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ORIGINAL ARTICLE

Mining Boom and Contentious Politics across Central America: Elites, Movements and Party Systems

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Abstract

The metal-mining boom Latin America experienced in recent decades precipitated highly contentious anti-mining social movements in Central America. In this context, El Salvador became the first country in the world to ban all metal mining by law. In contrast, policy in nearby Guatemala, Honduras and Nicaragua remained pro-mining. These cases are compared using a most similar systems design. Comparison reveals the importance of three variables: how national economic-elite networks and interests relate to multinational corporations; national movement coordination and goals, specifically in relation to prohibition; and how parties and leaders relied on popular bases or capital. These factors shaped the contention between elites and movements that influenced state actions around mining and led to this 'least likely case' of extractive policy change in El Salvador.

Keywords: mining; social movements; elites; Central America; parties; multinational corporations

Introduction

In the last few decades, a commodity boom and mining rush have been met with conflict in new extractive frontiers across Latin America. Amidst this dynamic, in March 2017, El Salvador became the first country in the world to ban all metal mining by law, breaking from regional trends by moving away from extractive industries. Yet, El Salvador appears an unlikely case for such a dramatic anti-mining turn. It has weak and constrained environmental governance,¹ major neo-liberal reforms,² and a politically powerful business class.³

¹Benedicte Bull, Nelson Cuéllar and Susan Kandel, 'El Salvador: The Challenge to Entrenched Elites and the Difficult Road to a Sustainable Development Model', in Benedicte Bull and Mariel Aguilar-Støen (eds.), *Environmental Politics in Latin America: Elite Dynamics, the Left Tide and Sustainable Development* (London: Routledge, 2015), pp. 33–50.

²Carlos Velásquez Carrillo, 'The Reconsolidation of Oligarchic Rule in El Salvador: The Contours of Neo-Liberal Transformation', in Liisa North and Timothy Clark (eds.), *Dominant Elites in Latin America: From Neo-Liberalism to the 'Pink Tide'* (Cham: Springer International, 2018), pp. 149–79.

³Christine Wade, *Captured Peace: Elites and Peacebuilding in El Salvador* (Athens, OH: Ohio University Press, 2016).

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How can we explain this ‘least likely case’ of policy change? El Salvador’s neighbours – Guatemala, Honduras and Nicaragua – all experienced a mining rush and conflicts over mining simultaneously, yet have not sustained anti-mining policy shifts.⁴ To search for causes, I compare these four countries.

Through comparison, three variables appear especially important. A first variable is mining multinational corporations’ (MNCs) access to the political leverage of domestic economic-elite networks and organisations. MNCs and domestic business groups are central actors in the hierarchical model of capitalism in Latin America, yet their coordination is not guaranteed.⁵ In every case besides El Salvador, domestic elites coherently supported mining through peak associations. Disaggregating between MNCs and domestic elites helps explain why social-movement pressure overcame mining interests only in El Salvador. Second, movement structures and strategy mattered, specifically the scale of coordination and if they had coherent goals of national prohibition, two interrelated factors. The Salvadorean and Honduran movements were both structured through national coalitions with specific, unwavering goals of prohibition. Both had national policy influence (until the 2009 *coup d’état* in Honduras), as opposed to Guatemala (where no national prohibition coalition consolidated) and Nicaragua (where it emerged late). Third, the structure between the party system and electoral constituencies shaped access to the policy arena. Polarisation, internal party battles and the dominant left parties’ orientation to capital determined if parties or leaders relied on a popular support base including social movements, or if it excluded or mediated them.

This article seeks to contribute to the literature on mining politics in Latin America empirically, theoretically and methodologically. Empirically, this article contributes by focusing on Central America. While Andean extractive politics deservedly receives much attention, Central America – especially Honduras and Nicaragua – is under-studied,⁶ despite the volatile mining politics in the region, and despite the fact that mining concessions covered 14 per cent of Central America’s territory by 2011.⁷

Theoretically, this article treats power in extractive politics through elites, movements and institutions in new ways. It brings those variables into interaction and explores the dynamics within each variable: inter-elite relationships, social-movement strategy, and party systems and constituencies. It shows that the balance of power between elites and popular movements shapes state actions. The state is

⁴In February 2022, as this article goes to press, the Xiomara Castro government in Honduras declared the cancellation of open-pit mining in the country. More research is needed, but longstanding anti-mining struggles and renewed Left electoral opportunities certainly played a role. ‘Newly Elected Honduras Government to Ban Open-Pit Mining’, *BBC News*, 1 March 2022, available at www.bbc.com/news/world-latin-america-60570831, last access 3 March 2022.

⁵Ben Ross Schneider, ‘Hierarchical Market Economies and Varieties of Capitalism in Latin America’, *Journal of Latin American Studies*, 41: 3 (2009), p. 566.

⁶For a volume treating both Central and South America, see Kalowatie Deonandan and Michael Dougherty (eds.), *Mining in Latin America: Critical Approaches to the New Extraction* (New York: Routledge, 2016).

⁷Silvia Nolasco, *Impactos de la minería metálica en Centroamérica* (San Salvador: Centro de Investigación sobre Inversión y Comercio (CEICOM), 2011), pp. 18–19.

vital in its role as regulator, setting policy, and in facilitating capital accumulation (especially derived from natural resources) through its control over territory.⁸ So both movements and MNCs want to direct state power. Movements need states to stop or ban mining projects, and MNCs want lucrative and secure conditions for mineral-wealth accumulation. Movements directed state power most effectively through disruption and volatile voting blocs, and MNCs via domestic elites.

Methodologically, the article contributes to the existing comparative studies⁹ through a most similar systems design comparing El Salvador, Nicaragua, Honduras and Guatemala. These similar cases compare nicely. They have broad historical and structural similarities of recent democratic transitions and histories of militarisation, neoliberal reforms, membership in the Central America–Dominican Republic Free Trade Agreement (CAFTA–DR), ecological risk and peripheral positions in the world-system. More directly relevant to the research question, beginning in the late 1990s and early 2000s, they all experienced anti-mining conflicts after adopting neoliberal mining laws designed to attract foreign direct investment (FDI).¹⁰ These similarities highlight contrasting policy outcomes. El Salvador banned metal mining; Nicaragua reinforced pro-mining policy; Honduras reversed a moratorium into pro-mining policy; and Guatemala remained pro-mining. Data collection for this study comes from analysis of secondary literature supplemented with various primary sources including reports, business association websites, polls, activist statements and news articles. I also conducted 12 interviews in San Salvador and Guatemala City in January 2019.¹¹ The data analysis is the comparative design. The method trades depth for breadth. This is less suited to finding causal mechanisms which would require process tracing and more in-depth work to explain variation within a single case. Instead, the logic of causal inference is that of necessary and sufficient causes developed from comparison across cases.¹²

The article proceeds with a review of current literature on the Salvadorean ban, then proposes a framework to understand elites, movements and party systems in shaping mining policy. This is followed by the four case studies. It concludes with comparisons of the cases.

⁸Christian Parenti, 'The Environment Making State: Territory, Nature, and Value', *Antipode*, 47: 4 (2015), pp. 829–48.

⁹Robin Broad and John Cavanagh, 'Poorer Countries and the Environment: Friends or Foes?', *World Development*, 72 (Aug. 2015), pp. 419–31; Robin Broad and Julia Fischer-Mackey, 'From Extractivism towards Buen Vivir: Mining Policy as an Indicator of a New Development Paradigm Prioritising the Environment', *Third World Quarterly*, 38: 6 (2017), pp. 1327–49; Anthony Bebbington, Benjamin Fash and John Rogan, 'Socio-Environmental Conflict, Political Settlements, and Mining Governance: A Cross-Border Comparison, El Salvador and Honduras', *Latin American Perspectives*, 46: 2 (2019), pp. 84–106.

¹⁰Michael Dougherty, 'The Global Gold Mining Industry, Junior Firms, and Civil Society Resistance in Guatemala', *Bulletin of Latin American Research*, 30: 4 (2011), pp. 403–18; Maria Gutiérrez Elizondo, 'Mining and Resource Mobilization for Social Development: The Case of Nicaragua', United Nations Research Institute for Social Development (UNRISD) Working Paper 2015-9, April 2015.

¹¹The interviews' limited nature means they are supplemental, not foundational, and cannot be fully representative.

¹²James Mahoney, 'Comparative-Historical Methodology', *Annual Review of Sociology*, 30: 1 (2004), pp. 81–101.

Understanding and Comparing the Ban

This article builds from current research on El Salvador's movement and research on Nicaragua, Honduras and Guatemala. Single case studies on Salvadorean mining politics focus on movement networks, the Catholic Church, and transnational non-governmental organisation (NGO) linkages regionally and with the Global North.¹³ This article complements these studies to show why these crucial factors were insufficient in other countries. The Catholic Church was instrumental in anti-mining movements across cases.¹⁴ The Honduran movement was also networked nationally. Transnational support was present in other cases.

Comparisons with other cases of successful mining regulation identify the importance of strong civil society, weak mining elites, and bureaucratic allies.¹⁵ Another study comparing El Salvador and Honduras similarly concludes that mining was unimportant to existing political settlements between elites and government in El Salvador, but not in Honduras, where national elites had business interests in mining.¹⁶ This article complements these studies to account for why mining entered the political settlement to begin with, as mining was largely economically insignificant across cases before the introduction of new mining laws starting in the late 1990s.

This scholarship is a point of departure for this article, which adds another level of causal interpretation accounting for what made elites or movements powerful, and what drove state actions. Furthermore, scholarship on mining conflicts, especially on Nicaragua and Guatemala, tends not to operate at the country level of analysis. Mining conflicts are multi-scalar, with components at the global, national and local levels. However, if looking at variation in national policy change,

¹³Rafael Cartagena Cruz, 'Environmental Conflicts and Social Movements in Postwar El Salvador', in Paul Almeida and Allen Cordero Ulate (eds.), *Handbook of Social Movements across Latin America* (Dordrecht: Springer Netherlands, 2015), pp. 237–54; Rachel Nadelman, 'El Salvador's Challenge to the Latin American Extractive Imperative', in Kirk Jalbert, Anna Willow, David Casagrande and Stephanie Paladino (eds.), *ExtrACTION: Impacts, Engagements, and Alternative Futures* (New York: Routledge, 2017), pp. 184–97; Rose J. Spalding, 'Transnational Networks and National Action: El Salvador's Antimineral Movement', in Eduardo Silva (ed.), *Transnational Activism and National Movements in Latin America* (New York: Routledge, 2013), pp. 23–55; 'El Salvador: Horizontalism and the Anti-Mining Movement', in Richard Stahler-Sholk, Harry Vanden and Marc Becker (eds.), *Rethinking Latin American Social Movements: Radical Action from Below* (Lanham, MD: Rowman & Littlefield, 2014), pp. 311–30; 'From the Streets to the Chamber: Social Movements and the Mining Ban in El Salvador', *European Review of Latin American and Caribbean Studies*, 106 (July–Dec. 2018), pp. 47–74; Robin Broad and John Cavanagh, 'El Salvador Gold: Toward a Mining Ban', in Thomas Princen, Jack Manno and Pamela Martin (eds.), *Ending the Fossil Fuel Era* (Cambridge, MA: MIT Press, 2015), pp. 167–92.

¹⁴Bebbington *et al.*, 'Socio-Environmental Conflict'; Mario Sánchez González, 'Los recursos en disputa: El caso del conflicto minero en Rancho Grande, Nicaragua', *Anuario de Estudios Centroamericanos*, 42: 1 (2016), pp. 93–131; William Holden and R. Daniel Jacobson, 'Ecclesial Opposition to Nonferrous Mining in Guatemala: Neoliberalism Meets the Church of the Poor in a Shattered Society', *The Canadian Geographer*, 53: 2 (2009), pp. 145–64; Keith Slack, 'Digging Out from Neoliberalism: Responses to Environmental (Mis)Governance of the Mining Sector in Latin America', in John Burdick, Philip Oxhorn and Kenneth Roberts (eds.), *Beyond Neoliberalism in Latin America? Societies and Politics at the Crossroads* (New York: Palgrave Macmillan, 2009), pp. 117–34; Spalding, 'Transnational Networks', p. 37.

