

DOI: <https://doi.org/10.63332/joph.v5i1.699>

## Implications of the Framework Agreement Between Communities and Mining Companies as an Instrument for Social Conflict Management

Julio Fitzgerald Zevallos-Yana<sup>1</sup>, Roxana Maritza Alberssi-Tisnado<sup>2</sup>, Duverly Joao Incacutipa-Limachi<sup>3</sup>, Jean Carlos León-Yana<sup>4</sup>, Javier Santos Puma-Llanqui<sup>5</sup>, Héctor Luciano Velásquez-Sagua<sup>6</sup>, Olimpia Tintaya-Choquehuanca<sup>7</sup>

### Abstract

*The Framework Agreement is an instrument of commitment assumed by various actors: civil society, private companies and the State. It constitutes a means that contributes to the management of social conflicts, where bilateral negotiations have been replaced by a multi-actor approach. In this framework, the participation of the State, through the Executive Branch, promotes and supports compliance with the agreements reached. However, factors have been identified that lead to non-compliance with the agreements signed between mining companies and civil society, which is the subject of this research. To address this problem, the research work was carried out using the quantitative and qualitative method, in order to know the perspective of the population. We randomly surveyed 196 people from the different Zones of Direct Influence of the mining companies: San Rafael, CIEMSA “Las Águilas” and the Corani Project. The results indicate a lack of knowledge on the part of the population regarding the normative framework that regulates the Framework Agreements. Likewise, factors that contribute to the escalation of conflicts are identified, such as lack of communication, limited participation, and the weak role played by State agencies. In conclusion, it is necessary to create spaces for participation to inform about the regulatory framework that supports the Framework Agreements, in order to follow up on the commitments assumed, guaranteeing the support of the State through its executive agencies, for the benefit of the population.*

**Keywords:** Social Conflict, Framework Agreement, Mining Companies, Conflict Management.

### Introduction

Mining activity in Peru drives economic growth that led to a change in the distribution of mining income, from 20% to 50% for those departments where mining operations are located, making it one of the main drivers that contribute to the Gross Domestic Product (GDP), but at the same time, extractive activities produce inequalities and social, economic, environmental and cultural conflicts.

---

<sup>1</sup> National University of the Altiplano, Puno, Peru, Email: [jzevallos@unap.edu.pe](mailto:jzevallos@unap.edu.pe). ORCID: <http://orcid.org/0000-0001-5173-8433>.

<sup>2</sup> San Carlos Private University, Puno, Peru, Email: [roxana.alberssi@upsc.edu.pe](mailto:roxana.alberssi@upsc.edu.pe). ORCID: <https://orcid.org/0000-0001-6436-7694>.

<sup>3</sup> National University of the Altiplano, Puno, Peru, Email: [djincacutipa@unap.edu.pe](mailto:djincacutipa@unap.edu.pe). ORCID: <https://orcid.org/0000-0002-0067-3147>.

<sup>4</sup> National University of the Altiplano, Puno, Peru, Email: [jeancarlosleonyana@gmail.com](mailto:jeancarlosleonyana@gmail.com). ORCID: <https://orcid.org/0009-0000-2714-888X>.

<sup>5</sup> National University of the Altiplano, Puno, Peru, Email: [jspuma@unap.edu.pe](mailto:jspuma@unap.edu.pe). ORCID: <https://orcid.org/0000-0003-0323-7890>.

<sup>6</sup> National University of the Altiplano, Puno, Peru, Email: [hvelasquez@unap.edu.pe](mailto:hvelasquez@unap.edu.pe). ORCID: <https://orcid.org/0000-0003-2056-7277>.

<sup>7</sup> National University of the Altiplano, Puno, Peru, Email: [otintaya@unap.edu.pe](mailto:otintaya@unap.edu.pe). ORCID: <https://orcid.org/0000-0002-6204-3570>



That is why “the greatest challenge to political stability is found in the numerous social conflicts, mostly motivated by land and environmental claims, in addition to struggles over the distribution of the benefits of mining and oil exploitation” (Willer, 2015, pp. 36 - 37).

