Scaling Democracy: Participation and Resource Extraction in Latin America

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In an extractive economy with territorially uneven costs and benefits, who should decide the fate of oil and mining projects: directly affected minorities or national citizenries? I reframe this question empirically: How are the collective identities and interests attached to various scales of democracy politically constructed in the increasingly frequent conflicts over resource extraction in Latin America, and what can we learn from these conflicts about broader dynamics of democratic contestation? To answer this question, I propose the concept of scaling democracy: the agonistic processes by which the scales of democratic decision-making and the democratic people are contested, established, and transformed. The concept of scaling democracy draws our attention to the ways in which the collective identities and interests attached to the various scales of democracy are constructed. These interest-articulations and collective identities are shaped by available institutional norms, organizational infrastructures, and social meanings. I draw on data from participant observation of a community mining consultation in Ecuador, and show that participatory institutions in the arena of resource extraction have fueled a contentious process of scaling democracy, with broader implications for the study of participatory democracy and scholarship on the relationship between resource-dependency and democracy.

In an extractive economy with territorially uneven costs and benefits, who should decide the fate of oil and mining projects—directly affected minorities or national citizenries geographically concentrated in population centers far away from those projects? From one perspective, there is democratic justice in those most immediately affected deciding the fate of extractive projects. But from another, such local rights fragment democratic sovereignty and threaten the collective good of resource-funded development. These conflicting claims to political authority present a dilemma centering on the scale of democratic decision-making.

The dilemma of the scale of democracy is not limited to extractive economies: there are myriad examples of tensions between local, national, and global democratic institutions. But contexts marked by democratic rule and fiscal dependency on natural resources highlight the distribution of political and economic power at stake in delineating the territorial boundaries of the demos. They also illuminate the innovative democratic practices that emerge in disputes over the scales of democracy. I doubt that this democratic dilemma lends itself to a simple theoretical solution. Here I reframe the question empirically: How are the collective identities and interests attached to various scales of democracy politically constructed in the increasingly frequent conflicts over resource extraction in Latin America, and what can we learn from these conflicts about broader dynamics of democratic contestation? To answer this question, I propose the concept of scaling democracy: the agonistic processes by which the scales of democratic decision-making and the democratic people are contested, established, and transformed. And I present the case of Ecuador as an example of the politics of scaling democracy.

Latin America offers a wealth of opportunities to study these processes. Over the past three decades, state and

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civil-society actors across the region have transformed the scales of democracy. Recognizing the limits of formal transitions to democratic rule, these actors have sought to “democratize democracy” via mechanisms of direct democracy, participatory decentralization, and social accountability, and by codifying the collective rights of indigenous communities. Recently, these institutional transformations have coincided with a commodity boom (2000–2011), resulting in the “re-primarization” of national economies and the re-politicization of resource extraction. Given the conventional wisdom that resource dependency undermines democracy, it is perhaps unexpected to seek democratic insights from “rentier states.” But in Latin America, the adoption of participatory institutions that include local communities in decisions over extractive projects has fueled competing claims to democratic authority. In this region, the contemporary politics of resource extraction involve new forms of democratic contestation that impart broader lessons for the study of democracy.

These competing claims are particularly salient in contention around prior consultation: the right of affected communities to be consulted prior to extractive projects (recognized by the United Nations, the International Labor Organization, and national constitutions and laws throughout the region). As stated by ILO Convention 169, signatory governments shall consult indigenous and tribal peoples “whenever consideration is being given to legislative or administrative measures which may affect them directly”; special attention is given to measures that impact their territory and environment. In such conflicts, supporters and opponents of extraction attempt to relocate the scale of democratic decision-making by appealing to distinct sources of democratic legitimacy and notions of “the people.” Due to the distribution of power and resources at stake, and the existence of legal and normative bases for both local and national authority, such conflicts are only ever provisionally settled. Contention over extractive projects thus holds a more general lesson for democratic politics. Disputes over the scale of democratic authority cannot be resolved with more nuanced theorizing, or better-designed institutions. Rather, it is the ongoing practice of democratic contestation that establishes and transforms the “edges” of democracy and the territorial contours of the demos.

In this article I make four contributions to scholarship on participatory democracy and resource politics. First, the concept of scaling democracy contributes to a long-standing debate within democratic theory regarding the scale of democracy and the territorial boundaries of the people. Second, I demonstrate that in resource-dependent economies, participatory institutions have politicized the scale of democracy. Third, my analysis invites us to reconsider the argument that resource dependency hinders democracy. Fourth, my case study underlines that an ethnographic approach that attends to meaning-making and informal practices offers unique analytic leverage on scaling democracy.

I have chosen the case of Ecuador because it presents the opportunity to analyze the dynamics of scaling democracy in a context where both resource extraction and new modes of democratic participation have become intensely politicized. An ideal case for the study of scaling democracy would allow for the empirical study of situated actors as they attempt to relocate the scale of democratic decision-making via explicit appeals to notions of democratic legitimacy and the territorial bounds of the demos. If, as discussed earlier, Latin America offers a distinct opportunity for the study of scaling democracy, then Ecuador stands out as an “extreme case” and therefore particularly fruitful for the purposes of theoretical innovation. Ecuador is marked by high levels of resource dependency, a history of contention around resource extraction, and new institutions of both participatory and direct democracy. In the dispute over oil and mining in Ecuador, actors have appealed to distinct scales of democratic authority and have produced an innovative repertoire of democratic practices.

