



**DRAFT REPORT OF THE CAO EXPERT MISSION
TO CAJAMARCA:**

SEPTEMBER/OCTOBER MEETINGS

November, 2002

**Office of Compliance Advisor/Ombudsman
of the International Finance Corporation and
the Multilateral Investment Guarantee Agency**

I. THE OCTOBER MESA DE DIALOGO

Introduction

Approximately 80 representatives and observers took part in the Mesa de Diálogo y Consenso CAO-Cajamarca on October 3, 2002 from 9:00 a.m. – 6:00 p.m. at the Hostal Los Pinos. Conducted as a *Taller de Evaluación*, the October Mesa sharpened participants' understanding of the strengths and limitations of the dialogue process after completing one year of operations. Together with a core group of local facilitators trained to assist with the meetings, the CAO facilitation team elicited participants' opinions regarding the Mesa's process, substantive outcomes, and lessons learned and drew out salient recommendations for its strategic direction in 2003.

The Mesa engaged representatives from a broad spectrum of organizations: Federación de Rondas Campesinas Femeninas del Norte Del Peru (FEROCAFENOP), Federación de Rondas Campesinas de La Provincia de Cajamarca (FEROCAPROCAJ), Federación de Rondas Campesinas Femeninas de la Provincia de Cajamarca (FEROCAFEPROCAJ), Coordinadora Regional de Cuencas Afectadas Por La Minería en Cajamarca (CORECAMIC), Coordinadora Provincial de Caseríos Afectados por la Minería en Cajamarca (COPROCAMIC), Minera Yanacocha, Municipality of Cajamarca, Alcaldes of the Pueblos Menores of the Districts of La Encanada and Banos del Inca, Cajamarca Chamber of Commerce, SEDACAJ, ITDG, the Private University of Antonio Guillermo Urrello, Ministry of Health, Ministry of Energy and Mines, Obispado de Cajamarca, CCPC, and ASPADERUC.

Ms. Rachel Kyte, Principal Specialist for the CAO, opened the dialogue meeting. In her remarks she recognized the challenges facing the Mesa as they grappled with difficult development-related issues. Nevertheless, she noted several advances, referencing the independent water study that is under way and the preliminary activities to set up a medical study for the communities of San Juan, Chorompampa and Magdalena. She also credited the Mesa with progress in their efforts to take on more responsibility for the dialogue process, emphasizing its ownership belongs to the Mesa, not the CAO or the mine.

Ms. Kyte stated the purpose of her visit was to understand the Mesa's current evolution and determine whether there was sufficient good will, trust, momentum, commitment, credibility and progress to initiate a successful transition to a local dispute resolution system that can achieve solid results.

During her mission she hoped to identify what concrete steps the Mesa will take to maximize the efficiency and the effectiveness of the process and how the CAO can help, reminding the group, "The CAO works for you. You are our clients."

Independent Water Study

Water study update

David Atkins representing Stratus Consulting (the firm contracted by the CAO to conduct the independent water quality and quantity study) introduced team member Mr. Carlo Calderón who will serve as technical assistant to the Stratus team. Mr. Calderón grew up in Cajamarca and moved to the United States approximately ten years ago. He has an Associates Degree in water quality management from Red Rocks Community College in

Colorado and has worked as a water quality technician for the City of Parker, Colorado. He will remain in Cajamarca for the duration of the water study (through the end of March 2003).

Mr. Calderón will assist the team with all work conducted in Cajamarca. His responsibilities include coordinating the veedores, serving as their contact point, conducting the weekly sampling activities, etc. All of his work is performed under the direction of the Stratus team. His supervisor is Mr. David Atkins. Consequently, he does not make decisions about when or where to sample, nor is he permitted to see any of the data until the final report is released to the public.

