthly meetings and in the meanwhile apply their “learnings” in their respective communities and districts. Broederlijk Delen and Misereor financed the activity.

During 2003, the first year of this activity, participation was above expectation⁹⁷ and the motivation and enthusiasm of the participants was high. When I left the Casa Campesina in July 2003, it was however too early to evaluate the impact of this new working line.

Table 10.2 Capacity building of leaders

Event	Year	Rural population	Extension worker (Juan Churats)	Institution (CBC)	Action researcher (Henkjan Laats)	Other institutions and interested people (Wider context)
Capacity building of rural leaders	2003	Assumption: We prefer to have an intensive involvement of the Casa Campesina in our communities, but we suppose that capacity building of the persons that we elected also may benefit our comunidad Method: facilitate leaders to travel each month to Cusco and to implement activities in the communities.	Assumption: A part of our conflict management activities should be taken over by active and respected comuneros, this enables me to concentrate myself in the management of large scale conflicts. Method: transfer of knowledge to rural leaders	Assumption: A part of the activities of the Casa Campesina, among which the management of conflicts within a community and between communities can done by rural leaders. Method: monthly courses in Cusco, intensive follow-up in the communities.	Assumption: Important for the Casa Campesina and for my Ph.D research. Method: Co-design of methodology	Broederlijk Delen, Misereor. Assumption: Casa Campesina is able to formulate in implement projects that they consider important. Method: project funding, moderate follow-up and control.

10.3 Conclusions

Casa Campesina used this period of reflection to adapt a more modest role in conflict management. The experiences of conciliation and mining conflicts “taught” it that in future the Casa Campesina has to take a more humble role, prepare itself well, and look for alliances to achieve better, more sustainable results. Regarding the activities of the Casa Campesina, the incorporation of conflict management in consultations and capacity building continued, the work with *Rondas* and local governments received more emphasis and the role of leaders became a central working theme (a way of scaling-up).

For the management of meso-scale conflicts (e.g., with mining companies and tourism), CBC started to look for synergy between the Casa Campesina and the Colegio Andino. As a lesson from Carhuayo and the Inca Trail (and other cases) we became aware of the need for different “intervention” methods for different kind of conflicts. At my departure however, this awareness had not resulted (yet) in “concrete” proposals of how to deal with diversity and complexity in conflict management and how to deal with conflict management and power differences and unwillingness. In chapters 11 and 12, I will make an effort to “fill these gaps”.

At my departure, the Casa Campesina, Colegio Andino and CBC as a whole did not regard conflict management as an isolated issue (*activismo*⁹⁸) but tried to make it part of a (learning) process, giving attention to follow-up and sustainability: The

⁹⁷ More than 80% of the participants finished the cycle of courses, while on beforehand we expected 50 or 60%.

⁹⁸ In Peru the term *activismo* is used when an organisation has activities for the sake of having activities and does not give attention to monitoring and evaluation, follow-up, and social (long-term) benefits.

experience and working method of Juan Churats and of the Casa Campesina in general, have been systematised⁹⁹ and shared¹⁰⁰ thanks to the programme “Conflict and Collaboration in Natural Resource Management in Latin America” and because of the institutional willingness of CBC.

Regarding the social and environmental impact of conflict management of CBC, compared with the period 1985 to 2001, there are no major changes apart from that within CBC, the impact of conflict management did not remain in one programme but became part of the whole organisation. From 2003 onwards, social and environmental impact at a (concentrated) community level decreased, the aim is to reach more communities in a less direct way through (youth) leaders and activities at a district and at a provincial level¹⁰¹.

The process regarding conflict management of the Casa Campesina and CBC will continue as “organisational learning” or “organisational loss of memory”. It depends on factors such as attitude (interest) and ability of future personnel, conjuncture (political, social and regional context), financial situation of the institution (freedom to act), and influence of external persons and institutions (other NGOs, public agencies donor agencies) how the continuation of conflict management in the Casa Campesina and CBC will take shape.

Regarding paradigms, a particularity of CBC lies in its multicultural character (*comuneros*, personnel from Cusco, other parts of Peru and other countries) and in the encounter between external and local knowledge. The character of CBC is not to be a promoter of one way of thinking (e.g., conciliation or local conflict management). This does not disqualify other institutions, e.g., CESA (a NGO in Cusco that promotes the application of local, indigenous knowledge) or IPRECON (alternative conflict management, see chapter 5) but refers to the particular function of CBC in Cusco, Peru and the Andean Region. From this perspective, when I left CBC, the institution promoted a cross-paradigmatic/hybrid vision of conflict management.

⁹⁹ Project reports, books, articles, etc.

¹⁰⁰ In several workshops with participation of the involved communities and other actors, during book presentations in the municipality and university of Cusco, during “on the job training”, etc.

¹⁰¹ My standpoint in this “process of scaling-up” is that scaling-up is important but that one should be careful not to lose “contact with the grass-root” level, because of the danger of losing track with the reality of rural people in Cusco. (For the time being), the continuity of the consultations in the office and in the field will assure that contact with the “grass-root” level will be maintained.

Chapter 11 The social and environmental impact of conflict management, the influence of prevailing conflict management paradigms, and the possibility of social learning

Box 11.1. A “fifth” case.

For my dissertation, I used four case studies to analyse methodology and theory, and to give some suggestions for practice. During the ending phase of my writing, I realised that a fifth case had an influence on my study too, as important as the other four cases. The 11th of September 2001 was the first day of the final workshop of the first phase of the Programme “Conflict and Collaboration in Natural Resource Management in Latin America”, instead of exchanging information about conflicts, all participants watched open-mouthed to the tumbling Twin Towers. Then, the war on terrorism started, with as most notable features the conflicts in Afghanistan and Iraq. Because of these international events and because of internal reasons, the Netherlands went in this period through a period of drastic changes. The integration of immigrants became the hottest issue in political debates, right-wing parties achieved in very little time a lot of popularity; an environmental activist murdered the leader of a new right-wing party; a Muslim fundamentalist murdered a provocative moviemaker and journalist. In Spain, Indonesia, Morocco, Saudi Arabia, England, and other countries, more terrorist attacks moved the world. As a result of these international and national events, in the first years of this millennium the societal and political scene changed drastically, both globally and locally. These events were constantly in my mind while I was writing. Therefore, in the two concluding chapters I make some references to this “fifth case”.

The aim of this last chapter but one is to interpret the findings of the previous chapters in order to give answers to most elements of the research question in the context of the particular cases of the study: “What is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning?” For this purpose, I formulate the following categories of conclusions, incorporating the analysis of the organisational process of the Casa Campesina, the three field studies, and the conclusions drawn by the Programme “Collaboration and Conflict in Natural Resource Management in Latin America”: impact of conflict management; paradigms in conflict management; occurrence and (im)possibilities of interaction among, and hybrid forms of conflict management; and social learning

In the last chapter I discuss the remaining part of the research question, i.e.: how can conflict management be improved?

11.1 The impact of conflict management

For this study, the constructivist evaluation proposal of Guba and Lincoln (1989) was the main methodological guideline for “social and environmental impact assessment”. I used the criteria of Röling (2004) regarding to social learning, the criteria of Miall (2004) regarding conflict transformation, the criteria for projects of CBC¹⁰² including conflict issues, opinions of participants of workshops and of interviewed stakeholders, grounded argumentation by the researcher(s)¹⁰³ and, when convenient and available, quantitative data (see chapter 2).

¹⁰² Project proposals of CBC contain logical frameworks that include criteria and indicators, the project teams formulate these criteria jointly.

¹⁰³ In most case studies I belonged to a team of researchers.

I consider the opinions of the participants of the workshops as the most important input for evaluation, because they can be considered as joint constructions from negotiation processes. I consider the criteria of Rölíng and Miall as relevant for my constructivist notion of evaluation, because they aim to describe changes in concerted action. In a way, these criteria try to capture the (tacit) collective knowledge of stakeholders and their collective actions as an outcome from negotiation processes. The criteria for the projects of CBC are relevant because they are the results of participatory exercises of the staff of this organisation and of a negotiation process between CBC and donor agencies. However I deal with these criteria very carefully, because they may easily contradict with my purpose of a constructivist evaluation. Even so, in order that they do not contradict the principles of constructivist evaluation, I scrutinised grounded argumentation by the researcher(s) and quantitative data.

I applied this logic to the cases of Casa Campesina/CBC (in general), Nueva Esperanza Ccapana, Carhuayo and the Inca Trail (chapter 5, 6, and 10):

In the case of conflict management by the Casa Campesina, the high and increasing number of community members who visit the Casa Campesina in order to receive advice about conflicts suggests that the consultations of the Casa Campesina satisfy the expectations of its users. Applying the idea of “the content client”, this implies that conflict management by the Casa Campesina responds to a social need of many rural inhabitants of Cusco. In this sense, conflict management by the Casa Campesina has a positive social impact.

In Chapter 3, Juan Churats estimates that 70% of the conflicts are managed in a sustainable way. Evaluation in participatory workshops confirmed this number. I consider these quantitative data as expressions of key stakeholders that confirm that the involvement of Casa Campesina has a positive input in the transformation of most conflicts dealt with.

In interviews and workshops, *comuneros* emphasised many times the importance of *saneamiento legal* and *saneamiento físico* for organisational strengthening, for preventing and solving conflicts, and for long-term planning (e.g., sustainable natural resource management). Because of scaling-up and networking, information exchange took place with other interested individuals and organisations. Furthermore, the case of Casa Campesina showed that the incorporation of conflict management as a component of “other” activities improved the quality of those activities, e.g., community planning, capacity building and organisational strengthening.

In Nueva Esperanza Ccapana, a characteristic and an outcome of conflict management is that the internal communal organisation and the relations with neighbouring communities function well. According to the *comuneros* of Nueva Esperanza, the management of the described conflicts resulted in a better performance of irrigation, forest and pasture lands, and in case of the Sunday market in an increased economic flow. These outcomes indicate a positive impact on self-sufficiency, income opportunities and sustainability.

In Carhuayo, many *comuneros* expressed the opinion that the presence of a mining company already in the exploration phase had a considerable negative social and environmental impact. Until now, conflict management did not result in concrete

Chapter eleven: The social and environmental impact of conflict management, the influence of prevailing conflict management paradigms, and the possibilities of social learning

examples of positive social and environmental impact. The only results are awareness-raising and organisation-building by the local population.

Regarding the Inca Trail, concerns by a multitude of stakeholders in a first instance resulted in regulation and law-giving with a positive social and environmental impact. In the past years, according to the participants of workshops and stakeholders interviewed, both the condition of the natural resources and the working conditions of the porters have improved substantially. It is however unclear to what extent the impact of this conflict management is sustainable.

Since 2002, the implementation of both the regulation of the use of the Inca trail and the Porters' Law are confronted by an increasing number of problems because of unwilling stakeholders and a lack of co-ordination among them. Furthermore, the success of the Porters' Law has as a negative effect that (too) many *comuneros* want to become porter and that corrupt individuals try to profit from the new situation.

The above examples reinforce the statement of Hampson (2001) that each (phase of a) conflict needs its own strategy. They also imply that a positive impact of conflict management by no means is the logical result of conflict management. Beforehand a conflict manager does not know what will be the outcome of his/her actions, considering that s/he is only one component of a web of acting human and non-human actors.

So far, I have described impact, but not reflected on the relation between conflict management and its impact. For this purpose I will summarise the conclusions of chapters 4 to 9 that examined the nature of conflicts and conflict management and their link with positive impact (cases CBC/Casa Campesina, Nueva Esperanza and Inca Trail until 2001) or negative impact (cases Carhuayo and Inca Trail since 2002).

CBC/Casa Campesina

The organisational process of CBC/Casa Campesina came into being because of its non-vertical decision-making structure, its responsiveness to demand from the local population, the involvement of many (local, national and international) stakeholders, its self-evaluation that resulted in the rejection of unsuccessful activities, giving attention to monitoring of the organisational process, and its promotion of exchange and transference of knowledge. These factors probably contributed to the recognition by local and other stakeholders of CBC/Campesina as a trustworthy conflict management organisation and to the successful management of numerous conflicts. Key elements for the success of CBC/Casa Campesina are the qualities of facilitation (Juan Churats), the use of (participatory) methodologies and the application of an integral approach.

Nueva Esperanza de Ccapana

The inhabitants of Nueva Esperanza gained experience and self-confidence in their successful struggle for independence from the hacienda and the co-operative. Since these events are recent, they still influence the actual decision-making process. Nueva Esperanza includes third parties when it perceives that its own capacities are not sufficient to deal with certain issues, for example *saneamiento legal* and *físico*, the construction of an irrigation canal, and conciliation. The community does this with a critical attitude, for example, in the early nineties it sent representatives to Cusco in order to complain to the Ministry of Agriculture about a technician who did not function effectively. Community members perceive learning as important and are motivated to participate in capacity building events. It is a rather homogeneous community and, contrary to neighbouring *Asociación Ccapana*, there is not one powerful person who can obstruct conflict management processes. Until so far Nueva Esperanza only dealt with communal or inter-communal small-scale conflicts.

Inca Trail until 2001

At the end of the nineties, because of media campaigns, attention by politicians and NGOs, and lobbying by some representatives of travel agencies, all involved stakeholders were aware of the environmental degradation of the Inca Trail. Through negotiations, private and public stakeholders agreed on the need for a regulation. The regulation was elaborated by the Ministry of Tourism and approved by the Peruvian Congress, but only few stakeholders participated in its formulation.

In the case of the socio-economic position of the porters, some leaders of this group raised the issue and the Machu Picchu Project became their ally. The influential congress man Daniel Estrada made efforts to address the issue in the Peruvian Congress and within a year the Porters' Law was approved upon and issued. The most affected stakeholders are the travel agencies, leading travel agencies however did not object (much) because they realise that an improvement of working conditions contributes to an improvement of the services they offer to tourists and that possible future protest actions could bring even higher economic costs.

Carhuayo

Before the population became aware of the negative aspects of the presence of the mining company, already a lot of harm had been done. Since his arrival the manager of the mine took various measures that would make it more difficult for the *comuneros* to take action against him: becoming godfather, he established family ties with many of the local people. By making the most important family responsible for the administration of the mine, he created many powerful allies. By influencing local politics and representatives of public agencies, he increased his power base even more. By signing agreements between communities and the mining company, he weakened the position of the communities.