Ecuador is one of the most primary-resource dependent economies on the continent. The commodity boom dramatically increased oil revenues and prompted the leftist Correa administration to develop the large-scale mining sector. Extraction has also long been a source of political conflict. Ecuador’s national indigenous federation (CONAIE), which comprises groups from the highland, Amazonian, and coastal regions, has historically mobilized around resource extraction, territorial rights, and self-determination—and supported their claims with reference to international laws.

Since the federation’s founding in 1986, CONAIE leaders have sought a more democratic and “plurinational” state, with opportunities for the historically marginalized (including but not limited to indigenous peoples) to substantively participate in political and economic decision-making. Securing collective rights such as prior consultation has been at the top of their agenda. These struggles translated into legal victories (at the height of its political power, in the 1990s through the early 2000s, scholars of the region considered CONAIE one of the most politically effective indigenous movements in Latin America). The 2008 Constitution recognizes new collective rights and participatory institutions, including prior consultation.

More recently, resource conflict pitted the leftist Correa government against indigenous and radical environmentalist movements, who oppose new mining and oil projects. These movements have pushed for increased enforcement of prior consultation, claiming local authority over national policies. In response, Correa appealed to national sources of democratic legitimacy: elections,
opinion polls, and referenda (Catherine Conaghan refers to his administration as a “plebiscitary presidency”). In this context, resource conflict has been fought on the terrain of democracy, fueled by competing claims to democratic authority at the local and national level.

In developing my case analysis, I draw on data from participant observation of a community mining consultation in Ecuador, as well as from fifteen months of ethnographic and archival fieldwork conducted between 2011 and 2015. Participant observation involves the real-time observation of social interactions as they unfold, usually in the context of extensive engagement with and embeddedness in particular field sites (“sites” being broadly defined to include arenas of interaction that are not geographically bounded, such as online communities). This approach is often informed by a “hermeneutic” sensibility that attends to the meanings actors attribute to their reality. But the method is not best conceived of as unmediated immersion. Instead, the process of ethnographic data collection and analysis involves tacking back and forth between observed practices and the situated meanings ascribed to them, on the one hand, and the social-scientific categories the scholar brings to bear, on the other hand. As Lisa Wedeen put it, “by navigating between concrete details and conceptual abstractions, we can refine and undermine, negate and create novel explanations about politics.” For this reason, participant observation and other “site-intensive methods” are uniquely suited to the development of new concepts, questions, and hypotheses. In addition, participant observation provides ample opportunities to gain empirical leverage on hypotheses, and to trace causal processes as they unfold. While such methods, when used in isolation, may not lend themselves to generalizability, the concepts they help develop can have implications for areas of inquiry of broad interest to political scientists, such as power relations (James C. Scott), collective action (Elizabeth J. Wood), and authoritarianism (Lisa Wedeen). In this vein, my observation of democratic contestation as it unfolded, and my embeddedness in activist communities and access to state officials, provided me with a new perspective on the politics of participatory institutions and resource extraction. Lastly, as my case study demonstrates, ethnography reveals the “constitutive nature” of struggles over the meanings of democracy and the “animated worlds” of democratic practice occluded in formalist and minimalist accounts—a point to which I will return in the conclusion.

In what follows, I expand upon my concept of “scaling democracy,” engaging with debates over democratic scale in political theory, as well as empirical research on political conflict over the scale of democratic decision-making. Next, I explore the process of scaling democracy in the context of the contemporary politics of resource extraction and participatory institutions in Latin America, followed by an ethnographic account of scaling democracy in Ecuador. Finally, I conclude by considering the empirical, methodological, and theoretical implications of my argument.

Scaling Democracy

Democratic theorists have long wrestled with the question of the appropriate scale of democracy and its collective subject, the people. A tradition that runs from Jean Jacques Rousseau to contemporary deliberative democrats asserts the democratic value of small polities and local decision-making, seen to facilitate face-to-face interaction, substantive participation, and robust civic culture. Another tradition, running from Immanuel Kant to contemporary proponents of “cosmopolitan democracy,” advocates for globally encompassing democratic governance. Recently, debates have emerged over delineating the “outer edges” of democratic decision-making: the “all affected” and “all subjected” principles, existing state borders, and the notion of the “unbounded” demos. These debates within political theory appear to be intractable in part because any democratic procedure presupposes who the relevant people are and the “proper unit” of its application, understandings that seemingly cannot be subjected to democratic procedures without inviting the problem of what Jürgen Habermas referred to as the “infinite regress” of legitimacy.