Southern Peru, and in particular the Puno region, is no stranger to the development of mining activity. In addition to the presence of “illegal” and “informal” mining, as is the case of the La Rinconada mine, formal mining activities are also carried out, both in exploration and exploitation stages. These include the Corani project of Bear Creek Mining Company (hereinafter, the Corani project), of Canadian capital, and the Qori Coyllur project of the IRL Group, both located in the province of Carabaya.

It should be recalled that Puno was the scene of the conflict known as “El Aymarazo”, which resulted in the cancellation of Bear Creek Mining Company's Santa Ana mining project and the suspension of the granting of new mining concessions in the region for a period of three years (Ardiles, 2020; Zevallos, 2019; Quiñones, 2013).

The region is also home to major mining operations, such as the San Rafael Mining Unit of Minsur S.A. (hereafter San Rafael), owned by the Brescia Cafferata (Breca) family, one of the most important economic groups at the national level. Its main activity is the exploitation of tin (Sn), being the first producer of this metal in Latin America and the third worldwide. The operation is located between the districts of Antauta, in the province of Melgar, and Ajoyani, in the province of Carabaya.

On the other hand, Consorcio Ingenieros Ejecutores Mineros S.A. (CIEMSA) operates in the Puno region with its Tacaza, El Cobre and Las Águilas mining units, the latter being of special interest for this research. The Las Águilas unit is located in the district of Ocuvi, province of Lampa, and is engaged in polymetallic mining.

Regarding the exploration-exploitation process, the Corani project maintains a vision of silver exploitation and in projection, it is catalogued as one of the greatest exploitations in Latin America. Las Águilas is classified as an auriferous company and in the case of San Rafael, it has undergone some changes, both commercial and productive, since, in its beginnings, as Lampa Mining, its main activity was the exploitation of copper, being that, in the 90's, an unknown metal called Cassiterite was discovered, which was the component of Tin (Sn), being renamed San Rafael Mining Unit - Minsur S.A.

The three companies in the areas of this research have a Zone of Direct Influence (ZID). In the case of the Corani Project, they have a lot of influence in the rural communities of Chacaconiza and Quelcaya, both located in the district of Corani, province of Carabaya; in the case of San Rafael, its ZID is the district of Antauta, province of Melgar and the district of Ajoyani, province of Carabaya. Finally, Las Águilas maintains its IDZ in the Andaymarca sector, Ocuvi district, Lampa province.

In the Altiplano region, there is a long mining tradition that dates back to emblematic activities such as those developed in the famous mines of Laykakota, San Antonio de Esquilache in Puno, Peru and the mines of Cerro Rico de Potosí in Bolivia. This historic mining boom was accompanied by social conflicts, such as the rebellion of the Salcedo brothers, in which representatives of the Spanish crown intervened, among them the viceroy Pedro Fernández de Castro, also known as the Count of Lemos.

Mining activity has almost always been accompanied by social conflicts related to the control of natural resources. From 2006 onwards, civil society actors and local government authorities in the Zone of Direct Influence (ZID) of mining companies have begun to demand greater benefits as a result of exploitation, unlike the Corani project, which is still in the exploration stage. These demands include the signing of agreements with the objective of promoting development through the execution of various projects in key areas such as education, health, productive development, and risk disaster management, among others. These projects seek to satisfy the basic needs of the population, functioning as a palliative means in places where the presence of the State is minimal.

These agreements signed between the actors did not develop overnight; they have a history marked by tensions, protests and social demonstrations. These pressures led to local authorities, civil society (including peasant communities, neighborhoods and sectors) and mining companies being forced to sit down and negotiate bilaterally, initially without the intervention of the Executive. However, the agreements reached at that stage lacked the necessary formality and legitimacy.

The social impact of the signing of the “Framework Agreement” between the Tintaya mining company (now Antapaccay) and the peasant communities of the province of Espinar, in the department of Cusco, on September 3, 2003, was seen at the time as an innovation and received with enthusiasm in other areas where mining activities were taking place. The aim was to replicate this model in different contexts in order to meet the needs of the population. This approach was also adopted in other regions with mining activities.