The communities first took action against the mining company by complaining, but the result of these actions was zero. The second step was the involvement of the Casa Campesina. The only output of this involvement is the facilitation of the constitution of an inter-communal mining committee and capacity building. One reason for the limited success of the involvement of the Casa Campesina is that it acted on its own. Other possible conflict managers did not involve themselves, because they had conflictive interests, because they had lack of interest or because they simply were not

asked. Furthermore, the Casa Campesina had not developed a strategy for meso-scale conflicts and it was not a neutral stakeholder, because its main objective was the empowerment of the local (affected) people. The inter-communal committee in its turn was not very successful so far, because of division in its rank and file and because of little knowledge about its rights and possible strategies.

Inca Trail since 2002

Since 2002, the main conflicts deal with the implementation of the regulation for the use of the Inca Trail and about the implementation of the Porters' Law. Public agencies shift the responsibility for the implementation to others. Representatives from the porters' organisations and their allies seem to act for their own benefit, they make demands that are (too) high, and threaten with and execute protest actions that are painful for the other parties (e.g., travel agencies). In both conflicts there is no agency that co-ordinates among the involved parties.

I will end this paragraph with some key factors that contributed to or obstructed conflict management in the case studies, causing positive or negative impact. These factors are the outcome of descriptions, some of them are mentioned by stakeholders, and others are interpretations of the researcher. I do not claim that the list is complete. The key factors are specific for the cases of this study; therefore I do not consider them to have general validity. There is at the most a possible occurrence of these factors in other conflicts.

Table 11.1 Constructive and obstructive factors in conflict management

Constructive factors	Obstructive factors
Presence of a "co-ordinator"	Unwillingness
Critical demand for involvement of third parties	Power differences
Awareness of a common problem (interdependence)	Manipulation
Experienced, trustworthy facilitation (Creative) initiatives to manage the conflict	Isolated actions by conflict managers
Critical self-evaluation	Not assuming, shifting off responsibilities
(Participatory) involvement of many stakeholders	Lack of information, experience and knowledge
Multi-level approach	Confusion about roles (e.g., conflict management or empowerment)
Local, "ethical" actors and factors.	

Regarding "constructive" factors, the *co-ordinating role* of Casa Campesina and the village council of Nueva Esperanza was essential for the processes of various conflicts. In Nueva Esperanza, the role of *third parties* was limited, but apparently "effective", in order to achieve this, the critical attitude of Nueva Esperanza was essential. In the cases of the Inca trail and in Carhuayo, it took years before most stakeholders became "aware" of the *common problems* that they faced, only since then, were they prepared to undertake joint action. Juan Churats as a person and the Casa Campesina and the village council of Nueva Esperanza as organisations are examples of *experienced, trustworthy facilitators*. The study also shows many erroneous actions in conflict management, but *critical self-evaluation* avoids

repetition of errors and even may convert errors into learning moments. In Carhuayo, single involvement in conflict management appeared to be little “effective”, while the *involvement of many stakeholders* in the first phase of the conflict about the Inca trail appears to have been a crucial factor for its “success”. In all conflicts it appeared that conflicts are processes with many phases, therefore a *multi-level approach* seems more appropriate than isolated actions. The cases showed that decisions about conflict management differ between each locality and that they often depend on local social relations and on local ethics. Therefore *local “tailor-made” approaches* that incorporate *ethical components* seem to be more desirable than “general” approaches.

Regarding “obstructive” factors, both in Carhuayo and the Inca Trail, the “*spoiler*” role of the management of the mining company and the representatives of the Porters’ Union, showing *unwillingness, power abuse* and *manipulation*, are crucial factors that hampered the transformation of conflicts. In these two conflicts many possible conflict managers *did not co-ordinate* and *did not assume their responsibilities*. Especially in Carhuayo the *lack of information* by the affected communities and *manipulation of information* by the management of mining company seriously influenced the transformation of the conflict. In Carhuayo, being one of the few conflict managers, the Casa Campesina *complicated its role* even more, because at the one hand it aimed to manage the conflict (neutrally), while at the other hand it aimed to empower the affected communities.

11.2 Conflict management paradigms

This study provided many examples that, contrary to what many believe, conflict management categories (and paradigms) in most cases do not compete, but rather are (potential) synergic factors in (long term) conflict management processes. On the other hand, giving attention to paradigms remained to be relevant in order to recognise ideological, ontological and professional differences that influence a conflict management process. In this paragraph, I will give examples of the four case studies about conflict management actions that represent different conflict management paradigms. Furthermore, I add some paradigms which are not prevailing conflict management paradigms but which do relate with conflict management, and whose influences are significant. In the subsequent paragraph (11.3), I will look into mixed and hybrid forms of conflict management that actually occur or might be possible.

Hierarchy/power

Examples are: the importance that *comunidades* and the Casa Campesina give to the achievement of legal security, the importance of laws in conflicts about communities and about porters, the regulation for the use of the Inca Trail and the confrontation strategy used by porters. Furthermore some hierarchy strategies were used to decrease the impact of power abuse by the management of the mining company in Carhuayo, for example the complaint to the Ministry of Fisheries.

Market

In the case of the Inca trail, the regulation included the establishment of a better control of economic flows. Regarding the porters, the improvement of their economic conditions and the control on the fulfilment of these conditions are essential elements. In the case of Carhuayo, one of the demands of the inter-communal committee is to receive more economic benefits.

Communication

Examples in this study are: the conciliation in the pasture conflict between Ullpo and Nueva Esperanza Ccapana, and the activities related to conciliation by the Casa Campesina. The workshops in the case of the Inca Trail had the objective to improve communication, but also aimed to contribute to the transformation of the conflicts.

Local conflict management

Local conflict solution mechanisms are some of the practices applied by *comunidades* and *Rondas Campesinas*. As his remarks reflect, Juan Churats incorporates in his conflict management methodologies various “local” components: “*Customary law is not written down, because it belongs to the uses and customs of the people. The campesinos say that a custom that is written down ceases to be theirs and others can use it. It is something that one guards in the soul*”.

Social learning/transformation¹⁰⁴

The process of Nueva Esperanza Ccapana, that started with protests against the hacienda and co-operative and that continued in the form of many actions that aimed to manage occurring conflict and to strengthen the organisation, is an example of social learning and conflict transformation. Although they do not use its terminology, the inhabitants of Nueva Esperanza apply a social learning “paradigm” “knowingly” (e.g., box 5.1.). Likewise, I consider the approach of CBC/Casa Campesina¹⁰⁵ as an example in which one stimulates social learning and conflict transformation “knowingly”, e.g., by fomenting platforms and by developing complementary “learning” activities (e.g., capacity building of communities, local governments, second level organisations and youth leaders).

In chapter 2, I mentioned that other paradigms also influence the way conflict managers act. As a result of this study, I define five additional groups of paradigms that have an important impact on conflict management. It is not a complete list, they are just five factors that according to me had an important impact on the conflicts that I studied. Another study area and another researcher probably would produce another list of paradigms.

Opinions about human nature

In both the case of Carhuayo and the Inca Trail, the position of people who were in favour or against a dialogue with the opposite party depended not only on objective opinions about the “others” but depended also on choosing for “Hobbes” (tendency towards the conflictive nature of human beings) or “Rousseau” (tendency towards the social nature of human beings).

¹⁰⁴ In this paragraph, I give some example of conflict managers that used social learning as a conflict management “paradigm”, a more detailed description of social learning and conflict management follows in 11.4.

¹⁰⁵ The aim of CBC/Casa Campesina to foment social learning and conflict transformation is also reflected in the mission of CBC: “All the activities have their roots in one conviction: the self-determination of the peoples of the Andes are more likely to happen because of the generation of rigorous, accessible and wide-spread information; because of the opening of wider horizons of understanding in society and individuals, and because of exchange of knowledge, methodology and techniques that allow each actor to become owner of his own destination.”

Politics

Stakeholders with a conservative political agenda tend to object to change and favour powerful and economically well-off groups in society and promote formal and market-oriented conflict management. “Progressive” stakeholders try to empower disadvantaged groups and aim for change in society (in order to bridge the gap between the rich poor and the poor). In this study, an example of a “progressive” stakeholder is CBC/Campesina, an organisation that arose from the (progressive) liberation theology movement. Until today, the activities of CBC/Casa Campesina are meant to “improve social justice”, for this aim the organisation promotes local conflict management and the transformation of society.

Social construction

Hacking (1999) distinguishes six grades of constructionism: historical, ironic, reformist, unmasking, rebellious, and revolutionary. Using the logics of Hacking (1999: 19, 20), “historical and ironic constructivists” argue that a conflict has been constructed in the course of social processes, “about which we can do nothing much right now”. Reformist and unmasking constructivists argue that the present state of being was not inevitable and we can at least modify some aspects to make the conflict “less of a bad thing”. Rebellious and revolutionary constructivists try to radically change a present situation. Formal and market-oriented conflict managers tend to be historical or ironic social constructivists, while social learning/transformation conflict managers tend to be reformist and unmasking social constructivists.

Locality

I distinguish three lines of thinking about locality among conflict managers. The promoters of globalisation argue that intensified information exchange improves conflict management theory and that efforts that go beyond local boundaries are in many cases effective for the management of a conflict. Anti-globalists are in favour of local conflict management and perceive that an intensification of trans-national exchange increases the occurrence of conflicts. The third line of thinking sees possibilities of globalisation to enforce local practices and empower local practices in a global environment (“think global, act local”). According to me, many (international) NGOs support this line of thinking. This choice has consequences for conflict management.

Religion

Appleby (2001) showed different cases in which religion played a role in the rise or management of conflicts. In the study, conflicts because of religion arose in Nueva Esperanza between Protestants and Catholics. In the conflict management methodology of Juan Churats and the Rondas religion plays a significant role.

I incorporate these observations in table 11.2 as an addition to table 2.3 that showed the relationships of theory, practice, intervenors, knowledge/power, and ideology, with the five conflict management paradigms (hierarchy, market-centric, alternative, local, social learning/transformation)

Table 11.2 “Other” paradigms that influence conflict management

	Hierarchy	Market-centric	Alternative	Local	Social learning, transformation
Human nature	pessimist	pessimist	optimist	based in local ethics and values	optimist
Social construction ¹⁰⁶	historical /ironic	historical/ ironic	historical /ironic	historical/ ironic	reformist/ unmasking
Politics	conservative	conservative	often progressive	progressive (promoters)	progressive
Locality	national	global	global	“alternative”/ anti-global, local	interaction between global and local
Religion	fundamentalist religion foments conflicts	fundamentalist religion foments conflicts	does not pay special attention to religion	religion is often part of conflict management	the influence of religion appears from appraisals, may differ according to each situation

The table shows a very general categorisation, with a danger of pre-judgement. For example, a promoter of formal conflict management could be politically progressive. On the other hand, in practice conflict managers often act according to paradigms and suppose that other stakeholders act according to their paradigms. This thinking has an important influence on the course of the management of conflicts. For example in the case of the Inca Trail, CBC had difficulties to recognise the “positive role” of travel agencies and the “negative role” of the representatives of the Porters’ committee, because of its prejudgement (paradigm) about economically powerful stakeholders and “oppressed” stakeholders.

11.3 Occurrence of interaction and hybrid forms of conflict management

The previous paragraph showed cases of conflict managers who acted according to different conflict management paradigms among which there is little consensus about the requirements for successful intervention or the appropriate methods and means to end conflict (Hampson, 2001).

On the other hand, my study also shows that “each approach contains elements that complement aspects of the other approaches, and we should not be wedded to a narrow view about either the causes of (intercommunal) conflict or the potential intervention strategies available to a wide range of third parties to manage, settle or resolve such conflicts” (Hampson [2001]: 388). In chapter 8, I even concluded that in conflict management processes different conflict management categories interact and may form synergies.

Examples of conflict managers with different paradigms who interacted during conflict management activities are:

Representatives of formal justice participate in meetings of the *Rondas Campesinas*, while the *Rondas* delegate severe cases to the police. Several directive members of the *Ronda* participated in courses of alternative conflict management. The provincial *Central de Rondas* choose the Casa Campesina as their advisor (Chapter 4). In this case we see mixes of formal, alternative, local and transformative conflict management.

¹⁰⁶ Hacking (1999)

Although according to its mission CBC/Casa Campesina promotes social learning, in conflict management, it also gives much importance to formal mechanisms (*saneamiento legal* and *físico*), alternative mechanisms (conciliation) and to the promotion of local conflict management (e.g., *Rondas Campesinas* and the participation in RELAJU, the Latin-American Legal Pluralism Network).

In Nueva Esperanza Ccapana, I stated that the village council acts according to a social learning/conflict transformation approach. By nature many of the described practices are local conflict management. On the other hand, Nueva Esperanza gave much importance to legalisation of its property (formal conflict management) and invited third parties to conciliate (alternative conflict management).

In the case of the Inca Trail until 2002, the first attempts to manage conflicts about environmental impact were through negotiation, because some established travel agencies feared a decrease of their future earnings. Public agencies and the government perceived that they faced the same danger and all involved parties agreed about the desirability of regulation (formal conflict management). Porters and their supporters showed their concern about their socio-economic situation through protests (local, anti-hierarchical conflict management), subsequently negotiated with the Peruvian Congress (alternative conflict management) and finally agreed with the promulgation of the Porters' Law (formal conflict management).

However, the study also gives examples that detract from the possibilities and importance of this “cross-paradigmatic” device. Because of their position in an organisational network (e.g., police, judge) and/or because of their “ethical” function (e.g., *Ronda Campesina*), many intervening actors clung to a certain paradigm.

Furthermore, the “use” of a certain paradigm depends on the personal or organisational perception of the conflict manager. The importance of emphasising the “perceptive” differences in conflict management is that they represent one of the crucial bottlenecks. Conflict managers with different perceptions often do not understand, trust or agree with managers of other perceptions, because they do believe in their methodology, cannot leave the pre-assumptions that define their practices or, in a wider sense, the rational/ethical framework that gives logic to their decisions.

Euwema (2005), notwithstanding, offers an alternative way of looking at the rapprochement between single and hybrid forms of conflict management, when he argues on the one hand that each conflict manager acts according to his/her personal style but that, on the other hand, his/her behaviour is conglomerate. “Conglomerate conflict behaviour” refers to a simultaneous or sequential aggregation of several behavioural components in varying degrees. His study reveals that within their conglomerate behaviour, conflict managers tend to emphasise a certain type of conflict behaviour¹⁰⁷. Euwema focuses his analysis on forcing (contending the adversary in a direct way) and problem-solving (reconciling the parties' basic interests). To this analysis he adds five personal characteristics that influence (intercultural) conflict management: cultural empathy, open-mindedness, social initiative, emotional stability and flexibility. According to his statistical research of

¹⁰⁷ Euwema uses a five-part typology, with the components forcing, avoiding, compromising, accommodating and problem solving.