I doubt that there is a theoretical solution or institutional fix to the dilemma of democratic scale. Political theories and formal institutions may designate the territorial bounds of a democratic polity and the relationship between subnational, national, and supranational scales, but so long as there are competing sources of democratic legitimacy available to nested and overlapping political communities, conflict over the scales of democracy will reignite. Moreover, contestation over the scales of democracy is itself a democratic practice. For I believe, following the radical democratic theories of Chantal Mouffe, Roberto Mangabeira Unger, and Sheldon Wolin, that democracy is enacted, and expanded, through the eruption of conflict over the terms of collective life. Of course liberal democracy or “polyarchy” is characterized by certain institutional conditions. But they are themselves the product of ongoing contestation. More importantly, such institutions furnish the sites where ongoing contestation continues. Arguments about the appropriate scale of democracy epitomize this ongoing disagreement at the heart of democracy: when actors contest and attempt to transform the scales of democracy, they demonstrate that the answer to “who rules” cannot be settled in theory or by law. Rather, democracy is the practice of continuously subjecting institutional arrangements to conflict and scrutiny, with the aim of extending democratic participation to all arenas of collective life. Communities affected by resource extraction that clamor to be included in the process of decision-making thus
resonate with a long history of democratic contestation. As Wolin puts it, “democracy was born in transgressive acts, for the demos could not participate in power without shattering the class, status, and value systems by which it was excluded.”

If the scales of democracy cannot be settled in the abstract, analysis ought to focus on empirical processes of scaling democracy. More generally, scale-making is the process by which political space is differentiated and hierarchized into vertically ordered, territorial units such as the local, the national, and the transnational. Such units are constituted, entrenched, and contested through political action. Disputes over the scales of decision-making are only ever provisionally resolved, and the resulting dispensation forms the ground of future conflict. When these conflicts relate to the scale of democratic decision-making, political actors engage in scaling democracy. Scaling democracy refers to the practices by which democracy—understood as both a set of procedures and a claim to legitimate authority grounded in popular sovereignty—is mapped onto more or less encompassing territorial scales. With the aim of relocating the scale of decision-making, adversarial groups articulate opposing visions of “the people” grounded in distinct territorial scales.

Scholarship in the fields of decentralization and federalism investigates the historical origins of federal arrangements, demonstrates the political (e.g., government responsiveness) and economic (e.g., fiscal performance) stakes of states’ territorial organization, and analyzes the coalitions that impel de- and re-centralization processes. These processes are often conflictual because bounding decision-making within a given territorial unit empowers some groups and disempowers others. In addition to these findings, the concept of scaling democracy draws our attention to the ways in which the collective identities and interests attached to the various scales of democracy are politically constructed.

At first blush, conflicts over the scale of decision-making appear to be structured by economic incentives. In the universe of cases addressed here, national administrations have an interest in control over revenue-generating extractive projects, and directly affected communities that bear the brunt of displaced livelihoods and environmental degradation have an interest in compensation or outright opposition. But these incentives cannot be understood in isolation from their political articulation. It is within the context of the Latin American “pink tide” and the recent commodity boom that central governments have advocated for resource nationalism, and, concomitantly, that indigenous and environmentalist movements have deciend the impacts of extraction on local communities. The salience of—and opposition between—the national demos and the local community is historically contingent. These interest-articulations and collective identities are shaped by available institutional norms, organizational infrastructures, and social meanings. Within such contexts, actors agonistically deploy democratic procedures such as elections, referenda, consultations, and deliberative fora—and appeal to notions of the democratic people—to ground their claims to democratic authority.

Given their embeddedness in specific political contexts, processes of scaling democracy evince distinct combinations of interests, identities, and scales. Although this article analyzes one of hundreds of community consultations organized in opposition to mining, groups with quite distinct conceptions of their identities and interests have advocated local democracy. Throughout U.S. history, democratic devolution was a strategy to limit the franchise or the full exercise of democratic rights (e.g., “states’ rights” justifications on the part of the white majority to effectively limit black citizenship) and resist environmental regulation (e.g., Western ranchers claiming local autonomy to resist federal EPA intervention), just as there are examples of groups who interpret “local interests” similarly to the actors discussed here (e.g., environmental groups advocating for municipal referenda on oil and gas extraction in California, Ohio, and Texas). Claims to national democratic sovereignty are no less politically malleable: in contemporary European politics, political parties and civil-society groups with distinct social bases and ideological profiles have asserted the primacy of national democratic processes contra the transnational European Union on topics as diverse as immigration, financial and currency policy, and economic regulation.

Given the variable combinations of interests, identities, and democratic scales, analysis of scaling democracy focuses on how collective identities and interests are linked to specific scales of decision-making and territorial notions of the people, and how these are enacted through a variety of democratic practices, whether direct or representative, formal or informal. We should expect that transformations in the political, economic, and institutional contexts would trigger contention over the scale of democratic decision-making. Such transformations alter the stakes of decision-making and the available sources of democratic legitimacy. This is precisely what has occurred in Latin America in a context marked by the adoption of participatory institutions and the commodity boom.

**Democratic Participation, Social Conflict, and Political Scale in Extractive Economies**

New participatory institutions and collective rights have potentially transformed resource extraction, a policy area historically managed by state or corporate technocrats, into an arena of democratic contention. These institutions and rights are linked to a global shift in resource-related contention. Conflict over oil and mining...
development has a long history, often centering on labor exploitation, ownership, and the distribution of economic benefits. But over the past two decades, scholars across the social sciences have observed a new kind of dispute over resource extraction wherein directly affected communities are the primary sites and protagonists of contentious actions. Like the industrial working class whose radical potential was rooted in their social location at crucial bottlenecks of production chains, the political power of affected communities resides in their spatial proximity to the process of extraction.

