

**REPORT OF THE INDEPENDENT EVALUATION**  
**OF**  
**THE MESA DE DIALOGO Y CONSENSO CAO-CAJAMARCA**  
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# EVALUATION OF THE MESA DE DIÁLOGO Y CONSENSO

## CAO-CAJAMARCA

### EVALUATION REPORT

(May 2005)

#### 1. INTRODUCTION

The *Mesa de Diálogo y Consenso* CAO-Cajamarca (*Mesa*) is at a crossroads. Conceived as a means to address conflicts between the Minera Yanacocha SRL, Peru's largest gold mining company and the community of Cajamarca, the *Mesa* has evolved along lines which bring into question its capacity to serve as an effective conflict mediation mechanism. Since its inception in September 2001 with support from the Office of the Compliance Advisor Ombudsman (CAO) of the International Finance Corporation (IFC), the *Mesa* has established itself as a formal organization, undertaken serious technical study of the environment, and offered an open, transparent and participatory forum for discussing issues affecting the community and the mine. At the same time, it has steered clear of direct and active involvement in conflict resolution, and, for reasons that in part are beyond its control, it has never been able to gain the legitimacy and broad community acceptance that would enable it to play a decisive role in ameliorating the tensions, distrust, and volatility that pervade the relationship between the community of Cajamarca and Minera Yanacocha. As the *Mesa* is into its fourth year of operation, the time has come for its leadership and the CAO to reflect upon the course the *Mesa* has taken, examining its strengths and weaknesses, and defining a clear and realistic path for the future.

This report presents the results of an Independent Evaluation which was commissioned to provide the *Mesa* and the CAO with an impartial assessment that will contribute to their internal analysis of the strategies the *Mesa* should pursue to become a self-sustaining, effective and autonomous organization. The evaluation, which involved field work in Lima and Cajamarca, Peru, was carried out from February to May 2005 by a team of four independent consultants specializing in assessment of community-based organizations, environmental management, and dispute resolution processes.<sup>1</sup>

Following this introduction, the report contains five main sections. The first describes the specific objectives and methodology of the evaluation. To provide the context in which the *Mesa* operates, the next section briefly identifies critical national trends in Peru that affect governance and the mining sector, and describes the role of the Minera Yanacocha in the town and region of Cajamarca, highlighting the issues that led to the creation of the *Mesa*. Section four describes the organization, functions and programs of the *Mesa* and establishes the basis for the evaluation of the *Mesa* that appears in section five. The final section of the report presents the conclusions and recommendations of the Independent Evaluation.

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## 2. OBJECTIVES AND METHODOLOGY OF THE EVALUATION

According to the Terms of Reference approved by the *Mesa* and the CAO, the Independent Evaluation has two fundamental objectives: <sup>2</sup>

- The first is to “assess the effectiveness of the *Mesa* as a forum for concerns to be voiced, perspectives shared, and agreements reached on actions to resolve problems and prevent conflicts. “ In other words, answer the question of how effectively has the *Mesa* fulfilled the terms of its Mission Statement.
- The second is to provide the *Mesa* and the CAO with analysis and recommendations which will inform their deliberations about the steps the *Mesa* must take to become a self-sustaining organization, independent of the financial and technical support of the CAO.

Within this framework, the Team:

- a) assessed the structure, organization, and operational behavior of the *Mesa*, including the conduct of its Board of Directors and General Assemblies
- b) reviewed the performance of the *Mesa* in light of its stated mission and strategies and the specific objectives contained in its annual work programs, with particular emphasis on the objectives of preventing and resolving conflict and promoting values of transparency, openness, independence , and public and private participation.
- c) evaluated the strategies and technical activities the *Mesa* has undertaken to achieve its aims.

It is important to bear in mind, that the evolution and performance of the *Mesa* cannot be divorced from changes occurring within the Minera Yanacocha, nor from the shifting perceptions and politics of Cajamarca. To the extent possible, the Team has sought to consider all these factors in arriving at its assessment of the *Mesa*.

The methodology pursued by the Team involved four main activities. The first was an extensive review of relevant existing documentation from primary and secondary sources regarding:

- the history, organization, work programs and activities of the *Mesa* (the minutes of *Mesa* meetings and reports of CAO technical support missions were especially valuable sources in this regard);
- the role of the Minera Yanacocha in the economic, political and social situation in Cajamarca; and
- the policies, procedures and activities of the Mine itself.

The second was an extensive round of 70 interviews with a wide range of public and private stakeholders at the national and local level. These interviews were the primary sources for appraising the perceived accomplishments, legitimacy, and current viability of the *Mesa*. The interviews included:

- figures in the administration and management of the *Mesa* and the CAO; municipal, regional, national officials in Cajamarca and Lima;
- civil society leaders from NGOs, the local university, rural organizations,;

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<sup>2</sup> Terms of Reference for An Evaluation of the MESA de Diálogo y Consenso CAO-Cajamarca \_CAO (March 2005)

- managers at the Minera Yanacocha and its parent company, the Newmont Mining Company,
- staff of the International Finance Corporation (IFC).<sup>3</sup>

The third activity consisted of field trips to the Yanacocha mine and the Cerro Quilish, the subject of violent and continuing controversy between the company and the community of Cajamarca. Finally, the members of the Team engaged in a series of structured analytical exercises designed to integrate the information gathered by each member into a concrete consensus about the central trends, conclusions and recommendations that emerged from the evaluation.

### 3. BACKGROUND

The performance of the *Mesa* cannot be understood without examining the trends that shape political, economic and social context in which it operates. These manifest themselves at the national level, as well as in the local context of Cajamarca, and the situation of the Minera Yanacocha. No attempt is made here to explore all the trends affecting the state of affairs in Peru, but rather to pick out those that appear to be significant for the conduct of the *Mesa*.

#### 3.1 The Mining Sector

The Peruvian economy has growing steadily in the last few years. GDP has been growing at the rate of 4.7 % since the year 2000, and is forecast to reach 5.1 % for 2005. The strongest sectors are in agriculture exports, textiles, natural gas, and minerals. Mining has been an increasingly strong sector. Over the past 10 years, total investment in the country reached US\$ 6.7 billion and an estimated US\$10 billion worth of investment is under consideration. In 2004, minerals represented 55% of total exports and some 29% of national tax revenue.<sup>4</sup> Peru is the world's seventh largest producer of gold. Production grew steadily with 20,200 KGF produced in 1990, 47,800KGF in 1994 and 157,000 KGF in 2002. In 2001, gold represented 16.6% of Peru's exports.<sup>5</sup> By 2003, this figure had grown to 23.5% of total exports or US\$2 billion.

Minera Yanacocha accounts for almost half of Peru's annual gold production. A consortium of the Newmont Mining Corporation of Denver, Colorado, Compañía de Minas Buenaventura S.A. ( Peru), and the International Finance Corporation, owns the Yanacocha with 51.35%, 43.65%, and 5% of the shares, respectively. The company's production accounts for 8-11% of Peru's total gold exports and is considered the largest gold mine in Latin America. The company's production grew from 81,000 ounces in 1993 to nearly 3 million ounces in 2003. With a total land area under concession of approximately 1572 square kilometers, including four major watersheds and the Andean continental divide, the Yanacocha mine is located 38 km north of Cajamarca.<sup>6</sup> Yanacocha's current mining district spans about 160km<sup>2</sup> and includes five open pit mines.

<sup>3</sup> Annexes 1 and 2 - List of Interviews and Documents Reviewed

<sup>4</sup> Economist, February 3, 2005

<sup>5</sup> Ideele, No 166 /octubre 2004

<sup>6</sup> Nina Robertson, Draft Monograph on Mesa de Diálogo y Consenso CAO-Cajamarca ( March, 2005)  
Also see [www.Yanacocha.com](http://www.Yanacocha.com)

### 3.2 Political and Institutional Framework

Despite relatively strong growth in the economy, however, Peru is experiencing a period of great uncertainty. Economic growth has not translated into improved social indicators, and the political and institutional transition from former President Fujimori's authoritarian and corrupt rule to a coherent and stable democratic order is far from complete. There is a pervasive public distrust of political leaders and public institutions that has sorely undermined their legitimacy.

President Toledo's tenure in office has been marred by scandal, and confidence in his leadership has dropped below 10% according to public opinion polls. With the election a year away in April 2006, no political grouping appears to have solid public support, and no set of potential leaders stands out in the crowd. This situation undoubtedly will change as elections draw closer, but at present the path the country will choose is far from clear.

The slow pace of the process of governmental decentralization that was reactivated after the departure of Fujimori also contributes to the lack of confidence in government institutions. Although efforts began some three years ago to push the process along, public administration in the country is still centralized in national ministries and their regional offices, which, in turn suffer from a lack of financial resources and technical personnel to carry out their regulatory functions. The conditions and capabilities of newly formed regional governments often merely reflect the weaknesses of the national agencies, so that the transfer of functions and authorities is difficult at best.

Interviews at the Ministry of Energy and Mines (MEM), the National Council on the Environment (CONAM) and the Regional Government of the Department of Cajamarca illustrate the complexity of this process. In the case of environment, for instance, CONAM is responsible for setting environmental policy and regulations at the national level, but CONAM does not have ministerial rank and the implementation of these policies is the responsibility of the sectoral ministries. CONAM's regional office is the technical secretariat of the Regional Environmental Council (CAR) which recommends policy to the Regional Government. However, these policies are implemented by the regional offices of national agencies or ministries, as well as local authorities. Aside from the confusion of functions, the situation is also exemplified by the minimal staffing of CONAM's regional office in Cajamarca and of the Natural Resources and Environment office of the Regional Government. The picture is also complicated by the fact that INRENA (Institute for Natural Resources) is directly responsible for issues related to soil, water and forests. In the case of MEM, the lack of technical staff at the national level has, until recently, required it to contract environmental auditing of mining operations to small enterprises that seldom had the technical capacity or resources to adequately carry out the task.

A couple of final notes on the process of decentralization: First, the new regional political authorities who have entered the scene, now often enter into competition for influence with local municipal and civic leaders. As will be noted further on, this competition has affected the level of participation in the *Mesa* on the part of regional and municipal officials. Second, the state of flux created by the process has left many regulatory voids that under ordinary circumstances should have been filled by vigorous action on the part of the State. The very need to establish a *Mesa* to address conflicts between the community and the Minera Yanacocha is a case in point.

### 3.3 A Volatile Scene

In the last few years in Peru, the extractive industries sector has become an arena of intense social conflict. Increasingly, people are demanding a more equitable distribution and utilization of the benefits derived from these industries for the betterment of all Peruvians and the communities they affect. At the same time, they have become more aware of the negative social and environmental impacts the industries may produce. Protests from local communities, farmers organizations, indigenous groups and national and international NGOs over the Camisea natural gas pipeline<sup>7</sup> are mirrored by protests in mining communities throughout the country, including Tambogrande, La Zanja, and Tintaya, as well as Yanacocha.

Many sectors of Peruvian civil society have recognized the gravity of the situation and the need to develop a new social and political consensus regarding the role of the mining industry in the sustainable development of the country. At present, civil society, the industry and government have come together in a National Dialogue on Mining and Sustainable Development and the Ministry of the Presidency has established an Office of Analysis and Prevention of Conflicts. Furthermore, the more far-sighted mining companies have embraced higher international standards for environmental good practice and corporate social responsibility and have begun to make efforts to incorporate them into their regular operations and community relations. However, many of these efforts have yet to show positive signs on the ground, and the intensity of popular dissatisfaction and the general distrust of industry and governmental leaders often outstrips the pace of these responses no matter how well intended and positive they may be. Managing this volatile situation is an inescapable priority at the local level of a Cajamarca, as well as at the national level.

### 3.4 Cajamarca and Minera Yanacocha.

The city of Cajamarca (population 120,000) is the capital of the Department of Cajamarca and lies within the province of the same name. The department is one of the poorest in Peru. According to UNDP's Human Development Report (2002), Cajamarca ranked 20<sup>th</sup> among the country's 25 departments. Data from the Ministry of Labor for 2002 indicates that 54.4 % of the labor force in the province worked in agriculture; 36.4% in services, and 13.2% in mining. Within the department as a whole illiteracy is 24.5% and chronic malnutrition among children stands near 43%. However, the department's gross domestic product doubled between 1995 - 2003 from 2.1 million new Sol<sup>8</sup> to 5.5 million. Much of this growth can be attributed to the mining sector.

Minera Yanacocha began operations near the city of Cajamarca in 1992. Although the company originally expected to operate the mine for only 10 years, new discoveries of gold in various sites have increase this projection to at least 30 more years of mining activity. In 1993 the mine produced 81,000 ounces of gold and by 2003 production had grown to 2.8 million ounces. The growth of the mine has had both positive and negative impacts on the city and the surrounding region.