Mr. Atkins provided an overview of the team's most recent work including details about their first comprehensive sampling event. Mr. Atkins reported the team has established an office in the heart of downtown Cajamarca. Located just around the corner from Hostal Los Pinos at Jr. Amalia Puga 318, the office provides a secure place for the team to do their work, meet with the veedores, prepare the water samples for shipment, etc. Mr. Atkins invited Mesa participants to visit the office and observe where the team is working and how they handle the samples. He also provided office contact information. (Telephone: 828649; email: ccalderon@stratusconsulting.)

The first comprehensive sampling event designed to sample during the dry season, when the rivers are at their lowest flow, got underway on September 11, 2002 with the collection of samples on the Rio Mashcón.

From September 11th through the 17th, two Stratus sampling teams collected samples at 47 locations around the perimeter of the mine. A group of veedores was assigned to observe each team. Luckily the teams were able to complete their work just hours before the first rains drenched Cajamarca.

The Stratus team sent samples to two laboratories for analysis. A Lima laboratory, SGS, received samples requiring rapid analysis. The Lima lab will evaluate total dissolved solids, total suspended solids and bacteria. To accommodate the need for a quick turnaround time, the Stratus team members brought these samples to Autobus Linea in Cajamarca and arranged to have them transported on a daily basis to Lima where a representative of SGS laboratories picked them up.

The remaining samples, to be analyzed for metals and other constituents, were stored in a locked refrigerator and packed for shipment on the night of September 18th. The veedores observed how the samples were packed into coolers, the tracking process for each sample, and the sealing of the coolers. They observed the sealed coolers being taken to the bus station and witnessed Mr. Calderón board Autobus Ormenobus bound for Lima.

Mr. Calderón's job was to personally escort the coolers to the bus station in Lima and hand them over to the custom's broker, who accompanied the samples to the location where they were transported to the laboratory in the United States (Columbia Analytical Services in Kelso, Washington, USA).

Mr. Atkins emphasized the samples had been in their custody since they were collected. The samples have arrived safely at the laboratory in Kelso, Washington, USA.

Mr. Atkins announced that the next comprehensive sampling event will be scheduled during the first two weeks of November 2002. Samples will be taken at the same 47 points to evaluate water quality during the transition from the dry to the wet season. The final comprehensive field sampling will occur sometime between February and March.

In addition to three comprehensive sampling events (dry season, transition between dry and rainy season, and rainy season) the field-sampling plan calls for weekly sampling in several locations over the duration of the study. On the night of October 2, 2002, Mr. Atkins, Mr. Calderón and a veedor performed the first weekly sampling activity.

Veedores report

Gilberto Cruzado, veedor from the National University of Cajamarca, noted that samples would be taken at different times of the day and night, on weekends and weekdays and reiterated that sampling at odd times will take place on a weekly basis through the study's weekly sampling program. Mr. Atkins added that he, Mr. Calderón and one of the veedores took the first of the weekly samples the night before the October Mesa. Weekly sampling events have been incorporated into the program because Stratus wanted to take additional precautions to protect the field investigation process so that the community and the mine will trust the results and to ensure the samples are not influenced by anyone.

In response to a second point raised by Mr. Cruzado related to ground water, Mr. Atkins explained the study's focus was surface water because the majority of people are using surface water for their water supply. Furthermore, when the Stratus team is measuring water quality during the dry season, that water effectively comes from ground water. In effect, the team is monitoring ground water quality by measuring water quality in the streams at low flow.

Luis Gilberto Rafael Castrejón, veedor from the Rondas Campesinas, described an example of a change that was made to the sampling approach and the reasons for the change. In the plan the hydrologists stated they would use a hand pump to fill the bottles with water. The sampling bottles were quite large and filling the bottles with the hand pump was slow. To speed up the process, the team decided to implement a change and specified that "grab samples" could be collected in the bottles that were to be sent to the lab in Lima because they are not filtered and don't have preservatives. The team was able to save time without compromising the integrity of the sample; however, for transparency and credibility purposes, it was important to communicate the change and the reasons behind it to the veedores.