¹⁵Broad and Cavanagh, 'Poorer Countries'; Broad and Fischer-Mackey, 'From Extractivism'.

¹⁶Bebbington *et al.*, 'Socio-Environmental Conflict'.

the nation-state level of analysis seems most appropriate. To do this, I analyse what mattered about elites, movements and party systems in each case.

Mining Contention and Central American States

This article argues that the balance of power between elites and movements shaped state mining policy. Central American states have weak formal institutions and dominant elites.¹⁷ What does it take, then, for a Central American state – or a portion thereof – to act against capital, as occurred with prohibition, moratoriums and suspensions?

Contention makes states act. When there is no clear hegemonic class – either from popular challenges or inter-elite disputes – the state reconciles the conflict, forming new institutional arrangements in the process.¹⁸ In a sense, mining in Central America is a sector with no hegemonic class,¹⁹ but when the state appeared in these cases, lower regulatory capacity and lower autonomy from elites undermined the ability to mediate conflicts. Instead, state actions doubled down on mining or halted it entirely. Movement pressure made space for suspensions, moratoriums and the ban, yet states also protected mining capital against opponents through reinforcing pro-mining policy and repression. At times actions supporting and repressing movements occurred simultaneously from different institutions within the state, like at Guatemala's Fenix mine, where a state of siege prevented protests against the mine operating despite a court-ordered suspension.²⁰ Understanding these different pressures on state actions requires analysing the variables of elite networks, movement strategy and party systems.

Economic-Elite Formations in Central America

Business elites influence policy. That influence was shaped in these cases by whether domestic elites were coherent or split on mining. Economic elites are not monolithic but differentiated across territories, sectors and blocs. According to Benedicte Bull, Fulvio Castellacci and Yuri Kasahara's comparative study of business groups, in the 'network-based hierarchical capitalism' of Central America, domestic elites avoid subordination to MNCs through controlling informal networks, despite economic liberalisation.²¹ In fact, Rose J. Spalding shows domestic elites

¹⁷Benedicte Bull, 'Governance in the Aftermath of Neoliberalism: Aid, Elites and State Capacity in Central America', *Forum for Development Studies*, 43: 1 (2016), pp. 89–111.

¹⁸For the classic statement on this, see Karl Marx, 'The Eighteenth Brumaire of Louis Bonaparte', in Robert Tucker (ed.), *The Marx–Engels Reader* (New York: W. W. Norton, 1852), pp. 595–617.

¹⁹See Anna Sveinsdóttir, Mariel Aguilar-Støen and Benedicte Bull, 'Resistance, Repression and Elite Dynamics: Unpacking Violence in the Guatemalan Mining Sector', *Geoforum*, 118: 1 (2021), pp. 119–20.

²⁰Sonia Pérez, 'Guatemala: Continúa disputa por la operación de mina', *Associated Press*, 26 Oct. 2021, available at <https://apnews.com/article/c4a7fb9b37ef81651adfc2e7c962a6a>, last access 28 Jan. 2022; Alex Papadovasilakis, 'Guatemala Imposes Martial Law under Pretext of Combating Organized Crime', *InSight Crime*, 27 July 2020, available at www.insightcrime.org/news/analysis/martial-law-guatemala-crime/, last access 28 Jan. 2022.

²¹Benedicte Bull, Fulvio Castellacci and Yuri Kasahara, *Business Groups and Transnational Capitalism in Central America: Economic and Political Strategies* (Basingstoke and New York: Palgrave Macmillan, 2014).

were necessary to secure liberalisation itself via securing CAFTA.²² MNC political dominance over national bourgeoisies cannot be assumed; even if MNCs dominate mining, core-state firms dominate in the world-system,²³ and MNCs dominate other Latin American hierarchical capitalisms.²⁴ Because of this, it is essential to identify national and multinational elites' interests and power, and to understand why they overlap and when they do not.

Domestic elites exercise considerable political power. They exercise 'instrumental' power to influence policy via formal and informal *relationships* with policy-making and *resources* like cohesion, media, expertise and money.²⁵ In Central America, domestic elites have more of these relationships and resources than MNCs (besides money and expertise).²⁶ So MNCs exercise power most effectively through domestic elites and must make inroads into their organisational capacity. Outside El Salvador, peak associations that coordinate the oligarchies' activities incorporated mining MNCs and advocated for mining. Furthermore, certain powerful domestic elites, their families or associates became junior partners or legal representatives to mining companies or were in complementary industries.

Why did national peak associations coherently support mining in all cases except El Salvador?²⁷ Elite support for mining could be assumed *ceteris paribus*. Mining could in theory provide state revenue, thereby alleviating domestic tax pressures. Salvadorean elites do not hold different ideologies from other elites in the region; many are connected to the free-market think-tank Fundación Salvadoreña para el Desarrollo Económico y Social (Salvadorean Foundation for Economic and Social Development, FUSADES) and navigate neoliberalism for self-benefit generally.²⁸ Corruption is present across cases,²⁹ so corruption potential involving MNCs existed across cases. Furthermore, Salvadorean elites actively opposed other environmental protections.³⁰

²²Rose J. Spalding, *Contesting Trade in Central America: Market Reform and Resistance* (Austin, TX: University of Texas Press, 2014).

²³Immanuel Wallerstein, *World-Systems Analysis: An Introduction* (London and Durham, NC: Duke University Press, 2004).

²⁴Schneider, 'Hierarchical Market Economies'.

²⁵Tasha Fairfield, *Private Wealth and Public Revenue in Latin America: Business Power and Tax Politics* (Cambridge and New York: Cambridge University Press, 2015), pp. 28–9.

²⁶MNCs do maintain 'structural power' from capitalist economies' investment needs. *Ibid.*, pp. 42–8.

²⁷See, for example, Consejo Superior de la Empresa Privada (Supreme Council for Private Enterprise, COSEP), 'El impacto positivo de la minería, 8 de agosto del 2017', 8 Aug. 2017, available at <https://cosep.org.ni/agosto-8-del-2017/>, last access 28 Jan. 2022; 'Empresas mineras exigen al Congreso un marco regulatorio para la inversión', *La Tribuna*, 18 Aug. 2010, available at <https://web.archive.org/web/20100825194138/https://www.latribuna.hn/web2.0/?p=170605>, last access 28 Jan. 2022; Rosa Bolaños, 'Cacif exige medidas legales al Estado para evitar bloqueos a proyectos de minas e hidroeléctricas', *Prensa Libre*, 3 July 2017, available at www.prensalibre.com/economia/cacif-exige-medidas-legales-al-estado-para-evitar-bloqueos-proyectos-de-minas-e-hidroelectricas/, last access 28 Jan. 2022.

²⁸Velásquez Carrillo, 'The Reconsolidation of Oligarchic Rule'.

²⁹J. Mark Ruhl, 'Political Corruption in Central America: Assessment and Explanation', *Latin American Politics and Society*, 53: 1 (2011), pp. 33–58.

³⁰Bull *et al.*, 'El Salvador'. On water, see Hilary Goodfriend, 'Water Wars in El Salvador: Tacuba Resists', North American Congress on Latin America (NACLA), 1 Sept. 2017, available at <https://nacla.org/news/2017/09/01/water-wars-el-salvador-tacuba-resists>, last access 28 Jan. 2022.

So what shaped domestic elite differences? First, elite accumulation strategies differed following neoliberalisation and dollarisation. Salvadorean elites sold the banking sector, adopting short-term portfolio investment strategies, and shifted towards import-centric sectors. Elites elsewhere centred banking as a hub, supporting diversification into heavier industries and long-term projects in complementary industries, like hydroelectric power, non-metal mining, and energy.³¹ Second, El Salvador's relative water-resource scarcity, concentrated in the Lempa River, threatened other water-intensive industries like sugarcane.³² Elsewhere, agricultural elites diversified favourably for mining, or mining's geographic distribution prevented conflicting interests. Third, a crisis appearing in 2008 in the Salvadorean Right around leadership in the Alianza Republicana Nacionalista (Nationalist Republican Alliance, ARENA) exacerbated ambivalence.³³ Finally, elites undoubtedly formed their interests not in a vacuum, but amid contention against mining. In sum, a combination of economic structures, political pressures, and geography shaped elite interests. Salvadorean elites were less interested in mining and exerted less power.

Social Movements

If elites pressured state policy on one side, movements did so on the other. What differentiated the movements? Constant across cases were threats from contamination and water usage driving mobilisation, common among movements against mining broadly.³⁴ What differentiated movements was to what scale they brought an absolute political antagonism against mining, most visible in if they formed national coalitions fully rejecting (open-pit) metal mining. Focusing on movement strategies, organisation and actions helps differentiate the cases.

Frances Fox Piven and Richard A. Cloward identify disruption as the central source of power for popular movements and find that organisation undercuts disruption.³⁵ All four cases described below included disruption in local conflicts like roadblocks or evicting machinery. Yet it seems organisation did not sacrifice disruptive power but instead brought local anti-mining conflicts to national political significance. This was related to movement goals. Movements impacted national policy most when they eschewed compromise or focus on regulatory processes and instead opted for prohibition, adopting an absolute friend/enemy distinction.³⁶ Joel Olson described this dynamic within the radical US abolitionist movement, which he calls 'democratic zealotry'. He defines this as a 'political activity, driven

³¹Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 13, 83, 138–59; Benedicte Bull, 'Diversified Business Groups and the Transnationalisation of the Salvadorean Economy', *Journal of Latin American Studies*, 45: 2 (2013), pp. 265–95; Velásquez Carrillo, 'The Reconsolidation of Oligarchic Rule'.

³²Nadelman, 'El Salvador's Challenge', pp. 191–2; Broad and Cavanagh, 'Poorer Countries', pp. 421–2.

³³Elaine Freedman, 'GANA's Birth Is ARENA's Loss', *Revista Envío*, 341 (Dec. 2009), available at www.envio.org.ni/articulo/4115%20, last access 28 Jan. 2022.

³⁴On this in El Salvador and Peru, see Anthony Bebbington, Jeffrey Bury, Nicholas Cuba and John Rogan, 'Mining, Risk and Climate Resilience in the "Other" Pacific: Latin American Lessons for the South Pacific', *Asia Pacific Viewpoint*, 56: 2 (2015), pp. 189–207.

³⁵Frances Fox Piven and Richard A. Cloward, *Poor People's Movements: Why They Succeed, How They Fail* (New York: Pantheon, 1977).

³⁶Carl Schmitt, *The Concept of the Political: Expanded Edition* (Chicago, IL: University of Chicago Press, 1932).

by an ardent devotion to a cause, which seeks to draw clear lines along a friends/enemies dichotomy in order to mobilize friends and moderates in the service of that cause'.³⁷ Rather than moral devotees, movements in this study consisted largely of the rural poor acting for survival. But there are similarities in identifying mining as the enemy and relying on that distinction with the only goal being prohibition, eliminating centre positions (like 'green' mining) and mobilising moderate politicians and the public.