Dutch peacekeepers, at a personal level, conflict managers who use both force and problem-solving are most effective, while at a group level the presence of different personal characteristics enhances effective conflict management (as long as the group gets along well). Euwema supports my study when he establishes that there is a continuous interaction among personal characteristics, biases and perceptions on the one hand and that there are conglomerate processes at the other hand. Effective conflict management does not depend on the rejection of personal characteristics, biases and perceptions, but on the coming into being of a synergy among diverse personal (and organisational) characteristics, biases and perceptions.

Concluding, regarding the influence of paradigms on conflict management my opinion is twofold. On the one hand, it is often difficult to mix paradigms because of ideological and perspective-related reasons. On the other hand, in practice, mono-paradigmatic conflict management is rare and often not very effective, while “hybrid” forms of conflict management often are successful, and from a socio-psychological point of view there are possibilities of a co-existence between single and hybrid forms of conflict management.

An additional issue is that mono-paradigmatic conflict management in itself may provoke conflicts, because of communication problems and clashing worldviews. Hybrid forms of conflict management on their turn offer opportunities to reach “another level of understanding”, going beyond the ideas of “my truth” and “your truth” (2.1.9.).

11.4 Social learning

The cases of Carhuayo and the Inca Trail showed that “bottlenecks” such as power “abuse”, unwillingness and a spoiler role of crucial stakeholders seriously affected social learning processes and the transformation of the studied conflicts. On the other hand, the cases also suggested that in some cases a spoiler role of one stakeholder may trigger (social) learning by other stakeholders. For example, learning by members of the affected communities in Carhuayo occurred as a reaction on the abusive activities of the management and personnel of the mining company.

For a better understanding of social learning I suggest the following distinction:

- Social learning in the “surroundings” of a conflict
- Social learning by all (direct) stakeholders of a conflict
- Social learning by groups of stakeholders
- Organisational learning
- Individual learning

I perceive that (critique on) social learning in most cases refers to social learning by all direct stakeholders. In this scenario, two or more parties first have a conflict, subsequently with the help of e.g., concerted action, negotiation, mediation, platforms, and adaptive management; the parties come to an agreement. For example, the case of the pasture conflict between Ullpo and Nueva Esperanza followed this scenario.

However, other cases, especially the one in Carhuayo and the second phase of the conflicts about the use of the Inca Trail, showed situations in which the parties did not reach an agreement, or even aggravated the conflict between them. However, according to the criteria of Röling (2004) regarding social learning and the criteria of

Miall (2004) regarding conflict transformation, also in Carhuayo and in the second phase of the Inca trail some extent of social learning and conflict transformation took place. This social learning occurred in a group of stakeholders (e.g., the communities affected by the mining company in Carhuayo) or in the surroundings (e.g., more control on corruption because of changing national governments in the case of Carhuayo).

Furthermore, regarding the case study of CBC/Casa Campesina, I perceive the period 1985 to 2003 as an “organisational learning” process. According to me, this organisational learning process has a direct relation with the “social learning processes” that I described in chapter 6, 7 and 10.

Likewise, capacity building plays an important role in all case studies. This “individual learning” had a decisive influence on the occurrence of social learning processes. Other important cases of individual learning are “the individual learning processes” undergone by individuals such as Juan Churats and myself.

According to the logics of Actor Network Theory, individual learning, organisational learning, social “group” learning, social learning by all stakeholders, and social learning in the surroundings, cannot be seen as separate processes. Actors “learn”, actors “teach”, and actors “exchange”, boundaries are difficult to determine.

The case studies showed that the activities to stimulate individual learning (e.g., trainings) and to stimulate group learning (e.g., workshops) influenced social learning processes (e.g. conflict management in Nueva Esperanza). However, as mentioned in the previous paragraph, the outcome (regarding social learning) of these activities is difficult (or impossible) to predict.

Apart from the distinction of different levels of social learning, for a better understanding I perceive that one should take into account the different “aggregates” of social learning and conflict transformation. In this sense, in all case studies I examined the following aggregates of social learning: widely shared meanings; collective or concerted action; joint solutions to dilemmas; institution building; incentives for co-operation; decreased power differences; increased interdependence. Regarding conflict transformation, I distinguished context transformations, structural transformations, actor transformations, issue transformations and personal changes of heart or mind within individual leaders or small groups. In other words, for me social learning and conflict transformation are fragmented concepts. Arguably, it only occurs partially (not by all stakeholders), fragmented (only some of the aggregates occur), or at certain levels of the conflict (e.g., surroundings).

Taking into account the diversity and unpredictability of social learning and its tense relation with “bottlenecks”, I conclude the following. Social learning is a valid objective (giving a positive turn to a conflict management process) and methods to foment (social) learning are valid tools to reach these objectives. However, social learning is not necessarily a sole objective (can exist together with objectives such as reaching a [short term] solution) and often, the objective of social learning is not shared by all stakeholders. Not being a sole objective also implies that fomenting social learning not necessarily is the only tool in a conflict management process. Although I think that it is important to stress the tense relation between social learning

and “bottlenecks”, in my opinion it is even more important (and certainly more “aimed towards the management of the conflicts”) to study how, in spite of those “bottlenecks”, social learning (by at least some of the stakeholders) can take place, and how one simultaneously can deal with the bottlenecks as separate issues through separate activities. For example, those stakeholders who aim to transform a conflict (for a collective and environmental benefit) in some cases need to develop strategies that do not respond to their own social learning paradigms in order to deal with stakeholders who (for their own benefit) consciously obstruct social learning processes. In this “search for hybrid forms of conflict management” social learning/transformation oriented conflict managers will be confronted with the following two questions. Firstly, should one (actively) exclude some of the stakeholders out of ongoing and future social learning processes? Secondly, is it possible that one or more (intervening) stakeholders can/should decide whether other stakeholders should participate (actively) in a social learning process or not? One can answer these questions only after having studied each different situation thoroughly.

Furthermore, I perceive that one has to pay attention to the role of collective memory (Appadurai, 2003), taking into account that a conflict is a process and that acting by learning from the past is essential and to the possibility/risk of “social unlearning”. In chapter 10, I mentioned the possibility of organisational “loss of memory”. Likewise in conflict management there is a permanent danger of losing collective memory, at a large scale (“let us never forget the holocaust”), but also at a small scale, for example in Nueva Esperanza, forgetting its past as being part of a hacienda and being part of a co-operative, probably would affect its actual communal structure and its actual practices of conflict management.

11.5 Conclusions

The case studies show many examples of conflict management with a “positive” social and environmental impact. However, the relation between conflict management and its impact is not a “simple” cause-effect relation. Often conflict managers do not reach the intended results, while in other cases (positive) consequences of actions occur that were not planned on beforehand. There are various “obstructive” and “constructive” factors that influence the impact of conflict management.

In the case studies both conflict management according to a sole “prevailing conflict management paradigm” and “hybrid forms” of conflict management with an interaction of paradigms occur. In some cases conflict paradigms clash, in other cases they form a synergy. Also other paradigms, which are not prevailing conflict management paradigms, play a significant role in conflicts. The search for “hybrid forms” of conflict management in which conflict paradigms form a synergy is major task for conflict managers.

Social learning is diverse and unpredictable, and has a tense relation with “bottlenecks” such as power “abuse”, unwillingness and spoilers. For a better understanding of social learning in conflict management it is helpful to distinguish different “levels” such as individual learning, organisational learning, social “group” learning, social learning by all stakeholders, and social learning in the surroundings. One should also take into account the different aggregates of social learning and conflict transformation. Furthermore, one should not only look into the possibilities of social learning, but also consider/prevent the possibility/risk of (collective) loss of

memory. By interpreting social learning in a wide sense, one can, on the one hand, appreciate “partial” social learning and, on the other hand, appreciate methods which do not have a (direct) social learning component, but which aim to deal with bottlenecks, and, as such, in the long-term may contribute to social learning/transformation processes.

Chapter 12 Suggestions for practice and other conclusions

The power of violence and the true nature of tolerance that is more powerful still, is the question that concerns us all.¹⁰⁸

The previous chapter dealt with most elements of the research question: the social and environmental impact of conflict management, conflict management paradigms, and social learning and conflict transformation. In this chapter I will discuss the remaining part of the research question, i.e. “how can conflict management be improved?”

Earlier, I explained that the notion of improvement in the research question of this book refers to my perception of it, and it depends on the cogency of my suggestions whether you as a reader will accept them or reject them.

I concentrate my suggestions on two proposals:

1. Process facilitators and phase managers
2. Positioning, cognition, dealing with bottlenecks, and scaling-up

In addition to the suggestions, I add a paragraph in which I discuss some remaining issues which I mentioned in the beginning of this book: particularities of Cusco and Peru, large scale vs. small scale conflicts, social learning vs. conflict transformation, natural resources, interactive research, conflict as an actor network, and this study as an actor network.

12.1 Process facilitators and phase managers

In chapter 11 I explained that I regard a conflict as a process (interconnected events), in which, during different phases of the conflict, different conflict managers apply mixes or conglomerates of conflict management paradigms.

In this respect, I distinguish two main categories of conflict managers: process facilitators (not to be confused with process managers¹⁰⁹) and conflict managers who are only active during a certain phase of the conflict (the links of the process). I define them as phase managers.

The proposed distinction between process facilitators and phase managers is a practical consequence of the findings of large-scale conflict theorists (e.g., Hampson, 2001), social psychologists (e.g., Euwema, 2005) and this study. Firstly, although conflict managers act according to their personalities, biases, paradigms, etc., these differences do not necessarily clash but also may provide synergy. Secondly, the coming into being of such a synergy (in a person or between persons) is more probable when proper process facilitation and co-ordination takes place.

¹⁰⁸ From the leaflet of the play *Tierno Bokar* by Peter Brook after the book *the Sage of Bandiagara* by Amadou Hampaté Bâ, seen at the 13th of June 2005 in the Westergasfabriek, Amsterdam

¹⁰⁹ In “modern organisation models” process managers are key persons, often they aim to control the “production process”, which according to some authors causes tensions by other persons who form part of that production process (e.g., article by Ad Verbrugge in *NRC Handelsblad* of 18 and 19 June, 2005: “Het procesdenken van managers berooft de wereld van zijn bezieling”). Process facilitation does not refer to controlling a situation, but refers to learning about a situation (retrospectively) and to facilitating co-ordination between stakeholders. Notwithstanding this critique, my suggestions also show some overlap with (and can learn from [the mistakes of]) “modern” practices of process managers (e.g., de Bono, 1985 and 1998).

In a way this proposition is a practical “filling in” of the idea of multi-track diplomacy (see 2.1.5). While multi-track diplomacy mostly occurs in the context of large-scale conflict, the idea is also very promising and applicable at a small scale and at a meso-scale.

I combine the idea of multi-track diplomacy with the idea of “parallel thinking” of de Bono (1985 and 1998): “accept possibilities without judging and lay them down in parallel, accept both sides of a contradiction and lay them down in parallel, forward the design from parallel possibilities”. Criticising “our traditional thinking methods”, de Bono (1998) emphasises the inadequacy of argument (“it lacks constructive energies, design energies, and creative energies”), and proposes “the six hats method” that “allows us to unbundle thinking”.

I believe that the combination of long term and short term actions and the effort to evaluate, unbundle, respect and looking for synergy among paradigms gives at least a partial answer to the supposedly incompatible differences between stakeholders in a conflict management process.

I will explain below that the distinction between process facilitators and phase managers solves some (paradigmatic) problems, but also gives rise to some new (other level) problems.

Examples of process facilitators in this study are the CBC/Casa Campesina in its effort to address conflict management holistically and the village council of Nueva Esperanza Ccapana that incorporates the opinions of individual *comuneros*, facilitates the village assemblies, co-ordinates with neighbouring villages and invites third party conflict managers, when they perceive that external assistance is required.

An example of a phase manager is the representative of the Ministry of Agriculture in the case of Nueva Esperanza Ccapana, who conciliated the pasture conflict. Another phase manager is the programme PETT (Chapter 4) of the Ministry of Agriculture which is responsible for the legalisation of land titles.

These examples make clear that the influence of paradigms not necessarily influence the conflict transformation process. An “alternative” or “formal” manager may, in spite of or even because of his/her official or personal paradigm, play an essential role in conflict transformation.

An implication of the role division is that process facilitators are saddled with an extremely complex task; the analysis of a conflict is very difficult and the impact of the facilitator’s actions is uncertain as it depends on too many factors and not only on the actions of the facilitator. Phase managers, for their part, may do “their” thing and form a “natural” part of a conflict management process, in other cases they may need to co-ordinate their actions with other stakeholders or act under guidance of one or more conflict process facilitators.

Questions that arise from the distinction between process facilitators and phase managers are.

- Who are suitable process facilitators and phase managers?

- How can process facilitators incorporate the findings of this study in their actions?

Suitable process facilitators

Regarding the first question, possible conflict managers/facilitators are individuals, public agencies, companies or civil non-profit organisations. The main criteria for becoming process facilitators are personal and organisational capacities, and being regarded as a suitable process facilitator by the stakeholders of the conflict.

Examples are the Casa Campesina, the village council of Nueva Esperanza Ccapana, and the Programme Machu Picchu in the case of the conflicts about the Inca Trail until 2001. All of them are Civil Society Organisations (CSOs). The village council of Nueva Esperanza is a community based organisation (CBO) and the two other conflict facilitation organisations are NGOs (one national and the other international).

In this study, civil non-profit organisations were the most suitable process facilitators, because they had organisational capacity and they were more neutral than public agencies and companies. In the case of Nueva Esperanza, a CBO was the most adequate stakeholder. However, in the other case studies, CBOs were absent or weak (e.g., the inter-communal committee in Carhuayo). In these cases NGOs played a more active role (CBC/Casa Campesina, Machu Picchu Programme).

Therefore, with regard to the discussion about the role of CSOs in conflict transformation, this study clearly supports a possible role of such organisations. Regarding the choice between working around a conflict, working in a conflict or working on a conflict, the cases showed that a CSO may contribute towards the transformation of conflicts, and also that its action might be synergised with other activities that do not include conflict management. The example of the functioning of the irrigation canal of Nueva Esperanza is an example in which conflict transformation plays an important role in a supposedly technical (development) activity. A CSO not necessarily needs to become a process facilitator itself, but the choice by a CSO to avoid conflict transformation may have a negative impact on its other activities.