Mr. Atkins commented that Luis is very observant and that his story is a perfect example of how veedores are so effective at what they are doing. "They keep us on our toes," he remarked. "If we do something, we have to have a reason for it. There is more transparency and therefore more credibility for the study because of the veedores. They are keen observers and this means we always have to have a good reason for our changes."

Luis and other veedores observed that some veedores are not fulfilling their commitments. This is a serious issue and demonstrates a certain lack of respect for the Mesa. Both veedores and Mesa representatives urged the veedores to take their responsibility seriously.

Alberto Herrera, veedor from Minera Yanacocha, remarked that everything in the field sampling protocol had been complied with and supported a point made by Gilberto

Cruzado...that the success of the hydrology team's work will depend on the presence of the veedores. "They have to testify as to whether the protocols are being followed—yes or no. Their presence and effort is needed to make the results trustworthy and believable at the end. " For this reason, Alberto strongly recommended that at least one veedor accompany Mr. Calderón on his weekly sampling trips, even when they happen at night.

Cleotilde Villanueva, veedor from the Rondas Campesinas, reiterated the importance of veedores following through with their commitment to participate as active observers and witnesses of the study. She believes it shows a lack of respect to the Mesa when veedores or their institutions disregard the commitment they have made.

Zenaida Mirez, veedor from the Rondas Campesinas, raised the important issue of communication and informing the community about the work of the Mesa and the water study. She noted the need to be much more public and transparent about who we are and what we are doing. She commented, "People don't know who we are, what the water study is, or how we are doing our work. There have been several condemnations of the CAO and no information to overcome the misperceptions that have been spread by some people in the community. In the absence of us telling our own story, others will tell it for us, twisting it for their own purposes. We need to get our story out. We need to communicate broadly about what we are doing in our water study and as a Mesa."

Gilberto Cruzado pointed out that the technical document that describes the field-sampling plan is professional, interesting and extremely well done. He encouraged people to read it. They will be impressed.

Comments and discussion from the Mesa

1. *veedor preparation.* A question was raised regarding adequate technical preparation for the veedores and whether more technical training or a technical background was required to be effective as a veedor. Both the Mesa and the veedores stressed that while veedores bring diverse experience to their role, a technical background is not the most important criteria to serve successfully. People agreed that what prepared veedores to do this work more effectively than any technical training ever could, was the trust they enjoyed from each of their institutions. One veedor summed it up well when she said, "We are prepared to do this work because we have the trust of our community."
2. *Participation issues.* Many Mesa participants affirmed and recognized the valuable role of the veedores and the admirable work they are performing. The Mesa also addressed the veedor "no show" problem and suggested that institutions appoint another representative in the event of participation problems. Veedores who are unable to perform their role be asked to resign. The Mesa is an accountability mechanism and should make sure the veedores are doing their job. One participant astutely pointed out, "Without a committed group of veedores and their institutions, the study results won't hold up to the criticism. People will say the results were bought by the mine. So we must do this publicly and keep our commitments."
3. *ONGs.* A comment was made about the lack of participation of the ONGs. The ONG as a collective has decided not to participate in the Mesa or as veedores in the water study. If any ONG or the collective wishes to participate, they are welcome. At the

moment, most remain on the sidelines. Nevertheless, the door remains open for their involvement.

4. *Get the word out.* Many representatives recognized the positive advances in the study. However, it was discouraging that most Cajamarquinos, including the institutions represented at the Mesa, had no knowledge of the study. Participants wholeheartedly recommended that now is the time to get the word out about the Mesa and its advances so there is credibility and respect not only for the water study but for the Mesa itself. People suggested an array of strategies from sending invitations to new groups such as the Colegio of Engineers to holding a press conference.

As a first step, the hydrology team offered to provide briefing meetings for any sector that expressed interest. On their October trip, the team met with both the Mayor of Cajamarca and SEDACAJ. If other sectors of the Mesa would like a briefing meeting for their institutions or communities they should contact the CAO team or Carlo Calderón, the technical assistant for Stratus Consulting.