On the positive side of the ledger, the growth of the mine has generated significant new investment and employment in the area, spurring new construction in housing and infrastructure, and new service enterprises. According to Yanacocha: Responsabilidad Social (translate—Social Balance Report), the company's sustainability report for 2003, 7443 workers

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<sup>7</sup> [www.Amazonwatch.org/amazon/pe/camisea](http://www.Amazonwatch.org/amazon/pe/camisea)

<sup>8</sup> US\$ 1= approximately s/3.26 in 2005

were employed by the mine, 1857 of whom were Yanacocha employees and 5586 worked for contractors. Over 44% of the permanent employees came from Cajamarca. The total salaries were S/84 million while the total cost of labor was S/221,282,195. Purchases made by the company in Cajamarca amounted to US\$73.9 million. In 2003, Minera Yanacocha paid some \$140,162 million in taxes to the government of Peru, \$70 million of which is earmarked to be redistributed to the department through the Peruvian mining law or Canon Minero. The actual distribution of the revenue has yet to be felt at the local level, however. Yanacocha's cumulative contribution to the Canon Minero reached \$147 million over the decade from 1993-2003.

However, there has been a negative side to the impact of the Mine, as well, which has generated a complex "love-hate" relationship toward the mine within the community of Cajamarca. The presence of the Mine has transformed the regional economy from one based on dairy farming and agriculture to mineral exploitation and services, upsetting traditional social structures and the land and labor markets. The immigration of mine workers and contractors from other parts of Peru to the city has taxed the local housing market and social service agencies. Furthermore, there has been an unwelcome growth in nightclubs and brothels to entertain the newcomers.

In the rural areas, small farmers and landowners have complained about the company's untransparent and coercive land purchasing practices, blockages and water shortages in irrigation canals and contamination of water supplies from mine operations. The perceived tendency of the company to operate in an arrogant, unilateral fashion, shunning consultation and transparent action in favor of behind-the-scenes political deal-making only serves to aggravate the public's reaction to the impact of the mine.

The conflicted relationship between Minera Yanacocha and the local community is illustrated by the case of Choropampa, the complaints brought against it by FEROCAFENOP, and, more recently, by violent protests over Yanacococha's aborted effort to initiate exploration at Cerro Quilish.

In the first instance, in June 2000, mercury spilled by RANSA, a trucking company contracted by Yanacocha, sickened substantial numbers of people in the towns of Choropampa, Magdalena, and San Juan, and led to an on-going legal dispute between the afflicted parties and the Newmont Mining Corporation. An Independent Investigation commissioned by the office of CAO found that the trucking company was negligent and that Yanacocha was fundamentally at fault for not having acceptable, comprehensive policies and procedures for handling and transporting hazardous waste from the Yanacocha mine. The case of Choropampa is still in legal proceedings involving a number of individual and class action suits brought against the mining company. The case is often cited as an example of Yanacocha's unregulated and dangerous operations and as an unresolved issue on the agenda between the Mine and the local community.

FEROCAFENOP is the Federation of Rondas Campesinas Femininas of Northern Peru, an association of rural women's groups active in the Department of Cajamarca. Together with CORECAMI, a regional movement of communities affected by mining, FEROCAFENOP filed a complaint with the CAO in March of 2001 asserting that Yanacocha was not in compliance with the IFC's environmental and social safeguard policies. The complaint alleged various policy violations and adverse social and environmental effects, such as: 1) lack of public disclosure and consultation on EIAs; 2) lack of acknowledgment of indigenous peoples rights; 3) unfair land purchasing practices; 4) lack of attention to adverse social impacts of the Mine; 5) broken promises on infrastructure and employment offered to people, and 6) contamination of local



water supplies.<sup>9</sup> As we shall see, the CAO's response to this complaint led directly to the creation of the *Mesa*.

Cerro Quilish is the latest example of the volatile relationship between the Mine and the community of Cajamarca. Cerro Quilish, a mountain outside of Cajamarca, falls within the boundaries of Yanacocha's mining concession from the Ministry of Mines. Minera Yanacocha solicited and received a permit from MEM to undertake exploration for minerals in 2004. Many members of the community, however, consider it an invaluable source of water for Cajamarca and have made several attempts to prevent its exploitation, including a municipal ordinance declaring it a protected area. The ordinance was disputed and reached the Supreme Court, which ruled that the Municipal government was acting outside of its legal bounds by making such a declaration. Bolstered by this ruling and defying community opposition, in September 2004 Yanacocha proceeded to move machinery onto the site. The intensity of the public protests that ensued, involving mass mobilizations that involved demonstrations of over 10,000 people and blocked the roads to the Mine and within Cajamarca for 10 days, ultimately led the Mine to issue a public apology to the people of Cajamarca and ask the MEM to revoke its prospecting license. The final chapter of the issue of Cerro Quilish is not yet written, as most people in Cajamarca expect the Mine to try again once passions have calmed and Yanacocha has made various ambivalent statements about its future plans for Quilish.

Within this record of conflict and controversy, there is some evidence that Minera Yanacocha is evolving, at least rhetorically, toward a more positive approach to the community. The 2003 Social Responsibility Report highlights this new consciousness, at least rhetorically. Newmont's corporate policy underscores the high priority it gives to environmentally and socially responsible behavior both in the operation of the Mine and toward the community. The Environmental Health and Safety policies of the Mine are improving and Yanacocha's leadership has taken concerted efforts to establish more open community outreach programs. The Report highlights environmental quality control activities, the new laboratory for environmental analysis, measures to control sedimentation and improve the management of solid wastes, along with the Yanacocha's support for the Stratus Consulting water quality and quantity study initiated by the *Mesa* and the internal environmental audit undertaken by INGETEC. The Yanacocha report presents the company's stated commitment to social development, education and to the improvement of municipal and regional infrastructure. In addition, it takes note of the impending creation of the Asociación los Andes de Cajamarca, Yanacocha's corporate community development foundation that began operation in 2004 with the express purpose of promoting long-term development solutions for the region. The pace of internal change has been very slow, however, and critics argue that there is still a long way to go before the company's statements become reality.

## **4. THE ORGANIZATION AND ACTIVITIES OF THE MESA**

### **4.1 Historical Evolution**

The creation of the *Mesa de Diálogo y Consenso* CAO-Cajamarca resulted from two complaints filed with the Compliance Advisor Ombudsman of the International Finance Corporation and the Multilateral Investment Guarantee Agency (MIGA) in early 2001. One complaint related to the Choropampa mercury spill, claiming that Yanacocha has not made good on its commitments to help the victims, and the other was brought by FEROCAFENOP alleging that Yanacocha's

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<sup>9</sup> Nina Robertson, IBID

mining activities were causing environmental contamination and increased social inequity in the region, among other adverse effects. In response, the CAO commissioned a team of conflict resolution experts, including specialists from the U.S. and Argentina to investigate the situation and consult with the community and the company to recommend a course of action to address these concerns.

The *Mesa* grew out of a deliberative, participatory process fostered by the CAO and its team of experts which began in July 2001, with the first mission of the CAO team, and led to formal organizational Protocol in January 2002, the hiring of permanent staff coordinator in January 2003 and opening an office in 2004. For descriptive purposes, the development and consolidation of the *Mesa* can be described in four stages:

### ***Scoping and Convening (July-September 2001)***

During this first stage, the CAO team out to determine whether and how a process for resolving disputes between the community and the Mine could be established in Cajamarca. In its first mission, the team met with a wide variety of stakeholders to identify the scope of the issues facing the community and determine the willingness of the various groups to engage in a process of dialogue and discussion aimed at resolving issues. Having determined that there was an opportunity and a desire to establish a forum for dialogue, during its next mission the team met with stakeholders again and convened three meetings in which it a) facilitated discussion about the scope of the issues identified during the first mission, b) explored the principles and alternative approaches for building consensus and resolving disputes, and c) examined options for moving forward in the context of Cajamarca. A range of organizations representing urban and rural interests, including Minera Yanacocha participated in this process and reached agreement on establishing a permanent process and an agenda of issues to be addressed. A number of environmental NGOs chose not to participate in the *Mesa* because they felt that it would be too closely tied to Minera Yanacocha.

It is important to underscore three points about this initial process. The first is that the strategy of the CAO team recognized that because the habits of civil discourse had been sorely eroded by the intensity of distrust within the community, a high priority had to be given to deliberately fostering a culture of dialogue among the members of the *Mesa* through a program of training sessions. This kind of training was carried out indirectly through the facilitation of the formal meetings of the *Mesa* and indirectly through specialized training sessions conducted in subsequent months. The second point was that there was an explicit commitment on the part of the organizations participating in these formative meetings to make the *Mesa* a forum for the discussion and resolution of conflicts. And the third is that at this initial meeting a matrix of issues was defined in which the groups identified the effect of the Mine's activities on the quality and quantity of water as a priority for action.

### ***Development Period (October 2001-March 2002)***

During this period, the organizations participating at the *Mesa* established a Coordinating Committee, continued its training programs and launched its technical work. The Coordinating Committee, whose members were approved by the Assembly, was later transformed into the *Mesa's* Board of Directors. A number of capacity building workshops were held on dispute resolution and methods for creating harmony and consensus in public meeting. The Terms of

Reference for the water study were defined including the concept of using Veedores (community monitors) to verify the activities and methods of the hydrology team; funding for the study was secured from Yanacocha to be managed by the CAO, and Stratus Consulting was selected in January 2002 to undertake the study which began in June of that year. Yanacocha hosted a visit to the mine for *Mesa* participants and gave several status reports at meetings on how it was addressing the issues raised in previous meetings. In one such update, Yanacocha stated that it would postpone considering exploitation of Cerro Quilish for several years. During this period of development, discussions were held about expanding membership of the *Mesa* to attract more participation from government agencies and environmental NGOs. In January of 2002, the Protocol defining the purposes and principles of the *Mesa* was formally signed.

In November of 2001, a parallel dialogue process was launched by the Ministry of the Presidency to address conflicts between the community and Yanacocha. The dialogue was part of a national initiative to address similar issues throughout the country. This process was carried out under the offices of the CTAR (Consejo Transitorio de Administración Regional), a body created under President Fujimori's regime and continued under Toledo to coordinate regional administration. The CTAR *Mesa* included national, regional, and municipal governmental officials, parliamentary leaders, civil society and NGOs. The CTAR *Mesa* initiated a discussion with Yanacocha which led to agreements to establish an independent laboratory for environmental analysis and to carry out an environmental audit of the mine's operations. The audit, funded by Yanacocha but overseen by the CTAR *Mesa*, was contracted to a Colombian environmental consulting firm, INGETEC. The mine eventually created a laboratory within its own property, over the objections of the members of the CTAR *Mesa* who wanted it to be established in Cajamarca. Although the *Mesa* formally expressed its willingness to meet with the CTAR *Mesa*, it does not appear that such a meeting ever took place. The CTAR *Mesa* eventually dissolved as elections approached and the dispute with Yanacocha reached an impasse.

### ***Consolidation of the MESA (March 2002-January 2003)***

Following the adoption of the formal Protocol in January 2002, the *Mesa* entered into a period of consolidation. The Coordinating Committee was transformed into the Board of Directors. During this period, the meetings of the Assembly were characterized by regular progress reports to the members from the representatives of Yanacocha, the Stratus Consulting team, the Veedores for the Water Study, and groups such as the Rondas Campesinas, the Mayors of Smaller Towns, the working groups established by the *Mesa* to address a variety of issues include small business development. The *Mesa* also developed a strategic plan during this period, and CAO funds were secured to hire a full-time coordinator. CAO also contracted a Project Manager to coordinate its relationship with the *Mesa*.

Several themes emerged during this period, that are worth noting here. It was at this time that the CAO reached an impasse in its efforts to secure agreement from the Peruvian Ministry of Health that it would authorize a study of the health effects of the Choropampa spill and assume responsibility for the affected people. After reporting several times to the *Mesa* on the actions taken to get the Ministry's permission to proceed, the CAO reported its frustration to the *Mesa* and asked for its support in pressuring the Ministry. In addition, during this time, members of the *Mesa*, reacting perhaps to Yanacocha's involvement with the CTAR *Mesa*, asked Yanacocha to reaffirm its commitment to working with the *Mesa* to settle disputes. Finally, on a

number of occasions, members called for greater action on the part of the Board to disseminate information on the purposes and work of the *Mesa*.

### ***Stable Operations (January 2003-Present)***

The *Mesa* entered into a period of relatively stable operations following the appointment of its first Coordinator. Assembly meetings were well organized with structured agendas. Agenda items routinely included: progress reports from the coordinator and the Board of Directors; reports from working groups on small and medium enterprise, environment, and communications; reports from the Stratus Consulting group and the Veedores; presentations from Yanacocha and other organizations represented on the *Mesa*. For much of this period attendance at the *Mesa* assemblies averaged roughly 70 people between regular *Mesa* members and observers.

