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## El Salvador: Horizontalism and the Anti-Mining Movement

Rose Spalding

*depaul university*, [rspaldin@depaul.edu](mailto:rspaldin@depaul.edu)

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## Chapter Sixteen

# El Salvador

### *Horizontalism and the Anti-Mining Movement*

Rose J. Spalding

The twenty-first century commodities boom expanded mining activities into new territory, producing conflicts that spread across Latin America. Rapid economic growth in China created an increased demand for agricultural and mineral exports, and a spike in prices drew new investments into the extractive sector. Global recession and economic uncertainty sparked heightened interest in the value of precious metals, and gold prices rose across the decade. Latin American governments on both the right and the left tended to support rapid expansion of the extractive sector. Those state leaders who embraced a neoliberal vision emphasized global integration through foreign investment and the economic logic of exploiting a “comparative advantage” in natural resources. Leaders on the left, while highlighting the need for greater national control, focused on extractive sector expansion to finance the growing social expenditures associated with more inclusive development.

Extension of the extractive frontier into new areas triggered rising resistance and escalating conflict (Veltmeyer and Petras 2014; Bebbington and Bury 2013; Hogenboom 2012; Rasch 2012; Slack 2009; Kuecker 2008; Fulmer, Godoy, and Neff 2008). Mining struggles became persistent, particularly in Indigenous territories where the concepts of “*buen vivir*” and the “rights of nature” had shifted public discourse and been embedded in new legal frameworks. In regions where contention over land rights festered and water scarcity had become acute, movements against mining and in defense of community survival and environmental rights deepened and spread. The Observatorio de Conflictos Mineros de América Latina (OCMAL) reported 198 mining conflicts in nineteen Latin American countries in January 2014, up from 133 in fifteen countries in 2010.<sup>1</sup> Growing evidence of long-term

damage, not simply to individuals but to whole communities, triggered the development of tenacious and recurring anti-mining mobilizations.

Threats posed by mining to the local water supply and land use placed the well-being of many communities into jeopardy.<sup>2</sup> Health and environmental damages, incurred as a result of both open-pit and underground mining, created spillover consequences for workers' families and neighborhoods as contaminants spread by contact, wind, and water. At a time when the weak regulatory frameworks that had been promoted during the neoliberal period provided few constraints on investors, sweeping damage accumulated quickly with little state monitoring or intervention. Heavy dependence on the mining industry for employment and tax revenues enhanced the power of mine executives, threatening democratic practices in areas where these were only weakly developed. Promised jobs and economic benefits often proved ephemeral; evidence mounted of persistent or deepening marginality inside mine-damaged communities across the region.

Growing awareness of harsh outcomes, whether directly experienced as mining advanced, recovered from documentation of earlier history, or observed in similarly situated neighboring communities, increasingly called community activists to action. These contests pitted movements against both the extractive corporations and the state, including not just neoliberal governments on the right but also left-leaning governments that had embraced a "neo-extractivist" development strategy (Veltmeyer and Petras 2014; Bebbington and Bury 2013; Becker 2013).<sup>3</sup>

The outcomes of these mobilizations varied widely, with many anti-mining networks losing the immediate battle. Some, however, have registered partial victories, and others have successfully derailed the mining advance, at least in the opening round. In the process, environmental and community rights claims have gained attention, providing new territory for social movement theory building and analysis. The anti-mining movement in El Salvador provides an instructive case study, demonstrating the ways in which a community-based movement grounded in horizontalist principles discussed further below, expanded outward to connect with broader networks at both the domestic and international levels. It also illustrates the ways in which democratic decision making at home can be threatened by external pressures emanating from international economic institutions and actors. The struggle to maintain local control, even as the locus of action shifted across scales, has imbued this conflict with both tensions and opportunities.

This chapter unfolds in four sections. The first provides an overview of development of the mining industry and the near-simultaneous advance of the anti-mining movement in El Salvador. The second section examines the national anti-mining coalition in greater detail, focusing on the movement's grounding in local communities that had been targeted for mine development and the connections that were forged among local groups, national organiza-

tions, and international allies. The third part identifies challenges faced by community and national-level mobilization processes when these networks face off against powerful adversaries operating through international economic institutions. This section follows the trajectory of El Salvador's anti-mining movement as it engaged the investment dispute claims filed by prospective foreign investors against the Salvadoran government. The final section concludes by highlighting the continuing challenges facing horizontalist movements as they advocate for direct democracy, local autonomy, and survival rights.

## THE ANTI-MINING MOVEMENT IN EL SALVADOR

Neoliberal reform advanced rapidly in El Salvador under successive administrations led by the pro-business Nationalist Republican Alliance (ARENA) Party, which governed the country for twenty years (1989–2009). This development strategy opened El Salvador to mining investment, with a favorable Mining Act approved in 1995 and Investment Law approved in 1999. Rising gold prices and a supportive legal framework drew exploratory investments from a number of small mining companies, which quickly located commercial quantities of gold and other minerals.

As exploration advanced and the extraction permit process got under way, an opposition network began to emerge. The Mesa Nacional Frente a la Minería Metálica (National Roundtable Against Metallic Mining, henceforth, the Mesa) was founded in 2005 to connect various sectors that had begun to organize around this issue. The local community organizations on which the Mesa built emphasized grassroots activism and horizontal connections, seeking to withdraw from El Salvador's post-civil war neoliberal state project, and construct local space in which to promote autonomous development. These grassroots organizations expanded outward to connect with national-level organizations promoting human rights and the inclusionary practices associated with liberation theology, and they thickened their engagement with a growing group of environmental activists. The resulting national network expanded and consolidated over time and came to include thirteen organizations in 2008.<sup>4</sup> The Mesa called for a legal ban on mining in El Salvador.