Nevertheless, I do not want to discard the role of other potential process facilitators, for example public agencies, and local and national governments. These organisations often have more leverage than CSOs. The case studies show that the main factor of becoming an acceptable process facilitator depends on the creation of trust and reputation. Being public or private, is of a secondary importance.

The study also suggests that in most cases a group or an organisation is a more suitable process manager than an individual who does not belong to an organisation. In most situations individuals need to be backed up (economically and to acquire leverage) by an organisation, and all case studies reaffirm the conclusion of Euwema (2005) that conflict process facilitators function better as members of a group than as individuals. However, the performance of individuals as a part of an organisation is crucial (e.g., Juan Churats).

Suitable phase managers

The study shows that many stakeholders are potential phase managers, even if their objectives and paradigms differ from those of other phase managers or from those of the process facilitator(s). Who may become a phase manager is not such a relevant issue; more relevant is the way a phase manager acts and how different phase managers form a “constructive chain” in a conflict facilitation process. Another aspect is that phase managers often do not recognise themselves as conflict managers, nor do other stakeholders (apart from an eventual process facilitator) regard them as such.

In other words, the definition of phase manager is complex, because in principle every stakeholder is a potential phase manager. Even so, a phase manager only retrospectively can be qualified as such after a thorough evaluation. In retrospect, it may appear that a stakeholder who appeared to have an obstructive role in an initial phase of the conflict, after evaluation appears to have a constructive role. Furthermore, a stakeholder may combine several qualities, e.g. being an obstructive party at one moment and being a constructive party (phase manager) at another moment. Finally, a phase manager contributes “positively” towards the process of a conflict. Positively is a subjective term, which depends on the criteria of “his/her evaluators”.

Implications for action

The second question is how process facilitators may incorporate the findings of this study into their actions. In the paragraph 12.2, I will give some practical suggestions that at least partially give an answer to this question. Before that, I want to make it clear that process facilitator is not an unequivocal term. Only very few conflicts have one process facilitator who is recognised as such by him/herself and other stakeholders. More often, several actors carry out this task in a partial or fragmented way, often unconsciously. In other conflicts there are no process facilitators.

A process facilitator who does so consciously and who tries to overview the whole process has an extremely complex task:

- Conflict management processes are complex, dynamic and subjective. All involved stakeholders have their own interpretation and from day to day the situation may change completely.
- In practice, only few process facilitators consider themselves as such, CBC/Case Campesina and the village council of Nueva Esperanza see themselves only to some extent as responsible for the facilitation of ongoing conflict management processes.
- Most process facilitators also act as phase managers (e.g., Casa Campesina as conciliator and as facilitator of *saneamiento legal* and *físico*). This may cause a confusion of roles (for example in the case of Carhuayo).
- Often different process facilitators work in parallel, mostly without any co-ordination.
- Many process facilitators are not accepted by all stakeholders. Often a self-declared process facilitator only receives the support from a minority of the involved stakeholders¹¹⁰. An example is the role of the regional government in the management of conflicts about the Inca Trail.

¹¹⁰ This is a crucial problem in many large-scale conflicts, for example in Iraq, the USA, UN and Iraq’s government act as process facilitators but are only considered by few of the stakeholders as such.

- Related with the former point, it is almost impossible to be recognised by all stakeholders as a process facilitator, not only because some of the stakeholders perceive that the process facilitator is not the adequate person or organisation, but also because some stakeholders do not believe or perceive the idea of transformation or social learning.
- In most cases stakeholders do not form a communication chain. Often there are “missing links”: stakeholders who might “improve” the chain, but who are not willing, who are not able or who even do not exist (yet¹¹¹).
- A process facilitator never will be able to avoid his/her paradigms completely.

12.2 Positioning, Cognition, Scaling-up and Bottlenecks (POCOBOSC: “Poco Bosque”).

This study confirmed that every conflict and each phase of a conflict may take another conflict management strategy, depending on each particular situation (type of conflict, actors and issues). It also found that a conflict manager consciously or unconsciously works according to a particular strategy, not only because of a “neutral” analysis, but also as a result of his/her psycho-social baggage. The role of conflict managers becomes more humble with the ascertainment that many factors have a decisive influence on the course of a conflict: other stakeholders, non-human actors, the relations among actors, the relativity of cause-effect relations and the importance of a conflict as a “being on its own”.

Below I incorporate these three findings into suggestions for conflict management, emphasising the issues of positioning, cognition and action, dealing with bottlenecks, and scaling-up. I call this device “*Poco Bosque*” (few forest). POCOBOSC refers to positioning, cognition, bottlenecks and scaling-up:

Positioning

A first issue is the choice to become process facilitator or phase manager. In the case of Carhuayo the Casa Campesina was an advisor of the communities on the one hand, and claimed a role as process facilitator on the other hand. This led to a confusion between these roles that hampered the management of the conflict. On the other hand, the case of Casa Campesina also showed that a stakeholder can act as a process facilitator in one conflict and as a phase manager in another conflict. If one chooses to be process facilitator, one of the main tasks is to facilitate the conflict management chain, in other words, to promote the participation of all essential stakeholders in the process, over time.

Related to this point, a facilitator should choose whether to take a partial or an impartial role. The example of the Casa Campesina in Carhuayo, and to a lesser extent the example of the Casa Campesina and the Inca Trail show how a confusion about (im)partiality obstructs a conflict transformation process. In general, partiality impedes the possibility of process facilitators to be successful in the facilitation of a conflict. In recent history there are two strong examples that show the impossibility to be process facilitator and party in a conflict. The United States started the war in Iraq and at the same time claimed to be the main process facilitator. This had as a consequence that not only the United States but all foreigners, including relief agencies are seen as aggressors. If the United States would have resigned from its role

¹¹¹ For example the inter-communal mining committee in Carhuayo

as process facilitator, and if for example the United Nations would have taken over this task, the situation in Iraq probably would have been quite different. Another case is the occurrence of conflicts after the murder on Theo van Gogh in the Netherlands. Instead of continuing its traditional role of process facilitator in conflicts between “immigrants” and “autochthonous” Dutch citizens, the government emphasised the threat of terrorism and the problems of integration of immigrants in Dutch society. This led many immigrants to cease considering the Dutch government as a suitable process facilitator.

Another problem of positioning for a facilitator is the choice between acting globally, locally, or at the interface between globalisation and locality. Although this positioning is partly ideological, the study shows that a conflict manager also may change position depending on the nature of a conflict. A local conflict may be managed locally with local means (case Nueva Esperanza), while the presence of external stakeholder demands that a conflict manager thinks at least in part “globally” (Carhuayo and Inca trail). The study shows that many conflict managers encounter serious difficulties in shifting from one level to another. This may occur if a conflict manager relies too much on his/her experience, on his/her emotions and ideologies, or on a single theory, as I explain in the paragraph about cognition and action (see next).

With respect to the conflictive character of development aid/co-operation, Westerman¹¹² observes that as soon as an external stakeholder acts as an educator and believes to have control over the process, probably his/her role will be counter-productive. The possibility that the conflict is positively transformed is minimal and the possibility that new conflicts arise is high. Turning around the issue raised by Westerman, who stated that a “paternalist” facilitator may cause conflicts, this study shows that an external stakeholder who positions his/herself as a humble facilitator who acts on local demand, responds to the perceptions of local people and includes conflict management in his/her strategy, may contribute to the transformation of conflicts and to the coming into being of peaceful (micro)societies.

Positioning also refers to the “dynamics” of intervening organisations. Being a process facilitator and applying “Poco Bosque”, requires an adaptive management structure. In practice, organisations, which choose to act according to the suggestions of this chapter, will be confronted with the challenges mentioned by Frerks in 2.1.8.: they need to improve conflict analysis capacity; they need to improve monitoring and evaluation emphasising on learning; they need to make strategic choices (in co-ordination with other agencies); they need to be critical on the rigour of results-based planning and associated accountancy practices; and, they need to apply and rethink bottom-up participatory approaches focussing on the question of inclusiveness.

Cognition and action

The case studies showed that description, experience, theory, approach, strategy, methodology, ideology and emotion are key elements that determine the actions of conflict managers. According to me, facilitators and phase managers will improve their performance if they, as a part of their activity, auto-evaluate and reflect upon the

¹¹² “Integratiebeleid moet les van ontwikkelingshulp leren: bevoogding helpt niet” article in NRC Handelsblad, 26 and 27 March 2005.

inter-action and timing of these factors. These suggestions apply to process facilitators and to most phase managers.

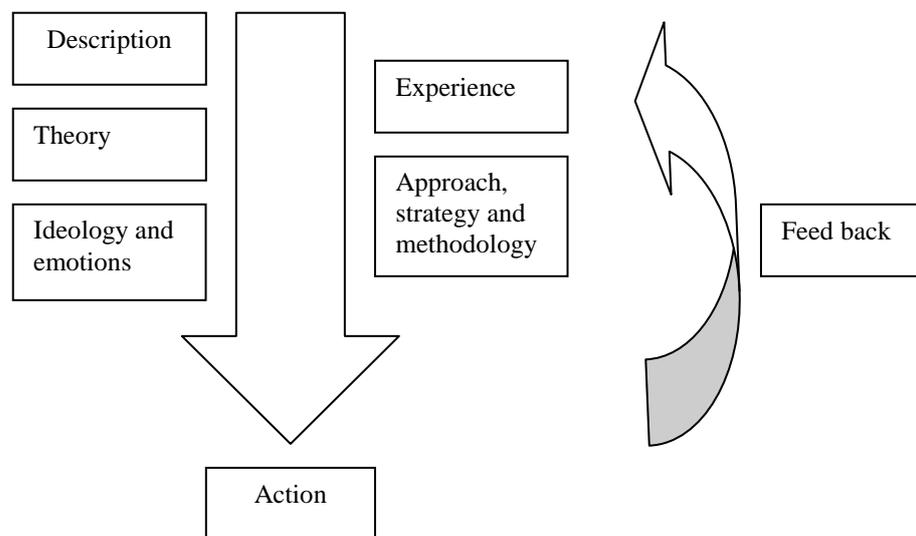


Figure 12.1 Cognition and action in conflict management

Description:

My proposal starts from the idea that in decision-taking about action, a facilitator should start to look for neutrality. For this, he/she needs to apply the already proposed separation between investigating analysis and transformation-oriented action. I perceive that at least an intention to being neutral during the analysis phase, trying to understand complexity, for example by using Actor Network Theory, creates a good basis for further action. The analysis comprises not only the conflict itself, but also its surroundings. History and site-specific information are key elements in order to make a proper description.

Experience:

The examples of Juan Churats and of the *comuneros* in Nueva Esperanza Ccapana showed the crucial importance of experience in conflict management. If used in relation with theory, it appears that experience is a more appropriate term than the often-used term practice. Practice refers to the actions of conflict management and depends on many factors, among which theory and experience. For me, theory is knowledge that can refer to an external source, while experience is internalised knowledge of which the sources are difficult to track, and which is the outcome of trial and error.

Experience provides both bridges and entrapments regarding to the influences of emotion and ideology, and although in most cases there is a rich amount of consciously and unconsciously collected theory, the danger of not updating this theory and using “theory of yesteryear” is high. A conflict manager should take these potentialities and shortcomings into account when he/she uses individual or collective experience to formulate subsequent strategies.

Theory:

In the aforementioned “formulation process”, experience should be verified and nourished with the help of theory. It is crucial to give theory an equal weight. In this study the experience of “the Casa Campesina and conciliation” showed that (“expert” or “academic”) theory by no means should rank above other “descriptions” that have their roots in experience and/or “non-academic” knowledge.

Another issue is the appropriateness of theory. Every conflict managers has to find his/her own way through a potpourri of information and information sources, which may be practical or academic, direct or indirect, local or global, etc. In the case of CBC and Campesina, important sources of theory were: inter-human information, guidelines and academic literature. Theory was spread through workshops, libraries, internet, radio, television and informal contacts. There is a continuous dilemma of who guides who, is it theory that influences the conflict manager or is it the conflict manager who selects theory. The proposed scheme aims to provide a “partial” answer to this dilemma, as iteration through description, experience, emotions and ideology, and feed-back “allow” a conflict manager to zoom in on his/her search for theory.

Approach, strategy and methodology:

Chapter 8 gave examples of approaches, strategies and methodologies that arose from the case studies. They are the outcome from description, experience, theory and also from emotions and ideology. Therefore, approaches, strategies and methodology per definition are unique (personal or collective). This means that one has to regard (methodological) handbooks (e.g., Ormachea, 1999, OLCA, 1998, Ortiz, 1998, CONAM, 1999) as personal or organisational “memoirs” that can be useful, but that should never be used rigidly.

Ideology and emotions:

During the entire engagement of a conflict manager emotional and ideological paradigms continually influence his/her actions. Especially for process facilitators, it is crucial to be aware of this influence. Working in a diverse group is a first measure that canalises the influence of personal emotions and ideologies (Euwema, 2005). In addition to this, a permanent reflection and (self)-evaluation is needed to avoid “losing track” because of subjectivity. One cannot avoid “negative” emotions and ideologies; one should therefore not deny them, but put them into perspective and preferably regard them with a good sense of humour. Emotions and ideology however are not necessarily negative factors in conflict management. For example, ideological and emotional components play an important role in the choice to work in conflict management and to search for “peace”.

Apart from a permanent self-reflection, it is recommendable that a conflict manager (together with other stakeholders) gives exclusive attention to the issue of emotions and ideologies at some well-chosen moments. The occurrence of emotions and ideologies can be regarded with tolerance, mutual respect and in some cases even as an opportunity, as long as they do not come from the “abdomen”, do not obstruct the management of the conflict, and as long as they are not imposed on others. Furthermore one should be aware that the “rationalisation” of emotions and ideologies will not replace or even destroy (complex) “ethical” mechanisms of conflict management.

Action:

The above structuring of conflict management does not aim to “rationalise” it. The involved stakeholders will continue to act according to the dynamics of the cognitive system of figure 2.2 (Maturana and Varela, 1992; Röling, 2002). The proposed structuring aims at canalising emotions and ideologies, drawing attention to the ideological component of theory, and, above all, to alerting one to the omnipresence of emotions and ideologies in conflict management. In a way, I consider the proposed structuring as “Montesquieu revisited”. Elaborating on his distinction between law-giving, executive and legislative power, I suggest that a conflict manager (as a person or as a group) should find a way of decision-making in which description does not conflict with emotions and ideology, and experience does not conflict with theory; i.e. a way in which no confusion arises among conflict analysis, design and application of methodology, and problem solving.