Several themes and events stand out during this period. Some of these - like the subject of the breadth and diversity of the *Mesa's* membership, Yanacocha's propensity for skirting the *Mesa* when addressing specific disputes, and the need to be more vigorous about informing the public about the *Mesa's* activities - had come up before. Others, like the resignation of the Coordinator in November of 2003 and CAO's stated intention to phase out its support for the *Mesa* now that it was up and running - constituted new management issues that the *Mesa* had to confront. The first Coordinator was eventually replaced in January of 2004 by the person now holding the position. The eventual separation from the CAO remains something that the *Mesa* has yet to digest. However, the two most significant events of the period were the presentation of the Stratus Report on Water Quality and Quantity and the eruption of the conflict over Cerro Quilish. In many ways, these two events symbolize the competing strains in the *Mesa's* agenda.

Stratus Consulting presented the findings of its 18 month study of the effects of Yanacocha's operations on the quality and quantity of water in the watersheds surrounding Cajamarca on October 20-21, 2003 in a two day meeting that included detailed explanations of the technical findings and reports from the Veedores who had monitored data gathering for the project. The scope of the Study did not cover the effect of mining operations on the aquifers within the concession. The Study found that the mine's operations indeed had effected the quality and quantity of water, particularly in areas adjacent to the mine, but that these effects diminished the further downstream one got from the mine. The changes to water quality posed no short term imminent danger to people, livestock or crops, but did pose short term risks to aquatic life in some streams. Long term effects were less certain, but could be of concern if certain water sources were consumed on a regular basis. Regarding quantity, the study found that the quantity of water available to some irrigation canals had been diminished by the mine. In terms of the water available to the town of Cajamarca, the study found that the quantity was not affected. In short, the study indicated that, while there were no immediate short term health risks for humans and livestock, a thorough and continuous monitoring program should be mounted to ensure that no serious harmful changes occurred in the watercourses. The Evaluation Team found that the Stratus Study was widely recognized for its technical validity and objectivity, and is acknowledged as one of the *Mesa's* positive achievements.

The conflict over Cerro Quilish broke out a year later in September 2004, when the mine secured a prospecting permit from the MEM and drove its exploration equipment onto the site. As explained earlier, opposition to the mine's exploitation of Cerro Quilish centered on the general public belief that the mountain was a critical sources of water for the city and the surrounding countryside. Even though opposition had been brewing for sometime, the process of consultation undertaken by the mine regarding the environmental evaluation required for the

permit had not signaled that it would become as intense as it did. Mass mobilization occurred that blocked the roads to the site and filled the town square in Cajamarca. Only a concerted effort from local leaders and representatives of the Ministry of Mines calmed the confrontation and ended the blockade. As a result of the negotiations, Yanacocha publicly apologized for its actions and formally requested that MEM revoke its exploration permit.

Although the issue of Quilish had been identified by the *Mesa* as a critical concern to the community, the only action the Board of Directors took at this time was to issue a resolution deploring violence and calling for dialogue. Within Cajamarca, the Frente de Defensa, one of the groupings of NGOs that had led the charge against the mine, called for the *Mesa* to be disbanded for its inaction. However, the meeting of the *Mesa*'s Assembly in January of this year rejected that extreme course and affirmed the desire of many members to continue the dialogue process.

Throughout this process, the CAO has played the role of advisor and monitor and provided critical support in securing and managing funds for the *Mesa*'s activities. The CAO funded technical assistance to facilitate the process that led to the creation of the *Mesa* and later provided support to assess its progress. For administrative purposes, the CAO also contracted a Project Manager in Peru to provide financial and administrative oversight for the funds managed by the *Mesa* for administrative purposes and for the Water Study.

The *Mesa* has now been in existence for nearly four years. It has evolved from a gathering of concerned citizens convened by the CAO to a recognized organization with a formal structure and a concrete program of work. The next section of this report describes that structure and program in order to lay the foundation for the evaluation of the *Mesa*. The next critical steps in the historical evolution of the *Mesa* will come from the actions it takes in response to the conclusions and recommendation of this evaluation report.

## **4.2 Goals and Objectives of the MESA**

The fundamental objectives of the *Mesa* have not changed substantially since its inception. The formal statements cited below both emphasize the *Mesa*'s role as an instrument of dispute resolution:

*“The Mission of the Mesa de Diálogo y Consenso CAO-Cajamarca is to address and resolve conflicts between the Minera Yanacocha and the community of Cajamarca with the participation of public and private institutions in a transparent, open, independent and participatory manner.” (Annual Operating Plan 2005)*

*“The mission of the Mesa is to prevent and resolve conflicts between the public and private sectors, civil society, and the Yanacocha Mining Company.” (Protocol of Organization and Functions February 2003)*

### 4.3 Annual Work Programs and Activities

These goals and objectives have been translated into Annual Programs which reflect the *Mesa's* operational priorities. These priorities have been implemented through a series of training activities, technical studies, and outreach activities. As the chart below indicates, these priorities have remained relatively constant over the years.

**Table of Annual Goals/Objectives of the Roundtable**

<b>Work Plan 2003</b>	<b>Work Plan 2004</b>	<b>Work Plan 2005</b>
1. Train the member institutions in Dialogue and Consensus, Conflict Management, and Natural Resource Management	1. Work on conflicts within a framework of good faith, respect, cooperation and tolerance, seeking solutions through consensus to satisfy the interests and needs of all parties.	1. Environment: The valleys adjacent to the Mine provide optimal quality and quantity of air and water for the diverse local uses.
2. Achieve more recognition from the institutions, civil society and citizens of Cajamarca of the <i>Mesa</i> as an entity committed to the prevention and resolution of conflicts as a neutral and independent body.	2. Promote and publicize conflict resolution mechanisms through training, dialogue and active participation of the member institutions of the <i>Mesa</i> with the purpose of promoting and maintaining relations of harmony.	2. Training and Outreach: The <i>Mesa</i> is a technical reference for social-environmental conflicts in Cajamarca.
3. Promote actions to improve the environmental conservation of water, air, soil, and human health quality within influence of the Mine.	3. Support and promote actions that improve and preserve the environment, respecting individual and group differences.	3. Institutional Strengthening: The Members of the <i>Mesa</i> are committed and capable of actively participating in all activities.
4. Promote social-economic development through the strengthening of small enterprises.	4. Contribute to and promote participation of diverse public and private institutions, through representatives with decision-making capacity, in order to promote sustainable development in Cajamarca.	4. Promote Sustainable Activities: The <i>Mesa</i> promotes capacity building in the area of sustainable development.
5. Achieve the integration of new public, private and civil society organizations to strengthen the representation of the <i>Mesa</i> in order to complete its mission.	5. Institutional Strengthening of the Administration and Management of the <i>Mesa</i> .	5. Monitoring of Social Conflicts: The <i>Mesa</i> promotes and facilitates the solution of conflicts between Yanacocha and the community.

To accomplish the states goals within the Work Plans, the *Mesa* engaged in various activities. Rather than a detailed accounting of all the activities carried out during the period, examples are provided here under the following categories: Strategic Planning/Institutional Strengthening; Conflict Resolution; Training; Environmental and Development Studies; Outreach.

Strategic Plan/Institutional	Conflict Resolution	Training	Env/Dev Studies	Outreach
<ul style="list-style-type: none"> <li>• Inicial <i>Mesa</i> Workshops</li> <li>• Facilitated Annual Planning Sessions</li> <li>• Board Workshop on Consensus Building</li> </ul>	<ul style="list-style-type: none"> <li>• Identification Issues at Assembly Meetings</li> <li>• Referral Complaints: i.e. contractor payments;</li> <li>• Pressure Minera on behalf of Huacataz</li> <li>• Lobbying for Choropampa</li> <li>• Board statement Quilish</li> </ul>	<ul style="list-style-type: none"> <li>• Conflict Res. Work Shops;</li> <li>• Mediation workshops?</li> <li>• Harmony/ Consensus training</li> <li>• Field Trips to Yanacocha Training of Veedores</li> <li>• Stratus Presentations</li> </ul>	<ul style="list-style-type: none"> <li>• Stratus Water Study</li> <li>• Veedores</li> <li>• Aquatic Life study</li> <li>• Monitoring Program</li> <li>• PYMES Proposal</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Mesa</i> Brochures; Annual Report 2003; News Articles; Radio/TV; Stratus Report, participation in COMOCA meetings</li> <li>• Stratus briefings about study</li> </ul>

**Note:** the above information is derived from CAO/*Mesa* Mission Reports and Interviews. An Activity Report for the *Mesa* exists for 2003, but a similar report was not found for 2004.

#### 4.4 Organization and Functions

The structure of the *Mesa* is set forth in the Protocol of Organization and Functions adopted by the Assembly on January 29, 2002. This Protocol was formally modified to bring it up to date in February 2003. These Protocols are underpinned by the Legal Statutes of the *Mesa* which also identify the members elected to the Board in May 2004. The *Mesa* is in the process of registering itself as a legal entity. The basic CURRENT structure of the *Mesa* is described below:

##### ***Assembly/Plenary***

The Assembly is the superior organ of the *Mesa* and is composed of representatives of those organizations which choose to register for membership. According to the *Mesa* Protocol, the Assembly must meet at least 4 times per year. Its formal functions are to: a) approve and modify the statutes and rules of the *Mesa*; b) define and approve the policies, plans, and programs of institutional management in the short, medium and long term; c) discuss and approve the budget and financial plans; d) approve reports and minutes; e) elect the Board of Directors; f) create special committee, and; g) ratify new members as proposed by the board of directors. Although the exact number may vary from year to year, there are approximately 52 registered organizations represented on the *Mesa*. Since the *Mesa* process began the Assembly has met

over 20 times either as an informal body before the ratification of the Protocols and statutes or as the duly constituted Assembly following their approval.

### ***Board of Directors***

The Board of Directors is the executive organ of the *Mesa*, elected by the Assembly for a period of 2 years. Its obligations are to : a) design and oversee the policies of the *Mesa*; b) ensure the general functioning of the *Mesa*; c) approve the internal regulations and operating manual, submitting them for final approval to the Assembly; d) evaluate and approve the policy for contracting personnel; e) formulate and approve the annual work plan; f) formulate a budget for the approval of the Assembly; g) approve periodic reports of budget administration; h) solicit the necessary audits; i) apply disciplinary actions as required by the statutes, and ; j) ensure internal administrative processes as necessary. Since formally constitutes the Board of Directors has met at least monthly in ordinary or extraordinary sessions.

### ***Coordination***

The coordination of the *Mesa* is carried out by a paid Coordinator contracted by the Board of Directors. The Coordinator is responsible for the management of the *Mesa* and the administration of its affairs. The staff of the *Mesa* includes and administrative officer, a Communications specialist, and a technical staff member responsible assigned to the environmental studies group.

### ***Working Groups***

The *Mesa* has established working groups to develop and carry out its programs pr perform other functions. These groups have changed over time, and at present, they include groups for a) Prevention and Resolution of Conflicts; b) Training; c) Environmental Preservation, d) Economic and Social Development. A special committee also works on outreach and communications.

## **5. EVALUATION OF THE PERFORMANCE OF THE *MESA***

### **5.1 Framework for the Evaluation**

#### ***Dispute Resolution Systems***

The overall performance of the *Mesa* must be viewed in the context of a wide variety of systems for dispute resolution. A brief review of these will help define the type of system represented by the *Mesa* and offer a broader basis for judging its performance.<sup>10</sup>

In general dispute, resolution systems can be defined as entities designed to prevent, regulate, manage and or resolve differences or conflicts between individuals, groups or organizations. These systems can take on different forms and have a variety of functions and areas of concern. They may be formal public agencies, civic organizations, non-profit institutions, private firms or informal networks of organizations bound by a common purpose. They may focus on public policy issues, legal or regulatory matters, issues involving the interpretation of technical

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<sup>10</sup> Interview/Comments : Susan Wildau, CDR Associates



data, personal disputes between individuals, or conflicts between both public and private organizations. The functions they perform will vary depending upon their specific areas of interest. These functions may include designing and implementing procedures and mechanisms for:

- Conflict prevention, regulation or mitigation,
- Situation assessment and fact finding,
- Convening and designing forums for discussion and negotiation,
- Facilitating and improving communication,
- Education and training for affected parties and broader public audiences,
- Reconciliation of differences over interpretation of data and technical and scientific information,
- Arbitration and mediation,
- Conciliation and resolution,
- Implementing, monitoring, and enforcing understanding and agreements,

In the broadest sense, the dispute resolution system of a given society or community includes its political processes, law enforcement agencies, the courts and judiciary systems. and mechanisms for settling labor disputes or civil emergencies and disturbances. It would also include other types of systems that might emerge to address specific situations or issues. Several examples of these are especially pertinent to the case of Cajamarca and Minera Yanacocha:

- Government Public Policy Dispute Resolution Systems: forums of civic and political leaders and government agency representatives established to address and resolve public policy issues. The members of such a forum would have the authority to implement agreements reached on behalf of their agencies or groups.
- Civil Society Dialogue Systems: voluntary gatherings of civil society institutions created to address and resolve issues identified as important by its members. Governmental organizations, as well, as private sector entities may be members of these groups. Generally, these forums only have advisory roles with regard to political authorities.
- Targeted Issue-specific Public Dispute Systems: These entities are mechanisms designed to address specific issues of concern to members of the public and a public or private agency or business. Examples of issues that might be treated by such a mechanism are the environmental impacts of an activity on a community, including contamination of water supplies or excessive traffic. These mechanisms may use a variety of negotiation, mediation or arbitration techniques to resolve disputes.
- Technical Dispute Resolution Systems: These systems are established to resolve issues over technical information or scientific information. They may oversee the development of additional studies, facilitate third-party verification of existing studies; ensure that affected parties have equal access and understanding of data, and engage in public education activities.
- Crisis Management Dispute Resolution Systems: These systems are designed to prevent and manage extraordinarily conflicted situations to avoid disruptive or violent confrontations. They involve coordinated action on the part of political leaders, civil society, law enforcement agencies and others, and may be managed by a single organization or a network of organizations.