This apparatus embraced a number of principles and organizational characteristics associated with horizontalism (Sitrin 2012, 3–4). These features included an emphasis on direct democracy and forms of autonomous decision making that rejected hierarchical controls; prioritization of survival and sustenance rights, with expansive implications for the concept of human rights; and close attention to the use and abuse of territory and physical

space, a perspective that can lend itself to local-level activism and mobilization against environmental damage.

The Mesa's domestic struggle bore fruit, helping to split the ARENA leadership on the mining issue and bring the extraction permit process to an uneasy halt. As an informal mining moratorium went into effect, anti-mining activists joined with other citizens in 2009 to support the historic transition to new political leadership. The Farabundo Martí National Liberation Front (FMLN), established as a political party by demobilized revolutionaries following the 1992 peace process, had struggled for over fifteen years to open electoral space in the Salvadoran political system and to consolidate as a political party. Following its lopsided defeat in the 2004 presidential election with former guerrilla leader Schafik Handal as its candidate, the FMLN embraced Mauricio Funes, a center-left journalist who had not been part of the guerrilla struggle, as its standard bearer in 2009. Funes, appealing to moderates both inside and outside the party, narrowly won the election and ushered in a transition period following twenty years of ARENA dominance.

Under the Funes presidency (2009–2014), space for public debate about the impact of mining expanded. As a candidate, Funes had pledged to curtail metals mining. His inauguration was followed by a rising tally of assassinations and threats against anti-mining activists. In Cabañas communities near the proposed Pacific Rim (Canadian transnational) gold mining project, Mesa affiliates Marcelo Rivera, Ramiro Rivera, and Dora Alicia Recinos Sorto were murdered between June and December 2009. Other members of local anti-mining groups endured kidnappings, assaults, vandalism, and death threats, with little protective intervention on the part of local authorities and weak prosecutorial efforts in the aftermath.<sup>5</sup>

In the face of growing violence, the incoming president took several procedural steps to check the mining industry and interrogate its claims of benign or beneficial effects. Internal and external pressures, however, limited the impact of these transitions. Internally, the administration faced the challenge of governing in the face of acute polarization and ARENA resistance. Externally, concern about disrupting carefully cultivated relations with the United States and possible cutoffs in aid, investment, and remittance flows served as a further constraint. Wedged between anti-mining campaign commitments and formidable pro-mining pressures, the Funes administration eventually produced only a proposal for a mining moratorium of indefinite duration. The anti-mining movement's quest for an unambiguous mining ban remained unfulfilled, creating unresolved tensions between this network and the Funes administration.<sup>6</sup>

With mine development thwarted by the continuing moratorium, two foreign mining companies filed claims against the Salvadoran government before the International Centre for the Settlement of Investment Disputes (ICSID), the investment dispute settlement mechanism established by the

World Bank. These companies had been empowered by policies adopted during the period of neoliberal advancement, which included “investor-state” provisions that allowed foreign investors to bring disputes with host states before international tribunals. These companies claimed that the mining moratorium violated the terms of the recently implemented Central American Free Trade Agreement with the United States (CAFTA) and El Salvador’s own 1999 investment law. They demanded that the Salvadoran government be required by the ICSID tribunal to provide them with access to the withheld extraction permits and to compensate them for revenues lost due to the moratorium.

As the anti-mining struggle was redefined by the investor challenges at the international legal level, El Salvador’s anti-mining movement adapted its international alliance structure to include a widening network of allies. As the campaign expanded beyond the affected communities and incorporated new organizations and actors further removed from the primary conflict site, the struggle to maintain the principles and strategies associated with movement horizontalism intensified.

## BUILDING THE DOMESTIC ANTI-MINING ALLIANCE

### **Local-Level Activism and Community Anchors**

Local-level anti-mining activism centered on communities in an area that the mining companies labeled the “Gold Belt.” This area cut across the departments of Chalatenango, Cabañas, and Morazán in northern El Salvador, where local level activists had a long history of organizing around land rights before and during the Salvadoran civil war (1980–1992). The region included several communities in which liberation theology advocates had been active in the 1970s and 1980s. Ethnographic studies of communities in this region have identified progressive catechists as “organic intellectuals” who served as agents of change, supporting popular participation and defiance of injustice (Binford 2004; see also Smith-Nonini 2010; Todd 2010; McElhinney 2004).<sup>7</sup> The Salvadoran military carried out intense campaigns in this zone to uproot guerrilla strongholds. Many residents, including nonpartisans, were displaced, often forced into refugee camps across the border in Honduras. This extended refugee experience, especially in Mesa Grande, the largest of the United Nations High Commissioner for Refugees (UNHCR) camps, provided a crucible in which new forms of revolutionary identity and practice were forged.

Molly Todd’s (2010) ethnographic study of the Salvadoran refugee experience during the war found that repeated exposure to wartime violence and forcible relocation, combined with the intense political and social work of rebuilding community in densely packed camps, frequently stoked a sense of

connection that persisted over time. The mass flight undertaken by peasant refugees of northern El Salvador to escape military invasion required adherence to discipline, sharing of resources, and mastery of secret codes that united survivors. The experience facilitated the formation of collective identity, defined by Polletta and Jasper (2001, 285) as “an individual’s cognitive, moral, and emotional connection with a broader community, category, practice, or institution.”

Life in the camps, which were vulnerable to assault by the Salvadoran and Honduran armed forces and were characterized by dependence on international humanitarian efforts, fostered an intense organizational effort and the expression of internal cohesion among camp residents. Some of this behavior was performative, as refugees staged a presentation of coherence to mitigate their vulnerability and improve their leverage in the complex bargaining for resources. Tensions, both political and personal, erupted as well, requiring careful management, sometimes in covert ways, to avoid dispelling the portrayal of successful self-control and unity. But wartime experiences also shaped new community identities and reinforced the push for local empowerment. The refugees’ attempts at self-governance encouraged the development of organizational practices that were often genuinely inclusionary, breaking down traditional generational and gender barriers and promoting a culture of sharing and solidarity.