The described process is by no means individual. The participation of many stakeholders normally ensures a better analysis and a better basis for sustainability. The use of interactive, participatory methodologies (in order to “find the unexpected”) may facilitate the described process. Other suggestions for the facilitation of this process are the promotion of beta/gamma science (Röling, 2000), multi-disciplinarity, and to perceive that there are either “no experts or everybody is expert”. Last but not least, the facilitators always should be aware that even these broad guidelines that aim to avoid entrapment may entrap (because of being guidelines).

Feed-back:

Permanent feed-back is necessary, because the conflict evolves, because the perspectives of the conflict managers change, because there is inclusion and exclusion of stakeholders, etc. An additional reason for feed-back is that process facilitators are forced “to act from the past” as it is impossible to “predict the future” in conflict transformation. As explained in this chapter, the impact of actions of phase managers can only be assessed retrospectively. A process facilitator has the task to analyse and learn from these previous actions in order to understand the conflict better and to formulate his/her steering activities. To achieve this, learning from mistakes and critical self-evaluation are key factors. In other words, the issue of monitoring is crucial for a process facilitator. Therefore he/she/they should dedicate much attention to develop a monitoring method that enables (at any time) not only to understand, but also to interfere in the concerning conflict management process.

Dealing with bottlenecks

The idealistic notion of human interaction as a source of peace and the lack of attention to the role of power, money, unwillingness and spoilers is the main critique of alternative conflict management and of conflict transformation, and in a wider sense of social learning. This study reaffirmed that these factors are the main bottlenecks of conflict management and conflict transformation.

The separation between process facilitators and phase managers provides us with a strategy to overcome this “problem”. A phase manager can be an autonomous actor in a larger process, who may address a particular problem that forms a bottleneck in a conflict transformation process. The phase manager not necessarily needs to agree with the purpose of conflict transformation or needs to be aware of his/her role in the conflict transformation process. The activities of phase managers may be co-ordinated

or even “facipulated”¹¹³ by process facilitators, but also be an outcome of the “natural course of events”

Concrete examples in this study were; *saneamiento legal* and *físico*, withdrawal of the fishing permit of Jacinto Mendoza by the Ministry of Fishery, protest and lobbying by (representatives of) porters in order to improve their social conditions, etc. Possible examples in the context of this study may be protests of the inhabitants of Carhuayo against the mining company; legal measures against the mining company; political measures against the mine (by the district, provincial and/or regional governments); dismissal of corrupt representatives of the Porters’ Union.

In this sense, the main task of a process facilitator is not to take a leading role in the process, but to analyse, to steer and to co-ordinate. In practice, many stakeholders take many actions, only some of these actions are directed towards a “positive” course of the conflict and even fewer are according to the philosophy and planning of the process facilitator(s). Therefore, a main task of a process facilitator is to give positive interpretations to actions, regardless of their nature. A process facilitator should evaluate the future effects of each action, even if it is violent and merely directed to personal interests, neutralise negative impact and look for positive turnings. In some cases, an action of a stakeholder that is in contradiction with the principles of a process facilitator may in retrospect appear to be a crucial event that influenced the course of a conflict positively. For example the cattle robbery in the late eighties by a “criminal” *comunero* from Ullpo may have triggered the *saneamiento físico* of the boundary between Nueva Esperanza Ccapana and Ullpo.

Scaling-up

The previous paragraphs dealt with persons and organisations that act as “direct” conflict managers. In practice however, the influence of single “direct” conflict managers is often limited, the conflict process depends on a multitude of human and non-human actors and the interaction between them determines the course of the conflict. Having discussed the role of “direct” conflict managers, in this paragraph I will give some suggestions for other stakeholders that take part in conflict management processes. I regard a “better” involvement of these particular “indirect” stakeholders as scaling-up within a conflict or scaling-up towards other conflicts.

The case of the Casa Campesina discussed the influence of donor agencies. Because of its nature, conflict management mostly does not give short-term results, and results are often unexpected and therefore difficult to plan or to predict. In this sense the use of logical frameworks often does not provide sufficient information and even may be contra-productive if a donor agency uses the data of a logical framework to decide that conflict management is not effective, while in reality conflict management may have had positive long-term and indirect outcomes. In this sense, donor agencies that finance conflict management should reflect upon alternative monitoring and evaluation mechanisms. For this, crucial factors are trust between donor agencies and the receiving agencies, mutual respect, long-term engagement and flexibility.

CSOs that do not have conflict management as a working line, should not disregard the issue. This study showed that for these organisations co-ordination and co-

¹¹³ Facilitation with a touch of manipulation

operation with conflict managers may ensure a more positive impact of their other and more regular activities, for example in the case of the construction of an irrigation canal (Umak'ucho).

Compared with CSOs, public agencies and (local) governments have strengths and weaknesses regarding conflict management (e.g., CSOs are often more neutral and specialised, while public agencies and local governments often have more legitimacy). This study showed that the interaction between civic and public organisations is crucial for conflict transformation. Although it is often difficult (because of different paradigms and ideologies) for both public and private agencies to value and recognise the synergy between them, both types of organisation should take for granted (as a basic principle) that this synergy exists, and that therefore respect, tolerance and independence are essential. For example, regarding the “conflict” between “original inhabitants and newcomers”, the increased control and critique of the Dutch government on CSOs, threatening to stop their funding (e.g., Vluchtelingenwerk), is alarming in this sense.

There is a tendency for companies to recognise conflict transformation as profitable for them in the long-term. In this study, the role of travel agencies in the conflicts about the Inca Trail reflects this “new” attitude, while, at a large scale, the changed image of companies such as Shell are examples of this tendency. From this perspective, I regard the actions by the Mining Company in Carhuayo as old-fashioned. I would not be surprised if the company in the near future will be confronted with the consequences of its “behaviour” because of a growing resistance of local people and because of a changed political context¹¹⁴.

Until so far, I discussed scaling up in the sense of “enlarging the scale”. Another challenge for, e.g. NGOs and CBOs, is to work from a more “vertical” perspective. Most NGOs and CBOs focus their work on actions with many actors at one level (e.g. only local communities, only local governments, or only organisations that are active at a national level) (a horizontal perspective). The case studies showed examples with a vertical perspective, in which local communities, second-tier organisations, local governments, national governments, international organisations, etc., are included. This “vertical” approach in many cases appears to be more “effective” in conflict management than the (common) horizontal approach.

A process facilitator has the task to analyse scaling-up in a conflict and to promote scaling-up where it may be beneficial. Stakeholders involved in scaling-up are possible phase managers.

12.3 Other findings

Particularities of Cusco and Peru

Chapter 3 described particularities about conflict management in Peru and Cusco. In some way or another, all particularities played roles in the case studies of this study. In this sense, although all conflicts are unique, for their analysis an understanding of the regional and national context is essential.

¹¹⁴ This occurred for example in the case of BHP Tintaya, in which I was involved as a researcher (Churats, 2002).

In this paragraph I will emphasise on some recent contextual developments that may influence conflict transformation.

Decentralisation:

The Fujimori government (1991-2000) had a centralist policy, which among others resulted in the disappearance of regional governments, in decreased budget for local governments, and a strict control on second level organisations, such as farmers' unions. The governments of Paniagua and Toledo have a decentralist policy, regions have been restored, local governments have been given more budget and decision-power, and second-tier organisations are in the progress of recovering from a decade of oppression. As seen in the cases of Carhuayo and the Inca Trail, respectively the regional and the district government are potential process managers or phase managers. Other organs that may play an important role in conflict management are the *mesas de concertación* (literally translated as "tables for deliberation"), in which public and private organisation of a district consultation together on a regularly basis about several development-related issues of the district (see chapter 5). Second-tier organisation that may play a role in conflict management are *Rondas Campesinas*, district committees of women, farmers' unions, civil defence committees, watershed management committees, etc.

Rondas:

Although or because *Rondas* face difficulties to survive because of losing their primary *raison d'être* (combating terrorism and cattle robbery), their role in other activities such as conflict management may increase. Their role can be process facilitator or phase manager (e.g., conciliation, control of authorities, or civil protest). In 2003, the Law for *Rondas* established a potential role of these organisations in conflict management.

Political "stability":

Since 1985, the economic crisis during the government of Alan Garcia, the political violence of the army and the Lighting Path, and the authoritarian character of the government of Fujimori, influenced local conflict management. As reported in the cases of Carhuayo and the Inca trail, public agencies and local governments did not act optimally, there was little co-ordination, people and organisations prioritised short-term objectives and official agencies lost their trustworthiness. Because of the restoration of democracy and the end of violence, the successive governments of Paniagua and Toledo had an opportunity to recuperate these issues. However, at the time that I write this (spring 2005), the government of Toledo does not convince its electorate of its ability and willingness to tackle these subjects seriously, this is reflected in its low popularity.

Anti- or alternative globalisation organisations and indigenous movements:

In the neighbouring countries Ecuador and Bolivia, anti- or alternative globalisation organisations and indigenous movements have an important influence on conflicts about natural resources (e.g., water, gas and oil). In Peru, especially in the region of Arequipa, massive social protests obstructed the privatisation of water and electricity. In Cusco, an international lobby to improve the social and environmental impact influenced the process of the conflict between the mining company BHP Tintaya and the affected communities (Churats, 2002). The aforementioned events possibly will have a "trigger effect" on future management of conflicts in Cusco and Peru.

Foreign influence:

Since the beginning of the 1990's, foreign "aid" to Latin America and Peru is decreasing dramatically. Foreign funding played an important role in the conflict management of the cases of this study. The decreasing external support means that funds for future conflict management have to be found locally.

Social learning vs. conflict transformation

During this study, I have used social learning and conflict transformation as synonymic terms. In this paragraph, I will discuss where they differ and how social learning theorists and practitioners may learn from conflict transformation theorists and practitioners, and vice versa.

I hope that the study of the relation between social learning and conflict management contributes to the already existing literature about social learning. I believe that by choosing conflicts as study object, I entered in the most critical issue of social learning, because in almost all conflicts some of the stakeholders try to obstruct social learning because they are after personal interests. In this sense, I think that conflict transformation theory and practice can contribute to social learning theory and practice, because in conflict transformation, by nature one deals with situations in which there is a reluctance on the part of some stakeholders against social learning.

Regarding the influence of social learning theory on conflict transformation, I perceive that although socio-psychological factors receive some attention in conflict transformation, social learning theory can enrich this aspect.

Small-scale vs. large-scale conflicts

In the beginning of this book I stated that conflict management literature gives most attention to macro (armed) conflicts and micro conflicts (divorces, and conflicts between companies or neighbours). The discourses at both levels show many similarities, but especially in terminology, they also show differences. This study, in which most conflicts are at a "meso-level" (beyond family or village level with a multitude of stakeholders), may contribute towards a rapprochement between the micro and macro level.

The cases show that there are many similarities between small-scale, meso-scale and large-scale conflicts. Already on a small scale, conflicts can be very complex and therefore, above all, managers should find ways to manage complexity. The suggestions that I have made in this chapter, are applicable for conflict managers at all levels. The major differences are in terminology (see chapter 2) and in the impact of the conflict, especially the use and effects of violence have far-reaching consequences for the possibilities to manage or transform a conflict

Natural resources

In chapter 1, I mentioned three issues that arise from the choice for natural resources as the binding factor of the studied conflicts: natural resources as a cause of conflicts (e.g., scarcity, abundance, resource dilemma, greed), the role of natural resources (as an actor) and the impact of conflicts and their management on natural resources (environmental impact).

The cases give examples of the role of natural resources as a cause of conflicts and as a catalyst for co-operation. In none of the conflicts natural resources were the only cause of a conflict. In Nueva Esperanza the scarcity of pasture land, the lack of clarity of borders and individual behaviour of one *comunero* caused the “pasture conflict”. The outcome of the conflict was a clearer definition of the border between Nueva Esperanza and Ullpo. In the case of the irrigation conflict, both the scarcity of water of Umakucho river and the abundance of water of Ccatcamayo river caused the intensification of the conflict between Nueva Esperanza and the Association, other causes were a lack of intervening agencies on the social aspects of irrigation and a dispute about the amount of labour spent by both communities. The agreement reached came into being because of scarce forest resources in the Association and abundant forest resources in Nueva Esperanza. In Carhuayo, gold, the mining resource, only partially has been a cause of the conflicts, the use of land was a more conflictive issue and in later phases of the conflict many other causes (some of them because of natural resources) arose. Regarding the Inca Trail the environmental degradation was both a cause and a catalyst for an improved management of the Trail. In this case also a multitude of other causes have been detected.

Regarding the environmental impact of conflict management/transformation, both Nueva Esperanza de Ccapana and the Inca Trail provide positive examples. In Nueva Esperanza conflict management/transformation caused a more sustainable management of pasture lands, of forest resources of irrigation water and *comuneros* acquired more security about the use of communal lands and about the plots they possess. Conflict management/transformation to decrease environmental degradation of the Inca trail resulted in a more sustainable management of natural resources.

Interactive research

I followed the conflict management process of an organisation (CBC/Casa Campesina) as an insider taking into account the “surroundings”. During the “fieldwork”, as a member of the team of CBC/Casa Campesina, we combined research with conflict management activities. After we informed the participants about the synergy among action and research, we often received information that never would have been given to a “traditional” “external” researcher. In both the CBC/Casa Campesina and in the “field”, practice and theory continuously interacted.

I consider the advantages and disadvantages of this particular “interactive research” as follows. The findings of the study are the product of a continuous self-reflection about how the conflict management team (including me) might improve conflict management. I can not imagine that an external researcher would have been able to do the same. The price is high, a continuous fight against subjectivity. I can only hope that the result is academically interesting. Another advantage of interactive research was the motivated participation of most stakeholders, because they felt that the activities in which this study took part were for their own benefit.

Conflict as an actor network

In chapter 2, I suggested that one can consider a conflict as an actor network, and that this notion might lead to a more complete understanding of conflict management.

Especially in the cases of Carhuayo and the Inca trail since 2002, I perceive that describing these conflicts from an actor network perspective gives some new insights.