Viewed within this framework, the *Mesa de Diálogo* CAO-Cajamarca represents a mixture of systems. Judging from its mission statement, the objectives of its annual work programs, and

the activities it has carried out to date, the *Mesa* has become a broad forum for Civil Society Dialogue, an instrument for Technical Dispute Resolution, and, in the minds of some of its members, a fledgling mechanism for Targeted –Issue dispute Resolution. How well the *Mesa* has carried out its several roles will be examined in this section of the evaluation.

### **General Approach to the Evaluation**

The central question to be addressed by the evaluation is to what extent the *Mesa* has fulfilled its fundamental mission. The principle objectives of that mission have been expressed repeatedly in the founding documents of the *Mesa*, its publications, its annual work programs, and the statements of its directors and members. They describe the role of the *Mesa* as an active agent for:

- Preventing and resolving conflicts between the community of Cajamarca and the Minera Yanacocha;
- Assuring broad participation of urban and rural organizations representing civil society, government, the private sector, NGOs, academia, among others in the process of community dialogue, and;
- Promoting values of transparency, openness, independence and participation in the way it performs.

In order to determine how effectively the *Mesa* has met these objectives, the evaluation will analyze whether the *Mesa* has:

- a) Established itself as an effective organization whose structural characteristics and governance enable it to carry out its mission,
- b) Is broadly representative of the community,
- c) Is governed and conducts itself in a participatory, open transparent and independent manner,
- d) Has implemented programs and activities that address its fundamental aims of preventing and resolving conflicts between the community of Cajamarca and Minera Yanacocha.

Answering these questions in the tense and distrustful context of Cajamarca involves a careful separation of fact from perception and a judicious assessment of when perceptions take on the character of facts. As we shall see, many of the challenges facing the *Mesa* stem from misrepresentations propagated by its outside critics which have not been vigorously enough refuted by the members of the *Mesa*.

## **5.2 Assessment of the Organizational Structure and Performance of the MESA.**

During the past four years, the *Mesa* has established itself as a presence in Cajamarca. It has become a stable organization with a measure of recognition in the community. However, whether it has the widespread acceptance and credibility it needs to perform as an effective mechanism for conflict resolution is another question. In this section we will assess the organizational structure and performance of the *Mesa* and the degree to which it has achieved its objectives of being broadly representative, participatory, and transparent and independent. Without being recognized for these characteristics, the *Mesa* will find it difficult to present itself as a credible and legitimate forum and agent for conflict resolution.

## **Organization and Functions**

The *Mesa* has been organized formally for over two years and is now seeking to become a fully recognized legal entity. Through the participatory processes that have characterized it from the beginning, the membership of the *Mesa* has successfully built its organization and gotten its programs up and running. The *Mesa* has formal Protocols and Statutes defining its purposes, procedures, and structure; its General Assembly and Board of Directors have met regularly and functioned as stipulated in the statutes; it has an office, a full-time Coordinator, administrative staff, and budget, and for three years, it has developed annual work plans and overseen the implementation of specific activities derived from those plans. In sum, the *Mesa* is performing as a stable, formal organization.

One measure of the stability of the *Mesa* is the commitment of its membership to taking part in the meetings of its constituent bodies. An examination of the conduct of the *Mesa's* Assembly and its Board of Directors confirms that participation in the *Mesa* has been constant and regular. A review of the record shows that the Assembly has met over 20 times since the inception, and membership participation, while varying from meeting to meeting has seldom dropped below 60 and occasionally reaches 90-100 people between registered members and observers. In the view of a number of the people interviewed, the Assembly become a valuable forum for the mayors of smaller rural villages and other rural organizations to air issues and inform themselves about the activities of the Mine and the work being done under the auspices of the *MESA*. Many people also feel that the conduct of Assembly has fulfilled the objective of being a place where discussion can take place in an orderly fashion, although, in some cases, the moderator's insistence on adherence to the agenda and to time limits for speakers may have imposed too much discipline on the proceedings, in some people's view.

All in all, the Assembly has shown itself to be a dynamic and valuable forum for involving the community in discussion about issues related to the activities of the Mine and overseeing the development and implementation of the *Mesa's* agenda. The relatively respectful and tolerant nature of the discussions at the Assembly suggests that the CAO Team's early efforts to create a new "culture of dialogue" have been successful in the context of the *Mesa* itself.

The fact that the *Mesa* has taken steps to incorporate itself as a non-profit body legally able to receive and manage funds is another measure of its increasing maturity. Securing such legal autonomy is a necessary step for the *Mesa* to act independently in the future. However, such a step will increase the legal liability of the *Mesa*. The *Mesa's* credibility has been strengthened by the fact that it does not manage its own finances. Within this in mind, it might be wiser for the *Mesa* to make arrangements to have a respected third party assume responsibility for its financial management.

The CAO's role in the creation and support of the *Mesa* is a major source of its present strength. As part of its mandate as the independent ombudsman for the IFC, the CAO staff and consultants conducted the early issues and stakeholder assessment that underlay the creation of the *Mesa*; it supported the workshops on participatory decision-making and dispute resolution that shape the conduct of the *Mesa*; it has provided on-going technical advisory support; it has secured and managed funding for the operation of the *Mesa* and the technical studies the *Mesa* has undertaken; and it has acquiesced in the use of its name in the formal title for the *Mesa*- "*Mesa de Diálogo y Consenso CAO-Cajamarca*".

The significance of this support is indisputable. It has given the *Mesa* financial stability, technical direction, and a level of recognition within the community that the *Mesa* might not have achieved

on its own. It has also helped ensure Yanacocha's continued participation in the dialogue process. The real measure of the *Mesa's* maturity will be determined by its ability to function effectively once the CAO reduces its role.

At present, however, the *Mesa* has succeeded in establishing itself in organizational terms with effective support from the CAO. The next set of question examine the degree to which it also is the representative, participatory, transparent and independent body it aims to be. In answering these questions, the Evaluation Team had to assess the actual record of the *Mesa* and the perceptions of that record held by outside observers.

### ***Representative Character***

Recognizing that the lack of trust and social fragmentation existing in Cajamarca could not be overcome without a broadly representative and participatory body that drew together public authorities, civil society and the private business sector, the policies and actions of the *Mesa* have deliberately sought to embrace as broad a spectrum of the community as possible. From the beginning, invitations to *Mesa* were open to all, and a concerted effort was made to ensure that all the major governmental actors and rural and urban civic organizations and interest groups would participate. Overall, the *Mesa* has achieved its aim, but there are still some significant actors absent from its meetings.

On the positive side, the *Mesa's* 52- plus organizational members do represent a broad segment of the community.<sup>11</sup> A review of the list of registered members shows delegates who represent the following organizations:

- 1) regional offices of a variety of sector ministries of the national government, including the Ministry of Energy and Mines;
- 2) the provincial municipality of Cajamarca;
- 3) 12 so-called minor rural settlements (Centros Poblados);
- 4) three federations of Rondas Campesinas (rural associations);
- 5) CONACAMI, the regional organization of communities affected by mining;
- 6) the universities in Cajamarca;
- 7) SEDACAJ, the regional water authority and the irrigation district agency;
- 8) a variety of NGOs focused on urban development, agriculture, micro-enterprise;
- 9) parts of the Catholic Church;
- 10) the Chamber of Commerce, and
- 11) Minera Yanacocha.

In addition, to these formal members, a variety of observers also attend Assembly meetings.

The Board of Directors is also generally representative of the Assembly, as it is made up of representatives of the private university, the Rondas Campesinas, the Chamber of Commerce, and the Mine, among others. In the case of the Board, however, questions have been raised about the lack of regular rotation of its members, and the presence of Yanacocha. There is a perception among some *Mesa* members and observers that the Board may be too tilted in the direction of serving Yanacocha's interests rather than pressuring the company to respond to substantive complaints.

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<sup>11</sup> see Annex 2 - Mesa de Diálogo, Memoria de Gestión, p. 13

Notwithstanding its broadly representative character, the membership of the *Mesa* has repeatedly recognized the need to actively reach out to include certain groups who are conspicuously absent from its proceedings. A review of the minutes of meetings of the Board and the Assembly shows that this issue has merged several times over the years, and the *Mesa's* work plans for 2003 and 2004 and the projected plan for 2005-7 include activities designed to increase and broaden the membership of the organization. In particular, there are two types of absent groups that should be mentioned because of their influence in the community.

#### Regional and Local Government:

The Regional Government and the Municipality of Cajamarca fall into the first category. In the first case, Regional authorities never agreed to join the *Mesa*. In fact, in November 2001, shortly after the *Mesa* was established, the Regional Government created the aforementioned CTAR *Mesa* as a means to exercise political leadership over the controversies erupted between the community and Minera Yanacocha. The CTAR *Mesa* eventually ceased to function, but, recently, the President of the Regional Government has reactivated a broad based inter-institutional committee of regional and local agencies to deal with the environmental and social issues related to the Mine's activities. This is considered a mechanism for inter-agency technical and programmatic coordination rather than a political body. At present, it does not appear that the Regional Government intends to join the *Mesa*.

The Municipality of Cajamarca was represented on the *Mesa* until the controversy exploded over Cerro Quilish, and the Provincial Municipal Council voted to withdraw. At the time, the argument was that the *Mesa* was biased in favor of the interests of Minera Yanacocha and was not representative of the basic interests of the community as a whole. Despite the official absence of the Municipality, several professionals from municipal agencies do participate in the technical activities of the *Mesa*. The Municipality is now trying to launch a *Mesa* under its own sponsorship in order to take political command of the debate about relationship between the Mine and the community of Cajamarca. Most people interviewed for the Evaluation consider this a purely political initiative designed to further partisan interests in the up-coming elections.

The absence of both the Regional and the Municipal governments from the *Mesa* illustrates a point about the nature of a "*Mesa de Diálogo*" in the political culture of Peru. In the minds of the political leadership of these bodies, only a "*Mesa*" created by the executive or legislative body elected as representatives of the people can be said to be legitimate and representative. Accordingly, they tend to dismiss organizations such as the *Mesa* which emerge from an expression of civil society. Implicitly, this point of view questions the very roots of participatory democracy. It also suggests that the political leaders of the municipality and the regional government may regard the *Mesa* as unwanted competition on their political turf.

Originally, the *Mesa* invited the offices of the Public Defender and the Ministry of Justice to participate, but they have not done so, primarily because the relatively weak local office of the Public Defender chooses to maintain a neutral stance and not run the risk of being tarred by the critics of the *Mesa* as being too tied to the interests of Yanacocha. The absence of a formal relationship with the regional representative of the Public Defender makes it difficult for the *Mesa* to act effectively as a forum for resolving disputes.

### Civil Society:

The other actors who have been absent from the *Mesa* include some of the most vocal of the environmental NGOs, the National University of Cajamarca, and several active advocacy organizations. Although some of these groups were present at the founding of the *Mesa*, they have stayed away from active participation in its activities.

Environmental advocacy NGOs, like ECOVIDA, GRUFIDES and ADEA have actively opposed the *Mesa* since the inception and they played an active role in mobilizing public opposition to Yanacocha's exploration of Cerro Quilish. Viewing the presence of Yanacocha on the Board and believing that several of the leaders of the *Mesa* are compromised by their allegedly concealed relationships with the Mine, these groups believe that the *Mesa* is fundamentally a forum for doing the Yanacocha's bidding and not representative of the community as a whole. In their minds, the *Mesa*'s tepid reaction to the Quilish crisis only served to prove this point. Though they acknowledge that they have been invited to join, these groups refuse to do so and have become sharp and vocal opponents of the *Mesa* in the community,

The formal membership register of the *Mesa* shows three organizations representing rural Rondas Campesinas, including FEROCAFENOP, the federation of feminine Rondas that filed one of the original complaints with the CAO. However, membership does not include urban Rondas or various other rural Rondas whose leaders are at odds with members of the *Mesa*'s Board who represent the participating Rondas. Several of the people interviewed for this evaluation stated that the *Mesa* Assembly would not be fully representative unless these groups were represented.