Summarizing her findings about wartime peasant displacement, Todd (2010, 224) concludes,

one of the more striking aspects of this history is the campesinos’ emphasis on collectivity and, more specifically the horizontal relations within their ever-shifting mobile communities. They highlighted how the organizations they established, both within and beyond their home villages, had strong foundations in the concepts of equality and justice. Members of directives and other committees, for example, were elected rather than appointed. In a similar vein, the workshops of the refugee camps gained staff and apprentices through a lottery cycle, which made the workshops accessible to all rather than a select few. Likewise, all refugees had the opportunity to attend school, receive health care, and vote in elections for (and serve as) representatives.

Salvadoran refugees, Todd argues, “came to see themselves as part of a sort of living organism, a body in which each part contributed to the survival and development of the whole” (2010, 224). Their work involved innovative strategies of self-governance and power sharing and introduced a push for an array of horizontalist principles, including local empowerment, autonomous decision-making, and direct action.

Popular education programs developed in mobile camps as dislodged populations migrated under the protection of the revolutionary army, FMLN. “*Maestros populares*” (informal teachers) introduced “*alfabetización inte-*

*gra*” (holistic literacy), using literacy training to re-envision Salvadoran history in order to transform it. Popular health promoters designed new health care systems in keeping with these emerging principles and practices. According to Smith-Nonini’s (2010, 6) ethnographic study of health delivery in repopulated communities in Chalatenango, the popular health services developed by these autonomous revolutionary communities were distinguished from those provided by traditional government programs in two main ways: the central role of practitioners who were trained through informal apprenticeship and lived as part of their communities; and their emphasis on a participatory approach to primary health care education and service delivery, designed to improve access and collective outcomes. These distinctive practices, which emphasized lateral connections, community cohesion, local autonomy, and inclusivity, fostered a normative commitment to social solidarity and transformation.

In the late 1980s and early 1990s, sectors of this displaced population pushed to return to villages in El Salvador, even as the war continued and in the face of military opposition to resettlement. This formidable act of resistance intensified cohesion and demonstrated community capacity for autonomous decision making. The local organizations that emerged from this process became forceful representatives of these outposts of civic resistance in the postwar era.

These displaced populations often developed supportive connections with the FMLN guerrillas, who were sometimes recruited from these villages and who frequently provided protection when community members were forced to flee. FMLN militants provided health and education services and training in mobile camps and, less openly, in refugee centers. Links between displaced populations in northern El Salvador and the FMLN varied substantially, however, depending on local histories. This variation coincided with the sector of the five-part FMLN guerrilla alliance that dominated in each region. More centralized control was imposed on the refugees in Ejército Revolucionario del Pueblo–dominated Morazán, for example, than on those displaced in Cabañas and Chalatenango, where the less-directive Fuerzas Populares de Liberación Farabundo Martí and Resistencia Nacional had greater presence and reach (McElhinney 2004; Todd 2010). When the FMLN emerged as a political party after the 1992 peace accords, many of these linkages remained.

Horizontalist movements are generally differentiated from revolutionary movements, which aim for state seizure in order to secure a top-down realization of revolutionary transformation. They are also differentiated from routine forms of partisan politics in which the goal is electoral victory and the assumption of public office. In that sense, the links between progressive Salvadoran community organizations and the FMLN, as either a revolutionary military movement or a political party, may call into question the extent

to which these mobilizations represent horizontalist struggles. In practice, however, the relationships between various types of movements can be quite fluid and situational. Whereas some, such as the Zapatista movement, eschewed participation in the formal political system, others had close and enduring party ties, and they moved regularly between formal institutional politics, transgressive antisystem mobilizations, and communal forms of prefigurative activism (Almeida 2006; Prevost, Campos, and Vanden 2012).

The repopulated communities in El Salvador used an array of tactics in attempting to preserve space for autonomous development. They struggled to maintain war-honed traditions of transformative popular education and local health service delivery in the postwar period. They resisted, with limited success, the replacement of their locally designed health and education programs by the bureaucratic services of the central government (Smith-Nonini 2010). They also responded to calls to mobilize in the capital in order to demonstrate their shared opposition to neoliberal reform, and they backed FMLN candidates in local and national level elections.

Revolutionary conviction and participatory practices withered, of course, in the inhospitable terrain of the postwar order. As the experience of revolutionary struggle retreated further into the past, replaced by the more individualistic and consumerist values of the consolidating neoliberal regime, even former communities in resistance were affected.<sup>8</sup> Visible traces of community activism and FMLN sympathy remained, however, in many repopulated communities, embedded in local history and living memory. Cultures of resistance, expressed in countless everyday practices, including nonheroic ones, can be quite enduring.<sup>9</sup> Although cynicism about the outcome and the value of revolutionary struggle became palpable in many quarters as ARENA consolidated national control, independent leadership structures, locally designed institutions, and interpersonal bonds persisted among many former allies in the war zone.

When mine exploration advanced in this resettled territory a decade after the peace accord, several community associations emerged as key local actors in the anti-mining movement. Chalatenango communities were represented by the Asociación de Comunidades para el Desarrollo de Chalatenango (CCR, Chalatenango Association of Communities for Development), the department-level affiliate of CRIPDES (Asociación de Comunidades Rurales para el Desarrollo de El Salvador, Rural Communities Association for Salvadoran Development), the national organization representing communities of rural people displaced by the war. Mining exploration in the department of Cabañas triggered mobilization by three additional community organizations, the Santa Marta-based Asociación de Desarrollo Económico y Social (ADES, Economic and Social Development Association), the Asociación de Amigos de San Isidro Cabañas (ASIC, Friends of San Isidro Cabañas Association), and the Comité Ambiental de Cabañas (CAC, Cabañas Environmental

Committee), all emerging in war-damaged communities located near proposed mine sites. Although tattered by outmigration and economic stress, vestiges of participatory practices sometimes remained, expressed in local assemblies, safety patrols, and community radio stations that prioritized local stories, decolonialized the news, and facilitated daily communication among activists. Building on prior traditions of engagement and struggle, these community organizations were capable of rapid action and feisty mobilization when threatened by a new round of dislocation.