In both cases the “root conflict” (use of community land for mining purposes and environmental degradation of the Inca Trail and the socio-economic conditions of porters) seem to be forgotten in the disputes between the conflicting parties. I perceive that the conflict, as a product of historically constructed relations between human and non-human beings, itself became the “nutrition” for later conflicts. In both conflicts several persons tried to take profit from new conditions shaped as a result of the conflict (in Carhuayo loss of control of the use of natural resources, regarding to the Inca Trail, the creation of new money flows, e.g., membership fees of porters). Furthermore new relations among actors created other conflicts which were related with the root cause. In those new relations, the cases show the transformation of already present non-human and human actors and the appearance of new non-human and human actors. The new relations not only may cause conflict, but also may contribute to the management of a conflict. In this perspective, the “exchange” between irrigation water and trees in Nueva Esperanza Ccapana is a case in which a new relation between “transformed” non-human actors appeared to be crucial.

This study as an actor network

As a researcher, I believe that I “embraced” the idea of social learning and conflict management about natural resources at the end of 1997 or the beginning of 1998. I came to Peru at the end of 1996 with the idea to study common property resources. The Casa Campesina offered me a job; I was given the opportunity to participate in workshops and courses and perceived that conflict management about natural resources was a very interesting and important component of “development” work. Not until 2000 did I decide to shift the theme of my Ph.D. study from Common Property Resources to Conflict Management. When I came to Casa Campesina, conflict management was not considered as a main theme, only few weeks before my arrival an agreement was signed with the Forest Trees and People Programme of the FAO about capacity building in the themes participation, communication, planning and conflict management. Since 1997, the team of the Casa Campesina gives more attention to conflict management, since 1998, the subject is a working theme (instead of being a part of legal and organisational advice).

For me it is impossible to trace back who has been the initiator of “the idea of this study”. Was it FTTP-FAO that introduced the theme of conflict management in a more structured manner into the work of the Casa Campesina, were it the farmers who visited the Casa Campesina to receive advice about conflicts, was it Juan Churats whose reputation caused these visits, was it the management (or whole team) of the Casa Campesina who decided that conflict management became a central theme, were it the natural resources that were the subjects of the conflicts, or was it finally me who decided to formulate the research theme? Other essential actors were my promoters who agreed upon the importance of the theme and who accepted my subject change, and my Dutch employer, who allowed me to combine study with work, etc.

This suggests that the study is an actor network in which actors through their individual actions and co-operation consciously and unconsciously form a reality. Supposedly this network and social learning lead to an improvement in the methodology that the stakeholders (farmers, third parties, extension workers, researchers and other organisations) apply in conflict management. It was the task of the researcher to analyse and describe this methodology.

Contributions to ongoing academic debates

Although contributions to academic debates are patched all over the document, I believe that it is worthwhile to give some extra attention to some particular ones at this almost final part of the book:

I hope that this study contributes towards an increased consensus between conflict management theorists and practitioners, because it explains that the dissensus mentioned by Kriesberg (1.2) is not always “necessary”: regarding: emphasis on settlement, resolution or transformation of conflicts; regarding the difference in the importance accorded to coercion and violence; regarding different opinions about the argument that dominant parties gain more than weaker parties because they have control over conflict management instruments; and regarding disagreement about when, which method of conflict management may be appropriate.

I suspect that “Actor Network Theorists” who read this book will be critical about my “combining” of ANT with other theories, and especially with methodologies (using frameworks!). Furthermore, the (im)possibility of using ANT for practice is a hot item in the debates about ANT. Regarding these dilemmas I can only respond that being a conflict management practitioner, for me (being respectful or not) ANT has been very helpful, and in this sense I hope that this study contributes to the debate about ANT and practice.

Another complex issue for me was to realise that my study is a constructivist one, while, at the same time, I perceived that a “pure” constructivist vision on conflict management will result in missing opportunities (with another paradigmatic character). In 2.1.9, I explained my position in this debate, and I discuss the dilemma again at different places in this document, even in the final conclusions. I hope that these reflections serve as a contribution to the relation of constructivism with other ways of thinking about conflict management.

Many conflict theorists propose their “own” categorisation of conflicts (Miall, Lederach, Hampson, Bigdon, Ormachea, Buckles, etc.). I hope that the categorisation formal, alternative, market-centric, local, and social learning/transformation, that I used for this study contributes towards the debates about “conflict management categorisations”.

Regarding natural resources, during the study I became increasingly uncomfortable with its “economic” connotation, even the (more appropriate) terminology environmental services still has a human-centred “flavour”. I perceive that in conflict management the “ANT terminology” non-human actor is a far more appropriate terminology than natural resources in order to conduct a “complete” analysis. Therefore, regarding the different opinions about the relation between conflict and natural resources mentioned in 2.1.3, I add a fifth one: “natural resources is a misleading concept in conflict management”, rather the role of non-human actors should shift from a passive one to a more active one (without falling in the “conservationist trap” of [only] emphasising the non-human component). I realise that many authors before me mentioned this, but the cases do strengthen the argument in the particular case of conflict management, and therefore I hope that it will serve as an advocacy in ongoing debates.

The dilemma that I dealt with (and felt) most in practice and study of conflict management is the tension between social learning and conflict transformation on the one hand, and power (abuse), spoilers, and unwillingness on the other hand. Therefore, here, I again express my hope that my reflection about this dilemma contributes to ongoing academic debates.

12.4 Final conclusions

Regarding to the research question (what is the social and environmental impact of conflict management and how can it be improved, taking into account prevailing conflict management paradigms and social learning?), this study shows that conflict management can result in a positive social and environmental impact. However, the impact is different in every case, and can not be predicted. Therefore, for its improvement one cannot follow guidelines. My suggestions for improved practice therefore comprise some broad principles that do not guide but help a conflict manager to deal with such factors as complexity, unpredictability and uniqueness.

Although visions, worldviews and ideologies of conflict managers often are incompatible, in the course of a conflict the managers may converge on solutions or transformations. Because of their nature, the task to bring together different conflict managers with different paradigms lies with process facilitators.

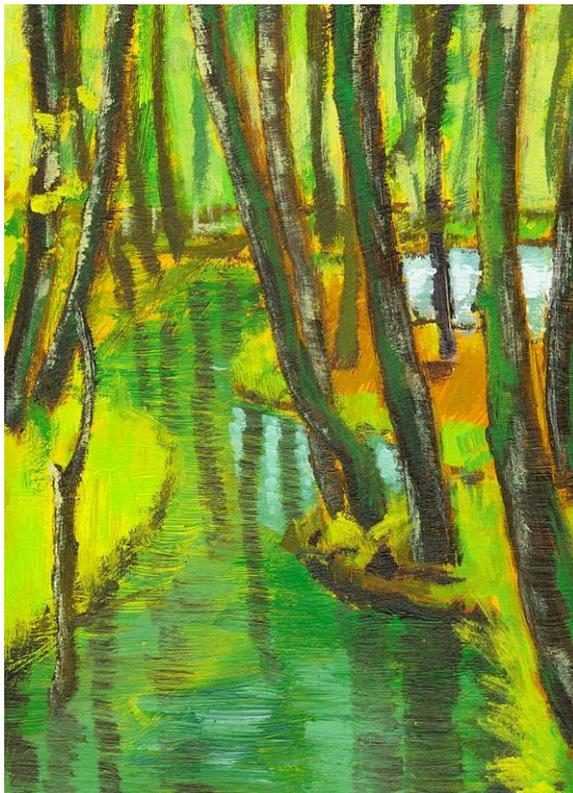
A conflict management process however is an actor network that acts according to a multitude of relations among human and non-human beings and one or more process facilitators always have a limited role. Therefore, process facilitation is not so much a steering activity, but more an observing and correcting activity in which both rational and perceptive factors play a role. A process facilitator checks whether stakeholders participate and how and when they function. According to these observations a process facilitator may give advice and try to influence the process.

Because of their objectives, process facilitators are reformist and unmasking constructivists. However, this does not mean that actions, that (consciously or unconsciously) have their roots in a “belief” in “static society” or that have their roots a “belief” in historical, ironic, rebellious, and revolutionary constructivism, cannot have “positive” effects on conflict transformation. Because of different paradigms and ontologies, process facilitators will not always be able to understand or appreciate these actions. Therefore a process facilitator should regard the actions of all phase managers with respect and with an open mind. It also means that the process often only can be assessed retrospectively and reinforces my statement that the role of a process facilitator is very limited.

Although I have emphasised many times in this book that humbleness, absence of a general truth, complexity and locality are essential factors of conflict management, I am convinced, without modesty, that this study offers a simple device that may serve almost every conflict manager under any circumstance. The device is “*Poco Bosque*” (little forest). POCOBOSC refers to positioning, cognition, bottlenecks and scaling-up. Evaluating my own experience, observing other conflict managers and analysing the case studies of this book, it appears that these issues often do not receive sufficient attention in conflict management. A permanent reflection on these themes avoids confusion of roles, prejudgement, frustration because of obstruction, and isolated action. Although this study tried to give a profound analysis of the occurrence of these

factors in conflict management, further studies are needed to understand the influence of positioning, cognition, dealing with bottlenecks and scaling-up, and to look for the possibilities to incorporate them into practice. In addition, the monitoring of conflict management processes and its relevance for follow-up activities should get more (academic) attention.

Likewise the roles of process facilitators and phase managers need further (academic) attention. Referring to this subject, I end this study with the metaphor “seeing the forest through the trees”, since, according to my own experience, metaphors anchor themselves better in human memory than long academic discourses. The forest refers to the process of a conflict and its facilitators, while the trees refer to the different phases of a conflict and their managers. This study described how most phase managers worry about their trees, without taking into account the forest or the transformation process of a conflict. On the other hand, process facilitators have difficulties to recognise the forest in which they work and to deal with the diverse character of the trees or phases. Referring to the forests in Cusco, I suggest that process facilitators should not regard conflicts as the wide-spread eucalyptus and pine tree plantations that consist of uniform exogenous tree species. Rather, I compare conflicts with native Andean forests¹¹⁵. These forests consist of many rare trees and other species of flora and fauna. They are extremely diverse and its animals and plants form complex interactive ecosystems about which only little is known scientifically.



To manage such a forest in a sustainable way, it is worthwhile to know a lot about it (with the help of its users) and it is important that one does respect the forest as a being of its own, on which the process facilitator only has little influence. Process facilitators and phase managers however should take action if the forest burns, if illegal cutting takes place, etc. In the process of knowing about and taking action in the forest, a process facilitator never should forget that especially the diversity of the species, the interaction among them and the mystery of the native Andean forests determine their uniqueness and are the keys for their management.

Figure 12.2. Seeing the forest through the trees (Dorine Frederiks)

¹¹⁵ In the area of the case study of Carhuayo lies one of the few remaining Andean native forests

Glossary

Actor: human or non-human entity that “does things” and forms part of the conflict

Adaptive management: management by change based on learning.

Alternative Conflict Management or **Alternative Dispute Solution:** conflict management that aims to join disputing parties and to pass through barriers that obstruct communication in order to find “solutions”.

APTAE: *Asociación Peruana de Turismo y Aventura y Ecoturismo:* Peruvian Association of Adventure Tourism and Ecotourism.

ANT: Actor Network Theory

Asamblea general: (village) assembly

Asociación (de Productores): Association (of producers): a rural Peruvian community which consists of private landowners (contrary to *comunidades campesinas*)

ATTAP: *Asociación de Trabajadores de Turismo de Aventura del Perú:* Association for Adventure Tourism Labourers in Peru)

Ayni: plots in communal possession

Bottleneck: obstructive factor

Broederlijk Delen: Belgian Christian “donor agency”

Cariño: a gift, literally kindness

Casa Campesina: programme of Centro Bartolomé de Las Casas

CCAIJO: *Centro de Capacitación Agro Industrial Jesús Obrero.* NGO in Cusco

CBC: *Centro Bartolomé de Las Casas,* the NGO for which I worked from 1997 to 2004.

CBO: Community Based Organisation

Cognition: a process in which emotions/values, theory and perceptions, influenced by the context or surroundings, interrelate and lead to (collective and sustainable) action.

Colegio Andino: programme of Centro Bartolomé de Las Casas

Comunidad Campesina: rural Peruvian communities (mostly located in the *sierra*) as defined in the general law of *Comunidades Campesinas* 24656

Comunero: member of a *comunidad campesina*

Comunero empadronado: official member of *comunidad Campesina*, registered in the *padrón de comuneros*

Conciliation: similar to mediation, only the role of the third person is more active, because (s)he can propose “solutions”. However (s)he cannot oblige the parties to accept it.

Conflict: situation in which two or more parties perceive to have mutually incompatible objectives

Conflict management: actions with the aim to give a positive course to a conflict

Conflict manager: person who is involved in actions with the aim to give a positive course to the conflict.

Conflict transformation: form of conflict management that recognises that every conflict involves many parties, issues and stages, that builds on people and resources within the setting, and which aims at the long-term goal of transformation (of people and society).

Constructivism: a way of thinking that is critical of the status quo.

Constructivist evaluation: a hermeneutic “recycling” process in which stakeholders negotiate unresolved claims, concerns and issues.

CORDAID: Dutch donor agency “inspired by the catholic way of social thinking”.

COSUDE: Swiss Agency for Development and Co-operation

Costa: coastal region of Peru

CPR: Common Property Resources or Common Pool Resources

CSO: Civil Society Organisation

DRIT: *Directorado Regional de Turismo:* regional office of the Ministry of Tourism

Editorial: programme of Centro Bartolomé de Las Casas

Facilitator: in conflict management literature: conflict manager who tries “to be neutral” and “not to interfere” among the conflictive parties; according to Leeuwis (2004) (as used in the concluding chapters in this thesis): person who enhances communication and learning through active strategies.

Faena: communal labour

Formal Conflict Management: conflict management in which the different parties deal with their interest from a “hierarchical” perspective through the use of power.