The National University of Cajamarca is no longer a member of the *Mesa*. The university, which has an established program on geology, environment and mining engineering, is the preeminent scientific technological research center in the Department of Cajamarca. Although its representative served as the first president of the *Mesa*'s Board, the University Council decided to withdraw from the *Mesa* and maintain a neutral stance toward its activities. Proponents of this withdrawal argued that the relationship to Yanacocha of many of the members of the *Mesa* were questionable and not transparent. The absence of the National University weakens the *Mesa*'s ability to undertake collaborative initiatives in the future.

A final point relates to the governance of the *Mesa* as well as the degree to which it is representative. Even though some organizations are members, the people who participate often are not those who are empowered to make decisions on behalf of their organization. A case in point is the water authority SEDACAJ, whose technical representatives are actively involved in the water monitoring activities; another is CONAM, the regional office of the national environmental commission, which only acts as an observer; and a third is Minera Yanacocha, itself whose top managers seldom appear at *Mesa* meetings. Without having key decision-makers at the table the *Mesa* will be hard put to intercede effectively in community disputes.

### ***Transparency and Independence***

For the *Mesa* to be considered a credible and legitimate forum, it must be perceived as being transparent and independent, as well as representative of the stakeholders in the community. Unfortunately, in the current context of Cajamarca this is very difficult to achieve; no institution, person, or initiative is immune from the pervasive atmosphere of suspicion and distrust affecting the relations between Minera Yanacocha and the community. These attitudes are especially perplexing and, in some cases, hypocritical because the economic and social influence of the

Mine is so great that there are few people in the community who are not directly or indirectly benefiting from its presence.

The Independent Evaluation has found no concrete evidence that the *Mesa* is not performing in a transparent and independent manner. Assembly meetings are open to the public and the press. The manner in which the *Mesa* has gone about its technical work has been directly monitored by the public, and the *Mesa* has actively sought to disseminate and explain the results of its technical studies to affected publics. As noted above, the program of Veedores established for the Status Study has been replicated in the subsequent water quality monitoring program and the Study of Aquatic life. There is also no direct evidence that the *Mesa* has been pressured the *Mesa* to act in one way or another by one members or another.

Public perceptions are quite different, however, and many of the people interviewed by the Evaluation Team believe that the *Mesa* is not independent of the interests of Minera Yanacocha. or the particular interests of some of its members. These views express themselves in a number of ways.

First of all, the presence of Yanacocha at the *Mesa* and especially on the Board of Directors also excites suspicion, despite the fact that not having the Yanacocha on the *Mesa* would seriously undercut – if not completely negate - the *Mesa's* ability to act on the resolution of potential conflicts. Because Yanacocha has not chosen to work exclusively through the *Mesa* but instead participates in many community forums and use its own bilateral mechanisms for negotiating solutions to conflicts, many critics, including members of the *Mesa* view its commitment to the *Mesa* as purely opportunistic and transitory. They cite as evidence the Mine's performance on the CTAR *Mesa*, where it apparently, refused to put the question of Cerro Quilish on the agenda, only agreed to a water quality laboratory if it was controlled by the Mine, and, as dragged it feet on the implementation of the numerous recommendations of the environmental audit undertaken by INGETEC. They also cite the fact that the *Mesa's* Board has repeatedly avoided the subject of Cerro Quilish as evidence that it is controlled by the Mine.

Although the evidence does not suggest that Yanacocha is manipulating the *Mesa*, there is no indication from Yanacocha's managers that they are interested in giving it exclusive priority in the company's strategy for conflict resolution. Yanacocha is strengthening its ability to deal directly with conflicts, bringing in outside facilitators and mediators to address specific community problems. It also is stepping up its broader outreach and public relations programs. It would appear that it will maintain its commitment to participating in the *Mesa* but that it does not see it as its primary avenue for relating to the community.

The involvement of the Ministry of Energy and Mines also is used to confirm the *Mesa's* subservience to the interests of the Mine. People regard the Ministry has the handmaiden of mining interest and point to the fact that Yanacocha often has sought to use its political influence in Lima to solve regulatory problems rather them address them at the regional or local level. While it is difficult to determine if these perceptions are grounded in fact, it is clear that the perceptions have become fact in the minds of the *Mesa's* critic.

Secondly, these perceptions also tarnish the members of the *Mesa's* Board of Directors. Many of the people interviewed, including members of the *Mesa* itself, said that members of the Board could not be independent because they had personal economic or family interests in the Mine. They argue that the Rondas represented on the Board have shifted from opposing to favoring Yanacocha and that, by definition, groups like the Chamber of Commerce are economically

dependent on the Mine. As the specific interests that Board members may have with regard to Yanacocha are not made transparent, these perceptions gain strength in the community.

Obviously, there is a degree of truth to these views. The large role that Yanacocha plays in the economy of the town draws almost everyone into its sphere of influence, either because they provide goods and services to the Mine or have a relative who works there or indirectly depend on the patronage of mine workers and their families. The mine provides support to the University and a number of NGO's, and some of the mines most vociferous critics have benefited from its donations. As one observer pointed out, the best way to get money out of the Mine is to attack it in public.

The central point is that the *Mesa* needs to take active steps to counter this criticism and ensure that conflicts of interest do not occur among its Board members. The Evaluation Team found no evidence of self-serving behavior, but, by the same token, it found no explicit policies in place that would have addressed this issue. A set of rules regarding conflict of interest and public disclosure of a members interests in the Mine would go a long way to reducing the impacts of these outside criticisms and perceptions.

A final point is that the role of the CAO as an independent ombudsman is not clearly understood. Even though it has been explained on a number of occasions, most people assume that the connection between the CAO and the IFC, one of the shareholders of the Yanacocha mine, ultimately places the CAO on the side of the IFC and therefore of the mining company. This perception was not as prevalent when the CAO first came upon the scene with the Independent Investigation to address the Choropampa mercury spill. CAO benefited from the open and transparent way in which the Investigation was conducted and the fact that its findings were made public. There was also considerable early support for CAO's proposal for a broader study to examine the health impacts of the spill. However, subsequent events led to misinterpretations and misrepresentations of CAO's actions. The Ministry of Health refused to support the health study and assume responsibility for the treatment of the people potentially affected by the spill. In addition, a number of individual and class action laws suits were launched against Minera Yanacocha, and several groups potentially affected by the spill withdrew their support for the study, presumably because its results could have been subpoenaed as evidence in the court proceedings. Once the law suits were started, CAO also stepped back, because becoming involved in a lawsuit would obviate its neutrality as an ombudsman. Some of the *Mesa's* critics seized on the CAO actions to argue that CAO had stepped back because it was not independent of the interests of the IFC. Many of these same critics also claim that the CAO helped create the *Mesa* solely to help Yanacocha obtain a "social license" for its mining operations.

### **Summary Comment on Organization and Governance**

Notwithstanding the organizational and functional stability of the *Mesa*, the issues raised here regarding the public perception of its representativeness, independence and transparency have undermined its credibility and legitimacy of the *Mesa* in the broader Cajamarca community. The depth of social distrust among some civil society organizations and political groups in Cajamarca contributes dramatically to this problem, but overcoming these perceptions is one of the most serious challenges facing the *Mesa*.



### 5.3 Assessment of the Strategy and Programs of the *Mesa*

Throughout the past four years, the *Mesa* participants, in workshops and assembly sessions, have developed annual work plans that have been formally approved by the Assembly. The plans have highlighted the central mission of the *Mesa* as a mechanism for conflict prevention and resolution, and set forth a number of activities designed to achieve that objective. In general, these activities have focused on:

1. developing and implementing technical studies to address critical environmental and economic issues;
2. carrying out training and outreach programs focused on capacity building for the members of the *Mesa*;
3. establishing a system for conflict resolution; and
4. increasing the membership of the *Mesa*.

These plans have been developed in an open, transparent, and participatory manner, and they reflect the *Mesa's* purposeful approach to its work. (A Summary of the Objectives of Work Plans for 2003-5 appears on the chart earlier in this report.)

Generally speaking, the objectives of the plans implicitly reflect three strategies for conflict prevention and disputes resolution. Although these strategies weren't described as such by the people interviewed for the Evaluation, the Team has categorized them. The first strategy aims to develop an open and transparent process for developing accurate, objective and authoritative factual information about the issues in dispute which can be made available to all parties. The expectation is that understanding the facts of the case may diminish the intensity of the dispute and provide an objective basis for resolving it. Tied to this is the aspiration to provide an environmental oversight role, based on the technical information gleaned from independent monitoring. The second strategy aims to educate people about the generic nature of disputes and about attitudes and methods for resolving conflicts, with the expectation that such training will enable them to avoid or settle issues they may confront more effectively. And the third strategy is to establish an administrative system for conflict resolution between community and mine that people recognize as credible, independent, and accessible. Obviously, all three strategies are related and the first and second are essential underpinnings of the third.

The central question is how effectively the *Mesa* has carried out these strategies and whether they led to the prevention and resolution of conflicts. A review of the record for the last four years shows that the *Mesa* has placed the highest priority on pursuing the first information based strategy, been less vigorous in pursuing its strategy for training and outreach, and done little to establish itself as a formal mechanism for mediation and conflict resolution.

#### **STRATEGY 1: Sustainable Development Studies**

##### ***Strategic Environmental Studies***

The *Mesa's* most notable achievement to date has been the Assessment of Water Quantity and Quality developed by Stratus Consulting.<sup>12</sup> Responding to complaints that the Mine's operations were adversely affecting the quantity and quality of water available to rural and urban users in

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<sup>12</sup> Report on the Independent Assessment of Water Quantity and Quality near the Yanacocha Mining District, Cajamarca, Peru. Final Report, prepared for IFC/MIGA Compliance Advisor Ombudsman by Stratus Consulting Inc. November 2003

Cajamarca, the Study established an objective, scientific basis for understanding the scope of the problems facing the community. Although the Study has not served to prevent specific conflicts such as those that erupt over the closure of an irrigation canal by Mine operations, it has reduced the tensions that surrounded the general debate about water quality and quantity.

Several reasons account for the apparent public acceptance of the Study. First, special steps were taken to ensure that, aside from being technically well-qualified to do the work, the firm selected had no ties to Minera Yanacocha or the interests of the mining industry. Funds for the study were managed through a special bank account managed by the CAO and insulated from any influence from either the Mine or the *Mesa*. Second, the Stratus Team engaged with the public, participating (albeit with Spanish language translators) in numerous public meetings in Cajamarca and smaller communities to explain the methodology and the results of the Study. A group of local monitors or *veedores* was used to observe the sampling activities of the Study Team. These *veedores* or community monitors were selected by different communities, Rondas, and public agencies involved in the *Mesa* and the Water Study to observe the implementation of the Study and report to their constituencies. Though somewhat slowly, the *Mesa* has made a concerted effort to disseminate the results of the Study through the media and in meetings in rural communities.

The use of *veedores* gave the Study more credibility in the rural communities, as well among other *Mesa* participants, technical specialists and academics. The *veedores* were appointed by the Assembly from rural groups as well as from public agencies, such as SEDACAJ and COMOCA (committee for monitoring the use and operation of irrigation canals) and the Municipality, and they played an especially important role in explaining the aims and activities of the Study, as well as what they observed during the sampling trips. Although they explicitly did not claim to vouch for the technical soundness of the study, their presence and explanations helped give confidence in its results.

As part of the *Mesa's* work program, Yanacocha is undertaking a study of the effects of mine operations on aquatic life. *veedores* are also being used in this study, but the monitoring system for the study has been criticized for being less credible because it does not contemplate surprise monitoring. Stratus Consulting also is continuing to involve *veedores* in its on-going monitoring work on water quality and quantity. The use of community *veedores* can make a positive contribution to public confidence in the credibility of information as long as the integrity and transparency of the whole technical study is ensured.

The Study of Water Quantity and Quality has become the defining activity of the *Mesa*. Identified as the top priority for action at the scoping workshop held in September 2001 to examine critical issues facing the community, the study consumed much of the *Mesa's* energy and attention during its first three years. This has not been without its drawbacks. One is cost. At over \$US1,000,000 the Study is not one that the *Mesa* could have expected to undertake without extraordinary financial support. The other has to do with priorities. By making the Water Study become such a central element of its agenda, the *Mesa* may have neglected opportunities to act more vigorously on a number of conflicts that came up during the time the study was under implementation. In fact, it appears that the *Mesa* began to see itself as a sponsor of technical studies more than a center for dispute resolution.