5. *Reimbursement for veedores.* The veedores and their role benefit all of Cajamarca and create trust. They serve in a voluntary capacity, volunteered by their institutions. While some perform this function as part of a salaried position in their institution, others receive no salary. Because veedores are so integral to the success of the study, the Mesa recommended providing veedores with some form of reimbursement. It did not seem fair to require veedores to use personal resources to pay travel expenses in their function as a volunteer. The Coordinating Committee will develop a policy to reimburse veedores for travel expenses. Lunch will continue to be provided. The CAO has clarified that veedores will not be compensated for their time.
6. *Water sampling video.* One participant suggested that field-sampling events be filmed so the public can learn about the independent water study, the field sampling process and what the veedores and the hydrology team are doing. The CAO team and the veedores had discussed filming field events at an earlier meeting, recommending that the team also video packing and shipping the samples and the laboratory analysis in Lima and Kelso, Washington. This will accomplish several purposes:
 - Inform the broader community about the water study and provide a close-up view of what the field study involves.
 - Supply veedores with the tools they need to do their job communicating with their institutions and building credibility in the study process.

In response to these suggestions, the Stratus team has offered to film the November field-sampling event, and they are in discussions with the laboratory in Kelso, Washington to video the lab analysis.

San Juan, Choropampa and Magdalena

Medical Study

Background

San Juan, Choropampa and Magdalena have asked the CAO to undertake an independent assessment of the health status of their communities to determine whether there are any potential residual health impacts resulting from the mercury spill in June 2000. Specific in scope, the study will look at persistent impacts on people's health as a result of the mercury spill from the mine. It is not intended to provide a comprehensive assessment of the health status of these communities; nor will it be a baseline study or a generic study of mercury in the communities.

Dr. Adolfo Zutel, a clinical toxicologist from Buenos Aires, was contracted by the CAO to develop a work plan and protocol for the independent medical study. He reported that subsequent to his August visit to Cajamarca and the communities affected by the mercury spill, he prepared the first draft of the work plan in collaboration with three members of his team: Dr. F. Mendyrzycki, Pediatric Neurologist; Dr. C. Decuzzi, Nephrologist; and Dr. M. Vasil, Neurophysiologist. All reside in Buenos Aires.

Roles, responsibilities and need for cooperation

Ms Kyte noted that conducting such a specific health study requires the full cooperation of the Ministry of Health, the Mesa, the affected communities and Minera Yanacocha. The Ministry's cooperation is particularly significant because health is one of the most important responsibilities a government has to its people. The CAO has no right to interfere in that relationship.

For example, if the medical team happens to find someone who has health impacts from mercury whether related to the spill or not, that person may need to receive treatment and that responsibility resides with the Ministry of Health together with whatever social partners it chooses. The independent medical team working under the auspices of the CAO has the moral responsibility to refer and it will be the responsibility of the Ministry of Health to discuss treatment options with the people affected.

Furthermore, from a moral, social, practical and political stand point, the line between the authority and responsibility of the different entities involved including the CAO, the Ministry of Health, the community and the mine must be very clear before work begins.

The CAO Principal Specialist vowed, "I will not abuse the position of trust I have with you nor put my office's or my personal credibility on the line by starting a study if this line is not clear. These communities have been traumatized for two years and I won't add to their trauma. This is one of the reasons why the process is taking a long time. It is a very difficult thing to do. It is a very difficult thing for any ministry in any country to do. It is a sensitive, political subject for any country." Ms. Kyte explained her intent was to negotiate a way forward with key parties during her mission.

Enhancing credibility

Ms.Kyte stressed the need for a very rigorous and intellectually defensible study protocol that is subject to robust peer review. The design of the study is currently in a peer review process with other medical experts who have worked with the CAO in the US. This is a normal step for any international medical study. Only when there is consensus that the study is rigorous and intellectually defensible will it be shared with the Mesa and the affected communities.

Once the team draws its conclusions, the study will be subject to another round of peer review. A rigorous process of peer review will enhance the study's credibility and defend against those who may try to undermine the study. While this approach does slow down the process, in the long run it will yield a stronger, more defensible study.