FTPP: Forest Tree and People Programme of the FAO

Improvement: Positive change

Intervenor: person who is denominated by him/herself or others as “third” persons who have the task to give a positive input towards the course of the conflict

INC: *Instituto Nacional de Cultura:* National Institute for Culture

- INRENA:** *Instituto Nacional de Recursos Naturales*: National Institute for Natural Resources.
- IPRECON:** *Instituto Peruano de Resolución de Conflictos*. Peruvian Institute for Conflict Resolution
- IRDC:** International Research and Development Centre, Canadian research institute and donor agency.
- Junta directiva:** literally: board of directors, in this study: village council
- Local Conflict Management:** conflict management with local characteristics
- Market-oriented conflict management:** conflict management in which economical resources are used to change the course of the conflict.
- Mediation:** a third person facilitates to improve the communication between the disputing parties in order to reach an agreement.
- Misereor:** the German Catholic Bishops' Organisation for Development Cooperation
- Muy:** rotational zones in rural communities
- Mesa de concertación:** organ in which public and private agencies consult together
- Natural Resource:** a part of the environment which is of use and value to the earth's inhabitants (flora and fauna)
- Natural Resource Management:** the process of decision making about the use of natural resources for fulfilling basic and other needs (of the earth's inhabitants)
- Negotiation:** interrelation between the directly involved parties of a conflict in order to reach an agreement or a solution.
- NGO:** Non Governmental Organisation
- ORTAM:** *Oficina Regional Técnica de Asesoría a Municipios*: Regional Technical Office for Consultation to Municipalities. Former programme of CBC that became a sub-programme of the Casa Campesina in 2000.
- Participatory Conflict Management:** participatory appraisal and management of conflicts including as much stakeholders as possible.
- PETT:** *Proyecto Especial de Titulación de Tierras*. Special Project of Land Entitlement.
- Phase manager:** conflict manager who is only active during a certain phase of the conflict
- Positioning:** the decision-making process regarding the role of a conflict manager in a conflict
- Positive:** notion of "good", which depends on my ability to convince the reader
- PRA:** Participatory Rural Appraisal
- PRIO:** Peace and Research Institute in Oslo
- Process facilitation:** an observing and correcting activity, in which both rational and perceptive factors play a role, that aims to give advice on and to influence the conflict management process
- PRONAMACHCS:** *Programa Nacional de Manejo de Cuencas Hidrográficas y Conservación de Suelos*. National Programme of Watershed Management and Soil Conservation
- RAAKS:** Rapid Appraisal of Agricultural Knowledge Systems
- Ronda Campesina:** rural Peruvian organisation that has its origin in the battle against terrorism and cattle robbery and that is widening its tasks.
- Saneamiento legal:** the process of getting legal security about land title deeds. In the case of *comunidades campesinas* the required documents are *resolución de reconocimiento* (resolution of recognition), *personería jurídica* (legal person), *título de propiedad* (property title), *inscripción de título de propiedad ante registros público* (inscription of the property title in the Register Office). In this study I use an amplified concept of *saneamiento legal*, going beyond the purely legalist interpretation. It includes for example the use of management tools, like the *padrón* (register) of *comuneros* and the statute of the comunidad.
- Saneamiento físico** the verification of the internal borders within a community and the visualization with landmarks of the outside borders to define its territory physically
- Scaling-up:** spreading and interchange of information, knowledge and experiences
- Selva:** Amazon zone of Peru
- Sendero Luminoso:** Lighting Path, guerrilla group in Peru
- Sierra:** Andean mountainous zone of Peru
- SINDUP:** *Sindicato Unico de Porteadores de Cusco*: Porters' Union of Cusco
- SLIM:** Social Learning for the Integrated Management and Sustainable Use of Water at Catchment Scale
- Social and environmental impact:** the outcome of (conflict management) actions as a result of constructivist evaluation
- Social learning:** learning by individuals that take place in social settings and/or that is socially conditioned, and learning by social aggregates
- Stakeholders:** human persons and institutions that take part in a conflict
- UGM:** *Unidad de Gestión de Machu Picchu*: Management Unit of Machu Picchu
- UPAZ:** University for Peace

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Summary

The study tries to give answers to complex questions and dilemmas that I dealt with as an advisor on “management of conflicts about natural resources”. I defined conflict management as the actions of internal or external actors that aim to give a “positive” turn to the course of a conflict.

Firstly, I wanted to know the social and environmental impact of conflict management. Secondly, I studied whether it is a short-term activity or if it can contribute to transformation and social learning in a society. Thirdly, I looked into the influence of prevailing paradigms on conflict management, and lastly, I made some suggestions to improve conflict management.

To get a better insight in the possibilities of change and transformation, I studied the social construction of conflict management and the possibility of social and interactive learning. I examined whether learning by individuals is “socially conditioned” and whether “social aggregates do learn”, how conflicts hamper social learning processes, and how conflict management may attribute to wider social learning processes. For this aim, I looked into the interaction between intervention, local conflict management, scaling-up and research.

I paid attention to “prevailing conflict management paradigms”, because a practical and theoretical problem of conflict managers is that they are guided (consciously or unconsciously) by a set of principles and assumptions. This makes that they can be shared (by themselves and by outsiders) under a certain category, label, paradigm or ontology. These may conflict with each other.

Examples are:

- A traditional role of conflict management lies by public forces: law making, law enforcement and law interpretation. According to these logics conflict are managed with the use of power. Most scholars categorise this as formal conflict management.
- In the last decades, however, it is recognised world-wide that formal conflict management has many shortcomings. As a response, since the 1960’s alternative dispute resolution or alternative conflict management is gaining importance. The main practitioners of this kind of conflict management are people belonging to private organisations.
- Furthermore, in “multicultural societies”, local conflict management practices appear to be more effective than the application of (formal) conflict management mechanisms that are the product of the “dominant” culture.
- A fourth category is market-oriented conflict management. Market forces are a possible cause of conflict and some see market forces as a way to manage conflicts.
- Other scholars suggest conflict transformation as an alternative, giving more emphasis to long-term goals. I consider social learning as an approach that focuses on transformation.
- The study shows that also other conflict management categories, labels or paradigms can be distinguished.

During the course of the study, I realised that by choosing social learning as a starting point, I shared myself under a category. During the remaining part of the study, I tried to avoid “paradigmatic” thinking and at the same time I realised that this only would be possible up to a certain extent.

To answer the earlier mentioned research questions, I studied the organisational process regarding conflict management of Centro Bartolomé de Las Casas (CBC). Between 1997 and 2004, I worked for this NGO based in Cusco, Peru. From 1985 onwards, CBC, especially through its programme Casa Campesina, adopted conflict management gradually as a main working line.

By means of three additional case studies, I described the impact of conflict management by CBC in “field” cases, and its interaction with local conflict management and conflict management by other third parties. One case dealt with multiple conflicts of a rural community (Nueva Esperanza de Ccapana). The second case was about a conflict between a mining company and four rural communities in the district of Carhuayo. The third case studied conflicts about the use of the Inca Trail, a mayor tourist destination which leads to Machu Picchu.

In the case studies both conflict management according to a sole “prevailing conflict management paradigm” and “hybrid forms” of conflict management with an interaction of paradigms occur. In some cases conflict paradigms clash, in other cases they form a synergy. Also other paradigms, which are not prevailing conflict management paradigms, play a significant role in conflicts. The search for “hybrid forms” of conflict management in which conflict paradigms form a synergy is major task for conflict managers.

The case studies furthermore showed that social learning is diverse and unpredictable, and has a tense relation with “bottlenecks” such as power “abuse”, unwillingness and spoilers. For a better understanding of social learning in conflict management it is helpful to distinguish different “levels” such as individual learning, organisational learning, social “group” learning, social learning by all stakeholders, and social learning in the surroundings. One should also take into account the different aggregates of social learning and conflict transformation. Furthermore, one should not only look into the possibilities of social learning, but also consider/prevent the possibility/risk of (collective) loss of memory. By interpreting social learning in a wide sense, one can, on the one hand, appreciate “partial” social learning and, on the other hand, appreciate methods which do not have a (direct) social learning component, but which aim to deal with bottlenecks, and, as such, in the long-term may contribute to social learning/transformation processes.

In general, the study showed that conflict management can result in positive social and environmental impact. However, the impact is different in every case, and cannot be predicted. Therefore, for its improvement one cannot follow guidelines. In this context, my suggestions to improve practice comprise some broad principles that do not guide but help a conflict manager to deal with such factors as complexity, unpredictability and uniqueness.

Within a conflict management process, I distinguished phase managers and process facilitators in order to get a better insight on the influence of paradigms on conflict

management, and in order to discuss the issues of social learning and conflict transformation.

Although visions, worldviews and ideologies of conflict managers often are incompatible, in the course of a conflict the managers may converge on solution or transformation. Because of their nature, the task to bring together different phase managers with different paradigms lies with process facilitators.

A conflict management process however is an actor network that develops according to a multitude of relations among human and non-human beings and one or more process facilitators always have a limited role. Therefore, process facilitation is not so much a steering activity, but more an observing and correcting activity in which both rational and perceptive factors play a role. A process facilitator analyses the conflict management process extensively and doing so, (s)he may give advice and try to influence the process.

Because of different paradigms and ontologies, process facilitators will not always be able to understand or appreciate all actions of the different phase managers. Therefore a process facilitator should regard the actions of all phase managers with respect and with an open mind. It also means that the process often only can be assessed retrospectively.

Although humbleness, absence of a general truth, complexity and locality are essential factors of conflict management, this study offers a device that may serve almost every conflict manager under any circumstance. The device is “Poco Bosque” (little forest). POCOBOSC refers to positioning, cognition, dealing with bottlenecks and scaling-up. Evaluating my own experience, observing other conflict managers and analysing the case studies of this book, it appears that these issues often do not get sufficient attention in conflict management. A permanent reflection on these themes avoids confusion of roles, prejudgement, frustration because of obstruction, and isolated action.

Samenvatting

Door middel van deze studie heb ik geprobeerd antwoorden te vinden op complexe vragen en dilemma's, die ik tegenkwam tijdens mijn werk als adviseur "management van conflicten over natuurlijke hulpbronnen". Conflict management wordt beschouwd als de acties van interne of externe actoren die erop gericht zijn om de loop van een conflict een positieve wending te geven.

Ten eerste wilde ik de sociale- en milieu-impact van conflictmanagement kennen. Ten tweede bestudeerde ik of het kan bijdragen aan transformatie en sociaal leren in een maatschappij. Ten derde onderzocht ik de invloed van veelgebruikte paradigma's in conflict management en, als laatste, formuleerde ik een aantal suggesties voor de verbetering van conflict management.

Om een beter inzicht te krijgen in de mogelijkheid van verandering en transformatie, bestudeerde ik de sociale constructie van conflict management en de mogelijkheid van sociaal en interactief leren. Ik onderzocht of individueel leren "sociaal geconditioneerd" is en of "sociale eenheden" leren. Voor dit doel, bekeek ik de interactie tussen interventie, lokaal conflict management, scaling-up en onderzoek.

Ik besteedde aandacht aan "veelgebruikte conflict management paradigma's", omdat conflict managers in de praktijk en in theorie (bewust en onbewust) geleid worden door een verzameling principes en aannames. Hierdoor kan elk type conflict management (door de uitvoerende conflict managers en door buitenstaanders) als een bepaalde categorie, label, paradigma of ontologie worden beschouwd. Er kan een conflict tussen verschillende paradigma's ontstaan.

Hiervoor werden de volgende voorbeelden van paradigma's onderzocht:

- Een traditionele rol in conflict management ligt bij overheidsinstanties: wetgeving, wetsuitvoering en wetsinterpretatie. Regelgeving, hiërarchie en macht zijn de basis-elementen voor het managen van conflicten. Deze categorie wordt in conflictliteratuur vaak formeel conflict management genoemd
- Echter, in de afgelopen decennia, wordt wereldwijd erkend dat formeel conflict management veel tekortkomingen heeft. Als antwoord wordt sinds de zestiger jaren alternatief conflict management steeds populairder. De meeste beoefenaars van dit type conflict management werken voor particuliere organisaties en bedrijven.
- In "multiculturele samenlevingen", blijken lokale conflict management praktijken vaak effectiever dan de toepassing van (formele) conflict management mechanismen die het product zijn van de "dominante" cultuur.
- Een vierde categorie is conflict management door marktvloeden. De markt is een mogelijke oorzaak van conflicten, maar wordt ook beschouwd als een manier om conflicten te managen.
- Tegenwoordig opperen veel conflictonderzoekers conflict transformatie als alternatief. Hierin wordt de nadruk gelegd op lange termijn doelstellingen. Ik beschouw dat een sociaal leren benadering transformatie nastreeft.
- Verder toont de studie aan dat er ook andere conflict management categorieën, labels en paradigma's kunnen worden onderscheiden.

Tijdens het onderzoek kwam ik erachter dat ik zelf volgens een paradigma dacht en handelde, aangezien ik een sociaal leren standpunt had aangenomen. Gedurende het overige deel van mijn studie, probeerde ik “paradigmatisch” denken te vermijden en tegelijkertijd realiseerde ik me dat dit slechts tot op een zekere hoogte mogelijk zou zijn.

Om de eerdergenoemde onderzoeksvragen te beantwoorden, bestudeerde ik het proces dat Centro Bartolomé de Las Casas (CBC) doorliep als een organisatie die conflict management faciliteert. Tussen 1997 en 2004, werkte ik voor deze Non-gouvernementele Organisatie (NGO) in Cusco, Peru. Vanaf 1985 werd conflict management in CBC, vooral via het programma Casa Campesina, een steeds centralere activiteit.

Door middel van drie additionele case studies, beschreef ik de impact van conflict management door CBC in “veld” situaties, en de interactie met lokaal conflict management en conflict management door andere derde partijen. Eén case studie behandelde veelzijdige conflicten in een plattelandsgemeenschap (Nueva Esperanza de Ccapana). Een tweede case studie ging over een conflict tussen een mijnbouwonderneming en vier rurale gemeenschappen in het district Carhuayo. De derde case bestudeerde conflicten over het gebruik van de Inca Trail, een belangrijke toeristische wandelroute die als eindbestemming Machu Picchu heeft.

In de case studies komt zowel conflict management volgens een enkele “veelgebruikte conflict management paradigma” voor als “hybride vormen” van conflict management met een interactie tussen paradigma’s. In een aantal gevallen botsen conflict paradigma’s, in andere gevallen vormen ze een synergie. Daarnaast spelen ook andere dan de vijf genoemde paradigma’s een belangrijke rol in conflicten. Het zoeken naar “hybride vormen” van conflict management waarin conflict paradigma’s een synergie vormen is een hoofdtaak van conflict managers.