Decentralization, local rootedness, agility, and spontaneity are evident in the origin stories told by anti-mining movement activists. Francisco Pineda, founder of the CAC and 2011 winner of the international Goldman Environmental Prize, describes how a sudden drop in the water flow from the San Francisco River, the principal water source for small farmers in his community, served as the catalyst for their mobilization in 2004 (Labrador and Meza 2011). Pineda, a local leader with a long history of movement activism, including collaboration with the guerrillas during the civil war and work in reforestation and soil conservation in the late 1980s, was alarmed by reports of this unprecedented water loss.<sup>10</sup> Tracing the riverbed upstream, his team came across heavy equipment being used to redirect the water flow. Further investigation revealed that a foreign mining company was conducting tests to determine the extent and commercial viability of nearby gold deposits. Activists learned that the cyanide-leaching gold mining process planned for the area would require massive amounts of water and raise the risk of toxic spills.

Unable to secure assistance from local authorities, who claimed there was nothing they could do, Pineda launched a community-by-community public awareness campaign. Drawing on his network of contacts and knowledge of the terrain, Pineda helped to mobilize a grassroots protest that quickly spread. As activists in other communities made similar discoveries, the protests multiplied. In November 2006, when the Canadian mining firm Pacific Rim moved in for exploratory work in Cerro Limón near Trinidad in the department of Cabañas, activists mobilized repeatedly, in ever-growing numbers, to demand eviction of the mine equipment. Telling the mine company work crew to haul the equipment away or it would be set on fire, protesters succeeded in getting the machinery dismantled and removed. Renewed rounds of protest in 2007 kept the mine work from advancing (“Comunidades se anotan ‘primera victoria’” 2006; “Masiva protesta de comunidades” 2007).

As this conflict escalated, local activists moved to assume an official identity, working with an association that had been created in 2004 in response to other environmental problems. Describing the initial process of institutionalization, Pineda noted that, “We came to an agreement that no one would be president, nor would we have a formal structure, because we know

that mine supporters would start to look for the leader in order to buy him or to kill him” (Labrador and Meza 2011, n.p.). Horizontalist principles of decentralization and avoidance of hierarchy were embraced, not simply as an ideological move to enhance egalitarianism, but as a survival strategy adopted in response to lethal threat.

### **Expanding the Network**

As activists from the affected communities began to organize, they linked up with national-level organizations in the human rights and environmental activism fields. The *Fundación de Estudios para la Aplicación del Derecho* (FESPAD, Foundation for the Study of the Application of Law) and *Unidad Ecológica Salvadoreña* (UNES, Salvadoran Ecological Unity) helped the emerging network to frame collective understanding of the implications of mine development, calling attention to the broader environmental hazards and the national implications in terms of water access and quality. Concerns about the impact of gold mining in the watershed of the Lempa River, the main water source for the country, raised a national alarm. Activist-aligned research centers, such as UNES and the *Centro de Investigación sobre Inversión y Comercio* (CIECOM, Investment and Trade Research Center), documented El Salvador’s historical experience with mining and highlighted the social, economic, and environmental dangers associated with the process (Henríquez 2008; López, Guzman, and Mira 2008; Erzinger, González, and Ibarra 2008). Religious organizations, such as the Catholic social action agency *Cáritas-El Salvador* and the Franciscan *Justicia, Paz, y Ecología* (Justice, Peace, and Ecology), added another dimension to the alliance, connecting the cause with what remained of El Salvador’s once-vibrant liberation theology movement.<sup>11</sup>

Water was an increasingly scarce resource in El Salvador, and it faced commodification and declining quality associated with environmental deterioration and inadequate regulatory controls (Haglund 2010). As activist organizations reconfigured around the mining debate, they framed the gold mining industry as an environmental threat that jeopardized the already inadequate national water supply, raising questions about collective health and survival. This framework allowed the movement to broaden and incorporate the support of a wider array of political and social actors. Perhaps the most significant addition in 2007 was the Salvadoran Catholic bishops. Speaking with rare unity, the country’s ecclesiastical leaders joined the anti-mining campaign, as had fellow bishops in Honduras and Guatemala, and declared their opposition to the introduction of metallic mining in El Salvador (*Conferencia Episcopal de El Salvador* 2007). The inclusion of the bishops broadened the anti-mining network beyond previously established parameters,

bringing it into elite circles where Salvadoran social movements often faced a wall of silence or hostility.

As the anti-mining movement broadened domestically, it also built connections with allies from across the region. In a process of “lateral transnationalism,” the Salvadoran movement constructed alliances with anti-mining activists in neighboring countries, where similarly situated activists in community and environmental organizations were doing battle with mine investors. By lateral transnationalism I mean a variant of transnational mobilization that is characterized by connections with similar and nearby networks, with whom there are few asymmetries of resources and an abundance of shared experiences (Spalding 2014). This form of transnationalism may be differentiated from “global transnationalism,” a generally thinner process that connects activists across the North-South hemispheric or international divide. In the latter process, activists often struggle with predictable tensions that jeopardize authentic collaboration, including asymmetrical resources, cultural misunderstandings, and verticalist tendencies. Lateral transnationalism, in contrast, builds on connections among activists and organizations in nearby settings, who often share a similar understanding of the problems they confront and have comparable resource profiles and needs. This collaboration type, which may be of an informal and cross-border nature, can facilitate smoother information flows and mutual learning, along with innovative forms of regional strategizing and collective action.<sup>12</sup>