Coalitions and disruption shaped how mining became political antagonisms in multiple ways. Broadly, disruption alongside electoral systems can create electoral 'dissensus', where contention galvanises voters on one side of an issue, and 'when the ensuing group polarisation cuts across the lines of party affiliation, political leaders in an electoral-representative system are threatened with the potential fragmentation of their electoral support'.³⁸ This interacted with the party systems described below, but appeared most clearly in El Salvador and pre-coup Honduras. Furthermore, in El Salvador and Honduras, the friend/enemy approach allowed local contention to translate into coherent national struggles difficult to temper or easily manipulate. In Guatemala and Nicaragua, the friend/enemy distinction did not move beyond specific regions or cases, and demands around processes were manipulated or ignored by MNCs, legal regimes and the state.³⁹

Party Systems and Constituencies

A variable shaping contention over policy-making was the dynamics of constituencies that parties and leaders relied on, or how parties within larger party systems were oriented towards capital and popular bases. Following democratisation, left parties varied in institutionalisation and factional battles shaped their dynamics.⁴⁰ This is why the former Revolutionary Left has produced different results in El Salvador and Nicaragua. The Frente Farabundo Martí para la Liberación Nacional (Farabundo Martí National Liberation Front, FMLN) was constrained and opposed by domestic elites concentrated in ARENA and the Asociación Nacional de la Empresa Privada (National Association of Private Enterprise, ANEP) and therefore relied on a popular base including social movements.⁴¹ This contrasts Daniel Ortega and the Frente Sandinista de Liberación Nacional (Sandinista National Liberation Front, FSLN) in Nicaragua. Ortega won intra-party battles, did not face a comparable institutionalised right-wing party, brought capital into policy-making consultation, alienated the

³⁷Joel Olson, 'The Freshness of Fanaticism: The Abolitionist Defense of Zealotry', *Perspectives on Politics*, 5: 4 (2007), p. 688.

³⁸Frances Fox Piven, *Challenging Authority: How Ordinary People Change America* (Lanham, MD: Rowman & Littlefield, 2006), p. 56.

³⁹See Amanda Fulmer, Angelina Snodgrass Godoy and Philip Neff, 'Indigenous Rights, Resistance, and the Law: Lessons from a Guatemalan Mine', *Latin American Politics and Society*, 50: 4 (2008), pp. 91–121.

⁴⁰Michael Allison, 'Why Splinter? Parties That Split from the FSLN, FMLN and URNG', *Journal of Latin American Studies*, 48: 4 (2016), pp. 707–37.

⁴¹Alisha Holland, 'Insurgent Successor Parties: Scaling Down to Build a Party after War', in Steven Levitsky, James Loxton, Brandon Van Dyck and Jorge I. Domínguez (eds.), *Challenges of Party-Building in Latin America* (Cambridge and New York: Cambridge University Press, 2016), pp. 273–304.

FSLN's social-movement base and relied on clientelism electorally.⁴² Manuel Zelaya from the Partido Liberal de Honduras (Honduran Liberal Party, PLH) became isolated from domestic elites that dominated the party system and relied increasingly on a popular base leading up to the coup.⁴³ Post-coup, the party system fractured and leftist party Libertad y Refundación (Liberty and Refoundation, LIBRE) emerged. However, fraudulent elections minimised possibilities for 'dissensus'.⁴⁴ In Guatemala the political party system is the least institutionalised in Latin America. Parties are ephemeral and dominated by capital, and left parties remain largely insignificant.⁴⁵

Case Studies

The region's mining boom and contention occurred across cases at roughly the same time. New mining laws with low royalties were adopted in a 'race to the bottom' to attract FDI: 3 per cent in El Salvador in 1995; 1 per cent in Guatemala in 1997; no royalties in Honduras in 1998; 3 per cent in Nicaragua in 2001.⁴⁶ Pre-existing metal mines were operating when each law was adopted (see Table 1), although in each country mining industries were small.⁴⁷ Larger mines in Nicaragua and to a lesser extent Honduras certainly presented a greater base for mining expansion than the smaller active operations in El Salvador and Guatemala. Nevertheless, as the volatility in the case studies shows, networks and political activity are what shaped the course of mining expansion and policy change. All cases had mining conflicts by 2004, yet by 2019 only El Salvador had institutionalised anti-metal-mining policy.

The cases and three key variables – elite interests and networks; movement coordination and goals; and party systems and constituencies – are shown in Table 2. The Salvadorean ban came from a nationally coordinated effort at prohibition, split domestic elites relatively disconnected from mining MNCs, and a left party reliant on a popular base, allowing movement–FMLN linkages. In

⁴²Allison, 'Why Splinter?', pp. 710–19; Salvador Martí i Puig, 'Social Movements in Nicaragua (1979–2014): An Exceptional Case', in Almeida and Cordero Ulate (eds.), *Handbook of Social Movements across Latin America*, pp. 301–11.

⁴³Todd Gordon and Jeffery Webber, 'Post-Coup Honduras: Latin America's Corridor of Reaction', *Historical Materialism*, 21: 3 (2013), pp. 16–56.

⁴⁴This dynamic appears to have shifted with the 2021 election of LIBRE candidate Xiomara Castro, whose governance plan includes eliminating open-pit mining concessions. Xiomara Castro, 'Plan de gobierno para refundar Honduras, 2022–2026' (Tegucigalpa: Partido LIBRE, 2021), p. 31, available at www.libre.hn/plan-de-gobierno-de-xiomara-2022-2026, last access 10 Feb. 2022.

⁴⁵Ivan Briscoe and Martin Rodríguez Pellecer, 'A State under Siege: Elites, Criminal Networks and Institutional Reform in Guatemala', Clingendael Institute Report, Sept. 2010, p. 72; Scott Mainwaring, 'Party System Institutionalization in Contemporary Latin America', in Scott Mainwaring (ed.), *Party Systems in Latin America: Institutionalization, Decay, and Collapse* (Cambridge and New York: Cambridge University Press, 2018), pp. 34–70.

⁴⁶Dougherty, 'The Global Gold Mining Industry', pp. 411–13; Gutiérrez Elizondo, 'Mining and Resource Mobilization', pp. 8–9.

⁴⁷Pablo Velasco, 'The Mineral Industries of Central America: Belize, Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama', in US Geological Survey, *Minerals Yearbook 2000, Vol. III, Area Reports: International* (Washington, DC: US Government Printing Office, 2000), pp. 6.1–6.9, available at www.usgs.gov/centers/nmic/latin-america-and-canada-north-america-central-america-and-caribbean, last access 31 Jan. 2022.

Table 1. Active Metal Mines at Time of New Policies

Country	Mining Law	Mine	Company
El Salvador	1995	San Sebastián (gold, silver)	Commerce Group
Nicaragua	2001	El Limón (gold, silver)	Black Hawk Mining
		Bonanza (gold, silver)	HEMCO
Honduras	1998	El Mochito (lead, zinc, silver)	Breakwater Resources
		San Andrés (gold, silver)	Greenstone Resources
Guatemala	1997	Los Lirios and Anabella Mines (antimony)	Minas de Guatemala

Source: Author's elaboration from Velasco, 'The Mineral Industries of Central America'; Securities and Exchange Commission (SEC), 'Commerce Group Corp., Form 10-K', 1996, available at www.sec.gov/Archives/edgar/data/109757/0000109757-96-000008.txt, last access 2 Feb. 2022; Mittal, 'Nicaragua's Failed Revolution', pp. 24–32.

Table 2. Elites, Social Movements, Parties and Mining-Policy Outcomes

Country	Mining MNCs and Domestic Elites: Isolated vs. Enmeshed	National Prohibition Movement	Party/Leader and Social-Movement Base: Insulated vs. Reliant	Policy Outcome by 2019
El Salvador	Isolated	Yes	Reliant	Mining Ban
Nicaragua	Enmeshed	No ^a	Insulated	Pro-Mining
Honduras	Enmeshed	Yes	Pre-coup: Reliant Post-coup: Insulated	Pro-Mining
Guatemala	Enmeshed	No	Insulated	Pro-Mining

Note: ^a Yes beginning 2017.

Source: Author's elaboration.

Nicaragua, Ortega's FSLN became increasingly autonomous from movements but remained linked to pro-mining elites through MNC–domestic elite consultation, and conflicts were diffuse. Pro-mining policy deepened. In Honduras, a national prohibition movement achieved an official moratorium and was integrated into policy discussion, but enmeshed elites began frustrating gains which the coup indefinitely set back, entrenching mining. In Guatemala, high-profile conflicts did not sustain a national-level coalition, domestic elites and MNCs were tightly networked, and capital-dominated parties prevented meaningful policy change.

El Salvador

In El Salvador, a nationally coordinated prohibition movement applied pressure against mining for over a decade, and mining companies were unable to secure support through elites or dominant parties. By 2004 conflicts emerged in the Chalatenango and Cabañas departments. In 2005 the Mesa Nacional frente a la Minería Metálica (National Roundtable against Metal Mining, La Mesa) was created, a national anti-mining coalition. La Mesa took metal-mining prohibition as its specific goal, intentionally rejecting goals of prior consultation, and had a

prohibition policy proposal by 2006.⁴⁸ Movement pressure led to the denial of mining licences in 2006, and by 2007 a de facto moratorium began.⁴⁹ By the 2009 presidential elections mining had become unpopular, and the following FMLN governments upheld the moratorium. In 2009 contention intensified, including assassinations of mining opponents. Mining company Pacific Rim sued El Salvador at the World Bank's International Court for Settlements of Investment Disputes (ICSID), seeking hundreds of millions of dollars in damages. El Salvador won the case in 2016. In March 2017 the legislative assembly voted to ban metal mining (with important *diputados* (assembly members) abstaining).⁵⁰

Domestic elite ambivalence was important for the ban. Historically, the Salvadorean elite has been very organised and politically active. By the start of the civil war, the business class was already cohesive and politically powerful,⁵¹ remaining dominant during the peace process and post-transition through networks, peak organisations and parties.⁵² The peak association ANEP created the right-wing party ARENA as its political wing during the civil war, bringing to the presidency members of ANEP and the free-market think-tank FUSADES backed by the United States Agency for International Development (USAID).⁵³

Neoliberal restructuring helped shape elite ambivalence around mining. The ruling junta nationalised the banks in 1980, along with land reform which weakened the tightly linked agricultural and financial sector, breaking national elites' link to the banking sector.⁵⁴ However, the 1989 bank privatisation, then bailout, moved much of the oligarchy into banking, facilitating diversification beyond traditional strongholds of agriculture, such as real estate, construction and tourism.⁵⁵ Following dollarisation in 2001 and then CAFTA, in 2006–7 the entire banking sector was sold to foreign companies. This created massive liquid assets for the oligarchy, who became increasingly transnationalised and adopted strategies of a 'portfolio' business model, where they 'diversify to manage risk and are more likely to buy firms than to build them from the ground up'.⁵⁶ The oligarchy also moved into retail and services with dollarisation to capture remittances coming from the large Salvadorean diaspora, making the economy less export-driven.⁵⁷ Restructuring made mining less attractive to national elites.

Beyond general accumulation strategies less conducive to mining, national elite segments found a potential conflict over water resources. Johnny Wright Sol, an ARENA *diputado* considered important for securing ARENA's vote for the ban, was from a sugarcane family in the traditional oligarchy. This helps explain his

⁴⁸ Author interview with Andrés McKinley, water and mining specialist, Universidad Centroamericana José Simeón Cañas, San Salvador, 7 Jan. 2019.

⁴⁹ Broad and Cavanagh, 'Poorer Countries', p. 422.

⁵⁰ For example, Ana Vilma Escobar, who is connected to Grupo Poma.

⁵¹ Rose J. Spalding, *Capitalists and Revolution in Nicaragua: Opposition and Accommodation, 1979–1993* (Chapel Hill, NC: University of North Carolina Press, 1994), pp. 11–18.

⁵² Wade, *Captured Peace*.

⁵³ *Ibid.*

⁵⁴ Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 146–7.

⁵⁵ Velásquez Carrillo, 'The Reconsolidation of Oligarchic Rule'.

⁵⁶ Bull, 'Diversified Business Groups', p. 269.