The potential for tension between local communities and national governments (and foreign firms) apparently reflects the uneven territoriality of resource extraction: the socio-environmental costs are concentrated near the sites of extraction, while economic benefits, whether tax revenues or profits, are channeled to state or corporate coffers (which may be redistributed to affected communities—or not). But as I have argued, such costs and benefits cannot be understood in isolation from the existing set of institutional norms, organizational infrastructures, and social meanings. It is the availability of new collective rights and participatory institutions that has empowered affected communities to claim local democratic authority. These communities are now the subjects of formal rights enshrined in international conventions and national constitutions that guarantee their territorial and cultural integrity, and require their participation in decision-making over extractive projects. Like all scales of democratic decision-making, these rights and institutions are the outcome of conflict and negotiation: specifically, the political struggle for the recognition of indigenous territory. But the adoption of institutions of local participation has in turn fueled dispute.

Prior consultation, the right of affected communities to be consulted prior to resource extraction, has become a significant locus of conflict, triggering contentious processes of scaling democracy. ILO Convention 169, ratified by 22 countries, establishes that indigenous peoples must be consulted whenever a policy measure could directly affect them or their environment. In response to the demands of indigenous groups and to oil-related conflict, Ecuador ratified the convention in 1998. Prior consultation was incorporated into the 1998 Constitution, strengthened in the 2008 Constitution, and has been regulated by presidential decrees. In Ecuador, this right is not limited to indigenous communities; a separate constitutional provision extends it to any community whose environment is potentially impacted by policy decisions. But many scholars, and environmental and indigenous activists, assert that prior consultation has not been substantively enforced. In response, affected communities have organized community consultations. Scholars have documented “hundreds” of cases of such consultations in Guatemala, but the practice extends across Latin America. These consultations often provoke state and corporate actors to delegitimize them as unconstitutional, non-binding, and the result of “manipulation” by indigenous or environmental groups.

In Latin America, the coincidence of a veritable revolution in citizen participation and the intensification of resource extraction presents a novel opportunity to empirically study scaling democracy—and to reconsider taken-for-granted notions about the relationship between democracy and resource dependency. Ever since the Workers’ Party first implemented participatory budgeting (PB) in Porto Alegre, Brazil, in 1989, institutions of participatory democracy have proliferated across the region. To varying degrees, these institutions have democratized decision-making—on issues such as social spending, land use, and environmental licensing—formerly restricted to representative or technocratic bodies. International institutions praise such “democratic innovations” for incorporating citizens into policymaking and furnishing institutional channels for social demands. But the institution of prior consultation has polarized state and social actors, stoking political conflict. Analyzing prior consultation through the lens of scaling democracy provides a new perspective on participatory institutions, yielding four contributions to this area of inquiry.

First, I build on existing scholarship that “flips the direction of the causal arrow” by addressing how existing participatory institutions reshape civil society and give rise to new forms of collective action. Most work on participatory institutions asks under what exogenous political conditions they flourish, but Gianpaolo Baiocchi, Patrick Heller, and Marcelo Silva find that in cities where PB has been implemented, it has improved the organizational and demand-making capacity of civil-society groups. In these cases, PB has endogenously generated the conditions of its own success and “democratized democracy” even where the initial context was less than auspicious. Similarly, where such institutions or rights are under-enforced by state institutions, social movements may take implementation into their own hands. This has been the case with community mining consultations in Latin America: affected communities have organized their own consultations as a response to state inaction. The under-enforcement of rights to participation has channeled social movements toward the popular enactment of rights and institutions.

Second, my case study builds on work that emphasizes the conflictual dimension of participation. In much existing literature, the complementary “synergy” between committed state actors and autonomous but involved civil-society groups is seen as a pre-requisite for democratically robust and stable participatory institutions. Scholars often portray participatory institutions as deliberative fora in which actors orient to shared norms, thereby consensually aligning their political preferences. Some scholars
contrast participatory institutions with contentious modes of articulating demands, such as protest. However, the politics of prior consultation demonstrate that participatory institutions can become the crux of struggle. Existing research shows that politicians may adopt such institutions to galvanize supporters and claim the brand of “good governance.” But community consultations suggest that activist groups also see the political potential of participatory processes, converting the consultation into a protest strategy. In the case of policy areas such as resource extraction, state/society synergy is elusive, and participatory institutions instead stage a polarized conflict between affected communities—who seek to bolster the binding authority of such institutions—and nationally-elected governments—who seek to limit the extent of participation, convert it into a technocratic exercise, or use national election results to democratically legitimize their resource policies.

Third, this understudied institution adds a new angle to research on participatory democracy: the scale of participatory institutions. Activists who implement consultations explicitly frame “the community as the proper scale for decision-making on mining and natural resources management.” Insofar as the literature on participatory democracy addresses scale, the territorial units of local, regional, and national are taken for granted as a pre-existing hierarchy, rather than the outcome of political struggle. But in the context of resource extraction, participatory institutions such as prior consultation are the means through which the relationship between scales is established.

Fourth, my case study invites us to reconsider the relationship between resource extraction and democracy. In a research area dominated by the prediction that resource dependency undermines democracy, the hundreds of documented cases of community consultation suggest that new forms of citizen participation have potentially opened up this policy area to democratic scrutiny. Political contention over the appropriate scale of democratic decision-making is itself a democratic practice as it entails subjecting institutional arrangements to scrutiny and collective action. I address this implication in the conclusion.