Gold mining in Honduras, which had begun several years previously, had produced population displacement and environmental contamination, including a cyanide spill. Mounting evidence of damage triggered major demonstrations, such as the protest march led by Honduran Cardinal Oscar Andrés Rodríguez in March 2002 (Slack 2009, 125–26). The hard experience of trusted counterparts in Honduras encouraged community activists in El Salvador’s Gold Belt to view the advent of mining with growing alarm. Anti-mining activists in El Salvador frequently cited these collaborative consultations and on-site exchanges as a call to action. Cross-border engagement and information sharing multiplied as the number of mines in Honduras and Guatemala increased. Several of the new mines were located in close proximity to Salvadoran territory and to the headwaters of the Lempa River. Growing awareness of environmental risks associated with mining raised calls for regional action to mitigate the dangers.<sup>13</sup>

### **Engaging the State**

The extent to which horizontalist movements accept or reject engagement with the state has been a matter of discussion in activist circles. Although these movements, including several described in this volume, call for the creation of spaces free from state control and question the value of conven-

tional forms of political participation represented by partisan campaigns and elections, advocates of horizontalist action often find it necessary to engage with state actors. In spite of a preference for action “against and beyond the state” (Sitrin 2012, 4), these activists may find it critical, at the same time, to make use of established political institutions.

In the Salvadoran anti-mining case, activists generally did not retreat from engagement with the state, nor did they detach their efforts from the formal political sphere of electoral politics. Arising, as many of them did, in the context of political polarization that defined wartime and postwar life in that country, social movements in El Salvador repeatedly intersected with political parties, giving rise to what Paul Almeida (2006) calls “social movement partyism.” In this model, movements on the left generally aligned with the FMLN and those to the right connected with ARENA. The debate about mining could not be resolved without state action and policy change; engagement with partisan politics and electoral processes provided one set of tools that activists could wield. Just as state policies and legal codes had encouraged mining investment to advance and protected it during the early exploratory stage, a change in state policy could now halt investment and provide relief. To achieve their objectives, anti-mining activists in El Salvador were compelled to engage in defensive mobilization, operating with and through the state.

Public protest, alliance building, and educational outreach can intersect with campaigns and elections to affect state action, particularly during critical junctures, when the durability of the dominant coalition is called into question. Electoral precariousness may even prompt market defenders to adjust their rhetoric and adapt their policies, at least temporarily. In the Salvadoran case, growing evidence of public dissatisfaction with mining led Salvadoran President Tony Saca (2004–2009) to delay the issuance of mining permits and eventually initiate an informal mining moratorium, in spite of his ARENA affiliation. His actions revealed a cleavage in the dominant party between those who endorsed ARENA’s traditional enthusiasm for neoliberal reform, and those who registered the political cost of the mining initiative and sought to reduce it. In 2010 Saca led a breakaway from ARENA, the Grand Alliance for National Unity (GANU, Gran Alianza por la Unidad Nacional), a party that competed unsuccessfully in the 2014 election.

Challenging ARENA in the 2009 presidential contest, FMLN candidate Mauricio Funes embraced the anti-mining position. With support from Mesa activists, among many others, Funes won the presidency, narrowly defeating ARENA’s pro-business candidate. As elsewhere in Latin America, social movement organizers generally aligned with “pink tide” candidates to challenge the advance of neoliberal reform. And as elsewhere, the subsequent relationship between activists and left-leaning leaders was not free of tension.

Proceeding cautiously and seeking international technical validation for any mining policy change, the Funes administration secured funding from the Spanish Agency for International Cooperation and Development for a "Strategic Environmental Evaluation of the Metallic Mining Sector." The resulting report, by the Spanish company Tau Consultora Ambiental (2011), identified seventeen areas in which legal and institutional reforms would be required and sixty-four actions that would be needed in order to provide an appropriate regulatory infrastructure for mining in El Salvador. This analysis emphasized the environmental vulnerability of the country and the opposition of organized civil society, citing these as factors that weighed against mine development. The report presented two scenarios: one in which the development of regulatory, monitoring, and accountability mechanisms produced an institutional infrastructure in which mining might be safely developed; and the other in which the vulnerability of the country to environmental crisis (earthquakes, hurricanes, flooding, land slides) and the improbability of successful implementation of regulatory controls led to a decision to ban the industry. Based on this analysis, the ministers of the economy and the environment presented a joint proposal to the legislature in favor of a formal moratorium on metallic mining (Labrador Aragón 2012).

The Funes administration's proposal for a formal moratorium was rejected by the Mesa's anti-mining activists, who described it as "a demagogic and false solution" (Mesa 2012). Such a step, they argued, would only postpone the decision, allowing for an easy reversal under a future pro-mining administration. Arguing that mining should be banned by law, Mesa spokespeople had worked with FMLN sympathizers in the legislative assembly to introduce a proposed mining ban in 2006. The unwillingness of the Funes administration to lend political capital to this legislative effort drove a wedge between the anti-mining activists and the administration. The willingness of FMLN legislators to introduce the measure, in contrast, reinforced the connections between the movement and the party.

Unlike many cases in Latin America, in which left-leaning presidents actively supported the expansion of the mining sector, the president in El Salvador endorsed a mining moratorium. The clash between "pink tide" presidents and anti-mining movements typically occurred when the administration prioritized the state's need for increased revenues and sectoral employment over the survival needs of the community and the costs of long-term environmental damage. In Ecuador, for example, Rafael Correa's neo-extractivist economic policy, which drew on petroleum rents to fund social programs, pitted him against social movement activists that he denounced as "infantile environmentalists" (Becker 2013, 56–57). Criticizing the accelerated extractivism in new left regimes, Veltmeyer and Petras (2014, 39) contend that it "boils down to nothing more than the state striking a better deal with global capital regarding its share of the plundered resources."