⁵⁷ Sarah Gammage, 'Exporting People and Recruiting Remittances: A Development Strategy for El Salvador?', *Latin American Perspectives*, 33: 6 (2006), pp. 75–100.

receptiveness to anti-mining lobbying: ‘Sugarcane requires enormous quantities of water. So, [Wright Sol] could clearly see how his interests could be affected by an industry that is known by the enormous amounts of water it requires.’⁵⁸

MNCs operating in El Salvador failed to adequately penetrate elite networks, which are central for Salvadorean business groups’ operations and strategies.⁵⁹ The lack of domestic *grupos* in metal mining meant the industry did not have de facto representation in the oligarchy. MNC access to domestic networks would have to be intentionally pursued, and a certain amount of failure appears here. Rachel Nadelman writes that ‘Juan Hector Vidal, formerly the executive director of ANEP, [...] noted in an interview that the Salvadorean private sector “had never been invited to dine” with these multinational mining companies.’⁶⁰ Although domestic conglomerate Grupo Poma was known to be working with mining companies,⁶¹ other elite segments have been perceived as less enthusiastic largely due to concern over access to water resources.⁶²

Intra-elite conflicts exacerbated this trend, beginning around the end of ARENA rule. Leading up to the 2009 elections, the dominant bloc headed by Tony Saca won against others to secure Rodrigo Ávila as ARENA’s candidate.⁶³ One Ministerio de Medio Ambiente y Recursos Naturales (Ministry of Environment and Natural Resources, MARN) official put the situation this way: ‘They [mining companies] made an agreement with Grupo Poma [...] The Pomas lost in relation to ARENA, which was the party in power [...] In ARENA not everyone was in favour of mining, and those in favour of mining lost power. They lost power in the leadership.’⁶⁴ Furthermore, this official said that Hugo Barrera – the businessman, and ARENA founder – was fighting with Poma while being MARN minister.⁶⁵ In 2013 Grupo Poma gained leadership in ARENA’s national executive council via Jorge Velado, but lost it again in 2016.⁶⁶ So conflict between elites undermined MNC inroads. Instead, mining companies relied on public-relations campaigning, the ICSID, buying off local officials, staging protests, lobbying minor parties, and intimidating activists,⁶⁷ which all failed in hindsight.

⁵⁸ Author interview with Andrés McKinley, 7 Jan. 2019. McKinley was part of this lobbying effort.

⁵⁹ Bull, ‘Diversified Business Groups’.

⁶⁰ Nadelman, ‘El Salvador’s Challenge’, p. 192.

⁶¹ Asociación de Desarrollo Económico Social (ADES), ‘Minería metálica y su inviabilidad en El Salvador’, ADES Santa Marta, 2008, available at http://omal.info/IMG/pdf/200807_ades_mineria_el_salvador.pdf, last access 31 Jan. 2022.

⁶² Nadelman, ‘El Salvador’s Challenge’, pp. 191–2; Broad and Cavanagh, ‘Poorer Countries’, pp. 421–2.

⁶³ These divisions eventually produced Saca’s new party Gran Alianza por la Unidad Nacional (Grand Alliance for National Unity, GANA). Freedman, ‘GANA’s Birth’.

⁶⁴ Author interview with MARN official, San Salvador, 10 Jan. 2019. Author’s translation.

⁶⁵ *Ibid.*

⁶⁶ Gabriel Labrador, ‘Arena juega a la modernización capitaneada por sus fuerzas de antaño’, *El Faro*, 29 Aug. 2016, available at www.elfaro.net/es/201608/el_salvador/19164/Arena-juega-a-la-modernizaci%C3%B3n-capitaneada-por-sus-fuerzas-de-anta%C3%B1o.htm?st-full_text=all&tpl=11, last access 31 Jan. 2022.

⁶⁷ ADES, ‘Minería metálica’; author interview with Vidalina Morales, director of ADES, San Salvador, 10 Jan. 2019; author interview with Ricardo Navarro, director of Amigos de la Tierra–Centro Salvadoreño de Tecnología Apropriada (Friends of the Earth–Salvadorean Centre for Appropriate Technology, FOE–CESTA), San Marcos, El Salvador, 8 Jan. 2019.

On the social mobilisation side, the movement coordinated nationally for prohibition. This is important first because coordination scaled goals up from local to national aspirations. Second, defining prohibition as the goal gave the coalition longevity. ‘The glue that has kept the coalition together for a decade is their singular objective: a permanent, legal prohibition of mining in El Salvador and the prevention of any cross-border mines in neighbouring countries that could harm Salvadorean territory.’⁶⁸ Unlike past, ephemeral environmental movements in El Salvador, the anti-mining movement became long-term and nationally focused.⁶⁹ La Mesa was supported by other groups including the Catholic Church, Oxfam and Universidad Centroamericana. By 2017 a national network with international support advocated the ban.

Early on the movement decided to demand prohibition, determining El Salvador was so ecologically threatened that mining was incompatible.⁷⁰ Defining prohibition as the goal created a friend/enemy distinction. Pro-water framing⁷¹ remained in relation to an existential mining threat. Mining was the enemy while the possibility for a moderated position – like ‘green mining’ promoted by MNC Oceana Gold’s Dorado Foundation in Cabañas – was eliminated. This absolute position not only cemented an enemy, but created the conditions where compromise became a lost cause for the state. The strategic environmental assessment ordered by the Ministry of Economy and MARN consistently commented on the danger of social conflict.⁷² One MARN official described that a government already uninterested in mining faced an oppositional population: ‘When you bring this topic [mining] to these areas the people object, and it’s an attitude of denial, even detaining machinery. And even if one wants to seek dialogue, they say “no, we don’t want to negotiate. Even if there is going to be a 10 per cent royalty, we are not available to negotiate.”’⁷³ In Cabañas, protests forced the removal of mining equipment amid threats to burn it.⁷⁴ The position was uncompromising. In fact, in both Chalatenango and Cabañas much of the population lived on land distributed from the 1992 peace negotiations, leading many to refuse to sell land derived from the struggles of relatives who died in the war.⁷⁵

In an uncompromising position, a key movement strategy was then seeking alliances, to win people to their side and accumulate power.⁷⁶ One movement figure explained the strategy this way:

⁶⁸Nadelman, ‘El Salvador’s Challenge’, pp. 188–9.

⁶⁹Cartagena Cruz, ‘Environmental Conflicts’.

⁷⁰Author interview with Andrés McKinley, 7 Jan. 2019.

⁷¹Nadelman, ‘El Salvador’s Challenge’, p. 189.

⁷²Author interview with Silvia de Larios, general director of Water and Sanitation, MARN, 11 Jan. 2019; Ministerio de Economía de El Salvador (Salvadorean Ministry of Economy, MINEC), ‘Evaluación ambiental estratégica (EAE) del sector minero metálico de El Salvador’, 2011, available at <http://noalamineria.org/sv/documentos/2013/mayo/evaluacion-ambiental-estrategica-eae-del-sector-minero-metalico-salvador>, last access 31 Jan. 2022.

⁷³Author interview with Silvia de Larios, 11 Jan. 2019. Author’s translation.

⁷⁴Spalding, ‘El Salvador: Horizontalism’, p. 319.

⁷⁵Author interview with Bernardo Belloso, director, Asociación para el Desarrollo de El Salvador (Association for the Development of El Salvador, CRIPDES), San Salvador, 4 Jan. 2019.

⁷⁶Author interviews with Vidalina Morales, 10 Jan. 2019; Bernardo Belloso, 4 Jan. 2019; Andrés McKinley, 7 Jan. 2019.

This has been a struggle of accumulation. Looking at it from the logic of building power, empowerment, it's a question of accumulation. Accumulated organisation. Accumulated knowledge about mining. Accumulated abilities to do public policy effectively. Accumulated capacity to work effectively with public media and influence public opinion. Accumulated organisations. Accumulation in terms of alliances ... We had people talking the same language, really understanding the threat mining would be to a country like El Salvador. So, every time the international, the transnational mining companies would get aggressive in their own campaigns to win hearts and minds, people just didn't believe it.⁷⁷

This strategy of an uncompromising demand and building power and alliances brought the anti-mining antagonism to greater scale. Eventually the national-level Catholic Church, the FMLN and even ARENA politicians supported a ban. Pressuring the government into the early moratorium drew the state into conflict with the mining companies in international court, which possibly brought more indignation against MNCs, increasing mining's unpopularity.⁷⁸

Mining was a volatile issue by the 2009 elections. As anti-mining sentiment galvanised, figures in both parties, like Saca and Mauricio Funes, took anti-mining stances,⁷⁹ and in 2014, then candidate Salvador Sánchez Cerén committed against mining at an anti-mining event in Cabañas.⁸⁰ Public perceptions of mining continued to worsen. By 2015 a survey found 79.5 per cent of residents in potential mining areas considered metal mining unfit for the country.⁸¹ Mining was politically toxic, and elections tight.

The movement also had opportunities through FMLN linkages. The FMLN became a political party following the 1992 Peace Accords, winning the presidency with journalist Funes in 2009. The FMLN's intra-party battles left the old guard controlling the party amid challenges and defection from reformist elements,⁸² and subnational electoral strategy built a strong base.⁸³ While the FMLN significantly moderated its positions in the post-war years,⁸⁴ it was still opposed by domestic elites and ARENA. Funes' attempts to cooperate with business elites eventually failed and ANEP took a policy of confrontation.⁸⁵ It makes sense, then, that the FMLN relied on its historical base.⁸⁶ Movement-party linkages survived, and access to FMLN *diputados* facilitated coordination between the movement and

⁷⁷ Author interview with Andrés McKinley, 7 Jan. 2019.

⁷⁸ Author interview with Bernardo Beloso, 4 Jan. 2019.

⁷⁹ Spalding, 'From the Streets to the Chamber', pp. 58–9.

⁸⁰ Author interview with Ricardo Navarro, 8 Jan. 2019.

⁸¹ Instituto Universitario de Opinión Pública (University Institute of Public Opinion, IUDOP), 'Opiniones y percepciones hacia la minería metálica en El Salvador', 2015, available at www.uca.edu.sv/iudop/wp-content/uploads/MINE_ESP.pdf, last access 31 Jan. 2022.

⁸² Allison, 'Why Splinter?', pp. 719–26; Ralph Sprenkels, 'Ambivalent Moderation: The FMLN's Ideological Accommodation to Post-War Politics in El Salvador', *Government and Opposition*, 54: 3 (2019), pp. 536–58.

⁸³ Holland, 'Insurgent Successor Parties'.

⁸⁴ Sprenkels, 'Ambivalent Moderation'.

⁸⁵ Bull *et al.*, 'El Salvador: The Challenge to Entrenched Elites'.

⁸⁶ Sprenkels, 'Ambivalent Moderation'.

policy-making institutions.⁸⁷ The FMLN's opposition from the oligarchy constrained progressive action generally, but also preserved partisan linkages between the movement and the FMLN, supporting the ban.

Nicaragua

In Nicaragua, local conflicts eventually spawned a coalition in 2017, but by then domestic elite consultation with the increasingly autonomous Ortega administration entrenched pro-mining policy. Anti-mining action in Nicaragua began in 2004 in Rancho Grande, where, in 2015, after a decade of organising, the government declared mining non-viable.⁸⁸ However, other conflicts across the country over new mining projects, and between MNCs and artisanal miners, saw significant repression and less success.⁸⁹ Perhaps in response to challenges, a state company, the Empresa Nicaragüense de Minas (Nicaraguan Mining Company, ENIMINAS), was created in June 2017 to foster public–private partnerships and expand and secure mining.

Nicaragua's economic elites supported mining. Although the peak association Consejo Superior de la Empresa Privada (Supreme Council for Private Enterprise, COSEP) was an important opponent of the revolutionary Sandinistas, the business class historically was less organised and more internally competitive than its counterparts in El Salvador or Guatemala.⁹⁰ However, in 2006, feeling threatened by Ortega and the FSLN's return to power, COSEP reoriented itself to engage more seriously with policy as a bloc and expanded membership. This served business interests well, as the Ortega administration took a more cooperative approach to negotiating with national and international elites.⁹¹

Like other countries, MNCs dominated industrial mining, starting in the 1990s when the mining sector returned to private industry. The Cámara Minera de Nicaragua (Nicaraguan Chamber of Mines, CAMINIC), representing MNCs, was integrated into COSEP in 2008.⁹² Essentially, the industry–state relations are networked as follows: Firms like B2Gold, Condor Gold and HEMCO are in CAMINIC; CAMINIC is a member of COSEP; COSEP had direct, institutionalised meetings with the Ortega FSLN government.⁹³ For example, the ENIMINAS law

⁸⁷Spalding, 'From the Streets to the Chamber'.