Ms. Kyte explained why *veedores* may not be the best credibility strategy for the medical study. "Regarding *veedores* in this study process, my reaction is that this is a totally different thing than in the water study. We are dealing with the confidentiality of people in relation to their medical doctor. We are committed to peer reviews and to CAO doctors talking to mine doctors, Ministry doctors and your doctors as well. Unless the Mesa feels differently, my instinct is for the CAO doctors to do the testing and that we don't have 10 doctors looking at every patient and every test. Peer review provides the credibility function here."

Next steps

Ms. Kyte explained that in the coming week the CAO team will participate in a negotiation with community leaders, Minera Yanacocha and the Ministry of Health to discuss how they will work together to resolve outstanding issues.

Time Frame

The study cannot begin until there is a cooperative agreement between the Ministry of Health and the CAO. The CAO representative is hopeful that the new regional director of the Ministry of Health will be a partner. Ms. Kyte stated, "The regional director has been cooperative and now we need to be very precise and reach a clear agreement together. I came here in order to get that agreement and that is what I will be doing over the next week."

Ms. Kyte recognized the frustration people are feeling with the extended time frame. While the need to move forward is critical, without an agreement with the Ministry, the study can't begin. In addition to an accord with the Ministry, careful thought will need to be given to the study protocol—who can be part of the study, the stages of the study, etc. While Ms. Kyte does not expect the study to take as long as the water study, she did indicate the medical team may have to make 2-3 visits and will need time to peer review their work.

Evaluation of the Mesa de Diálogo

It is common practice for dialogue participants to engage periodically in reflection and self-evaluation to take stock of progress and challenges, gather lessons learned, develop recommendations for improvement, and lay a strong foundation for the next phase of work. The goal is not consensus but rather a gathering of individual perspectives, and only afterward, stitching them together in a coherent framework that identifies key themes and patterns as well as differences in how people perceive the work of the dialogue process.

September 2002 marked the end of the first year of the Mesa's operation and provided a suitable occasion for a serious, comprehensive self-assessment. The input to the evaluation consisted of separate written assessments prepared by the Coordinating Committee, the Chamber of Commerce and Minera Yanacocha.

In addition, the Mesa developed its own perspective. Lead by a cadre of small group facilitators trained in negotiation, mediation and facilitation, 80 participants worked in small

groups for several hours to address a series of questions designed to assess the Mesa's process, products and results, lessons learned and provide recommendations for 2003. (The questions appear in the appendix at the end of this document.) Each small group facilitator summarized their group's results in a series of report back sessions.

The results of these evaluation documents will be compiled and reflected in a separate report soon to be forthcoming.

Mesa Closing

In her final remarks, the CAO Principal Specialist, Ms Kyte, noted positive changes since her last visit and encouraged participants, whether in this Mesa or other dialogue processes, to remember that many answers to problems lie inside the community and within their relationships with each other.

She also urged Mesa representatives to take action. "We now talk. Now we must learn how to take words and put them into actions. I hear what you say. I hear the need for the steering committee to have more control. With control comes responsibility. Take that responsibility. You have the capacity to represent this Mesa. Go ahead and let other groups know what is going on here. Each of us should be asking ourselves, what can I do as me in my job in my life whether as a mayor, or as director of human resources for the mine or as a leader in the Rondas, etc. Ask what can I do to make this agenda go forward. It is not about what speech I need to give or complaint I need to write. It is now about what actions do I need to take (especially the mine). What are the things that can be done and don't need to be discussed anymore? This next stage is about deciding, doing and acting, not just talking. We won't turn our backs on you but now is the time for action...for doing things together. So we start today."