In the Salvadoran case, however, the extraction calculus was different, as was the outcome. Because the gold mining industry was not yet operative in El Salvador and was expected to be of limited duration, the projected revenues in the form of royalties and taxes were hypothetical and, in any case, likely to be short term. In addition, the country's small size, high population density, and water scarcity made the environmental risks loom large. The hinterland was not so distant; physical precariousness had a national scope. As the technical report about the prospective environmental and social costs of the industry raised a host of red flags, it was relatively easy for the Funes administration to respond to popular pressure by endorsing an official mining moratorium. He fell short of endorsing the proposed mining ban, however, in part because of mounting threats on the international front.

### CHALLENGES ON THE INTERNATIONAL FRONT

In the weeks before Funes's inauguration, two foreign mining companies launched an international legal claim against the Salvadoran government. Pacific Rim Cayman filed a claim for \$77 million, an amount that was subsequently raised to \$315 million in 2013.<sup>14</sup> The U.S.-based Commerce Group followed suit, filing for \$100 million in damages. Using protections provided in the 2004 CAFTA with the United States and the dispute settlement provisions in El Salvador's 1999 Investment Law, these companies claimed indirect expropriation by the Salvadoran government, based on their inability to secure extraction permits and the loss of projected future revenues.

Using investor-state provisions embedded in bilateral investment treaties, free trade agreements, and national investment laws, transnational corporations have presented a growing number of claims against host states, alleging nonfulfillment of investor guarantees and seeking compensation. The World Bank's investment dispute mechanism, ICSID, "revolutionized the relationship between foreign investors and host countries with regards to dispute settlement" (Mortimore and Stanley 2009, 9). By the end of 2013, ICSID had registered a total of 459 cases, up from 81 in 2000 (International Centre for the Settlement of Investment Disputes 2014, 7). Latin American countries (minus Mexico) were represented in 34 percent of these cases, with South America being the single most affected global region (11). Twenty-six percent of all ICSID cases involved claims in the oil, gas, and mining sector, twice as many as any other sector (12).

The use of international tribunals to pressure vulnerable states to accede to corporate demands has drawn intensified criticism in the legal, academic, and human rights communities (Orellana 2011; Fach Gómez 2011, 2012; Anderson and Pérez-Rocha 2013; McDonagh 2013; Eberhardt and Olivet

2012; Mortimore and Stanley 2009). The silent rise of international investment enforcement mechanisms has undermined the ability of states to strengthen social and environmental regulation and imposed increased financial burdens on countries where basic social services are already inadequately funded.<sup>15</sup> This process also challenges the principles of democratic self-government by preventing elected officials from updating laws and policies in keeping with clearly stated voter preferences and national interests.

As complaints have grown about the insular and antidemocratic nature of the dispute settlement process, its domination by a small number of Northern law firms and arbitrators and its pro-corporate bias have drawn increasing criticism. In response, modest moves toward increased transparency have been introduced. One recent reform involved the admission of *amicus curiae* or “friend of the court” briefs into the proceedings. These legal briefs allow groups who are not litigants in the case, but whose interests would be affected by the outcome, to present their perspective to the court. A 2006 reform in the ICSID process followed two controversial arbitrations in which community claims for an *amicus curiae* process were advanced. The *Aguas del Tunari, S.A. v. Bolivia* case arose from the Cochabamba Water War, and the *Suez/Vivendi* case against Argentina involved the distribution of water and sewage services. In both cases, a coalition of community groups requested public access to the documents of the ICSID proceedings and asked for permission to submit an *amicus* brief, a petition that was denied in the first case and partially accepted in the second (Orellana 2011, 98–102; Fach Gómez 2012, 537–41).

As the number of such requests mounted and public controversy deepened over the closed nature of the process, the tribunal agreed in 2011 to accept a short *amicus* brief from the anti-mining network in El Salvador. With assistance from the Washington, DC-based Center for International Environmental Law (CIEL), eight Mesa organizations made their case. Their brief identified the dispute as essentially a political, not a legal one. The conflict, they argued, was between the affected communities, seeking to exercise democratic rights and protect their own well-being, and the mining company, which was attempting to evade legal requirements and make back-door deals with discredited public officials. Actions taken by the Salvadoran government to halt the permit process, they countered, were an attempt to advance the consolidation of a democratic political system, after long years of war, conflict, and polarization, and to respond appropriately to public pressure from Salvadoran civil society (CIEL 2011).

As this case advanced at the international level, the Salvadoran anti-mining movement expanded its transnational alliance network. Mesa organizations had long received assistance from a cluster of international non-governmental organizations (INGOs) based in the global North. Many of these INGOs had long-standing relationships with the affected communities,

and several of them operated as semi-domestic actors. The Salvadoran Humanitarian Aid, Research and Education Foundation (SHARE), the Committee in Solidarity with the People of El Salvador (CISPES), and the Sister Cities project were three U.S.-based solidarity initiatives with deep roots in El Salvador dating back to the civil war. These organizations had mobilized over the severe human rights violations committed during the war and the U.S. foreign policy that, by equipping and financing the Salvadoran military, shared responsibility for this outcome.<sup>16</sup> Activists affiliated with these groups monitored the treatment of Salvadoran refugees in Honduras and assisted those refugees when they demanded the right of return (Todd 2010; Silber 2010; Smith-Nonini 2010).