⁸⁸Sánchez González, 'Los recursos en disputa'.

⁸⁹See Observatorio de Conflictos Mineros de América Latina (Observatory of Mining Conflicts in Latin America, OCMAL), 'Conflictos mineros en América Latina: Extracción, saqueo y agresión. Estado de situación en 2016', 2017, pp. 58–66, available at www.ocmal.org/estado-situacion-conflictos-mineros-en-2016/, last access 31 Jan. 2022; 'Conflictos mineros en América Latina: Extracción, saqueo y agresión. Estado de situación en 2017', 2018, pp. 46–57, available at www.ocmal.org/informe_2017-3/, last access 31 Jan. 2022; Sandra Cuffe, 'Nicaragua's Golden Rule?', *NACLA Report on the Americas*, 49: 4 (2017), pp. 436–40.

⁹⁰Spalding, *Capitalists and Revolution in Nicaragua*.

⁹¹Rose J. Spalding, 'Los empresarios y el estado posrevolucionario: El reordenamiento de las élites y la nueva estrategia de colaboración en Nicaragua', *Anuario de Estudios Centroamericanos*, 43: 1 (2017), pp. 149–88.

⁹²COSEP, 'Memoria 2007–2009', 2009, pp. 44–5, available at www.cosep.org.ni/rokdownloads/main/cosep/cosep_memoria_%2007_09.pdf, last access 31 Jan. 2022.

⁹³See 'Daniel se reúne con el COSEP', *El 19 Digital*, 5 Sept. 2013, available at www.el19digital.com/articulos/ver/titulo:12874-daniel-se-reune-con-el-cosep-, last access 31 Jan. 2022.

was created with direct consultation between COSEP, CAMINIC and the Ministry of Energy and Mines,⁹⁴ and COSEP selected the private-industry representative for the ENIMINAS four-person board of directors.⁹⁵ CAMINIC also represents and supports complementary, domestic interests. For example, former CAMINIC and HEMCO president Sergio Ríos became president of Grupo MLR, which sits on CAMINIC's board.⁹⁶ MLR was originally created by HEMCO⁹⁷ and now consists of mixed Canadian and Nicaraguan capital in forestry and hydropower and is connected to other mining interests.⁹⁸

Following the revolutionary Sandinistas' banking nationalisation, Nicaraguan finance capital moved abroad and internationalised operations. Following the 1991 banking-sector liberalisation, foreign capital's unwillingness to invest in the post-war country created opportunities for returning Nicaraguan capitalists, who came to own the largest banks.⁹⁹ Banking elites dominate COSEP¹⁰⁰ and the Ortega–COSEP relationship created a strong investment climate for mining, such as a fiscal reform bill rejected by and rewritten with COSEP to maintain tax loopholes, benefitting mining companies.¹⁰¹ Mining FDI increased, and gold exports became 18 per cent of total exports in 2019.¹⁰²

Throughout most of the period analysed, anti-mining organising was local, with substantial variation in grievances and goals across sites. Mining prevention was the goal in some areas, access for artisanal miners the goal in other areas.¹⁰³ This variation in grievances and larger presence of artisanal mining reflects the conflicts' diffuse nature. National-level organising only appeared when the Movimiento Nacional Ambiental frente a la Minería Industrial (National Environmental Movement against Industrial Mining, MONAFMI) formed in 2017, a coalition of

⁹⁴Leonor Álvarez, 'Asamblea Nacional: Sigue instalación de comisiones', *La Prensa*, Nicaragua, 20 Jan. 2017, available at www.laprensa.com.ni/2017/01/20/politica/2168556-asamblea-nacional-sigue-instalacion-comisiones, last access 31 Jan. 2022.

⁹⁵José Espinoza, 'Conforman junta directiva de Eniminas', *El Nuevo Diario*, 26 Aug. 2017, available at www.elnuevodiario.com.ni/economia/438042-conforman-junta-directiva-eniminas/, last access 31 Jan. 2022.

⁹⁶CAMINIC, 'Sobre Nosotros', available at <http://caminic.com/sobre-nosotros-2/>, last access 31 Jan. 2022.

⁹⁷Anuradha Mittal, 'Nicaragua's Failed Revolution', Oakland Institute Report, 2020, p. 36, available at <https://www.oaklandinstitute.org/sites/oaklandinstitute.org/files/nicaraguas-failed-revolution.pdf>, last access 31 Jan. 2022.

⁹⁸PRONicaragua, 'Inicia generación de planta hidroeléctrica El Diamante', 26 Oct. 2016, available at <https://pronicaragua.gob.ni/es/noticias/2007-inicia-generacion-de-planta-hidroelctrica-el-diam/>, last access 10 Feb 2022; Para Resources, 'TSX Approves the Purchase of 100% of Colombia Milling Limited by Para Resources', 21 June 2016, available at <https://web.archive.org/web/20170316233929/http://pararesourcesinc.com/tsx-approves-the-purchase-of-100-of-colombia-milling-limited-by-para-resources/>, last access 31 Jan. 2022; Mittal, 'Nicaragua's Failed Revolution', p. 36. Symbolically illustrating enmeshed elites, MLR's Diamante dam was inaugurated by COSEP president José Aguerri Chamorro. Iván Olivares, 'Invierten 20 millones US\$ en Hidroeléctrica El Diamante', *Confidencial*, 27 Oct. 2016, available at <https://confidencial.com.ni/invierten-20-millones-us-hidroelctrica-diamante/>, last access 31 Jan. 2022.

⁹⁹Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 64–6.

¹⁰⁰Spalding, 'Los empresarios'.

¹⁰¹Gutiérrez Elizondo, 'Mining and Resource Mobilization', p. 8.

¹⁰²Banco Central de Nicaragua, 'Informe Anual 2020', 2021, p. 196, available at https://www.bcn.gob.ni/publicaciones/informe_anual?field_fecha_value%5Bvalue%5D%5Byear%5D=2020, last access 31 Jan. 2022.

¹⁰³OCMAL, 'Conflictos mineros', 2017, pp. 58–66.

local environmental, feminist and artisanal mining organisations.¹⁰⁴ As MONAFMI includes artisanal miners, it is not against metal mining categorically, but still presents industrial mining as the enemy, and has focused on national-level policy, opposing the creation of ENIMINAS.¹⁰⁵ However, for most of the period, the mixed goals and lack of national structure explain why a national anti-mining agenda appeared so late.

The national political situation was detrimental to anti-mining organising. Following the FSLN return to power in 2006, Ortega's political manoeuvring built corporatist tendencies, organising capital and the poor through the state. In 2000 Ortega and then President Arnoldo Alemán made a power-sharing pact which brought the FSLN away from oppositional and contentious politics and towards the centre.¹⁰⁶ FSLN party dynamics created linkages for business influence, described above, while maintaining a clientelist base. First, there was a rise of the FSLN business class.¹⁰⁷ Second, fracturing, splintering and purging within the FSLN kept Ortega in control of the party apparatus.¹⁰⁸ Third, the FSLN's social-movement base was distanced through years of mediation – rather than galvanisation and support – in contentious popular politics.¹⁰⁹ Fourth, the FSLN 'recruits its members en masse via the state and expels the dissidents', while keeping clientelist relations through the *consejos del poder ciudadano* (councils of citizen power) that deliver benefits from social programmes.¹¹⁰

Organising elites and the poor through the state, while alienating more radical and contentious elements of the Left, transformed the FSLN from a revolutionary party into a partisan linkage for business. The consultation process produced some policies unfavourable to COSEP – such as minimum-wage raises – but largely appeased the business class, and Ortega held business support.¹¹¹ Public-private projects like ENIMINAS reflect this logic. The FSLN's conflict mediation in response to popular pressures made the party decreasingly useful for movements that distanced themselves.¹¹² The FSLN offered no strategic access for the movement as the FMLN did, and pro-mining policy deepened.

Honduras

Mining contention in the region began in Honduras when the 1998 mining law spurred conflicts at the San Andrés and San Martín mines. Local conflicts scaled up through a national prohibition coalition that drew concessions from the Zelaya administration. However, elites promoting mining before and after the

¹⁰⁴OCMAL, 'Conflictos mineros', 2018, pp. 56–7.

¹⁰⁵Mabel Calero, 'Movimientos civiles en contra de la creación de la empresa estatal de minas', *La Prensa*, Nicaragua, 22 June 2017, available at www.laprensa.com.ni/2017/06/22/nacionales/2250874-estan-la-creacion-empresa, last access 31 Jan. 2022.

¹⁰⁶Martí i Puig, 'Social Movements', p. 307.

¹⁰⁷Spalding, 'Los empresarios', p. 166.

¹⁰⁸Allison, 'Why Splinter?', pp. 710–19.

¹⁰⁹Martí i Puig, 'Social Movements', pp. 305–6.

¹¹⁰*Ibid.*, p. 308.

¹¹¹Spalding, 'Los empresarios'. Business' public support for Ortega stopped after the spring 2018 uprising.

¹¹²Martí i Puig, 'Social Movements', p. 310.

2009 coup reversed gains, culminating in a new, pro-mining law in 2013, creating new conflicts.

Glamis Gold's (later Goldcorp) San Martín mine in the Valle de Siria created a struggle that galvanised action against mining across the region. Mine opposition began through the formation of the Comité Ambiental de Valle de Siria (Valle de Siria Environmentalist Committee, CAVS) in 1999 by local residents. By 2002 CAVS began a process of transnational interaction with other anti-mining organisations.¹¹³ Organisations from other countries observing the mining contamination reinforced their opposition to mining and built transnational solidarity between movements.¹¹⁴

The San Andrés and San Martín conflicts initiated a national struggle. By 2002 the national-level Alianza Cívica por la Reforma a la Ley de Minería (Civic Alliance for the Reform of the Mining Law) was formed.¹¹⁵ In 2004 protesters shut down the border highway with El Salvador to cancel a mining concession, leading to a de facto moratorium on new licences.¹¹⁶ In 2006, 13 mining-law articles were declared unconstitutional.¹¹⁷ Following this the Alianza Cívica por la Democracia (Civic Alliance for Democracy, ACD) formed after a split in the pre-existing Civic Alliance, with the goal to ban open-pit mining and cyanide use, and continued to operate through mass demonstrations and roadblocks.¹¹⁸ In 2006, President Zelaya declared a legal moratorium on new licences. ACD continued mass demonstrations, and was incorporated into drafting a new mining law, which was introduced to the legislature in 2008, set for debate in August 2009.¹¹⁹ In June 2009, a military coup removed Zelaya from power. The moratorium was lifted and a new permissive mining law introduced in 2013. The ACD ceased to operate as the central government became an unviable target, but national coordination continued through umbrella organisations,¹²⁰ although movement fragmentation occurred.¹²¹

Like other cases, and especially before 2009, mining was MNC-dominated. While the oligarchy in Honduras is historically weaker than in Guatemala or El Salvador, from the 1980s onwards economic elites captured the two main political parties,¹²² and are key players shaping policy, most visibly through elites in

¹¹³Caritas Tegucigalpa, 'Organización y resistencia frente a la explotación minera a cielo abierto: Demanda social por una nueva Ley de Minería', in Coopération Internationale pour le Développement et la Solidarité (International Alliance of Catholic Development Agencies, CIDSE), *América Latina riqueza privada, pobreza pública* (Quito: Agencia Latinoamericana de Información, 2009), p. 73.

¹¹⁴Spalding, 'Transnational Networks'.

¹¹⁵Caritas Tegucigalpa, 'Organización y resistencia', p. 72.

¹¹⁶Slack, 'Digging Out from Neoliberalism', p. 126.