## ***Economic and Social Development Studies***

The *Mesa's* work plans for 2004-2005 propose providing capacity building in the development of Small and Medium Enterprise (PYMES) for the rural population. Encouraged by the Chamber of Commerce, the *Mesa* proposes to reach agreements with the Chamber, the University of Cajamarca, IFC-Swisscontact, CARE and others to provide such training. These initiatives are expressions of the *Mesa's* on-going concern for opening opportunities for social and economic development that could redress the unequal condition of the rural population in Cajamarca. These activities could make a contribution, but the *Mesa* should seek to limit its role to facilitating and promoting them rather than executing the programs. Other organizations are more skilled in the development of PYMES than the *Mesa*, and one, GTZ/Germany is already offering programs to strengthen rural agricultural production.

### **STRATEGY 2: Education and Outreach**

From the outset, the *Mesa* embraced training and capacity building as a key activity in its approach to conflict resolution. During the early organizational phases from September 2001 through December 2002, the CAO team conducted courses on consensus building, dispute resolution, facilitation, and mediation for the *Mesa* and selected groups of interested parties. Once the Water Study began, the *Veedores* also received special training, and the *Mesa* established a training working group as part of its regular organization. The proposed work plans for 2004-2005 call for training on environmental issues related to the Mine, on small and medium enterprise development and on conflict management for the mayors of small rural settlements.

The training strategy has been focused in two directions. The first aimed to instill the members of the *Mesa* itself with a deeper capacity to manage conflict and conduct their Assembly meetings and the meetings of the Board of Directors in a harmonious and productive fashion. According to many of the members interviewed, this "culture of dialogue", indeed, had been achieved within the *Mesa*. The other was to equip these very same members with the skills to manage conflict effectively within their own organizations and communities, thus creating a "multiplier" effect, a valid though difficult to measure effort. Although a review of CAO Mission reports suggest that over 40 people went through various training programs, the *Mesa's* Coordinator could only account for 8 of the graduates of the programs, four of whom worked for Yanacocha.

In September 2004, the *Mesa* mounted a communications and outreach program under the direction of a permanent communications specialist. The program responded to the finding that many people in the broader Cajamarca community did not know about the *Mesa* and to repeated calls from the members to disseminate the results of its activities more broadly. The program involves the distribution of brochures and radio and television spots that explain the mission and accomplishments (including the waters study) and future plans of the *Mesa*. With regard to the Water Study, the *Mesa* is now playing a greater role in disseminating its results in rural areas.

Despite these new initiatives, there was a view among many of the people interviewed that the *Mesa* still had to do more to make itself known and to dispel the distortions about its mission and relationship to Yanacocha that had been spread by outside critics. There was also a view that the members of the staff, the Coordinator and the Board of Directors needed to become more actively engaged in dialogue outside Cajamarca in the rural areas.

### **STRATEGY 3: Conflict Prevention and Resolution**

The idea that the *Mesa* would establish a formal system for conflict resolution has been a primary objective since the beginning. Not only is it expressed in the formal Mission Statement, but appears repeatedly in the Reports of the Expert Missions which helped structure and launch the *Mesa*. To quote from some of these, the aim of the *Mesa* is:

“....to produce an on-going, transparent, independent, locally based process of dialogue and problem solving that is focused on long-term and short-term strategies, and is not dependent upon a prolonged CAO presence.” (September 2001)

“...to secure an institutional home in Cajamarca for the dispute resolution system.”

“...to secure local resources to support the constitution of the dispute resolution system.” (April 2002)

“...The office will work in a neutral, independent, facilitative capacity. It is neither a court nor a judge and does not have an investigative role or a role of compliance.” (May 2002)

“...The *Mesa* will provide constant support to the process of dialogue and will establish a permanent system for the resolution of disputes that will be self-sustaining and locally based.” (August 2002)

These statements leave no doubt about the intention behind the establishment of the *Mesa*, so one must ask whether a dispute resolution system has been established and whether the *Mesa* has directly involved itself in dispute resolution. As noted earlier, the task of setting up such a system had appeared in a number of Work Plans, but to date, no action has been taken to put one in motion.

In the first case, the Evaluation Team found no evidence of a formal system for dispute resolution. No document described the objectives, methodology or staffing of such a system; no set of policies and procedures were defined for receiving and handling complaints; no team of mediators/ conflict resolution specialists was either in place or on call; no set of cooperative agreements existed with other entities such as the Office of the Public Defender, and no agreement existed with Yanacocha to deal with disputes in the forum of *Mesa*.

The absence of such a system does not mean the *Mesa* has avoided getting involved in disputes altogether. Early on, the *Mesa* offered a forum for airing the issues surrounding the Choropampa mercury spill and supporting the CAO's action to work with the Ministry of Health to address impacts of the spill. These efforts were frustrated by the ministry's inaction, however, and by the decision of the parties directly impacted to take the matter to US courts. In addition to Choropampa, the *Mesa* also engaged in the settlement of several relatively minor of disputes between the Yanacocha and individual citizens, according to the Coordinator and a representative of the Mine. One was a case in which the *Mesa* interceded with Yanacocha on behalf of a member who had not been paid by one of the Mine's contractors. Another involved a dispute between the village of Huacataz and Yanacocha over the disbursement of funds for a project that the Mine had agreed to fund. But in most of these cases, the *Mesa* has maintained a decidedly low profile and none of them went beyond informally urging the parties to come to terms.

A case that illustrates the *Mesa's* shortcomings in this area is the dispute over Cerro Quilish. The issue of the impact of mining on Quilish had been placed on the *Mesa's* list of critical issues in September 2001. However, at the time, it was determined that focusing on the issue of water quantity and quality was a more immediate priority, as well as a necessary precondition to understanding the Mine's potential impact on Quilish. Also, the 2001 municipal declaration of Quilish as a protected area had been disputed by Yanacocha and had not yet been decided by the Supreme Court. As a result, the *Mesa* concentrated its energies on the Stratus Study and put the question of Quilish lower down on its list of concern. The fact that the Mine also had stated that it would not consider starting work on Quilish for another six years also seemed to justify this decision.

The question of Quilish didn't go away, however. The CTAR *Mesa* was formed in November 2001 to deal with it, among other issues, and community debate about it continued to intensify. The issue also arose in discussions at the *Mesa*, but suggestions that the *Mesa* take a more active role in the dispute were rejected on the grounds that Quilish was not on the agenda. When the conflict finally exploded into public confrontations with Yanacocha in September 2004, the *Mesa* played no role in helping to mediate the conflict and the Board of Directors limited itself to issuing belatedly a resolution criticizing the Yanacocha and calling for dialogue to find a peaceful solution.

Why the *Mesa* did not become more actively involved in addressing the issue of Quilish can only be partially explained. Arguing that the Water Study was the main item on the Agenda and that it had absorbed most of the *Mesa's* resources ignores the fact that the Water Study, in fact had been completed and presented to the public by October 2003. That they were caught by surprise is also questionable, as the issue had come up repeatedly in the press, and, at one point, when the MEM and Yanacocha held public meetings on the Environmental evaluation report required for exploration. The *Mesa* could have convened Assembly meetings to examine the issues generated by the EA. There is also no direct evidence that Yanacocha kept the *MESA* from focusing on the issue. Within Yanacocha itself, the violent reaction to its move to explore the Cerro also is said to have caught management by surprise.

With the benefit of hindsight, one might also suggest that one reason the *Mesa* did not address the question of Quilish more forcefully early on was that the *Mesa* has yet to develop a coherent sense of itself as a mechanism for conflict resolution and prevention. Some members believe that the *Mesa* itself, through the meetings of the Assembly and its environmental studies and educational activities constitutes that very mechanism; others continue to insist that a more formal system of dispute resolution must be created. In addition, the *Mesa* may have felt that the fragility of its own legitimacy made it imprudent to inject itself into such an intense dispute that was well beyond its ability to control. What appears evident to the Evaluation Team is that the failure to act on Quilish strengthened the hand of outside critics of the *Mesa*, confirming their perception that it is ineffective at best or at worst an instrument of Yanacocha. In the face of this criticism, building up the credibility and legitimacy of the *Mesa* to make it a genuinely effective instrument of dispute resolution will be a very difficult task.

## 6. CONCLUSIONS AND RECOMMENDATIONS

### 6.1 General Conclusions

The principal question posed by this Evaluation is whether the *Mesa de Diálogo y Consenso* is fulfilling its stated mission to a) prevent and resolve conflicts between the community of Cajamarca and Minera Yanacocha, b) assure broad participation in the process of community dialogue, and c) promote the values of openness, transparency, independence and participation in the manner in which it conducts its work. The Evaluation's central conclusion is that the *Mesa* has achieved some of its objectives, but it has done so unevenly and without securing broad support and legitimacy in the community. The *Mesa* faces several serious challenges before it can become a stronger contributor to community understanding in Cajamarca.

Viewed in terms of the typology of dispute resolution systems presented earlier in this report, the *Mesa* has evolved into a mixture of a forum for civil society dialogue and a mechanism for providing objective technical information on issues surrounding the relationship between Yanacocha and Cajamarca. As such it has been relatively successful in the way it functions as a forum and in the quality of the technical work it has undertaken.

The *Mesa's* performance as a forum reflects the values it seeks to promote. It has become firmly established as an organization with a formal structure, mission statement, by laws, and a record of regular meetings of its Board of Directors and the general Assembly. It also has made strong efforts to be broadly representative of the community, and has conducted itself in an open and participatory fashion that has engendered a productive "culture of dialogue" among its diverse members.

There are a number of factors that qualify this otherwise positive picture. One has to do with the representative nature of the *Mesa*. Despite its best efforts, it has not been able to get a number of activist environmental NGOs or the regional and municipal governments to become members. Overcoming the opposition of the NGOs may not be possible given the fact that they not only refuse to accept the presence of Yanacocha on the *Mesa*, but also have competitive agendas that aim to reduce or eliminate the influence of the *Mesa*. Regional and municipal government may also choose to stay out of the *Mesa* formally for political reasons, but they have been drawn in on a technical level. In addition, the rural membership of the *Mesa* seems to be made up too heavily of representatives of one group of Rondas Campesinas. If this trend continues, the *Mesa* might lose credibility in the rural areas that are especially important for its work.

Another factor is that has undermined the *Mesa's* influence and image in the community is the perception of its opponents and critics that it is not independent of the influence of Yanacocha. These perceptions have become established in the public mind, not only because they have been propagated so repeatedly by the *Mesa's* critics, but also because the *Mesa* has not established clear rules for public disclosure of its members' direct or indirect relationships to Yanacocha's activities. Were Yanacocha not formally involved in it, the *Mesa* would lose its principal *raison d'être*, but a clear case for this has not been made emphatically enough to the public.

One final point about the operation of the *Mesa* as forum for civil society dialogue is that its agenda has often been focused more on reporting about on-going activities than on airing new issues and bringing them to the attention of Yanacocha. In part, this can be attributed to the high priority given to the development, implementation and monitoring of the Water Study. But it also appears to reflect the absence of a formal method for collecting and following through on

issues that are raised in the broad meetings of the Assembly. Such a formal system is necessary for the forum to be act as a means for addressing disputes in the community.

The *Mesa's* most notable achievement has been the execution of the technical study on water quality and quantity carried out by Stratus Consulting. The Water Study reflects a strategy for dispute resolution that focuses on providing an open and transparent process for developing and disseminating technical information about issues in dispute. This view rests on the accepted proposition that as effective dispute resolution process requires that all parties share credible, independent, scientifically-sound information regarding the issues to be addressed. Having such information may lessen speculation and reduce the influence of misinformation that often sharpens a conflict. In the minds, of many of the members of the *Mesa* the strategy of providing technical information on environmental issues is the fundamental conflict resolution strategy of the *Mesa*.

The Stratus Study and its use of "Veedores" have helped to enlighten the community about a serious concern over the quality and quantity of water in the region. As such, it responded directly to one of the major issues identified in the original complaint filed with CAO and helped defuse some of the tensions surrounding this issue within the rural communities that it concerns. However, the Study alone cannot resolve the conflicts that are still present in the community. In fact, some would argue that there has been an increase in tensions in Cajamarca (vis. Quilish), notwithstanding the water study. This argument is weakened by the fact that the water study did not cover questions related to the aquifers that were part of the Quilish controversy. But it is nevertheless true that the impact of the Water Study could have been much greater if its publication and dissemination in rural communities had been carried out in a more timely and energetic way. This type of deliberate public education and outreach campaign was just getting underway at the time of the Evaluation but should have been an integral part of the Water Study early on in order to create a broader strategy and system for conflict resolution.

The Water Study reflects a type of environmental oversight that is normally a function of the state, where the government is responsible for monitoring and policing the environmental impact of industry, and giving the public access to that information. As previously mentioned however, the current weakness of the environmental institutions within the government of Peru has created the need for civil society actors to assume that watchdog role to some degree. Therefore, the *Mesa* been financing and managing what is essentially a government function, using a participatory methodology.