Alternative issues to the development of social conflict and the signing of Framework Agreements have been developed and analyzed in different approaches and perspectives with economic variables and even considering power phenomena, the role of the State, alliances and social conflicts (Schuldt, 1980), which played a transcendental role for the achievement of objectives and that to date, although they have given some positive advances in the development of the mining companies' IDZs, the goals of an empirical construction of development are still weak.

At present, the companies' IDZs have “Framework Agreements”, these agreements were signed with the endorsement and role of guarantor of State institutions; however, there are factors that limit and are a burden for the fulfillment of the commitments assumed in the Framework Agreement, leaving a glimpse of the State's intervention to guarantee their fulfillment by articulating efforts in places or areas where the presence of the State itself is limited or absent for various reasons.

## **Materials and Methods**

The research was approached from a quantitative focus, complemented with ethnographic qualitative fieldwork. Instruments were developed that allowed us to know the population's perspective on the Framework Agreements. To this end, we resorted to a bibliographic review, the application of surveys and field interviews.

The field work allowed us to know closely the opinion of the population of the Zones of Direct Influence (ZID) of the companies San Rafael, CIEMSA, Las Águilas and the Corani project, each one of them with a particular dynamics and participation in the conflicts.

## **Results**

### **The Notion of Conflict and its Variants**

Conflict, in the strict sense of the word, is immersed in our daily activities, it manifests itself in different family, social and work contexts, etc., generating disagreements, discrepancies and even different ways of perceiving reality. In view of this, there are different conceptions of conflict, from classical studies to the most recent ones, we can see that the attempt to unify the term “conflict” obeys different points of view of the social sciences. To this, a first approach to the concept indicates that conflict is a:

“Process of contentious orientation between social actors who share cognitive orientations, mobilized with varying degrees of organization and who act collectively according to expectations of improvement, of defense of the pre-existing situation or proposing a social counter-project” (Lorenzo, 2001, p. 12).

We could even speak of a concept of cultural attachment by understanding that there is a “dominant culture” and a “different culture” in every conflictual process (Diez, 2010). In this sense, Coser is not wrong (1961) by indicating that conflict serves to establish and preserve the identity and boundary lines of societies and groups.

However, the most basic notion of understanding the term would be to define it as that incompatibility of interests and needs that are opposed and present in various groups, whose objective is to meet their expectations in order to achieve a level of satisfaction and/or goals. It is interesting to highlight the example of the apple:

“In a world with two people and an infinite number of identical apples, neither will care how many the other appropriates. In a world with two people and only one apple, if one of them wants to eat the whole apple, there will be a broad discussion about the fate of the apple. Resources are scarce and when our competing interests fall on them conflicts appear” (La Rosa & Rivas, 2018, p. 18).

The complexity of this topic is that various fields of study are beginning to involve increasingly dissimilar variables to define it and even taking the topic with them to fields of studies involved with the development and management of conflicts and risks.

Research with an articulating character even indicates that conflicts are part of a social environment in which the rules of governance are superimposed on local dynamics, leaving aside the populations that inhabit these territories, from which their economic and cultural dependencies are captured (SER, 2011).

The same science of law comes into carve when it indicates that the conflict develops in an incompatibility of claims and interests of the parties, rather than the opposition of rights, to find a difference between conflictivists and anti (Maldonado, 2021); however, this should not escape from a classical analysis of law (positivism, iusnaturalism, etc.) or an alternative conception of it (anthropology or legal sociology) managing to understand its structural and systematic causes of it (Peña, 2014).

### **Typology of Conflicts**

Having clearly understood the different conceptions of conflict, we must add to this the diversity that exists in terms of its typology.

In our environment, we have the study of conflict typologies centered on three dimensions based on the object of dispute (that of the Ombudsman's Office and that of the Presidency of the Council of Ministers) and on the causality of the conflict (Institute of Peruvian Studies - IEP). It is worth drawing attention to the usefulness of the typology designed by the IEP, not only because it focuses on the conflict creation phase, but also because, having state action as a basic criterion, this typology allows understanding conflict as an absence, deficiency or excess of state activity (PCM, 2011). It is not the purpose of this paper to detail the typologies of each of the institutions (Ombudsman's Office, PCM and IEP); however, it is necessary to indicate that they all have a variable in common, which is the defense of the integrity of the individual or collective groups.