The Quimsacocha Consultation: Scaling Democracy in Action

In Ecuador, leftist President Rafael Correa (2007–2017) came to power riding the coattails of mass demonstrations against neoliberal economic policies and in the midst of a crisis of political representation, wherein citizens had grown disenchanted with existing political parties. In response to longstanding social movement demands, he promised to convene a Constituent Assembly to rewrite the constitution, reassert national sovereignty over an economy long dominated by oligarchic elites and foreign investors, pay off the “social debt” accumulated over decades of fiscal austerity, and implement new forms of political participation with the aim of democratizing the state. Although Correa’s administration made advances along these lines, notably resulting in one of the most progressive constitutions in the world and in admirable reductions in poverty and inequality, he soon found himself in conflict with the very social movements that had initially, if hesitantly, supported his candidacy. A key arena of contention was resource extraction. Although his government renegotiated oil contracts and replaced the woefully inadequate mining regulation with a new Mining Law (2009), indigenous and environmental movements increasingly entered into conflict with the administration over what they perceived as its aggressive promotion of resource extraction at the expense of healthy ecosystems and constitutional rights. The mining consultation I observed was situated in this emergent terrain of dispute: these activists deployed new participatory institutions with the aim of resisting a planned mining project that would directly affect their environment and livelihoods, and that they saw as emblematic of what social movements called the “extractive model” of development.

On October 2, 2011, the members of two community water systems (united under the umbrella organization UNAGUA) in the highland province of Azuay, Ecuador, decided to enforce their constitutionally mandated right to be consulted prior to the development of a nearby large-scale mine—a right they claimed that public institutions had failed to guarantee. The community-organized consultation presented UNAGUA members with a single question: are you in favor of the Quimsacocha gold mine, or not? Over 90 percent voted against the mine. President Correa responded swiftly. He dismissed the event as unconstitutional and invoked his impressive electoral record to assert the legitimacy of resource extraction. Each side appealed to distinct scales of democratic decision-making and distinct conceptions of the demos: the water-users’ association asserted the autonomy of locally affected communities; Correa countered that he was elected president of a nationally conceived demos. These appeals were shaped by available institutional norms and political objectives. UNAGUA based its claim to local authority on national laws and international conventions, with the aim of building a translocal anti-mining movement. Correa and bureaucrats relied on national and subnational electoral results to claim broad support for mining projects they saw as key to national development.

UNAGUA is the Coordinating Committee for Community Water Systems of Azuay, an umbrella organization comprising 31 community water boards in the canton of Cuenca, including those of the Victoria delPortete and Tarqui parishes that organized and participated in the consultation. UNAGUA is embedded in a multiscalar federation: it is part of the province-wide...
Federation of Peasant and Indigenous Organizations of Azuay (FOA), which is a part of the regional highland indigenous federation (ECUARUNARI) and, ultimately, the national indigenous federation (CONAIE). Although UNAGUA is linked to the regional and national indigenous movement, its members do not all, and at the time of my fieldwork did not primarily, identify as indigenous, but as campesinos: small-scale farmers, mostly in the dairy sector. However, during the consultation and other protest events, UNAGUA members deployed symbols and discourses that indexed indigeneity.

UNAGUA was founded to construct and maintain water infrastructure (drinking and irrigation) in response to being underserved by the public water utility (ETAPA). It became involved in anti-mining resistance in 2001, when Canadian mining company Iamgold received the 8,030-hectare concession to explore Quimsacocha, a planned large-scale gold mine in the high-altitude wetlands (páramos) above the two parishes. The project, considered, along with four others, “strategic” by the Correa administration, has not advanced past exploration, and in June of 2012 was acquired by Canadian exploration junior INV Metals. The relative cohesion of resistance to the Quimsacocha mine hinges on UNAGUA’s efforts and on the involvement of urban environmentalists. The communities that comprise the project’s area of influence are within the canton of Cuenca. The municipal center of Cuenca is Ecuador’s third-largest city. Rural and urban anti-mining activists have forged alliances by mobilizing to protect the Yanuncay watershed, which supplies farmers and city residents alike.

It was just after 2:00 p.m. on a chilly October afternoon in the páramo. Six of us crowded into the Victoria del Portete parish council’s office, which had been lent to UNAGUA for the consultation. We were “National and International Observers” from Ecuador, Spain, Holland, and the United States, and we had spent the day monitoring the consultation. We now turned to draft and sign an “Act of Observation,” the textual artifact that validated our own activity and that of the 1,037 voters, and which would be read aloud on the wooden stage in the plaza below, signaling the moment for music, dancing, and perhaps a surreptitious bottle of aguardiente.

According to the Act, the consultation was a democratic election: “ballot boxes” in “alphabetical order” required voters to register “with their personal information and identity documents” and “deposit” a “secret ballot.” The Act characterized the process as “peaceful and orderly, showing the civic attitude of the population of Victoria del Portete” as well as an “exercise of free speech and the right to be consulted in decisions that affect their life.” The wording of the text—“voting” by unidentified “participants”—effaced debates among both observers and organizers over how to refer to an emergent set of actors and practices. What is the relevant scale of the citizen? Is it an individual or a collective unit? Did the legitimacy of the consultation emanate from the local community, or from national laws and international norms, or from the presence of international observers?