Draft Schedule of Future Training Workshops and Dialogue Tables

December Mesa	<u>Dialogue Table</u> —December 3, 2002 at Hostal los Pinos from 9:00 a.m.-5:00 p.m.
December Training Workshop	<u>Promoting Harmony and Consensus</u> —December 6-7, 2002 for participants invited by CAO-Cajamarca training team

II. FUTURE OF THE MESA DE DIALOGO Y CONSENSO CAO-CAJAMARCA

Transition to Local Leadership

The CAO will open an office in Cajamarca and transfer responsibility for managing and facilitating the Mesa process to a local team at the end of this year. This decision is in response to a request from the Mesa to continue the dialogue process and is the a result of several prior discussions with participants. The December 3rd Mesa will be the final dialogue session in which the CAO facilitation team serves in its present capacity. Beginning in

January 2003, the Mesa will enter a transition phase and the CAO team will move to an advisory, resource and monitoring role. In its place, a local, full-time coordinator will take the helm as the CAO representative on the ground, with the help of an assistant, the project manager, and leadership from the Comité. This team will provide ongoing support to the dialogue process and put in place a more permanent dispute resolution system that will be self-sustaining and locally owned. The dispute resolution system is intended to prevent and resolve issues arising from the development and operations of Minera Yanacocha and the communities of the Cajamarca region in a positive and respectful manner.

To lay the groundwork for a successful transition the Comité and the CAO will participate in a strategic planning process at the end of November. The purpose of the planning session is to develop a draft work plan for the Mesa in 2003. The plan will propose goals and activities for the Mesa as well as define the roles and responsibility of the Comité, coordinator, project manager, and the CAO during the transition period. Part of the work plan will include a broad-based communication strategy to inform and consult more broadly with represented institutions and the wider community about the Mesa's work.

The Comité will present the proposed plan to the Mesa for their comments, revision and approval at the December 3rd meeting.

Protecting the Integrity of the Process

Maintaining the integrity of a collaborative dialogue should be the first priority of its leadership. To date the CAO and the CAO facilitation team have acted as guardians of the Mesa process. In doing so, they have taken extraordinary measures to work with the community and the mine to jointly design a dialogue process appropriate for Cajamarca that is perceived and experienced as legitimate. The seeds of the Mesa's legitimacy spring from several guiding principles:

- Good faith commitment and some compelling incentive for participation among the key stakeholders.
- Substantive outcomes that are durable and tangible.
- Symmetry among the parties—relatively equal power and incentives among participants.
- Parties adequately prepared to negotiate who can advocate effectively for their interests and needs without feeling compelled or pressured to reach agreement.
- Fundamental change orientation versus protecting the status quo.
- Owned by the participants in the dialogue versus controlled by a powerful party to take advantage of others, seek political cover, stifle criticism, or weaken resistance.

The CAO, the CAO facilitation team and the Mesa are dedicated to conducting the dialogue process in this spirit. As leadership for the Mesa changes hands, the local Mesa team will share in this responsibility.

As with any approach to dealing with complicated issues, however, the Mesa process can be abused. Mindful of hazards that sometimes occur in consensus building activities, the CAO team has been on the alert for any dynamics that smack of process abuse, manipulation or skillful co-optation as well as efforts on the part of detractors to create doubt about the dialogue's legitimacy for their own ends.

Being guardians of the process requires vigilance and intervention on the part of the CAO and the facilitators, in response to dynamics both internal and external to the Mesa. For example, from time to time various parties have questioned the mine's commitment to the Mesa. Citing a spectrum of actions from lack of participation by the mine's Mesa senior representatives in the consensus building training courses to lack of attendance by mine decision makers at the Mesa, the community has worried about the mine's true intentions. The question has been raised regarding whether the mine is stringing people along, using the Mesa as a public relations ploy, etc. The community understands that no legitimate process can go forward without the clear commitment of the mine. Otherwise the Mesa will evolve into a travesty or a charade, making a mockery of anyone who seriously tries to contribute and undermining those who have committed themselves to seeking solutions to the tensions between the community and the mine.