¹¹⁷Caritas Tegucigalpa, 'Organización y resistencia'.

¹¹⁸Nick Middeldorp, Carlos Morales and Gemma van der Haar, 'Social Mobilisation and Violence at the Mining Frontier: The Case of Honduras', *The Extractive Industries and Society*, 3: 4 (2016), p. 933.

¹¹⁹Commission of Truth, 'Report of the Commission of Truth: The Voice of Greatest Authority Is That of the Victims', 2013, pp. 49–50, available at https://friendshipamericas.org/sites/default/files/report_cdv_honduras_english.pdf, last access 31 Jan. 2022; ACD, 'Carta de la ACD Honduras', 5 June 2008, available at www.ocmal.org/4306/, last access 31 Jan. 2022.

¹²⁰Middeldorp *et al.*, 'Social Mobilisation'.

¹²¹Bebbington *et al.*, 'Socio-Environmental Conflict', p. 95.

¹²²John A. Booth, Christine J. Wade and Thomas W. Walker, *Understanding Central America: Global Forces, Rebellion, and Change* (New York: Routledge, 2018), p. 216.

executive office.¹²³ Canadian and US influence weighed heavily on the Honduran case, although this was supported by local elites who became increasingly intertwined with foreign capital.¹²⁴ MNCs in the Asociación Nacional de Minería Metálica de Honduras (National Association for Metal Mining in Honduras, ANAMIMH) are incorporated into the Consejo Hondureño de la Empresa Privada (Honduran Council of Private Enterprise, COHEP).¹²⁵ COHEP and ANAMIMH pressured the Zelaya administration to replace top-level environmental bureaucrats and launched a pro-mining media campaign following the ACD's incorporation into policy discussions in 2008.¹²⁶ Following the removal of Zelaya, COHEP and ANAMIMH continued pressuring for a new mining law to attract FDI.¹²⁷ Furthermore, post-2009, mining interests, the Canadian-owned tourism industry, and domestic elites became intertwined.¹²⁸

Honduran economic structures led domestic elites to adopt strategies conducive to mining. Under President Rafael Callejas' liberalisation programmes, the Honduran lempira was devalued, supporting export industries like mining.¹²⁹ Centring elites in banking also allowed for diversification and long-term strategies,¹³⁰ which supported mining ventures. For example, domestic Banco Atlántida financed the San Andrés mine.¹³¹ Honduras also had a relatively lower number of *grupos* in agriculture.¹³² Yet, even these groups were poised to benefit from mining. For example, the politically powerful Facusse family of Grupo Dinant diversified into mining and complementary industries, like hydroelectric energy.¹³³

The Honduran anti-mining movement did not exist in a vacuum, but in an era of popular mobilisation. Before 2009, Honduras developed an increasingly coordinated and contentious civil society, organised through groups like the Coordinadora Nacional de Resistencia Popular (National Coordinating Body for Popular Resistance, CNRP).¹³⁴ This highly contentious era put significant pressure on the national government and President Zelaya, achieving notable popular concessions, including many to the anti-mining movement. According to Todd Gordon and Jeffery Webber, 'to the extent that Zelaya enacted social reforms, it

¹²³Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 175–6.

¹²⁴Canadian pressure included tying hurricane aid to mining access, and the Canadian Office for Cooperation and Development helping draft the 2013 mining law. Tim MacNeill, 'Development as Imperialism: Power and the Perpetuation of Poverty in Afro-Indigenous Communities of Coastal Honduras', *Humanity & Society*, 41: 2 (2017), pp. 209–39. The US State Department was concerned about the anti-mining movement and US mining interests. See US Embassy Tegucigalpa, 'A Requiem for Mining in Honduras', 29 Sept. 2006, Wikileaks Public Library of US Diplomacy, available at https://search.wikileaks.org/plusd/cables/06TEGUCIGALPA1847_a.html, last access 31 Jan. 2022.

¹²⁵COHEP, 'Organizaciones miembro', available at <http://cohep.com/nuestros-miembros/organizaciones-miembro/>, last access 31 Jan. 2022.

¹²⁶Commission of Truth, 'Report', pp. 49–50.

¹²⁷'Empresas Mineras', *La Tribuna*, 18 Aug. 2010.

¹²⁸MacNeill, 'Development as Imperialism', p. 226.

¹²⁹Commission of Truth, 'Report', p. 77, footnote 93.

¹³⁰Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 151–3.

¹³¹Bebbington *et al.*, 'Socio-Environmental Conflict', p. 95.

¹³²Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 45–6.

¹³³Bebbington *et al.*, 'Socio-Environmental Conflict', pp. 95–6.

¹³⁴Tyler Shipley, 'Genealogy of a Social Movement: The Resistencia in Honduras', *Canadian Journal of Latin American and Caribbean Studies*, 41: 3 (2016), pp. 348–65.

was in no small part due to consistent and intense pressures exercised from below through increasingly militant trade unions, peasant organisations, and student groups influenced by revolutionary-left ideologies and liberation theology. There were no fewer than 722 officially recorded social conflicts over the first thirty-two months of his presidency.¹³⁵

The anti-mining movement operated in a nationally coordinated manner, with goals of open-pit-mining prohibition. Coordination was accompanied with disruption, including roadblocks at major transportation choke points, galvanising support for open-pit prohibition through contention.¹³⁶ This dynamic supported movement coherence as moderate concessions did not derail uncompromising goals of prohibition,¹³⁷ and attempts to remove prohibition from the mining-law reform were opposed.¹³⁸ This friend/enemy positioning appears to have resonated, as a 2011 public-opinion poll found that 91 per cent of respondents agreed with the statement ‘the exploitation of open-pit mining is always harmful for the country’.¹³⁹ However, while the elite sector was undermining movements’ successes by 2008, national policy prospects were set back indefinitely by the coup. Mobilisation shifted to declaring communities mining-free,¹⁴⁰ and conflicts intensified following the 2013 law, like that around mining on the Guapinol River tied to the Facusse family and narcotraffickers.¹⁴¹

Honduras had an ideologically undifferentiated party system representing elite interests and relying on clientelism. However, Zelaya was pushed left by popular movements.¹⁴² Crucially, the movement could pressure towards policy change because ‘[the administration] became increasingly isolated from the oligarchy from whence it came and, instead, found itself relying more and more heavily on popular support’.¹⁴³ This isolation was necessary for movement successes, but precipitated the military coup supported by the elites that Zelaya became at odds with. Furthermore, despite the negative public perceptions of mining, and the party-system fracturing leading to the emergence of the left-wing LIBRE party, fraudulent elections undermined the potential for mining to cause electoral volatility.¹⁴⁴

¹³⁵Gordon and Webber, ‘Post-Coup Honduras’, p. 35.

¹³⁶See ‘Honduras: Centenares de personas bloquean la carretera Panamericana en Honduras para pedir la derogación de ley minera’, *Notimérica*, 26 July 2006, available at www.notimerica.com/politica/noticia-honduras-centenares-personas-bloquean-carretera-panamericana-honduras-pedir-derogacion-ley-minera-20060726040010.html, last access 31 Jan. 2022.

¹³⁷Contention driving discussion away from regulation and towards prohibition concerned the US State Department in Honduras, which was worried about the industry’s future. See US Embassy Tegucigalpa, ‘A Requiem for Mining’; ACD, ‘Carta de la ACD Honduras’; Middeldorp *et al.*, ‘Social Mobilisation’, p. 93.

¹³⁸ACD, ‘Carta de la ACD Honduras’.

¹³⁹Centro de Estudio para Democracia (Centre for Democracy Studies, CESPAD), ‘La percepción de la ciudadanía hondureña sobre los impactos de la minería metálica’, Nov. 2011, available at <http://cespad.org.hn/wp-content/uploads/2017/06/ENCUESTA-mineria-en-Honduras.pdf>, last access 31 Jan. 2022.

¹⁴⁰Middeldorp *et al.*, ‘Social Mobilisation’, pp. 934–5.

¹⁴¹‘A sangre y fuego se impuso proyecto minero en El Guapinol’, *Criterio.hn*, 21 Feb. 2019, available at <https://web.archive.org/web/20190514154709/https://criterio.hn/2019/02/21/a-sangre-y-fuego-se-impuso-proyecto-minero-en-el-guapinol/>, last access 31 Jan. 2022.

¹⁴²Shipley, ‘Genealogy of a Social Movement’.

¹⁴³MacNeill, ‘Development as Imperialism’, p. 49.

¹⁴⁴See footnote 44.

Guatemala

Guatemala saw highly contentious conflicts, and notable project suspensions and prevention through court actions and popular consultations, but no national coalition and little policy change as elites exercised considerable influence to sustain pro-mining policy. By late 2004, significant contention began with a roadblock against Goldcorp's Marlin mine, which was repressed by security forces. Óscar Berger, then president, publicly described the repression as necessary to protect the investors.¹⁴⁵ Resisting the Marlin mine involved challenges through multiple legal regimes – Guatemalan law, International Labour Organization Covenant 169 (ILO 169), corporate social responsibility, international human-rights court and international financial institutions' responsibility mechanisms – which all failed to stop the project.¹⁴⁶

Efforts to stop the Marlin mine failed but set in motion another important aspect of the Guatemalan anti-mining struggle. In 2005 a community-led, rather than company-led, consultation against the Marlin mine occurred in Sipakapa. This spurred a wave of *consultas comunitarias* (community consultations) across western Guatemala, networked regionally through the Consejo de los Pueblos de Occidente (Western Peoples' Council, CPO). From 2005 to 2012, over 600,000 people participated in *consultas comunitarias* and overwhelmingly rejected mining, largely early in exploration stages.¹⁴⁷

Other mining challenges also occurred. High-profile moments of conflict include evictions and states of siege at the Fenix nickel mine, a years-long blockade at the Tambor mine, and a state of siege following a roadblock at the Escobal mine. Following a 2008 lawsuit, the Guatemalan Constitutional Court declared seven articles unconstitutional from the 1997 mining law. This, alongside conflicts surrounding mining, led to a de facto moratorium under the left-leaning social democrat Álvaro Colom in 2008,¹⁴⁸ although the Tambor mine's exploitation licence was granted in 2011 and by 2012 permits were again being issued.¹⁴⁹

Domestic elites promoted mining. Guatemalan elites are dominant and organisationally coherent. Business power is organised into the Comité Coordinador de Asociaciones Agrícolas, Comerciales, Industriales y Financieras (Coordinating Committee of Agriculture, Commercial, Industrial and Finance Associations, CACIF), which profoundly influences policy.¹⁵⁰ A group of eight oligarchs, referred

¹⁴⁵Catherine Nolin and Jacqui Stephens, "'We Have to Protect the Investors': Development and Canadian Mining Companies in Guatemala', *Journal of Rural and Community Development*, 5: 3 (2011), p. 53. Via family networks and associates, Berger was linked to the mine. See Luis Solano, *Guatemala: Petróleo y minería en las entrañas del poder* (Guatemala City: Inforpress Centroamericana, 2005).

¹⁴⁶Fulmer *et al.*, 'Indigenous Rights, Resistance and the Law'; Leire Urkidi, 'The Defence of Community in the Anti-Mining Movement of Guatemala', *Journal of Agrarian Change*, 11: 4 (2011), pp. 556–80.

¹⁴⁷Mariana Walter and Leire Urkidi, 'Community Mining Consultations in Latin America (2002–2012): The Contested Emergence of a Hybrid Institution for Participation', *Geoforum*, 84 (Aug. 2017), p. 273.

¹⁴⁸Raquel Aldana and Randall Abate, 'Banning Metal Mining in Guatemala', *Vermont Law Review*, 40: 3 (2016), p. 649.

¹⁴⁹Instituto Centroamericano de Estudios Fiscales (Central American Institute for Fiscal Studies, ICEFI), 'Minería en Guatemala: Realidad y desafíos frente a la democracia y el desarrollo', 2014, pp. 28–9, available at <http://biblioteca.clacso.edu.ar/Guatemala/icefi/20140903122033/mineria-impresion.pdf>, last access 31 Jan. 2022.