Grounding their work in the concepts of “solidarity” and “accompaniment,” these organizations established enduring ties to local communities in resistance and continued to support their development in the postwar period. These activists used their relatively privileged position as U.S. citizens to echo their partners’ demands for local control and alternative forms of development, reinforcing positions in both the United States and El Salvador that had been previously articulated by their community allies. As “domesticating INGOs,” they worked exclusively on El Salvador, developing a nontransferable mission strongly shaped by local frames.<sup>17</sup>

Other prominent international NGOs supporting the anti-mining movement included Oxfam America, which had also established a long-term presence in El Salvador and partnered with a number of domestic networks and civic organizations. With its mission-based commitment to the empowerment of local communities and demand for “free, prior and informed consent” before development plans were approved,<sup>18</sup> Oxfam America bolstered various community-based initiatives in Central America, including those of several communities facing off against mining investors. This organization contributed to the Mesa’s anti-mining work in a variety of ways, including sharing information, financing research and publications, hosting international experts, participating in direct lobbying of key government officials, commissioning public opinion polls in the affected communities, and covering basic operating expenses for several partner organizations, including the Mesa (Spalding 2014, 173).

The Mesa’s network of transnational allies expanded rapidly as the mining conflict escalated in El Salvador, and it included some with no prior experience in El Salvador. The growing numbers of assassinations and threats against Salvadoran activists, increased volume of investment disputes, growing awareness of their costs, and rising profile of the Pacific Rim case, drew the attention of international supporters. With the assistance of new international allies, the Salvadoran anti-mining movement expanded its “repertoire of contention” (Tarrow 2005), adding new tactics and strategies. An international support group calling itself “The International Allies against

Metallic Mining in El Salvador,” which had begun as a small network of the long-term solidarity organizations, expanded to include twenty organizations in mid-2013, as the *Pac Rim v. El Salvador* case emerged as an international cause célèbre.<sup>19</sup> The Allies sponsored international delegations and informational tours; organized protests outside the Canadian embassy, mining company headquarters, and the World Bank; and launched petition drives and letter writing campaigns that called on international and Salvadoran leaders to endorse the Mesa position in favor of a mining ban (International Allies Against Mining in El Salvador 2012).

The rapid expansion of this network in the United States, Canada, and Australia worked against the emphasis on horizontality and direct local action that Salvadoran community activists had traditionally embraced. As discussed above, global transnationalism can introduce a series of distortions and open the door to replication of North-South power dynamics, even among well-intentioned northern activists. As the center of the mining conflict shifted away from El Salvador and into ICSID, however, Salvadoran activists were required to broaden their network at the international level, seeking information and resources needed to operate in global power centers. This tension calls us to theorize horizontalism across different contexts of struggle and to continue discussion of transnational movement strategies that best align with local empowerment.

As the *Pac Rim* case moved into the final phase of review in early 2014, the International Allies orchestrated a petition drive directed to World Bank president Jim Yong Kim. Signatories affirmed that Salvadoran communities “had been working through the democratic process to prevent a proposed cyanide-leach gold mining project, over well-founded risks that it will poison the local communities’ environment as well as the country’s most important river and source of water” (International Allies 2014, n.p.). Petitioners called for the World Bank to initiate an open review of ICSID, including public hearings that would incorporate community testimony, to determine if its dispute settlement process was consistent with the Bank’s stated anti-poverty and sustainable development mission.<sup>20</sup>

## CONCLUSIONS

Examination of the Salvadoran anti-mining movement allows us to trace how local communities engaged in grassroots organizing to build decentralized, horizontal networks through which to seek autonomous development. Using participatory practices and a rights-based discourse that emphasized sustenance, sustainability, and survival, this network nurtured new thinking about the practice of democracy and the meaning of development. The anti-mining coalition in El Salvador used bridging and bonding techniques to connect

community leaders fighting the intrusion of the mines with activists in national organizations pursuing environmental sustainability and an expansive definition of human rights. Aligning their struggle with religious and moral discourse concerning protection of nature and the centrality of the collective good, Salvadoran activists opened a larger conversation about the future of their country. Engagement with formal political processes (campaigns, elections, lobbying, and bill drafting) allowed this movement to employ a significant array of tools as they looked for ways to defend the space for alternative development.

Political success in the domestic arena, however, is a limited good in an increasingly globalized market system. As the Salvadoran case demonstrates, international institutions that reinforce the neoliberal order continue to undermine local autonomy and challenge democratic practices, even in our purportedly post-neoliberal moment. Horizontalist movements that seek to open space for cultural rights, participatory deliberation, and new forms of community building have responded by mobilizing at, but also beyond, the local setting. In spite of the heft of their adversaries and the challenges associated with constructing transnational solidarity networks, Salvadoran anti-mining activists are advancing a process of change at the global level. Continuing work at the local and global scales will be required in order to develop a new institutional order that prioritizes human rights, including environmental and cultural rights; encourages decentralization, allowing fluid choices and heterogeneity based on local preferences; and introduces a fairer set of economic rules. The new horizontalism seeks to empower local and regional actors and to flatten the relations of power in a continuing effort to advance democratic inclusion and social justice.

## NOTES

1. See [http://basedatos.conflictosmineros.net/ocmal\\_db/](http://basedatos.conflictosmineros.net/ocmal_db/) (accessed January 20, 2014) and <http://www.olca.co/ocmal> (accessed August 1, 2010). Chile and Peru registered 34 conflicts each, with parts of Mexico (29), Argentina (26) and Brazil (20) also witnessing numerous clashes. Central America (including Panama) reported 25 mining conflicts at the beginning of 2014, 6 of them in Guatemala alone.

2. These conflicts can be particularly acute in Indigenous communities, where cultural rights are precarious and community identity has been repeatedly threatened. Efforts by international organizations to affirm the rights of Indigenous peoples to participate in development planning that impacts their communities have strengthened the legal hand of mining resisters in several regions. See, for example, Rasch 2012; Fulmer, Godoy, and Neff 2008.