While the evolution of the *Mesa* has established it as a system for dispute resolution based on civil society dialogue and the provision of technical information, the *Mesa's* approved work programs still call for the creation of a formal system of dispute resolution. If the type of system that is contemplated by this is one that focuses on mediation and negotiation between Yanacocha and affected parties over specific issues, then the *Mesa* has not met this objective. As we have seen , the *Mesa* has not established a system or program for the mediation of disputes either in-house or through a network of contacts and agreements with institutions that provide facilitation and mediation services. In addition, the *Mesa* has stirred clear of getting involved in major disputes such as the one involving Cerro Quilish.

The reasons for this appear to lie within the Boards divergent views of what actually constitutes the *Mesa's* the conflict resolution system. There was some disagreement within the Board of Directors about whether the Assembly meetings themselves actually constituted the system by providing a forum for the community to identify issues and dialogue with the mine, or whether the system was intended to be a separate program in which the *Mesa* staff would act as an intermediary between the mine and the community to help resolve specific disputes.

The Team's observation is that regardless, the *Mesa* has not in fact realized this system. The Assembly meetings have been mainly used for the planning of the technical studies and the presentation of results and have not in fact offered much opportunity for dialogue between the parties. Therefore if the Assembly meetings are intended to be the "system" then they are not sufficiently planned or facilitated for that purpose. A record of issues presented and actions taken is not kept. In addition, Yanacocha does not regard the Assembly meetings as setting an agenda of issues to be resolved. Conversely, to date, a separate program to offer mediation in specific disputes has not been designed or implemented by the *Mesa* even though it is an activity directly tied to the central mission of the organization.

In addition to establishing a complete process to receive and resolve conflicts, any neutral forum also needs to possess the necessary legitimacy to act as an intermediary between Yanacocha and members of the community. Unfortunately in the current climate of extreme distrust and suspicion that exists in Cajamarca, the CAO *Mesa* has not been able to establish that legitimacy. The actors that are necessary for any conflict resolution process to be successful are so fragmented and polarized along political and social lines that it has been nearly impossible for any entity to convene the necessary parties for a meaningful community-wide dialogue. When the *Mesa* has had the opportunity to directly engage as a forum for discussing the difficult conflicts within the community such as Quilish, it has declined to intervene recognizing the extreme difficulties involved in establishing the necessary legitimacy and ability to mediate these complicated issues. Faced with this challenge of credibility, the *Mesa* has focused more on their technical strategy rather than on a direct conflict resolution strategy.

Overall, the *Mesa* has had success in the implementation of its technical strategy, but has lacked clarity in the role it is actually playing within the context of the relationship of Cajamarca with Yanacocha. The literature and rhetoric coming from the *Mesa* is that of a neutral forum to prevent and resolve conflicts within the community. However, the activities implemented have focused more on providing an environmental oversight function. To go forward in a coherent and constructive manner, this group will have to come to terms with its inherent strengths and weaknesses and become realistic in what services it intends to provide the community.

## **6.2 Recommendations**

The *MESA* finds itself at an important crossroads as it plans for the future and continues to define its priorities and activities. The Team's main recommendation is that this group of leaders in Cajamarca should not continue down the same path, but rather should now pause to engage in a serious, strategic reflection on the most useful and feasible role for the *Mesa* in the future. The recommendations are described below, along with two options for the *Mesa's* future course of action. An analysis of these two options should be the primary focus of the proposed strategic reflection of the *Mesa*, although the process of *Mesa* analysis also may result in other feasible options.

### ***Strategic Analysis and Planning Retreat***

The *Mesa* should organize an Extraordinary Meeting of the Assembly to engage in strategic analysis and planning for a concrete proposal for its future. The retreat should take stock of what the *Mesa* has accomplished to date, assess the state of relations between the Yanacocha and the Community, and analyze options for the role of the *Mesa*. So that the process of reflection and analysis be participatory and inclusive and produce a disciplined deliberation or negotiation about the course of action for the future, it should be carefully planned and



implemented with the support of a skilled national facilitator. The result of this Strategic Retreat should be a general agreement about the future role of the *Mesa* and the key elements of a concrete work plan for the medium term. The *Mesa* should immediately develop the details of this proposal, including its costs implications, in order to use it to approach potential future sources of funding for the *Mesa*. Once the proposal is complete, the CAO could help the *Mesa* secure funding for the medium term period of transition, following the CAO's withdrawal of direct support for the *Mesa's* activities.

This proposed strategic planning retreat should be viewed differently from the facilitated planning processes that produced the 2004-2007 work plans. First of all it should include a serious reflection on the results of the Evaluation. It should focus particularly on the need to define a sharper strategic role for the *Mesa* and upon the issues of representativeness and transparency that must be resolved to strengthen the *Mesa*. Secondly, it must focus seriously on the issue of transition away from the support of the CAO. It should also focus specifically on the financial implications of its own autonomy and independence.

In order to ensure that the outcome of the strategic retreat reflects the broad views of the community, a concerted effort also should be made to secure the active involvement of representatives of regional and local government, rural civil society organizations, environmental NGOs and other representative groups that to date have not participated in the *Mesa*. This may indeed be an uphill battle and the absence of these groups should not be considered a deal breaker. But the effort should be made to discuss the objectives of the process with key critics and opponents in order to identify the issues that most concern them.

The Evaluation Team recommends that this process of strategic reflection and planning occur as soon as possible following the *Mesa's* receipt of the report of the Evaluation. The Strategic Analysis and Planning Retreat and the detailed Proposed Plan should be completed no later than September 2005.

The Evaluation Team recommends that the *Mesa* examine two options, each one of which implies serious challenges and considerations as it goes forward. These options should be considered mutually exclusive as their staffing and financial implication would make it difficult for the *Mesa* to engage in both at the same time. It is recognized that other options may emerge during the planning exercise, but every effort should be made to develop a role for the *Mesa* that is sharply focused. These options are described below:

### **OPTION 1: Transform the *Mesa* to a Conflict Resolution Forum**

One option facing the *Mesa* is to reorient it to establish a conflict resolution system focused on dealing with targeted issues. This option reflects the narrower, more traditional view of a conflict resolution system that has appeared in the *Mesa's* work program. This path also entails changes in the current focus of the group and would require new leadership and different staff skills.

The very difficult challenges the group faces regarding its legitimacy and independence would also have to be addressed. To accomplish this transformation the following changes would be necessary:

- 1) A new Board of Directors: In order to address the perceived lack of legitimacy and representation of the leadership of the *Mesa*, the Board of Directors would need to be reconfigured to include members of key environmental NGOs who currently oppose the CAO-*Mesa* as well as government representatives at the national and

local levels. While a particular sector of the local civil society has been present throughout the process, representatives of other *Rondas* and community groups would need to be identified and invited to join the leadership of the *Mesa*.

Furthermore, the members of the Board of Directors should be the heads of the institutions they represent in order to ensure that important debates and decisions can be made without the problems associated with the delegation of authority. An administrative subcommittee could be considered to allow for the supervision of logistics and managerial details of the *Mesa*. A rotating chairmanship or various jointly-held leadership roles could help diffuse the criticism that only a pro-mine sector is controlling the process.

- 2) More representative participation in the General Assembly: In order to enhance the *Mesa* as a more representative body that has sufficient legitimacy to resolve conflicts within the community, the General Assembly also needs to be reconfigured. Although the strategy of open participation to the general public has offered the *Mesa* a sense of transparency, it has also diluted the group's ability to be focused and strategic with its discussions [Should it not be open then?]. To ensure a more targeted representation of key stakeholders in Cajamarca, specific institutions should be re-invited to attend, with each organization designating a representative in writing.

Certain groups have declined to participate in the *Mesa* because they perceive the *Mesa* as co-opted by a pro-mine sector of society. To change this perception and achieve a wider level participation, the *Mesa* needs to change certain aspects of the *Mesa* process. These changes include:

- Offering key leaders of other institutions leadership positions within the *Mesa*. This could be done by conducting outreach and inviting them to help convene the Assemblies. Additional training in negotiation skills and consensus building for new representatives of the reconfigured Assembly;
  - Facilitating the Assemblies to offer a voice to those who have not been previously involved in open discussions.
- 3) Institutional Agreement with the Regional Ombudsman: The most relevant government entity in the resolution of societal conflicts is the Regional Ombudsman (*Defensoria Del Pueblo*.) The *Mesa* should contemplate an institutional agreement with this entity for various reasons. First of all, the *Mesa* would benefit from a close affiliation with a well-regarded independent government agency that could offer it greater legitimacy to intervene in societal conflicts. The institutional agreement could include specific responsibilities of the Ombudsman to (a) refer conflicts to the *Mesa*, (b) help convene the necessary institutions for particular mediations, (c) disseminate information nationally and locally about the results of specific agreements, and finally (d) if appropriate, act as the legal representative of the *Mesa* to receive and manage funds if this were considered desirable.
  - 4) Develop and maintain a Network of Conflict Resolution Specialists and volunteers: If the *Mesa* is going to offer meaningful conflict resolution services, then it must have access to the human resources adequately prepared to facilitate forums and mediate within the community. To identify the future needs of the *Mesa* services, the conflict resolution processes can be broken into two categories: (1) the dialogue forum

provided by the General Assemblies, and (2) the mediation of specific conflicts arising in the communities.

In the case of the General Assemblies, the current format should be enhanced to produce more dialogue where parties bring to the attention of the group specific concerns facing the community as a whole and actions can then be debated and adopted through consensus. The decision to confront particular conflicts (or not) affecting the community should be determined by the entire group. In order to be productive, this type of dialogue should be facilitated by a highly skilled professional who can guide and focus the group in its process. Currently the *Mesa* counts on the services of a professional from Lima. It would be advisable to identify, train and coach a team of facilitators in order to build local capacity to facilitate Assembly meetings in the future. The nucleus for this local team could be found in the people who were trained earlier by the *Mesa* to lead community dialogues. The argument has been made that it would be impossible to find a local facilitator that was sufficiently neutral to satisfy all participants, however using team of facilitators who share responsibilities in the group could perhaps resolve this concern.

In the case of resolving specific conflicts, the *Mesa* should act primarily as a clearinghouse for the identification and facilitation of dispute resolution actions rather than an agency engaged directly in settling disputes. Various actors would have to be identified and trained to offer these services. First of all, the *Mesa* should establish a group of “promoters” within the communities and institutions and train them to act as a wide-reaching referral service. This training should be designed for the purpose of creating a keen understanding of the mission and system of the *Mesa*’s conflict resolution program in order that the participants would be prepared to motivate potential users to access the system. A second more select group of community leaders and institutional representatives should then be identified and trained to act as mediators in specific cases. The training and oversight of this second group should be more intense and advanced to ensure the necessary skills to assist parties in reaching a resolution. Once again, to confront the pervasive distrust and skepticism that exists within Cajamarca, it would be more effective to use teams of mediators combining both technical experts from institutions together with recognized community leaders. Finally, the *Mesa* should have on staff a professional who has experience in conflict resolution processes to oversee the training, on-going education and over-all coordination of these volunteers and the conflict resolution program in general.

- 5) Written Memo of Understanding with Yanacocha: As the key party to the majority of conflicts arising in Cajamarca, it is essential that the mine be willing to participate in the conflict resolution forum in a significant way. As previously mentioned, there is a general perception within the community that Yanacocha has not followed through on many of the agreements it has reached with members of the community. Whether the criticism is valid or not, it is indispensable that the mine be willing to abide by this forum for it to have any true impact. As a showing of good faith and commitment, the *Mesa* should form a Memorandum of Understanding with the senior management of the mine which would include the following components:
  - a) the designation of a high-ranking representative to the board of directors who has decision-making authority and will not delegate this responsibility to a subordinate,

- b) the commitment to attend the General Assembly meetings with the necessary technical and managerial staff members depending on the issues to address,
  - c) the determination of a formal referral service between the mine's community relations office and the *Mesa's* conflict resolution system to address specific conflicts,
  - d) the designation of an oversight process to ensure the execution of the specific agreements reached, and finally
  - e) a general agreement to participate in the process in a meaningful and transparent manner to reach resolution of conflicts within the community in good faith.
- 6) Focus on Types of Conflicts: As previously discussed, the presence of Yanacocha has had an impact on every aspect of life in Cajamarca. Many of these societal problems or concerns, however, are best addressed in other forums. For example, the need to provide economic development and small business opportunities is being dealt with by the local government and other NGOs in the community. Conflicts facing sub-contractors to the mine and other economic relations are also addressed by other offices. To have more of an impact, therefore, it is recommended that the *Mesa* define the parameters of the types of conflicts it will address within its system so as not to disperse its resources and efforts.
- 7) Name Change As previously discussed, the idea of a "*Mesa*" as a public participation strategy to address societal concerns is well-known and accepted in Peru. However, many perceive a *Mesa* as more appropriately convened or sponsored by an official governmental entity. As the Municipality of Cajamarca embarks this year upon its own efforts to convene a *Mesa* to address conflicts with the Mine, it may be in the *Mesa's* best interest to end its perceived competition with the Municipality's initiative. This might be achieved by changing the *Mesa's* name to something along the lines of "Center for Conflict Resolution".