¹⁵⁰Bull, 'Diversified Business Groups', pp. 181–4.

to as the G-8 by Juan Alberto Fuentes Knight, the former Guatemalan finance minister, also affect policy through consultations with political leaders individually.¹⁵¹ Guatemalan elites also dominate the party system and run candidates.¹⁵²

Thus, for MNCs to operate ‘in a system dominated by networks, in place of transparent rules backed by robust institutions, maintaining personal contact with influential people is necessary in order to secure a minimum of predictability for investment conditions’.¹⁵³ Domestic elites become junior partners, managers and legal representatives of mining projects and companies, which has made the most important business groups and families in the country into metal-mining beneficiaries.¹⁵⁴ CACIF represents mining through the Cámara de Industria de Guatemala (Guatemalan Chamber of Industry) and the Gremial de Recursos Naturales, Minas y Canteras (Guild of Natural Resources, Mining and Quarries, GreNAT), also incorporating foreign and domestic non-metal-mining firms.¹⁵⁵

Economic structures make mining beneficial to domestic elites. Unlike El Salvador and Nicaragua, Guatemala never nationalised banking. Instead, agricultural elites diversified into finance, allowing the traditional elite to maintain power, become more involved in heavy industry (including non-metal mining) and pursue longer-term strategies based in financial hubs.¹⁵⁶ While Salvadorean agricultural elites were ambivalent about mining, ‘through various mechanisms, the domestic elite also benefits from mining and hydropower development, for instance the sugar sector diversified into electricity production that is sold to mining companies, the construction sector builds infrastructure etc.’¹⁵⁷

Beyond only business strategies, the geographical distribution of industries, along with more dispersed and plentiful water resources, allows sugarcane, African palm, and mining to exist throughout the country without inter-elite conflict.¹⁵⁸ Most mining potential is in the country’s highlands, while sugarcane and African palm are cultivated in the southern and northern lowlands.¹⁵⁹ The areas

¹⁵¹Juan Alberto Fuentes Knight, *Rendición de cuentas* (Guatemala City: F & G Editores, 2011), pp. 61–3.

¹⁵²This includes the Alvaro Arzú and Oscar Berger presidencies. Briscoe and Rodríguez Pellecer, ‘A State under Siege’.

¹⁵³Mariel Aguilar-Støen and Benedicte Bull, ‘Protestas contra la minería en Guatemala: ¿Qué papel juegan las élites en los conflictos?’, *Anuario de Estudios Centroamericanos*, 42: 1 (2016), pp. 24–7. Author’s translation.

¹⁵⁴This includes Grupo Multi-Inversiones, Cementos Progresos, Grupo Tecun and Grupo Campollo Codino. Military figures also benefited in the security realm. See *Ibid.*; Solano, *Guatemala: Petróleo y minería*; ‘Under Siege: Peaceful Resistance to Tahoe Resources and Militarization in Guatemala’ (report commissioned by International Platform Against Impunity in Guatemala, Mining Watch Canada, and Network in Solidarity with the People of Guatemala, 2015); Simona Yagenova, *La Mina El Tambor Progreso VII derivada y la Resistencia de La Puya: Un análisis de los antecedentes, implicaciones e impactos de este proyecto minero* (Guatemala City: Colectivo Madreselva, 2014), p. 18.

¹⁵⁵GreNAT, ‘Asociados’, available at <https://grenat.gt/asociados/>, last access 31 Jan. 2022.

¹⁵⁶Bull *et al.*, *Business Groups and Transnational Capitalism*, pp. 153–5.

¹⁵⁷Mariel Aguilar-Støen and Cecilie Hirsch, ‘Bottom-Up Responses to Environmental and Social Impact Assessments: A Case Study from Guatemala’, *Environmental Impact Assessment Review*, 62: 1 (2017), p. 227.

¹⁵⁸Author interview with Raúl Maas, researcher at Instituto de Agricultura, Recursos Naturales y Ambiente (Institute of Agriculture, Natural Resources and Environment, IARNA), Guatemala City, 18 Jan. 2019.

¹⁵⁹The Fenix mine is an exception.

where mining has occurred are populated largely by smallholding farmers, with small individual plots,¹⁶⁰ so mining does not threaten other elites.

Anti-mining struggles in Guatemala were less nationally coordinated. It seems divergent goals and frames fragmented mining opponents. For example, in 2004, 'the National Front Against Open-Pit Metal Mining [...] had been created [...] it was an alliance of already existing organisations and NGOs, and it became difficult to maintain due to the groups' divergent agendas'.¹⁶¹ Regional organisations and national NGOs supported local conflicts, but nothing like the ACD or La Mesa emerged in Guatemala. What larger networking did occur served as a support system for local struggles and community consultations. The CPO coordinated regionally,¹⁶² and national-level campesino organisations opposed mining – yet mining has not been their prime interest.¹⁶³ The goals of organisations struggling against mining varied, from total rejection of mining to seeking increased regulation.¹⁶⁴ Even within the Marlin case there was a fractured framing between anti-mining and protecting the Mayan cosmovision.¹⁶⁵ This general dynamic complicated concerted efforts at policy change, 'as the absence of political agreements, today, as to what exactly is required (reform of articles of the law, a new law, a temporary moratorium or the prohibition of open-pit mining, etc.) currently [2012] prevents progress on this issue'.¹⁶⁶ In addition, both mining rejection and reform efforts surrounded Indigenous rights to prior consultation found in ILO 169,¹⁶⁷ rather than outright national-level prohibition.

How much Indigenous rights are treated as a goal versus a tool is not cut and dried, but appeals to formal Indigenous rights have been manipulated or ignored.¹⁶⁸ At the same time, while overall policy remains pro-mining, in recent years the Corte de Constitucionalidad (Constitutional Court, CC) and Corte Suprema de Justicia (Supreme Court of Justice, CSJ) suspended all large-scale metal-mining permits individually, based on Indigenous prior-consultation rights (ILO 169).¹⁶⁹ Because companies routinely rely on skirting regulations,¹⁷⁰ regulating to the rule threatens mining projects. This judicialisation of conflicts shows

¹⁶⁰Author interview with Helmer Velázquez, director of Coordinación de ONG y Cooperativas (Coordinator of NGOs and Cooperatives, CONGCOOP), Guatemala City, 17 Jan. 2019.

¹⁶¹Urkidi, 'The Defence of Community', p. 567.

¹⁶²*Ibid.*

¹⁶³Kalowatie Deonandan, 'Evaluating the Effectiveness of the Anti-Mining Movement in Guatemala: The Role of Political Opportunities and Message Framing', *Canadian Journal of Latin American and Caribbean Studies*, 40: 1 (2015), pp. 27–47.

¹⁶⁴Simona Violetta Yagenova, Claudia Donis and Patricia Castillo, *La industria extractiva en Guatemala: Políticas públicas, derechos humanos, y procesos de resistencia popular en el periodo 2003–2011* (Guatemala City: Facultad Latinoamericana de Ciencias Sociales (FLACSO), 2012), pp. 277–9.

¹⁶⁵Deonandan, 'Evaluating the Effectiveness'.

¹⁶⁶Yagenova *et al.*, *La industria extractiva*, p. 278. Author's translation.

¹⁶⁷See *Ibid.* for consistent evidence of strategies related to ILO 169.

¹⁶⁸Fulmer *et al.*, 'Indigenous Rights, Resistance, and the Law'.

¹⁶⁹Rosa Bolaños, 'Por qué están estancados varios procesos de consulta a comunidades para proyectos mineros e hidroeléctricos', *Prensa Libre*, 25 July 2019, available at www.prensalibre.com/economia/por-que-estan-estancados-varios-procesos-de-consulta-a-comunidades-para-proyectos-mineros-e-hidroelectricos/, last access 31 Jan. 2022.

¹⁷⁰Author interview with Lourdes Molina, senior economist at ICEFI, Guatemala City, 15 Jan. 2019.

courts as one of the few means of access to the state, given elite dominance over most ministries and political parties. Courts became a serious challenge to mining capital.

Important to this process was a 2013 CC decision to recognise results from a *consulta* carried out by the municipality Mataquescuintla as binding.¹⁷¹ The CSJ suspended the Escobal mine's licence in 2017, which was confirmed by a 2018 CC ruling ordering consultation with the Indigenous Xinka population. The other large-scale metal mines also had licences suspended. In 2016 the Tambor mine was suspended by the CSJ, which was confirmed in 2017 by the CC, and in 2019 the CC suspended the Fenix mine's licence regarding prior consultation.¹⁷²

The suspensions came with caveats to their success. By one analysis, because the courts cannot challenge the megaproject development model, and because courts only suspend projects until consultations take place, they render consultation simply a formal requisite done retroactively to manage communities opposing mining.¹⁷³ At Escobal, for example, the CC ordered a dialogue process to build consensus around consultation. Diverse (and antagonistic) organisations and agencies are included in the *mesa de diálogo* (roundtable) that began in May 2021.¹⁷⁴ If this will be genuine participation or simply a conflict-management method remains to be seen.¹⁷⁵ Thus, while antagonistic dynamics drove the conflicts into legal channels, the courts may produce consensus dynamics favourable to MNCs.

These suspensions themselves are precarious: there are battles over who count as Indigenous representatives for the consultations;¹⁷⁶ MNC Kappes, Cassiday & Associates has a lawsuit in the ICSID over the Tambor mine;¹⁷⁷ and the Fenix mine continued operations despite a suspension while a military state of siege prevented protests.¹⁷⁸ CACIF has also actively challenged court rulings and called for measures to secure mining and other megaprojects.¹⁷⁹ Furthermore, the courts' future itself is precarious. While the autonomy of Guatemala's courts has always been limited, they have had enough in recent years to suspend megaprojects. Yet these rulings, among other important ones, triggered elite backlash against the

¹⁷¹Walter and Urkidi, 'Community Mining Consultations', p. 273.

¹⁷²Rosa Bolaños, 'Por qué están estancados'.

¹⁷³Juan Pablo Muñoz Elías and Alejandro Del Águila, 'Análisis crítico de las sentencias en los casos del proyecto hidroeléctrico Oxec/Oxec II y del proyecto minero Juan Bosco/Escobal, respecto del cumplimiento del Derecho de Consulta de los Pueblos Indígenas en Guatemala', *El Observador*, 10: 60 (2018), pp. 1–41.

¹⁷⁴Ministerio de Energía y Minas, 'Convocatoria del Ministerio de Energía y Minas en relación al proyecto minero Escobal', 14 May 2021, available at <https://mem.gob.gt/blog/convocatoria-del-ministerio-de-energia-y-minas-en-relacion-al-proyecto-minero-escobal/>, last access 31 Jan. 2022.

¹⁷⁵On dialogue and domination in Guatemala, see Fernando Solís, 'Modelo de acumulación, conflictividad y diálogo', *El Observador*, 8–9: 42–43 (Oct. 2013–March 2014), pp. 27–55; Muñoz Elías and Del Águila, 'Análisis crítico de las sentencias'.

¹⁷⁶Interview with Francisco Castañeda Moya, director, and Diana Monroy, legal advisor, at the Centro de Estudios Conservacionistas—Universidad de San Carlos de Guatemala (Centre for Conservation Studies—San Carlos University of Guatemala, CECOM—USAC), Guatemala City, 18 Jan. 2019.

¹⁷⁷Bolaños, 'Por qué están estancados'.

¹⁷⁸Pérez, 'Guatemala: Continúa disputa'; Papadovassilakis, 'Guatemala Imposes Martial Law'.