3. Neo-extractivism is a Latin American development policy based on resources derived from the extraction of metals (gold and silver), minerals (primarily copper, zinc, lead, tin, lithium, bauxite, coal, and iron) and fuels (oil and gas). Several left-leaning governments in the region combine neo-extractivism with resource nationalism, a development approach that emphasizes state control over "resource rents," that is, the fiscal gains from extraction acquired either through direct state ownership or through royalties and taxes paid by mining companies.

4. For a full list of Mesa members, see Henríquez (2008, 29n15).

5. For detailed discussion of the deaths and violence directed against anti-mining activists, see Steiner 2010. The local government near the Pacific Rim site was controlled by ARENA, the party whose founder Maj. Roberto D'Aubuisson had organized death squads during El Salvador's 1980–1992 civil war. Some of the assassinations of anti-mining activists bore the hallmarks of the old death squad techniques.

6. In the 2014 presidential election, victorious candidate Salvador Sánchez Cerén, a former FMLN guerrilla leader and Funes's vice-president, claimed that metal mining is "a threat to life" and pledged to prevent any mining advance (Meléndez 2014).

7. See also Wood's (2003, 234–37) work on links between liberation theology and rural mobilization, and the resulting "pleasure in agency" such action induced in insurgent cooperatives and collectives in Usulután.

8. Irina Silber (2010) describes the erosion of participatory practices and dismantling of community assemblies in Chalatenango, as emigration negatively affected that social texture. Leigh Binford (2013) documents the impact of massive outmigration on former revolutionary strongholds such as Morazán in northern El Salvador.

9. See Wickham-Crowley (1992, 130–40) on the concept of "rebellious cultures" and their contribution to guerrilla mobilizations and revolution in Latin America.

10. According to an interview with Pineda by El Salvador's digital news source *El Faro*, Pineda's father, a founder of the Unión Nacional de los Trabajadores Salvadoreños, was assassinated when his son was fourteen years old. Pineda's own political activism began with the Movimiento Estudiantil Revolucionario de Secundaria, which became a base organization for the FMLN (Labrador and Meza 2011).

11. Several of these organizations had collaborated during the 2000–2003 movement against health care privatization. Six "white marches" had mobilized over 200,000 Salvadorans, who struggled to preserve and expand public health services and avoid the further dismantling of state institutions (Almeida 2008; Smith-Nonini 2010).

12. The shared experience of civil war and dislocation in the 1980s, combined with region-wide natural disasters and environmental damage associated with hurricanes, drought, and flooding, tended to connect activists across Central America. In addition, exposure to repeated processes of neoliberal regionalism, such as the cross-regional infrastructure development project, Plan Puebla-Panamá (PPP), and the negotiation of CAFTA, Central America's free trade agreement with the United States, provided common targets for resistance mobilization across the region. See Spalding 2014 and Alicia Sword's contribution to this volume.

13. Growing concern about the cross-border consequences of mining in places like Cerro Blanco, a Guatemalan mine at the headwaters of the Lempa River, produced a call for cross-border regulation and the suspension of mining in neighboring countries (Procuraduría para la Defensa de los Derechos Humanos 2013).

14. In the ICSID process, the first round of review concerns whether a claim is significant or frivolous. Second round considers jurisdictional issues, to determine whether the ICSID tribunal is authorized to review the case. The third round focuses on the merits of claims made by the entity filing the case (typically the investor), and the rebuttal provided by the respondent (typically the government), with a more detailed arguments and documentation required. As of April 2014, the Pacific Rim case is in this third phase of review. The tribunal ruled against the company's claim to protection under CAFTA, rejecting the Canadian company's assertion of status as a U.S. business (based on a shell operation it had opened in Nevada). The case was allowed to advance, however, under El Salvador's 1999 Investment Law.

15. According to a study of the international investment arbitration process published by the Corporate Europe Observatory and the Transnational Institute, legal costs in investor-state disputes run more than US\$8 million per case and may surpass US\$30 million. Two cases brought by Fraport, a German airport operator, reportedly cost the Philippine government US\$58 million, an amount that could have covered the annual salary of 12,500 teachers or vaccinated 3.8 million children (Eberhardt and Olivet 2012, 7).

16. For detailed discussion of the rich history of solidarity activism during the Central American civil wars, see Smith 1996; Nepstad 2004; Perla 2008.

17. Domesticating INGOs, by virtue of their long entrenchment in a country and durable commitment to local partners, come to function as quasi-national entities, engaging in cam-

paings, lobbying, and delegation work to reinforce the positions taken by their allies. See Spalding 2014 for further discussion of this typology of INGOs and debates about their roles.

18. ILO Convention 169 and the 2007 UN Declaration on the Rights of Indigenous Peoples affirmed the right of Indigenous communities to “free, prior and informed consent” regarding development initiatives affecting their territory. The idea that community approval should be a prerequisite for development projects “is emerging more broadly as a principle of best practice for sustainable development” (Oxfam America 2013, 2).

19. <http://www.stopesmining.org/j25/index.php/who-we-are2> (accessed July 26, 2013). The U.S. organizations included longtime allies SHARE, CISPES, U.S.-El Salvador Sister Cities (2008–2013), and Oxfam America, and expanded to include Institute for Policy Studies, CIEL, Friends of the Earth, Sierra Club, Maryknoll Office for Global Concerns, the Democracy Center, Voices on the Border, Jobs with Justice, the Washington Office on Latin America, Washington Ethical Society Global Connections Committee, Midwest Coalition Against Lethal Mining, National Lawyers Guild, and Miners and the Environment. The Canadian affiliates were Mining Watch Canada, Council of Canadians, and Canadians against Mining in El Salvador. Pacific Rim was acquired by the Australian mining company Oceana Gold in late 2013, sparking the expansion of the Mesa’s international network into Australia.

20. The petition drive had secured 287 signatories from over 30 countries as of April 7, 2014.