Even if all these suggestions were to be implemented, the result would not be a perfect forum for conflict resolution. The challenges facing the community of Cajamarca, including the pervasive distrust within the society, as well as the intrinsically weak governmental institutions will continue to hinder efforts of this kind. The current leadership of the *Mesa* will have to decide if they are prepared for the uphill battle that choosing this path entails.

## **OPTION 2: Convert into an Environmental Observatory**

The second option facing the *Mesa* is to build upon its current strengths and focus completely on its technical strategy of engaging in scientific studies and presenting the information for the use of the entire community. As mentioned above, providing environmental oversight is normally a responsibility of the state, but given the current lack of clear roles and insufficient funding within the environmental sector of the government, civil society organizations have had to assume part of this function. If the *Mesa* opts for this path it could provide the people of Cajamarca with a much needed service in the face of a weak state that cannot realize its responsibilities.

The *Mesa* has gained a reputation within the community for sponsoring a credible, independent and professional study and monitoring program of the quality and quantity of water. Both the Mine and the community at large have perceived the results of this study as legitimate and useful. To capitalize on this status within the community, the *Mesa* could transform itself into an

Environmental Observatory that would continue to finance studies of the environmental impact of the mine's activities, conduct these studies using its participatory methodology and widely disseminate the results of the studies in a neutral manner for the general use of the entire community. In our opinion, this is what the *Mesa* has been successfully doing for the previous four years and clearly intends to continue prioritizing this technical approach.

In order to make the conversion complete, the *Mesa* would have to re-evaluate its mission and current Work Plan to genuinely reflect this focus and intentions. In this scenario, there would be no drawbacks to the *Mesa* establishing its legal identity, in order to effectively become an NGO that could receive and manage the resources necessary to finance its studies. The Assembly would be the highest body within the NGO that would collaboratively identify environmental issues and concerns and prioritize the studies. The Board of Directors would need to be transformed as well to include a well-rounded representation of technical experts from government, industry, academia and NGOs. The Technical Commission would be revamped to reflect the *Mesa's* priorities. The staff of the *Mesa* should then include professionals with technical expertise as well as experience in communicating information to manage and present the environmental studies.

To date, the focus of the studies produced by the *Mesa* has been on the impact of the mine, however in the future the Observatory might wish to consider expanding its scope to provide oversight over the environmental state of affairs in the Department of Cajamarca in general. The broadening of its role would allow the Observatory to have more relevance to the community and government institutions and get away from its sole focus on the highly controversial and polarizing relationship with the mining industry. Such a broadened role might also involve it in additional conflicts, however.

The chief consideration in establishing an Environmental Observatory is the high costs of funding a professional environmental study. Additionally, an "observatory" implies the on-going monitoring of a situation which means that the high costs will be continual. There are various options for the financing of the *Mesa* if it is performing this role. The most sensible option would be to use public funds, such as the mining *Canon*, to realize the environmental studies. Another option would be to rely on Yanacocha to provide the funds using a financing scheme to ensure independence and transparency of the Observatory's activities. It is improbable that an international organization or donor country would be interested in funding this type of activity; however, these could perhaps be other sources of potential financing. Before continuing on this particular path, the funding of the Observatory should be sufficiently determined.

### Coordination and Management

In considering these options, the *Mesa* should be aware that each requires separate and distinct management skills on the part of the Coordinator and staff of the *Mesa*. In order to move the *Mesa* in either direction, a vigorous and proactive leadership willing is required that is able to relate regularly to the variety of rural, as well as urban groups involved in the process. Mediation and facilitation skills are important at the level of the Coordinator if the path of conflict resolution is chosen, and a more technical environmental science or research background would be required if the *Mesa* were to choose the Observatory option. In either event, it will be necessary to carefully examine the characteristics required for the coordination and management of the new *Mesa*.

The evaluation team presented these two courses of action as distinct options in order that the current leadership of the *Mesa* examine and discuss distinct and separate courses of action. It is not advisable that this group decide to continue with both strategies as each implies different actions and requires separate reforms. Most importantly, the *Mesa* needs to seek clarity in its true capacity and future direction to offer a positive service to the community of Cajamarca.

### **6.3 The Future Role of the CAO**

As the initial sponsor of this process, the CAO has an important role to play to ensure that the future of the *Mesa* is strategically and realistically contemplated by the local leaders involved in the process. Change is often difficult to embrace, and the recommendations presented for the *Mesa* in this document involve radical changes in direction and leadership which is not always easy to implement from the inside of an existing organization.

The CAO should encourage the *Mesa* to undertake a serious process of strategic reflection, but avoid direct involvement in its planning or implementation, maintaining an “arms length” posture during the process. Once the *Mesa* has produced a detailed Proposal, the CAO should consider the relevance and feasibility of the proposed program, and if appropriate, facilitate the *Mesa*’s efforts to secure funding for its medium term implementation, while continuing to pursue its own exit strategy. In the opinion of the Evaluation Team, once the *Mesa* embarks on a new path, it should seek to be financial independent of a single source of funding, and its legitimacy and credibility must be derived from its own performance rather than the presence and reputation of an outside actor like the CAO.

**LIST OF INTERVIEWS**  
**MEMBERS OF THE MESA**

	<b>NAME</b>	<b>ORGANIZATION</b>	<b>EVALUATORS</b>
<b>Consejo Directivo/ Governing Board</b>	Ramón Huapaya Rasgada	Minera Yanacocha	Team - Feb. 17, 2005
	Julio Marin Rodriguez	CORECAMIC (Ronda)	Team - Feb. 16, 2005
	Segunda Castrejon Vallejo	Federación de Rondas Campesinas Femeninas	WA - Feb. 21, 2005
	Segundo Sandoval Aguilar	Cámara de Comercio	MR - Feb. 18, 2005
	Jose Marchena Araujo	SEDACAJ (compania de agua)	Team - Feb. 16, 2005
<b>Local Mayors</b>	Pablo Quispe Cubas, Alcalde	Yanacancha Grande	JR - Feb. 18, 2005
	Pablo Concepción Calderon, Ex Alcalde	Huacataz	RA - Feb. 18, 2005
	Sabino Tasilla Infante, Alcalde	Porcon Alto	RA - Feb. 18, 2005
<b>Rural Federations (Rondas Campesinas)</b>	Eli Morales Lobato	FEDEROCAUCA	Team - Feb. 16, 2005
	Esteban Infante Huatay		RA - Feb. 21, 2005
	Maria Inocenta Huaripata Herrera		RA - Feb. 21, 2005
	Zenaida Mires Gallardo	Federación de Rondas Campesinas	Team - Feb. 16, 2005
<b>Minera Yanacocha</b>	J.Christopher Anderson Nick Cotts	Group Executive, External Relations and Social Responsibility Newmont Mining Corporation, Boulder, CO	WA - 3/10/2005 4/1/2005
	Carlos Santa Cruz	Vicepresidente Regional, LIMA	Team - Feb. 18, 2005
	Brant Hinze	Gerente General	Team - Feb. 22, 2005
	Todd White,	Director, Environmental Affairs for South America	Team - Feb. 22, 2005
	Javier Velarde Sapater	Director, External Affairs	Team - Feb. 22, 2005
	Cesar Gonzales	Gerente, Relaciones Comunitarias	Team - Feb. 22, 2005
	Luis Campos Aboado	Gerente de Medio Ambiente	Team - Feb. 22, 2005
	Marco Morales	Jefe de Laboratorio Medio Ambiente	Team - Feb. 22, 2005
	Miguel Pimpentel	Jefe, Procesos en Planta Yanacocha Norte	Team - Feb. 22, 2005
	Luis Alta Mirano	Supervisor, Medio Ambiente	Team - Feb. 22, 2005
<b>Civil Society</b>	Efraín Castillo	Vicaria de la Solidaridad	RA - Feb. 21, 2005
	Walter Infante Huaripata	Asociación de Propietarios del Quilish	WA - Feb. 17, 2005
	Guillermo Frias	CARE-PERU	JR - Feb. 17, 2005
	Pablo Sanchez Zevallos	ASPADERUC	WA - Feb. 16, 2005
<b>Public Sector/ Government</b>	Cesar Torres Moreno	Distrito de Riego COMOCA SUR	WA - Feb. 17, 2005
	Luzidnya Cerron Palomino	INRENA (Ministerio de Agricultura)	MR - Feb. 16, 2005
	Elfer Mirande, Director Postgrado	Universidad Nacional de Cajamarca, Presidente Comité Regional	MR, WA - Feb. 21, 2005
	Eduardo Dios Aleman	CONAM	MR, WA - Feb. 21, 2005
	Maria Chappuis	(Ex) Ministerio de Energía y Minas (LIMA)	Team - Feb. 15, 2005
	Cesar Polo Robilliard, Vice Ministro	Ministerio de Energía y Minas (LIMA)	Team - Feb. 14, 2005
	Ricardo Giesecke, Oficina de Planeamiento		
	Marieta Cervantes Peralta	INIA (Ministerio de Agricultura)	WA, MR - Feb. 17, 2005
<b>Other Development Agencies</b>	Cecilia Araujo Morales	IFC- Swisscontact	JR - Feb. 16, 2005
	Ozman Altamirano Valdivia	GTZ	JR - Feb. 16, 2005
	Violeta Vigo Vargas	Asociación Los Andes	Team - Feb. 17, 2005

## LIST OF INTERVIEWS

## OTHERS

	NAME	ORGANIZATION	EVALUATORS
<b>Public Sector/ Government</b>	Mariano Castro, Director Ejecutivo	CONAM (LIMA)	RA, WA - Feb. 15, 2005
	Subgerente de Recursos Naturales y Medio Ambiente	Gobierno Regional	MR, WA - Feb. 18, 2005
	Alejandro Rebaza	Vicepresidente, Gobierno Regional	WA, MR - Feb. 17, 2005
	Cesar Rodríguez Rabanal	Unidad de Prevención de Conflictos de la Presidencia Del Consejo de Ministros (LIMA)	MR, J - Feb. 15, 2005
	Andres Trigoso	Regidor Municipal, Presidente Team Medio Ambiente Municipal de Cajamarca	WA, MR - Feb. 18, 2005
<b>Civil Society/ NGOs</b>	Padre Marco Arana	Varios	Team - Feb. 26, 2005
	Team Focal Miembros de la Comunidad	Cerro Quilish	RA - Feb. 18, 2005
	Martin Scurrah	Director Regional, OXFAM	Team - Feb. 25, 2005
	Manuel Pulgar	Sociedad Peruana de Derecho Ambiental (LIMA)	Team - Feb. 14, 2005
	Absalon Alvarez y Wilfredo Saavedra Morrerros	Colegio de Abogados	RA - Feb. 21, 2005
	Jesús Coronel	Universidad Nacional de Cajamarca	RA, JR - Feb. 17, 2005
	Patricia Rojas Caro y Martha Vasquez	GRUFIDES	MR, JR - Feb. 18, 2005
	José Rodríguez Villa	Universidad Nacional de Cajamarca	MR, WA, RA - Feb. 17, 2005
	Elena Sánchez	Mesa de Concertación PRISMA	RA - Feb. 18, 2005
	David Lovaton	Instituto de Defensa Legal (LIMA)	RA - Feb.15, 2005
	Paul Remy	Minera BARRICK (LIMA)	Team - Feb. 15, 2005
	Alan Dabas	Social Capital Group (LIMA)	RA, WA - Feb. 15, 2005
	Jose Suarez	ADEA	MR - Feb. 21, 2005
	Luis Yopla	ADEA	RA - Feb. 21, 2005
	Maria Eugenia Castillo de Rodrigo, Coordinadora y Flor Amoros de Vela, ex Coordinadora	Mesa para la Lucha contra la Pobreza	JR - Feb. 21, 2005
<b>Mesa Staff</b>	Luis Ara	Coordinador de la Mesa	Team - Feb. 21, 2005
	Maria	Comunicadora	MR - Feb. 23, 2005
<b>CAO &amp; Consultants</b>	Meg Taylor Rachel Kyte	CAO	MR WA
	Susan Wildau	CDR	Team - Feb. 25, 2005 WA - 3/10/2005
	Ana Maria Aguilar	CAO	Team - Feb. 14, 2005
	Antonio Bernales	CAO	Team - Feb. 14, 2005
	David Atkins	Stratus Consulting (Boulder)	WA - 3/10/2005



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