The CAO has declared that it will not permit any dialogue process to be manipulated or used for unethical ends. While the CAO understands there are some people in the mine who do not want the Mesa, the CAO Principal Specialist has had ongoing conversations with Carlos Santa Cruz and others from the mine's senior management about their participation and has received their ongoing support. In a recent conversation with the Principal Specialist, Carlos Santa Cruz reaffirmed the mine's desire to participate seriously and in good faith. He also endorsed the CAO's transition strategy of establishing a dispute resolution system, locally staffed and lead in Cajamarca.

Process guardianship also requires strategies to deal with outside detractors who cast shadows of doubt upon a process's legitimacy. Certainly the Mesa has undergone its share of such integrity tests, causing some participants to question whether they were right to hope and believe they could impact their future. As the Mesa strengthens and moves toward decision making, those elements in the community seeking to derail the process—that is those who perceive a loss of power or political clout as a result of a successful process—will become more vocal in their attempts to delegitimize the Mesa. The local team, Comité and the Mesa will have to be ready to meet these threats with a quick and strategic response.

The bottom line is that neither the Mesa nor the CAO will allow themselves to be manipulated by parties inside or outside the process. At the October Mesa the CAO's Principal Specialist emphatically stated, "If at any time the CAO believes it is no longer possible to protect the integrity of the process, the CAO will withdraw. I am here only if I can protect the integrity of the process where the mediators can guarantee a space of balanced power for dialogue and tangible actions."

Future guardianship responsibility will rest squarely upon the joint shoulders of the Comité, the coordinator, the Mesa and the CAO. Together they will have a role in ensuring the dialogue process proceeds with its reputation and credibility intact. And while there is always risk of manipulation for unethical ends, and the Mesa will need to remain vigilant about possible abuses of power from within or outside, there is also opportunity for deeper understanding of others goals and values and therefore a greater creativity and willingness to accommodate them.

III. CONCLUSION

In its first year of operation, the Mesa faced the formidable challenge of creating conditions necessary for meaningful dialogue. In order for citizens and the mine to be able to step into the public arena and talk, attention had to be paid to: building trust; engaging the public to participate and confronting the shadows of skepticism--skepticism of the CAO, of the Mesa process, and of people's own ability to cooperate for a positive outcome.

Consequently, the Mesa has evolved into much more than a public dialogue process whereby parties to a conflict engage in problem solving. Rooting collaborative forums that are sustainable into the Cajamarca community required the Mesa to develop its own unique process blend that combines dialogue activities, with efforts to enhance social capital, (trust among citizens, their governments and the mine) and engage in public-building.

While the shadow of skepticism has not entirely vanished, and trust remains fragile, most would agree that the Mesa has succeeded in establishing more favorable circumstances to sustain a deliberative citizen engagement process. Today participants point to a stronger predisposition to dialogue and a certain culture of tolerance on the part of the organizations involved. While these accounts signal a change from previous, more confrontational tactics, the situation is not irreversible.

To be successful over the long term, the Mesa will need to nurture the roots of dialogue and prepare the way for a more abundant supply of actions and visible results. In December the Mesa will meet to set out a strategic direction for 2003. Looking forward starts by looking backwards. In its deliberations and self-assessment at the October meeting, the Mesa cast its face upon the past year, to reflect upon the advances, limitations and lessons learned. From that effort emerged several strategic questions. Some are highlighted below. It will be important to keep these challenges in mind as we prepare our strategic direction for 2003.

1. *How do we make the transition from dialogue to action, from talking to doing?* 2002 has been a year of talking together. 2003 should be a year of doing, of reaping tangible outcomes and visible products from the seeds of dialogue planted and nurtured in 2002. What substantive agenda of action issues, within the capacity of the Mesa, will provide tangible and meaningful benefit to the community, the environment and the mine in 2003?
2. *How do we broaden public building?* It is likely that the future work of the Mesa will require a broader process of participation by ordinary citizens whose lives will be affected by the eventual outcomes of the Mesa process. We will need to create numerous entry points for public participation to inform and remind the community that something unique is happening in Cajamarca, something they are invited to participate in. A spectrum of opportunities for participation (i.e., television and radio coverage, newsletters, consultations with institutions, visits with communities on village plazas) increases the efficacy of the process and intensifies the formation of trust and credibility. Broader citizen engagement is particularly important as the tangible results of dialogue begin to come to fruition. As the Mesa moves toward decision making, those elements within the community who perceive a loss of power as a result of a successful process will become more ferocious and vocal in their attempts to delegitimize the process. The public can be an important factor in countering self-serving criticism by Mesa detractors.