Rescaling the Demos

The consultation began, as did many acts of protest in Ecuador, with a ceremonia ancestral. The musky sweetness of burning palo santo infused the air around the concentric circles of fruit, vegetables, grains, and flowers arranged on an electric pink and blue cloth embroidered with a highland Kichwa motif. This tableau served as a stage for speeches that testified to the alliances between the water-users’ association, the regional and national indigenous federations, environmental group Acción Ecológica, and Pachakutik, the indigenous political party. When the ceremony ended, voting began. As per the instructions elaborated at a UNAGUA assembly, from 8:00 a.m. to 2:00 p.m., UNAGUA members voted yes or no to the following: Are you in agreement with mining activity in the wetlands (páramos) and watershed of Kimsacocha?

From its inception, event participants engaged in the politically charged process of scaling democracy. UNAGUA members asserted their authority over a project that they feared would contaminate the local ecosystem and waterways. This assertion drew on available legal norms—the ballot cited the 2008 Constitution, ILO Convention 169, and UNAGUA’s legal status as a water committee—linked to a variety of scales of governance (from the canton to the globe) and scales of democratic subjecthood (from the individual voter to “mother earth”).

The instructions not only cited legal norms, but also explicitly mimicked their formality, even conforming to the format of an Ecuadorian law. They stipulated the election of a Community Electoral Tribunal, which along with the vote counters and the observers comprised the consultation’s electoral institutions. The tribunal presided and the observers watched as water users waited in line, were located on the voting roll, presented identification, and marked their ballots, which were subsequently tallied, recorded, and filed. The document stated that “part of the democratic exercise of communities, communes, peoples, and nationalities is the democratic participation at the ballot box to construct and decide transcendental issues” and cited constitutional articles and international conventions. The scalar shifts (from “communities” to “nationalities”) recapitulated the federated structure of indigenous ethno-territorial organization in Ecuador. But they also aligned with the scalar logic of the consulta. Through the routine techniques of democratic procedure, a local organization drew on the democratic legitimacy of a series of broader collectivities, and invoked concentrically encompassing units of “democratic participation” to ground the democratic credentials of the two voting parishes.
Throughout the consultation, UNAGUA members imagined the process as enacting the plurinational statehood established in the first article of the 2008 Constitution. They de facto defined plurinacionalidad as the multiplication of sites—and scales—of democratic decision-making. The consulta, then, was a multiplex act of resistance and rule, of subversion and compliance, at once routine (organizers called it a “civil” process) and extraordinary (“a marvel”).59 The water users of Victoria del Portete and Tarqui claimed an authority grounded in the “ancestral rights” of a community that “predates the state.”60 But their tactics did not refuse state authority; instead, they repurposed nationally and internationally recognized forms of democratic participation in protest against the government’s resource policies. They deployed a constitutionally guaranteed participatory institution to both display and consolidate local resistance to a nationally-strategic extractive project. This tactic soon inspired other communities affected by planned mining projects: the vertically scalar appeals to national and international norms intersected with the lateral scale-making of building a translocal, anti-mining movement.

In addition to legal norms, the consultation procedure was shaped by the water committee’s organizational practices: 1,037 of the 1,500 water users voted according to the principle of one vote per water right, which usually was one per family but could be up to four. UNAGUA members ratified this vote distribution during two planning assemblies.61 Decision-making power and responsibilities in other realms of parish life, such as the communal labor practice called the minga, are allocated according to the household’s water consumption. According to a radio interview on the day of the consultation with UNAGUA President Carlos Pérez,

the majority has one right. I have one right to water; I have one right to vote. But, as an exception, some large families, have one, two up to four rights; they have to show up with four people to a minga . . . . For the contributions to the construction of a potable water plant, if you have four rights, you have to pay for four . . . . This is contained in the by-laws, in the internal regulation approved by SENAGUA. It is . . . the product of voting . . . and an assembly . . . this is what the ILO Convention 169 and the Declaration of the United Nations about indigenous peoples say, that we have to observe the community’s own procedures, which are not necessarily going to be the same as the procedures in general terms.62

As Pérez explained, rights are allocated according to household size, including those currently residing in other provinces or countries. (Another member of the household can represent up to four minors, migrants, or elders.) For Pérez, delegation ensures full recognition of the right to water, “which is a human right.” This vote distribution rule, however, would later be labeled “undemocratic” by official discourse. This vote allocation challenged the most fundamental of democratic scales: the individual citizen, wherein one “unit” of democratic authority (the vote) is mapped onto one discretely embodied subject (the voter).63

The results imparted an immediate sense of victory: 93 percent of the 1,037 participants voted against the Quimsacocha mine. The closing speeches characterized the event as an act of democratic sovereignty, and linked it to broader political identities and projects: the participants had registered their “will,” writing themselves into “the history of peoples and nations that have chosen this path,” a history to be read and reread (“this message must spread, comrades”).64 ECUARUNARI President Tenesaca invoked an expansive democratic subject: every one of us, our children, pachamama (mother earth). But however broadly construed its collective author, the event exceeded neutral proceduralism. It might have been a civil or civic process—the adjective cívico is ambivalent—but it was also a call to arms. Tenesaca exhorted, “let’s unite more, work more, and from here comrades, we have to organize a march to Quito.” CONAIE President Cholango, raising his fist in the air, proclaimed, “No one and nothing will stop our fight in defense of water and in defense of our territories . . . . to construct a better Ecuador, without mining in our territories.” Cholango cast the UNAGUA members as protagonists in the reconfiguration of the relationship between the people, its territory, and its resources. His statement scaled up the consulta from the local and present to the national and historic: it was a means to a “better” Ecuador and an imagined post-extractive future.