On the other hand, the diversification of conflicts is due to the interests that interact with each other, from environmental, political, social, economic, etc. issues, and depending on the area where the conflict is addressed, an appropriate language for its analysis should be used; that is, if we are facing the clash of environmental interests (water, land, etc.), the conflict will be catalogued as a socio-environmental conflict, since the control of natural resources and their distribution will be the object of analysis of the conflict.

It is necessary to take into consideration that the diversification of conflicts is due to particular contexts where the participation of the actors responds to different positions, interests and needs with the sole intention of satisfying their needs. Therefore, the situation of analysis of each conflict that will be analyzed jointly in this paper will follow whether the conflict is latent, passive or, finally, in a state of dialogue.

Just to better understand the context and taking into consideration the perspectives of the population, in this research we have not perceived a situation of mea culpa of the socio-environmental conflicts with respect to environmental impacts, but rather the cause-effect relationship is directed to the situation of non-compliance with the agreements reached, either bilaterally or with the intervention of the Executive, so the environmental variable is not preponderant in the research.

Main cause of conflict with the mining company	Frequency	Percentage	Cumulative Percentage
Environmental Contamination	69	35.2%	35.2%
Non-compliance with commitments and social problems	108	55.1%	90.3%
Don't know/ no opinion	19	9.7%	100.0%
<b>TOTAL</b>	<b>196</b>	<b>100.0%</b>	<b>100.0%</b>

Table 1. Causes of Social Conflicts

Source: Based On Fieldwork Results

## Discussion

### Normative Framework of Framework Agreements

The process followed to reach sustainable agreements, which may be after a heated discussion among the different social actors involved in the conflict process, tends to land in documents

that guarantee compliance with the commitments assumed by the actors, mainly primary ones, called Framework Agreement.

By Framework Agreement we can understand “a document of long-term commitments, which regulates the relationship between the people (Espinar) and a mining company in economic, environmental, labor, and development issues in general. It is an agreement promoted by the population (of Espinar) and its authorities, which was accepted by the company in a long process of negotiations and social pressure” (De Echave, et al., 2009, p. 135).

In order to reach this type of agreement, it was necessary to go through various phases of the conflict and reach a management through negotiation tables, dialogue tables or concertation tables (Huamaní, Macassi, Alegría, & Rojas, 2012), where the parties involved express their positions in order to achieve an attention that helps to meet their needs. Within the framework of the development of the conversations, the State plays an important role as a guarantor of the agreements that may be reached, mainly as a mediator of the positions of both civil society representatives and mining company representatives.

In this sense, the signing of a Framework Agreement is the result of various conflicts and social demonstrations that are driven by local leaders and authorities who claim a benefit from the presence of mining companies and the impact that is being left (or will be left) as a result of the use of natural resources and this leads to the understanding that benefits should be provided for the benefit of the population that is in its direct ring of influence.

In the same way, any conflictual process for the signing of a Framework Agreement leads to the strengthening of the grassroots organizations' structure, the promotion of greater capacities, the emergence of new leaderships, the creation of alliances with other institutional actors in order to use social pressure as a means to reach agreements and to nuanced them into a longed-for Framework Agreement.

“The signing of the agreement represented an innovative aspect in the relationship between mining companies and their communities. For the first time in Peru, a mining company (example of Antapacay) agreed to directly transfer a percentage of its profits to neighboring populations and signed a commitment to long-term collaboration” (De Echave, and others., 2009, p. 137).

The interest at this point of the research is to consider what is the regulatory framework that supports the signing of a Framework Agreement and what would be the legal nature of the same in order to achieve support for the fulfillment of the commitments assumed in the document.

As far as this research is concerned, we have not found a specific legal framework that obliges the signing of Framework Agreements between the actors in a conflict, i.e., civil society (mostly communities) and a mining company. We consider that the issue is more about signing a document (agreement, minutes, transaction, etc.) and beyond the name that can be given to such document. What is desired is that the commitments assumed between the actors are evidenced, so that in this way, it is possible to move on to a second stage, which is the execution and follow-up of the commitments that are assumed.