3. *How do we sustain citizen engagement and prevent Mesa “burn out”?* Democratic processes by their very nature are messy and inefficient. Furthermore, they can be extremely fatiguing and wearing on the spirit and the soul. On the other hand, environmental and social-economic frameworks are so complex we often have no choice but to work with others to seek solutions. No one group has the answers nor can they solve it alone.

To be successful the Mesa will have to find ways to sustain citizen engagement. This may require rethinking how the Mesa is structured, perhaps relying on more working group activity and fewer plenary sessions. Citizen engagement is clearly more robust when people see the tangible results of their labor and receive respect and credit for their effort.

4. *What would it take for the mine to recognize the value of the Mesa and make full and appropriate use of it as a forum for problem solving?* For any dialogue process to succeed, it must be taken seriously by its most powerful members. The Mesa is looking for evidence that the mine is committed to making full and proper use of the Mesa to resolve problems and conflicts with the community. The mine must demonstrate and assert its preference for working on such problems through the Mesa if it is truly committed. As one of the parties stated in their evaluation of the Mesa process, “Minera Yanacocha should carry out its activities that pertain to mediating and resolving conflicts within the context/setting of the Mesa.”

Furthermore, it is important that the mine give credit to the Mesa and recognize the direct linkage between its actions and decisions and the dialogue at the Mesa. It is the perception of many at the Mesa that the mine hears concerns or needs from the community, and takes unilateral actions based on the dialogue process without involving the Mesa further and without any reference to it. This perceived pattern of giving no credit and working unilaterally is interpreted by many in the community as an indication of disrespect and of the mine’s hesitancy to making a full commitment to the Mesa. This hesitancy to fully commit has impeded the progress of the Mesa.

Finally, although the mine contends they are committed to jointly finding solutions to problems of mutual concern, as long as they operate individually without engaging those who have an interest in participating and a stake in the outcome, even their best intended actions will not achieve their intended results. People have their hands outstretched waiting to be asked to help, be involved and contribute their ideas (for example, the Mesa working group on small businesses), etc. When they are not asked to lend a hand, not only is the mine’s good intention lost but such unilateralism creates even more hostility.

In conclusion, there is an overarching logic and promising dynamic to the Mesa. During its first year of operation, the Mesa engaged in public building, confronted doubt and created enough trust to allow the roots of a consensus problem solving process to germinate as it worked on more substantive issues such as the independent water study. It developed its identity as a technical Mesa and sought to both build and question its own legitimacy. It grappled with a variety of dilemmas—can collaboration work in Cajamarca; have we been able to create enough trust to negotiate effectively; has the power balance been corrected enough so that people are now able to participate on more of an equal footing; can the dialogue process be fair and involve all stakeholders when such broad issues are at stake; can we get beyond good feelings to produce substantive solutions that result in tangible

benefits for the community, the environment and the mine; can the Mesa be worth the time it requires; can we overcome the culture of immediacy, learn forbearance, patience and efficiency, and recognize that fundamental changes involve complex, lengthy processes and must be understood and approached from this perspective. It discovered answers to some of these quandaries and is still searching for answers to others.

The Mesa is a work in progress. It is evolutionary and organic, moving through stages and phases in circles more than lines. The next phase is about moving from talking to doing. Success will hinge on the extent to which representatives stay fully engaged and effectively transform their words into actions that benefit the community, the environment and the mine.

As one of the alcaldes so aptly stated, "There is a moment to talk and a moment for action. When do we get to the actions?"

Alcalde de un centro poblado menore