It was precisely the deployment of recognizable democratic procedures that allowed for claims to such seemingly disproportionate scales of representation: through the act of voting, 1,037 water users became a nation, a people, mother earth. But the moment such claims were made, they became ammunition in the political battle over resource extraction. Oriented to the future, to its reception and replication in other locales, the consultation became a model for the translocal anti-mining movement activists both advocated and hoped for. The event’s political status—in Ecuador, “political” was most often construed as pejorative—was quickly seized on by the Correa administration to question the consultation’s democratic credentials. State officials would portray the consultation as compromised by procedural irregularities and political manipulation, and the results as failing to represent a democratic will. These portrayals were in turn mobilized to challenge the legitimacy of local participatory democracy, as opposed to national electoral democracy.

**Scaling Down the Consulta**

When I spoke to Pérez a month and a half later in his law office in downtown Cuenca, he was optimistic.65 The consultation had “achieved legitimacy”; its “impact . . . is even at the international level.” Three weeks after the
Correa visited Quimsacocha, accompanied by reporters, to explain that the mining project would not pollute the watershed, and to deride anti-mining activists for spreading “lies” and “mental fundamentalisms.”

For Pérez, the president’s visit testified to the national scale of the event. At the local level, consultation seemed contagious: Pérez told me about several more slated consultas, regarding mining and hydroelectric plants. “The communities have awoken. The leaders have said, you convinced us.” For Pérez, a new era of anti-mining resistance had commenced:

Before, it was a taboo to talk about mining, and even worse if one spoke against mining. Therefore, the consultation was key in the resistance process. What before was performed with radical actions like shutting down the streets, shutting down the roads (vías), was now organized with a peaceful election. Without shutting down the streets, a route (vía) to consultation was opened. And this is where Correa gets the most angry. Correa, because he has been the promoter of consultations. And in this consultation, he lost. It is the first consultation that Correa lost.

Pérez played on the multivalence of vías as both road and route, imagining consultas as a material infrastructure to sustain translocal anti-mining resistance. In a political context suffused by new participatory institutions (including four national referenda Correa has convened), consultations project democratic legitimacy.

The official response criticized the Quimsacocha consultation on democratic and constitutional grounds. When I arrived in Victoria del Portete along with the other observers, we saw a sheet of paper tacked to a pole near the plaza: its heading read ALERTA. It stated that “the Federation of Indigenous and Peasant Organizations of Azuay” (FOA), the base level organization of ECUAR-UNARI of which Pérez was also president, “has convened, without consultation and in an illegal and illegitimate manner . . . the misnamed ‘Consultation’ which is in reality an PROSELYTIC ACT of Dr. Carlos Pérez Guartambel.” It accused the “deceitful consultation” of presenting a “leading and false question without legal grounds because the Mining Law in Article 87 says that the State is responsible for executing the processes of consultation . . . being an authority non-delegable to any private institution” and that all consultation processes must be approved by the National Electoral Committee (emphasis original). It concluded that the consultation “IS UNCONSTITUTIONAL,” a “crude political manipulation on the part of the permanent opposition to the Government.”

This anonymous warning contained several tropes of the official response to the consultation. It dismissed UNAGUA’s performance of institutional formality, claiming for the state the sole authority to execute consultations and interpret the constitution. It denigrated the process as political, as opposed to constitutional or legal, and as the work of a single politician rather than the community. The warning rejected the scalar logic of the consulta, which claimed the democratic authority of the local community via an appeal to more encompassing legal orders, whether national constitutional rights or international conventions. The warning scaled the event down, reframing the consulta as the political machination of a single individual.

The Saturday after the consultation, Correa devoted a significant portion of his weekly address to the event.

I refer to the supposed popular consultation in Quimsacocha against mining . . . totally illegal. They convok, they organize, they control, they count the votes, and we are going to see how they marked the votes, how the people voted six times, what type of question it was, no? Do you agree with mining in water sources, do you agree with loving your mother, well everybody says yes in this case, are you in favor of mining in water sources, if they asked me, well, no, if in addition in the Constitution that is prohibited.

In addition to outright manipulation, Correa argued that consultation is a political practice that inherently encourages the search for supporters to legitimate a pre-existing objective:

If you imagine what they are proposing. That tomorrow so that the mayor of Santa Elena [location of speech] puts a streetlight in this corner, he is going to need to consult the neighborhood . . . If the opponents, if they know that in the neighborhood, they will lose, they are going to ask you on the street. If on the street, they lose, they are going to ask the two families in the corner, until they find a group where they win.

Correa deflated the consultation’s scalar logic: in his framing, rather than enabling a set of individuals to represent a community and that community to represent an entire nation or mother earth, the consultation scaled down (from “the neighborhood” to “the two families”) in a never-ending search for the outcome preferred by its organizers. It merely represented the latter’s political agenda instead of a democratic will.

In advance of the Inter-American Court of Human Rights’ 2012 decision on a case regarding prior consultation, Correa again emphasized that consultations encourage the search for support among an increasingly narrower base.