What has been observed from the field work and review of the instruments that were signed between the companies and civil society, respond more to a generic regulatory framework, citing the Political Constitution of the State, Civil Code, General Law of Peasant Communities, etc., but in no section of the Framework Agreement is it specified that this or that regulatory body alludes to the signing of a Framework Agreement.

Perhaps one of the ways to support the interests of both parties to the conflict is to sign a document that is similar to a “contract” between the parties, assuming that all the agreed commitments respond to an act of good faith and, above all, to seek the development of the population through the various projects and programs that can be executed, in which the State is also a participant.

### Factors Hindering Compliance with Framework Agreements

In the case of this study, it seems that the situation is embedded within the global scenario of mining conflicts, since both San Rafael and Las Águilas are mining units that have been operating for years and have “contributed” to an economic dynamization within their context, but currently the population of their IDZ has a different view regarding their continuity. The population does not reject the mining activity and neither do they deny its permanence, the judgment enters through a negotiation process where the needs of the population (environmental, social promotion, education, productive development, etc.) demand that they be met, due to a weak state presence.

It is necessary to note what Arce mentions:

“(…) within the framework of social mobilizations there are two clear positions: a) those demanding rights and b) those demanding services. Within the first point, a more environmentalist approach is developed or that of resisting to an exploitation of natural resources, while in the second point, it involves a process of renegotiation of benefits that can be obtained as a result of the exploitation of natural resources, there being no opposition to the extractive activity” (2015).

<i>The Framework Agreement is complied with by the mining company</i>	San Rafael	Las Águilas	Corani Project	Average
Yes	55%	40%	70%	55%
No	35%	35%	20%	30%
Occasionally	10%	25%	10%	15%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Table 2. Compliance with Framework Agreements

Source: elaborated with field work results

From the review of the Framework Agreements, it is important to highlight the commitments assumed to guarantee the development of the IDZ and social peace, but at the same time, there are some commitments that unfortunately cannot be fully fulfilled because more than the good will that may exist between the population and the company, this is due to national policies or demographic needs, such as the construction of a hospital in a community or the creation of a university for the population of the IDZ, knowing that this is not a simple demand, but due to national policies.

As a result, from Table 1, the average of the population of the companies in this research, 55% respond affirmatively when asked if there is compliance with the agreements subscribed in the Framework Agreement and although it is true that 15% of the population assumes uncertainty,

we understand that this responds to a weak articulation between the three actors of the conflict triangle, civil society, private companies and the State. We must be emphatic in mentioning that not every agreement signed in a Framework Agreement can be fulfilled in its entirety, it will depend on various factors and it is possible that along the way it may undergo variations or simply be discarded due to political, economic and even social situations.

However, there are other factors that limit the possibility of not being able to comply with the agreements assumed in the Framework Agreements, the conspiracy factor. This is mainly due to the fact that in the local context there are always actors who are always on the lookout for particular interests (economic and political) and see that by raising an opposition or dissatisfaction with the commitments assumed, their actions will gain political relevance, especially in pre-electoral times.

In the cases described in this research, they have been surrounded by outsiders who seek to manipulate the population, but thanks to the initiative of their own social organization, those external agents had little social protagonism; however, they weaken the trust and the hard work that is intertwined between society and the company.

The role of the State is to be a guarantor of the conflict management process, maintaining a bureaucracy in the face of the actors' request for intervention in order to adequately manage the conflict. This would be another of the factors that leads to the conflicts to be unleashed by not having timely attention and forgetting its role as guarantor of the commitments made and to this must be added the previously described, the particular interests of some actors.

Likewise, the issue of Corporate Social Responsibility (CSR) should not be confused with the signing of a Framework Agreement. This implies involvement with the environment: internal and external, and this requires commitment, understanding, inclusion and active participation in a given area or problem (Guerra, 2021). The population of the IDZs of the mining companies under study have the vision that the company will not replace the State, but that it should be a bridge to make the various projects viable for the benefit of the population. In the end, what is sought is to obtain an investment and achieve a degree of development.