De case studies toonden verder dat sociaal leren divers en onvoorspelbaar is, en een gespannen relatie heeft met “bottlenecks” zoals machtsmisbruik, gebrek aan medewerking en tegenwerking. Voor een beter begrip over sociaal leren in conflict management helpt het om verschillende niveaus te onderscheiden, zoals individueel leren, leren door organisaties, sociaal leren in een bepaalde groep, sociaal leren door alle stakeholders en sociaal leren in de bredere omgeving. Verder is het goed om de verschillende onderdelen van sociaal leren en conflict transformatie die in de studie genoemd worden apart te beschouwen. Het is ook belangrijk om niet alleen de mogelijkheden van sociaal leren te bekijken, maar tevens de mogelijkheid en het gevaar van (collectief) geheugenverlies in consideratie te nemen. Door sociaal leren op een brede manier te interpreteren, kan men gedeeltelijk sociaal leren waarderen en methodes te waarderen die geen (directe) sociaal leren component hebben maar die bedoeld zijn om “bottlenecks” te bestrijden, en zodoende op de lange termijn wel kunnen bijdragen aan processen van sociaal leren en conflict transformatie.

Tevens toont de studie aan dat conflict management mogelijk een positieve sociale- en milieu-impact heeft. De impact is echter verschillend in elke situatie en kan niet met nauwkeurigheid voorspeld worden. Er bestaan daarom geen recepten voor de verbetering van conflict management. Deze beperkingen in acht nemende, zijn mijn suggesties om conflict management praktijk te verbeteren brede handvaten

die een conflict manager helpen om te gaan met factoren als complexiteit, onvoorspelbaarheid en uniekheid

Binnen een conflict management proces, onderscheid ik fase managers en proces facilitatoren, deze indeling biedt mogelijkheden om gericht met de invloed van paradigma's en met de mogelijkheid van sociaal leren en conflict transformatie om te gaan.

Ondanks dat visies, wereldbeelden en ideologieën van conflict managers vaak onverenigbaar zijn, kunnen conflict managers in de loop van een conflict toch overeenstemming bereiken over een oplossing of een transformatie. Een hoofdtaak van proces facilitatoren is om fase managers met verschillende paradigma's dichter bij elkaar te brengen.

Echter, een conflict management proces is een "actor network" dat zich ontwikkelt volgens een veelheid van relaties tussen menselijke en niet-menselijke actoren en een of meer proces facilitatoren hebben altijd een beperkte rol. Dit heeft tot gevolg dat proces facilitatie niet zo zeer een sturende activiteit is, maar eerder een observerende en corrigerende activiteit waarin zowel rationele als perceptuele factoren een rol spelen. Een proces facilitator analyseert een conflict management proces zo goed mogelijk, en met die basis kan een proces facilitator adviseren en het proces proberen te beïnvloeden.

Vanwege verschillende paradigma's en ontologieën, zullen proces facilitatoren niet altijd in staat zijn om alle acties van de verschillende fase managers te begrijpen en te waarderen. Dit betekent dat proces facilitatoren de acties van alle fase managers ontvankelijk en met respect moeten beschouwen. Vaak kan het proces aldus slechts achteraf op zijn volle waarde worden geschat.

Ondanks dat complexiteit, plaatsafhankelijkheid en het ontbreken van een algemene waarheid essentiële factoren van conflict management zijn, biedt deze studie een devies dat bijna elke conflict manager onder elke omstandigheid tot dienst kan zijn. Het devies is: "Poco Bosque" (weinig bos). POCOBOSC betekent positionering, cognitie, omgaan met bottlenecks en scaling-up. Uitgaande van mijn eigen ervaringen, andere conflict managers observerend en na analyse van de case studies in dit boek, blijkt het dat deze thema's vaak niet voldoende aandacht krijgen in conflict management. Een permanente reflectie over deze thema's vermijdt verwarring over rollen, vooroordelen, frustratie door obstructie, en geïsoleerde actie.

Resumen

Este estudio trata de dar respuestas a cuestiones y dilemas complejos que encontré en el trabajo como asesor de “gestión de conflictos sobre recursos naturales”. Definí gestión de conflictos como las acciones de actores internos y externos que tienen como objetivo dar un turno positivo al proceso de un conflicto.

Primero, quise conocer el impacto social y ambiental de gestión de conflictos. Segundo, estudié si esta es una actividad de corto plazo o una actividad que pueda contribuir a la transformación y aprendizaje social en una sociedad. Tercero, investigué la influencia de paradigmas utilizadas frecuentemente en gestión de conflictos, y, por último, hice algunas sugerencias para mejorar la gestión de conflictos.

Para tener un mejor entendimiento de las posibilidades de cambio y transformación, estudié la construcción social de gestión de conflictos y la posibilidad de aprendizaje social y ambiental. Examiné si aprendizaje por individuos es “condicionado socialmente” y si “componentes sociales puedan aprender”, como conflictos obstruyen procesos de aprendizaje social y como gestión de conflictos pueda atribuir a procesos de aprendizaje social más amplios. Para este objetivo investigué la interacción entre intervención, gestión local de conflictos, escalamiento e investigación

Puse especial atención a paradigmas de gestión de conflictos utilizados frecuentemente, porque un problema práctico y teórico de gestores de conflictos es que ellos son guiados por una serie de principios y supuestos. Esto hace que los tipos de gestión de conflictos pueden ser considerados (por los gestores de conflictos mismos y por terceros) según una cierta categoría, paradigma u ontología. Estos pueden contradecirse entre ellas.

Ejemplos son:

- Un papel tradicional de gestión de conflictos es de los actores públicos: legislación, implementación e interpretación de leyes. En esta lógica el uso de poder es la herramienta principal para la gestión de conflictos. Muchos investigadores categorizan esto como gestión formal de conflictos.
- Sin embargo, en las últimas décadas, a nivel mundial se da cuenta que la gestión formal de conflictos tiene muchas limitaciones. Como respuesta, desde los años sesenta la gestión alternativa de conflictos esta ganando importancia. Los practicantes principales de esta forma de gestión de conflictos pertenecen a organizaciones privadas.
- Luego, en “sociedades multiculturales” gestión local de conflictos a menudo es más efectiva y apropiada que la aplicación de mecanismos (formales) de gestión de conflictos que son el producto de la cultura “dominante”.
- Una cuarta categoría de gestión de conflictos está orientada por el mercado. Las fuerzas mercantiles son una posible causa de conflictos, y muchos ven dinámicas mercantiles como una manera de manejar conflictos.
- Hoy en día muchos investigadores sugieren la transformación de conflictos como una alternativa, dando más énfasis a objetivos de largo plazo. Considero el aprendizaje social como un acercamiento que focaliza transformación.
- El estudio mostró que se distingue también otras categorías o paradigmas.

Durante el proceso del estudio me di cuenta que, eligiendo el aprendizaje social como punto de partida, me estuve categorizando yo mismo. Durante la parte faltante del estudio trato de evitar pensar paradigmáticamente y al mismo tiempo me di cuenta que esto solamente sería posible hasta un cierto punto.

Para responder las cuestiones de la investigación, estudié el proceso organizativo referido a la gestión de conflictos implementada por el Centro Bartolomé de Las Casas (CBC). Entre 1997 y 2004, trabajaba para esta ONG en Cusco, Perú. A partir de 1985, CBC, especialmente con su programa Casa Campesina, adoptaba gestión de conflictos como una de las líneas de trabajo más importantes.

Por medio de tres estudios de caso adicionales, describí el impacto de gestión de conflictos por el CBC en el “campo”, y la interacción con gestión de conflicto local y gestión de conflictos por otros terceros. Un caso se referió a conflictos múltiples en la comunidad campesina Nueva Esperanza de Ccapana. El segundo caso trató sobre un conflicto entre una empresa minera y cuatro comunidades campesinas en el distrito de Carhuayo. El tercer caso fue sobre el uso del Camino Inca, un destino turístico mayor que llega hasta Machu Picchu.

En los estudios de caso ambos gestión de conflictos según un solo paradigma usado frecuentemente y las formas híbridas de gestión de conflictos con una interacción entre paradigmas ocurrieron. En algunos casos paradigmas de conflicto se chocaron, en otros casos formaron una sinergia. También otros paradigmas de las cinco mencionadas jugaron un papel significativo en los conflictos estudiados. La búsqueda de formas híbridas de gestión de conflictos en los cuales los paradigmas forman una sinergia es una tarea principal para un gestor de conflictos.

Asimismo, los estudios de caso mostraron que aprendizaje social es diverso e imprevisible, y que tiene una relación tensa con embotellamientos como el abuso de poder, falta de voluntad y “malogrados”. Para un mejor entendimiento de aprendizaje en gestión de conflictos se puede distinguir diferentes niveles, como son aprendizaje individual, aprendizaje organizativo, aprendizaje social por parte de un segmento de la sociedad, aprendizaje por todos los stakeholders, y aprendizaje social en el entorno. Además se tendrá que tomar en cuenta diferentes elementos de aprendizaje social y transformación de conflictos. Luego, es mejor no solo considerar las posibilidades de aprendizaje social, sino que también las posibilidades y riesgos de pérdida (colectiva) de la memoria. Así interpretando aprendizaje social en un sentido amplio, se puede apreciar métodos que no tienen un componente de aprendizaje social (directo), sino que manejan embotellamientos, y, en esta forma, al largo plazo, podrían atribuir a procesos de aprendizaje social y transformación.

En general, el estudio mostró que gestión de conflictos puede resultar en un impacto social y ambiental positivo. Sin embargo, el impacto es diferente en cada caso, y no puede ser preasumido. Por lo tanto, para su mejoramiento no se puede seguir recetas. Tomando estas limitaciones en cuenta mis sugerencias para el mejoramiento de gestión de conflictos comprenden algunos principios amplios, los cuales no guían, sino que ayudan a un gestor de conflictos a manejar factores como complejidad, imprevisibilidad y unicidad.

Dentro de un proceso de gestión de conflictos, distingo gestores de fases y facilitadores del proceso, para tener una mejor comprensión de la influencia de paradigmas de gestión de conflictos y para poder involucrar mejor los temas de aprendizaje social y transformación de conflictos.

Aunque visiones, cosmovisiones e ideologías de gestores de conflictos a menudo no son compatibles, en el proceso de un conflicto pueden lograr en conjunto una solución o transformación. El facilitador de procesos tiene la tarea de promover acercamiento entre diferentes gestores de fases con diferentes paradigmas

Un proceso de gestión de conflictos, sin embargo, es un “actor network” que se desarrolla según una multitud de relaciones entre actores humanos y no humanos y los facilitadores de procesos siempre tienen un papel limitado. Por lo tanto, la facilitación de procesos no es tanto una actividad manejable, pero más bien es una actividad de observación y corrección en la cual ambos factores racionales y perceptivos juegan un papel. Un facilitador de procesos analiza el conflicto de una manera más amplia. Luego un facilitador de procesos puede dar consejos y tratar de influir el proceso.

A causa de diferentes paradigmas y ontologías, los facilitadores de procesos no siempre serán capaces de entender o valorar todas las acciones de los diferentes gestores de fases. Por ende, un facilitador de procesos tendrá que considerar las acciones de todos los gestores de fases con respecto y con una mente abierta. Esto también significa que el proceso solo puede ser entendido en retrospectiva.

Modestia, ausencia de una verdad general, complejidad y localidad son factores esenciales de gestión de conflictos. Sin embargo, este estudio ofrece una sugerencia que puede servir a casi todo gestor de conflictos bajo casi cada circunstancia. Esta sugerencia es “Poco Bosque”: POCOBOSC se refiere a posicionamiento, cognición, a tratar embotellamientos y escalamiento. Evaluando mi propia experiencia, observando a otros gestores de conflictos y analizando los estudios de caso de este libro, concluí que estos temas a menudo no reciben suficiente atención en gestión de conflictos. Una reflexión permanente sobre estos temas evita confusión sobre papeles, prejuicio, frustración a causa de obstrucción, y acción aislada.

About the Author

Henkjan Laats was born in Emmeloord, The Netherlands, on March 24th 1964. In 1982 he completed his pre-university education (VWO-B) at the Scholengemeenschap Bataafse Kamp in Hengelo. In 1988, he obtained his Msc in Soil and Water Management at Wageningen University. He spent his practical period in Ecuador and Costa Rica.

After his graduation he was engaged in voluntary work for the organisations Vastenactie, Centrum Ontwikkelingswerk Nederland, Green Deserts, Wageningen University, Leeffestival, and Agromisa. Furthermore, during this period, he followed courses at INRA and Warmonderhof, and he worked as a cook in the restaurants Zeezicht, het Gat and Szmulewicz.

From May 1991 to March 1996 he worked with a SNV contract in Nepal, first as an irrigation engineer for the Small Farmers Community Irrigation Programme of the Agricultural Development Bank in Tulsipur. Subsequently, he worked as an advisor participatory watershed management for the District Soil Conservation Office in Tulsipur. His last function in Nepal was to design a policy about Natural Resource Management for the Karnali Local Development Programme (KLDP) in Nepalgunj.

From Jan 1997 until June 2003, Henkjan worked as an advisor on conflict management, with additional tasks in the fields of: generation and sharing of knowledge, interactive research, evaluation and monitoring, participatory methodologies and systematisation, for the programme Casa Campesina of Centro Bartolomé de las Casas (CBC) in Cusco, Peru, with a contract of CMC and since 2000 of PSO.

From January 2002 to June 2003, he combined that function with the work as advisor institutional strengthening and informal education of the non-governmental organisation Casa del Cargador. After finishing his contract with CMC and PSO, between November 2003 and May 2004, he worked as a consultant for the project “Management of Conflicts and Natural Resources in a Protected Area: the example of Machu Picchu” of the programme Colegio Andino of CBC

In December 2004, he co-founded with Gustavo Hernandez the NGO Cross Cultural Bridges (CCB). CCB is an organisation which propitiates and facilitates cultural dialogue at different levels, it consists of a “core group” of five people, who implement projects together with various “key persons”, all of them having extensive experience in “bridging cultures”, both in personal and professional spheres. Since July 2005, Henkjan works as an advisor on management of conflicts among indigenous communities and extractive industry companies for the Bolivian NGO CEADES.

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List of publications

- “Conflicts about the Inca trail”, paper for the workshop “Between sustainable tourism and local development: prospects and paradoxes”, CEDLA, Amsterdam, the Netherlands (2004)
- “La experiencia de trabajo de la Casa Campesina” document and video (2003)
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Frontpage cover: 13th of August, 2005: a march for peace by *ronderos* from rural areas of Cusco in the city of Cusco against exclusion and against violence, as a reaction on a violent clash (with casualties) between police, a mining company and *ronderos*, which took place in Majaz in the department of Piura (northern part of Peru). (Photograph: David Illich Flórez Bozo).

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