¹⁷⁹Rosa Bolaños, 'Cacif presenta amparo ante la CC por suspensión de licencias de minera San Rafael', *Prensa Libre*, 6 July 2017, available at www.prensalibre.com/economia/cacif-presenta-amparo-ante-la-cc-por-suspension-de-licencias-de-minera-san-rafael/, last access 31 Jan. 2022; 'Cacif exige medidas legales'.

courts, which played out through inter-institutional conflicts between the executive, CSJ and CC (along with the disbanding of the Comisión Internacional contra la Impunidad en Guatemala (International Commission against Impunity in Guatemala, CICIG)).¹⁸⁰ This shows the strengths and pitfalls of movements engaged in legal recourse based in formal Indigenous rights. This is a continuing process but, as of yet, it has not shifted mining policy.

The party system also hindered movements. Guatemala's party system is the least institutionalised in Latin America,¹⁸¹ deemed a 'party non-system', with volatility among ephemeral parties without social roots creating little representation for anything other than capital and military interests.¹⁸² While the short-lived de facto moratorium on exploitation permits came from the Colom campaign seeking Indigenous votes,¹⁸³ electoral success is otherwise scant. Possibilities of splitting parties from capital and allowing movement-based linkages are scarce. First, the leftist parties in the country have barely any representation.¹⁸⁴ Relatedly, Indigenous movements were fragmented and not consolidated into a party as a result of 'political institutions facilitating local over national electoral participation, and repressive violence that worked to push indigenous mobilization out of the national arena and toward the local level'.¹⁸⁵ Second, a non-institutionalised party system¹⁸⁶ means no institutionalised movement linkages. Third, capital dominates the party system.¹⁸⁷ Fourth, ideological and aspirational divisions prevented a coherent movement from effectively pressuring electoral campaigns.¹⁸⁸

Conclusion

The Salvadorean ban appears as a 'least likely case' of environmental policy change against neoliberalism. When comparing El Salvador, Nicaragua, Honduras and Guatemala, a few key variables shaped the balance of power around mining. First, mining MNCs relied on domestic elite networks and organisations for influence. Salvadorean-elite splits around mining undermined MNC influence. How they navigated neoliberalisation into an import-based accumulation model made exports like minerals less attractive, while water scarcity threatened other elites; effects that were exacerbated by intra-elite conflicts over ARENA leadership where pro-mining segments lost out. In Nicaragua, Honduras and Guatemala MNCs and

¹⁸⁰ Álvaro Montenegro, 'A Final Blow to Guatemala's Justice System', *El Faro*, 31 March 2021, available at <https://elfaro.net/en/202103/columns/25380/A-Final-Blow-to-Guatemala>, last access 31 Jan. 2022; Héctor Ávalos, 'Guatemala President Causes Constitutional Crisis to Oust CICIG', *InSight Crime*, 9 Jan. 2019, available at www.insightcrime.org/news/analysis/guatemala-president-causes-constitutional-crisis-oust-cicig/, last access 31 Jan. 2022.

¹⁸¹ Mainwaring, 'Party System Institutionalization', p. 58.

¹⁸² Omar Sanchez, 'Party Non-Systems: A Conceptual Innovation', *Party Politics*, 15: 4 (2009), pp. 487–520.

¹⁸³ Interview with Lourdes Molina, 15 Jan. 2019.

¹⁸⁴ Allison, 'Why Splinter?', pp. 726–31.

¹⁸⁵ Kevin Pallister, 'Why No Mayan Party? Indigenous Movements and National Politics in Guatemala', *Latin American Politics and Society*, 55: 3 (2013), pp. 125–6.

¹⁸⁶ Sanchez, 'Party Non-Systems'.

¹⁸⁷ Briscoe and Rodríguez Pellecer, 'State under Siege'.

¹⁸⁸ Yagenova *et al.*, *La industria extractiva*, p. 277.

domestic elites coordinated through networks and peak business associations: COSEP, COHEP and CACIF respectively. MNCs relied on domestic elites' 'instrumental power'¹⁸⁹ within policy-making and the state to secure pro-mining policy and repress protests. In Nicaragua, COSEP incorporated the mining chamber CAMINIC, and through consultations with the Ortega administration secured pro-mining conditions. This included creating the public–private partnership mining company ENIMINAS. In Honduras, COHEP and the mining chamber ANAMIMH captured bureaucracies and pushed to end a moratorium and adopt new pro-mining policy. Local elites had financial ties to mining and even established some presence in the industry themselves, especially after 2009. In Guatemala, local elites tied to MNCs and in complementary industries exercised their power to maintain pro-mining policy through dominance over the state and parties.

Second, national movement coordination with goals of prohibition supported coherence and lasting coalitions, and prevented manipulation or easy conciliation. The friend/enemy dichotomy put on the national scene by both the Salvadorean and Honduran coalitions had the strongest effects on policy, although in Honduras the movement eventually fragmented after the coup. This polarising dynamic also mattered at local scales, visible in the tactic of roadblocks. Local opposition proved crucial and was present in all cases. The ability for these local struggles, where disruptive power was directly exerted, to also create coalitions capable of exerting a clear political stance was central to the Salvadorean movement's success. In Guatemala, political differences between mining opponents prevented a national coalition from cementing, and a national coalition only formed in 2017 in Nicaragua. In these cases, demands remained more localised, and policy remained pro-mining.

Third, how parties and leaders relied on popular bases or capital allowed for linkages or movement exclusion. Elite political dominance is emblematic of the region. Still, in El Salvador party polarisation sustained FMLN linkages while movement pressure made space for state action against mining. Tight elections helped movements make mining politically toxic for both parties. In Honduras, Zelaya relied on a popular base including the anti-mining movement, but this isolated him from other elites, leading to the coup. Post-2009 electoral fraud undermined electoral volatility until 2021. In Nicaragua, Ortega created institutionalised consultation with the business class, alienated social movements and built a clientelist base. Elite control and little party-system institutionalisation in Guatemala meant that parties provided no linkages.

We can think of each variable as necessary but not sufficient. Movements are a precondition for change, parties or leaders must rely on contentious constituencies, and elites must be indifferent or split. Only El Salvador solidified a moratorium into law, where elites were split. Honduras had the other variables, but elite actions, especially the coup but also regulatory capture, reversed movement gains. Dominant elites and electoral insulation made change in Guatemala and Nicaragua further out of reach. It seems the variable to privilege is elites. Nevertheless, had there been only localised struggles in El Salvador, mining could have occurred in some areas and not others, allowing mining interests and connections to solidify.

¹⁸⁹Fairfield, *Private Wealth*.

Had the Salvadorean movement faced a party non-system like Guatemala's, the possibilities for dissensus and linkages would have been minimised.

Pairwise comparisons between these cases reveal the importance of these three variables. Comparing El Salvador and Nicaragua, the formerly revolutionary Left in power was not enough to achieve significant policy change. Ortega's mediating position insulated the FLSN from popular movements while working in consultation with business, at least until the spring 2018 uprisings. With COSEP, Ortega's FSLN was a promoter, rather than obstacle, to mining. In contrast, the FMLN, opposed by ANEP, maintained links to the social-movement base.

Comparing Honduras and Guatemala shows that uncompromising national movement dynamics in Honduras brought more policy victories against mining until 2009, despite domestic peak associations supporting mining and no institutionalised left party in both cases. A national prohibition organisation never consolidated in Guatemala. Instead, individual conflicts and lawsuits left policy largely in place. While local struggles and protection of territory are fundamental to anti-mining struggles, they show the challenges of local struggles in national policy regimes and global economic processes. However, given that movements deeply challenged the security of mining capital, if not policy, in Guatemala, further analysis of strategy is warranted.

El Salvador and Honduras show how the friend/enemy dynamic can drive movements forward, but also how enmeshed elites block popular action. In Honduras, disruptive pressure brought a moratorium in 2004. Yet, even before 2009, mining interests captured agencies, blocking progress that was more fundamentally set back by the post-coup governments opposing popular movements generally. In El Salvador, the antagonism against mining at the local level translated through La Mesa to a national level. Absence of elite coherence explains why the push for prohibition in El Salvador carried through to the ban, rather than being effectively countered.

The differences in mining outcomes offer insights into the region's political economy. In Guatemala, Honduras and Nicaragua, extractive models of accumulation are being promoted through the development of a nexus of mines, dams, infrastructure and complementary industries requiring large-scale economic and ecological change. Accumulation in El Salvador instead shifted towards consumption-centric strategies to capture remittances via retail, service and real estate, rather than extractive exports. These differences are mirrored by Global Witness' reports of killings of land and environmental defenders from 2012 to 2020: 109 in Honduras, 77 in Guatemala and 42 in Nicaragua, but none in El Salvador.¹⁹⁰

Future research should explore MNC–domestic–elite dynamics, movement strategies and party-system constituencies in other cases. Leaving Central America might mean accounting for stronger MNC power relative to domestic elites, but the dynamics still apply. Subnational bans like those in Argentina¹⁹¹ could be

¹⁹⁰Global Witness, 'In Numbers: Lethal Attacks against Defenders since 2012', 2021, available at www.globalwitness.org/en/campaigns/environmental-activists/numbers-lethal-attacks-against-defenders-2012/, last access 31 Jan. 2022.

¹⁹¹Broad and Fischer-Mackey, 'From Extractivism', p. 8.

analysed this way, especially as MNC Yamana Gold, needing the repeal of a subnational ban in Chubut to operate, has recently partnered with domestic elites.¹⁹² Further examination of state capacity shaping when movements seek bans and cancellations versus regulation is also needed. As extractive conflicts continue, interrogating these dynamics can bring additional leverage to understanding other cases, and contentious politics generally.

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Spanish abstract

El auge de la minería de metales en Latinoamérica experimentado en décadas recientes precipitó movimientos sociales anti-minería altamente combativos en Centroamérica. En este contexto, El Salvador se convirtió en el primer país en el mundo en prohibir toda minería de metales por ley. Al contrario, la política de sus vecinos Guatemala, Honduras y Nicaragua permaneció pro-minería. Estos casos son comparados usando un diseño de sistemas más parecidos. Las comparaciones revelan la importancia de tres variables: cómo las redes de élites económicas nacionales y sus intereses se relacionan con corporaciones multinacionales; la coordinación de movimientos sociales nacionales y sus metas, específicamente en cuanto a la prohibición de la minería; y cómo partidos y líderes se apoyan ya sea en bases populares o en el capital. Estos factores configuraron la disputa entre élites y movimientos sociales que dieron forma a las acciones estatales alrededor de la minería y que produjeron este ‘caso menos posible’ de cambio de la política extractivista en El Salvador.

Spanish keywords: minería; movimientos sociales; élites; Centroamérica; partidos; corporaciones multinacionales

Portuguese abstract

O boom da mineração de metais na América Latina nas últimas décadas precipitou movimentos sociais contrários à mineração altamente contenciosos na América Central. Nesse contexto, El Salvador tornou-se o primeiro país do mundo a proibir por lei toda a mineração de metais. Em contraste, a política da Guatemala, Honduras e Nicarágua permaneceu pró-mineração. Esses casos são comparados usando um projeto de sistemas mais semelhante. A comparação revela a importância de três variáveis: como as redes e os interesses da elite econômica nacional se relacionam com as corporações multinacionais; coordenação e metas do movimento nacional, especificamente em relação à proibição; e como partidos e lideranças se apoiavam nas bases populares ou no capital. Esses fatores determinaram a disputa entre as elites e os movimentos que moldaram as ações do

¹⁹²Yamana Gold, ‘Yamana Gold Announces the Grant of an Option with Joint Venture Rights in Respect of Its Suyai Property in Chubut Province Argentina’, 28 April 2020, available at www.yamana.com/English/investors/news/news-details/2020/Yamana-Gold-Announces-the-Grant-of-an-Option-With-Joint-Venture-Rights-in-Respect-of-Its-Suyai-Property-in-Chubut-Province-Argentina/, last access 31 Jan. 2022.

Estado em torno da mineração e levaram a esse ‘caso menos provável’ de mudança na política extrativista em El Salvador.

Portuguese keywords: mineração; movimentos sociais; elites; América Central; partidos; corporações multinacionais

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