The mining company dialogues with peasant communities	San Rafael	Las Águilas	Corani Project	Average
Yes	43%	15%	43%	34%
No	15%	43%	15%	24%
Occasionally	42%	42%	42%	42%
<b>TOTAL</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

Table 3. Communication Processes Between Companies and Peasant Communities

Source: elaborated with fieldwork results

Although the comparison is not the most ideal among the companies, it is clear that one of the limitations among the stakeholders is communication. An average of 42% of the IDZ population of the companies under study has a limited response to the dialogue process. The reasons may range from factors such as time, unreliable personnel or simply distrust.

The communicative processes that are established with the different actors of civil society do not only involve mere greetings, but we believe that social networks should be woven in order to form alliances to support decisions and agreements that can be reached in a process where the goal is to reach agreements that meet the priority needs of the population. We cannot fall into situations where there is mining, where nutrition indexes are the lowest or where infrastructure issues in education or health are very poor.

Therefore, we believe that the communication processes that should be established should be solid in search of networks that allow us to strengthen common needs.

The population, who are represented by their different organizations, allude that once the Framework Agreements have been signed, they have to be fulfilled by the companies, since they are needs that have been previously agreed upon in a space of dialogue where they have tried to seek the common good of the population through the execution of different projects and even processes of economic support to alleviate the needs, they face due to the weak presence of the State. However, when agreements are signed, they are not carried out due to a lack of follow-up on commitments, prioritization of other activities or simply a lack of will.

These aspects respond precisely to a lack of communication between the actors that hinder the agreements. Therefore, 34% of the population of the companies' IDZ said that although there are some communication channels, this does not necessarily respond to the fulfillment of the agreements, but rather to relationship issues, leaving aside the commitments and seeing the lack of compliance, this is used by the outside population to try to establish new spaces for negotiation, application of sanctions or ignorance of the Framework Agreements, unleashing displeasure in the population and therefore, the emergence of new conflicts.

In this sense, in the face of non-compliance with commitments and taking advantage of the contexts in which, they develop, new demands from the population appear, new actors for their positioning and new negotiation spaces, so that the conflict in this type of scenario becomes cyclical.

### **The Role of the State as A Guarantor of Commitments**

The phases through which a social conflict develops tend to present different reactions from the actors. From an early phase where the first symptoms of discontent begin to manifest themselves to a crisis where it is impossible to address the issue through dialogue between the actors and where only violence, verbal and even physical aggression prevails; that is, basically where the life or health of the business is threatened with the appearance of villains, victims and heroes (Remy, 2011).

However, once the crisis phase of the conflict has been overcome, emotions tend to de-escalate, which is the right time to establish some spaces for dialogue or working or consensus-building roundtables. It should be remembered that the usual way of dealing with conflicts unleashed by the various local actors (company and community) was under a bilateral negotiation approach, where the presence of the State was null or simply ignored the development of the same in situations where communication was limited. As a result, the agreements reached were understood to be of mutual dissent and in good faith, lacking any formalism and suggesting that the agreements, beyond a line of development, were concluded simply to calm tensions and lower the social temperature of the moment.

Thanks to this way of carrying out the “solution” of conflicts, the commitments assumed by the parties were left loose, there was no formality in the case, so there was no basis to claim before the supervising authorities that the agreements could be carried out or on the other hand, the officials (public and private) who assumed the pacts were changed or left their jobs, leaving uncertain any verbal agreement that could have been reached at the time and if any civil society actor appealed to the agreements reached, they were simply not taken into account, were changed or left their jobs, leaving in uncertainty any verbal agreement that may have been reached at the time and if any civil society actor appealed to the agreements reached beforehand, they were not taken into account because in such bilateral negotiation “local and regional authorities are not (were) participants and are not informed” (Humaní, Macassi, Alegría, & Rojas, 2012, p. 53).

Nowadays, the dynamics of conflicts have taken a turn where the participation of the State plays a fundamental role as a guaranteeing entity to the point of getting involved (for better or worse) in order to follow up on the agreements reached by the parties to a social conflict.

From the information gathered in the field, it is estimated that at least all the local public institutions that have decentralization in each mining company's IDZ have been involved to a greater or lesser degree with the intention of mediating or conciliating the positions and interests of the different local actors involved in the conflict process.

It is worth noting that the presence of the State, through its prefectures and governors, has been present in the conflict resolution processes. Some have tried to mediate the problem and others have tried to get both parties, civil society and the company, to reconcile their interests for the good of the population, but unfortunately, no good results have been obtained other than canned conversations without any type of commitment. These instances of state representation currently lack competencies, being seen only as sources of information for decision making at the highest levels of the state hierarchy.

Unfortunately, even the Regional and Provincial Governments, being part of the State, do not play an important role in the management of the conflict, beyond being benefited by the contributions of the Mining Canon. Structurally, their functions are limited; on the contrary, it was seen in the present investigation that the District Governments are the ones that played a preponderant role in the development of the signing of the Framework Agreements, being considered as another actor in the social conflict; however, being actors of the dynamism of the social conflict, they usually have a changing position according to the degree of development of the conflict and this is mainly generated in two positions, one in favor and the other one against.

One of the entities that played a fundamental role in conflict management was the Secretariat for Social Management and Dialogue, which operates under the Vice Ministry of Territorial Governance. This institution acts as a technical-normative body at the national level, in charge of the prevention, management and resolution of controversies, discrepancies and social conflicts. Its role encompasses the facilitation of dialogue, mediation and negotiation processes, among other methods, with different social actors, representatives of private institutions and public officials, with the purpose of contributing to the resolution of these conflicts. All this is aimed at promoting a culture of peace, respect for human rights and other democratic values, ensuring the sustainability and defense of the rule of law.

This Executive body was accompanied by the Social Management Office (GGSS) of the Ministry of Energy and Mines (MINEM), which since 2007 has been in charge of promoting harmonious relations between the various mining companies and civil society actors, including

regional and local governments; it also promotes the management of dialogue and agreement mechanisms in the sector with the sole purpose of achieving the development of the population of the various mining companies' IDZs; it also follows up on the mandatory and voluntary social commitments of the companies in the sector.

This involvement of the Executive Branch was due to the fact that the different actors, from civil society as well as the companies, requested that the national authority be involved as a neutral actor in order to carry out the dialogue or consensus-building roundtables that were set up to iron out the interests and needs that were being expressed in the different petitions by the civil society actors.

In other words, the stakeholders involved the Executive Branch to guarantee the dialogue process and, in the same way, to be promoters that can help implement and complement the agreements and commitments signed in the Framework Agreement. We understand that the role being developed between private enterprise, civil society and the State revolves around a multi-stakeholder approach where each of the actors play a key role in achieving the integral development of the community or district where the mining project is being carried out.

Of the cases analyzed, the local actors are the ones that have tried to generate greater emphasis on conflict resolution, from the prefectures, governors' offices and even the Ombudsman's Office have tried to get involved to influence the search for common ground in order to solve the gaps. We believe that one of the factors that prevented practical solutions from being reached is the lack of competence and lack of ability to articulate the various levels of government, preventing a negotiation process from taking place. Lack of trust is also present among the actors, especially the decentralized bodies that lack competence and decision-making power, thus limiting their response to possible demands from the population and from the companies themselves.

However, the district governments are fundamental actors in the conflict process and we consider that a stakeholder mapping process should clearly identify them, since more than representatives of the State, their position is that of another actor in the conflict. They do not show a rejection of mining, but they maintain a power of control over the population and even catapult themselves as representatives of civil society for the negotiations.

As mentioned, they do not take an anti-mining position, but they maintain demands to benefit from the economic and commercial impacts that the different areas of mining activity (from exploration to exploitation) may bring. This leads us to affirm that there has been a correlation of attitudes between the representatives of this level of government and the representatives of the companies.

The findings have shown that in several areas where social conflicts have developed due to the presence of mining activity, some extra-local actors have emerged leading the Defense Fronts or Social Organizations that represent "society". These "leaders" who head these interest groups have become, over time, political actors who have come to occupy a political seat, whether regional, provincial or district, who, using a radical discourse, use these spaces of conflict as a means to satisfy certain particular interests. In some cases, they maintain their position and discourse, but in others, once seated on the other side of the table, their discourse and position changes, which is why these stakeholders are seen in an ambivalent way in the conflict process.

## **Conclusions**

Every process that involves a social conflict in Peru generates certain impacts (positive or negative) depending on the perspective from which it can be analyzed and even more from the scientific point of view of being investigated. However, there must be a mediated dialogue as a substantial element for the signing of the framework agreement which aims to achieve positive effects on sustainable development.

There must be a regulatory framework to support the Framework Agreement and provide legal certainty to the agreements reached. This legal backing should guarantee compliance with the commitments through the various executive bodies, which would help reduce social conflicts arising from non-compliance.

Likewise, the state has the role of creating an office to control and supervise the agreements reached in a Framework Agreement for sustainable development between the community, governmental entities and the mining company in order to comply with the commitments made and agreements adopted at the dialogue table signed by each of the parties and to achieve a balanced and sustainable framework agreement.

## **References**

- Arce, M. (2015). *La extracción de los recursos naturales y la protesta social en el Perú*. Lima: Pontificia Universidad Católica del Perú.
- Ardiles, J. (2020). *Aimarazo. Conflicto social penalizado*. Lima: Acierto Gráfico.
- Coser, L. (1961). *Las funciones del conflicto social*. México: Fondo de Cultura Económica.
- De Echave, J., Diez, A., Huber, L., Revesz, B., Lanata, X., & Tanaka, M. (2009). *Minería y conflicto social*. Lima, Perú: Instituto de Estudios Peruanos.
- Diez, A. (2010). *Interculturalidad y prevención de conflictos sociales*. Lima: Presidencia del Consejo de Ministros.
- Guerra, M. (2021). La responsabilidad social como imperativo en la Constitución económica peruana. *Ius Et Praxis*(052), 131 - 145. Obtenido de <https://doi.org/10.26439/iusetpraxis2021.n052.5065>
- Huamaní, G., Macassi, S., Alegría, J., & Rojas, T. (2012). *Hacia una mejor gestión de los conflictos socioambientales en el Perú*. Lima: Consorcio de Investigación Económica y Social.
- La Rosa, J., & Rivas, G. (2018). *Teoría del conflicto y mecanismos de solución*. Lima: Pontificia Universidad Católica del Perú.
- Lorenzo, P. (2001). *Fundamentos teóricos del conflicto social*. Madrid: Siglo XXI.
- Maldonado, M. (2021). *Derechos y Conflictos. Conflictivismo y anticonflictivismo en torno a los derechos fundamentales*. Madrid: Marcial Pons.
- PCM, P. (2011). *Sistema nacional de prevención de conflictos sociales*. Lima: Comisión Europea.
- Peña, A. (2014). Los Conflictos Socio-ambientales o Socio-culturales en el Perú comprendidos desde la teoría del derecho. *Derecho & Sociedad*(73), 129 - 135. Obtenido de <https://revistas.pucp.edu.pe/index.php/derechosociedad/article/view/12470>
- Quiñones, P. (2013). *Concesiones, participación y conflicto en Puno. El caso del proyecto minero Santa Ana*. En *Los límites de la expansión minera en el Perú* (págs. 15 - 71). Lima: Servicios Educativos Rurales.
- Remy, P. (2011). *Manejo de crisis ¿Qué hacer el día en que todo está en contra nuestra?* Lima: Universidad Peruana de Ciencias Aplicadas.
- Schuldt, J. (1980). *Política económica y conflicto social*. Lima: Centro de Investigación de la Universidad del Pacífico.

- SER. (2011). El Estado y la gestión del conflicto 2006-2011. Conflictos mineros por uso del territorio. Lima: Servicios Educativos Rurales.
- Willer, H. (2015). Esferas públicas locales y conflictos sociales. Lima: Instituto de Estudios Peruanos.
- Zevallos, J. (2019). Conflictos socioambientales en la región de Puno: Caso proyecto minero Santa Ana. En Minería, conflicto y peritaje antropológico del Aymarazo Puno - Perú (págs. 55 - 106). Puno: Corporación Meru E.I.R.L.