That for every step in our country, for our development, for the future of our children, we are going to have to ask for the consent of each community. And, if we lose at the level of the community, half the community. Uy, if we lose half the community, then of these three families . . . It wouldn’t be democracy of the majority, but of unanimity. And it is impossible to govern like this . . . democracy is over in this country.

Correa both deflates the democratic aspirations of anti-mining activists and takes them seriously in their quest to replicate the Quimsacocha consultation model in every potentially affected community. If such “popular consultations” were carried out in “each community,” he asserted that “democracy” and “our development”—linked through the electoral legitimation of extraction—
would come to an end. He opposed the national good to local particularism. Erasing the collective labor of UNAGUA members, Correa referred to political leaders who “obstruct any national development project,” suggesting that the consultation’s local scale favors the rule of the few over the rule of the many.

Concern about local obstruction accounts for the administration’s hesitation to substantively enforce prior consultation. Official participation processes (“socializations”), co-organized by state and corporate actors, have been implemented for many oil and mining projects, including the open pit Mirador mine under construction in the Amazon.72 Socializations are informational presentations. Citizens may ask questions and comment, but only “technically viable” statements are included in project evaluation, thus mitigating the risk of creating a forum to oppose projects. While the president and bureaucrats insist that socializations are non-binding, they equally insist that the people rule—and already have ruled in favor of extraction—through national elections that directly communicate their will. Technocratic socializations at the local level are the flip side of unmediated popular sovereignty at the national level.

While the administration sought to limit the potential for local opposition, anti-mining activists aimed to amplify it. In the process, they grappled with the tension that inheres in deploying a democratic institution as a political tool. The legitimacy of collective decision-making is conditioned on the relative open-endedness of outcomes (what Philippe Schmitter and Terry Karl refer to as “bounded uncertainty”).73 But in order to function as a protest tactic, consultations must display community opposition to mining. As Pérez put it during a forum on “Community Consultations in Resistance to Mining” in Cuenca, a “lost consultation”—a community voting “yes” to a mining project—would not only undermine the local movement but the possibility of consultations as a replicable model. Pérez worried that a defeat would encourage mining companies to carry out consultas and “an important tool of resistance would be lost.” Urban consultations were too risky: the perception among activists was that the inhabitants of Quito and Guayaquil were geographically and politically distant from mining projects.74 The minutes of a planning meeting in Cuenca for the March for Water, Life, and the Dignity of Peoples reflect this concern:

In relation to mining, we considered various possibilities for the demand: a national consultation, local consultations, the recognition of the Mining Mandate [issued by the Constituent Assembly, which temporarily suspended mining contracts], a moratorium on mining negotiations … The proposal of a national consultation was basically eliminated from the options, because it literally puts our life on the line (jugar la vida), since the government controls everything.75

Activists recognized the risk of battling a plebiscitary president on his own terrain. But they also highlighted the pitfalls specific to a national consultation. In community consultations, the notion of “directly affected” delineates the relevant democratic subject, and national and international legal norms ground the community’s democratic authority. A national consultation would refigure the democratic subject as the national citizenry, whose “outer edges” are drawn by the boundaries of the national territory. At this scale, the effects of extraction are less “direct” or at least less visible; likewise, “the nation” is not the subject of national or international rights to participation in decision-making over extractive projects.

Activists likely had these contrasts in mind when they dismissed the possibility of national consultations as an anti-mining strategy. However, the links between identities, interests, and democratic scale are not written in stone; the scales of democracy are only ever provisionally settled and can be reconfigured through politically effective action. Two years later, environmental activists launched a campaign to hold a national referendum on oil extraction in the Yasuní National Park. While the outcome confirmed activists’ fears that “the government controls everything”—hundreds of thousands of signatures were rejected in a controversial counting process, blocking the referendum—the movement against oil extraction in the Yasuní transcended directly affected communities, and was especially active in the urban areas that anti-extractive activists have found challenging to mobilize.76

Returning to Correa’s speech, he alleged that the “political” orchestration of the consulta resulted in a series of procedural irregularities and undermined its democratic credentials. For state actors, the most salient procedural irregularity—and that most relevant to scaling democracy—was a woman who ostensibly voted six times. She appeared in this speech and in several articles in the state-owned newspaper:

The result of the community consultation was clearly manipulated, even false. The same person voted more than one time. Here in this image [older woman with more than one ballot] one can clearly see the fraud. A person voted how many times, it seems like six ballots, for her alone.

And in a video screened during the speech:

Oscar Simón, National Electoral Commission President: Who they were has not been clearly determined, who were the participants in this poll, finally, and what conditions, if the right of all citizens to participate was guaranteed, which a guarantee … the electoral council has to give when it deals with a popular consultation. We do not know what the procedure was.

As discussed, voting rights were allocated according to number of water titles. UNAGUA members’ and observers’ efforts to calibrate organizational practices with procedural norms were interpreted as the manipulation of democratic formality to serve “political” ends. But the assertion that multiple votes per person violated
democratic procedure is grounded in an assumption about the scale of democracy’s smallest unit: the citizen. Does citizenship map onto a discretely embodied individual, or can it be stretched to encompass multiple individuals? Official criticisms of the Quimsaconda consultation were therefore not merely procedural. Claims about the improper registration of voters were claims about who constitutes the collectivity to be consulted, and staged a debate over the appropriate scale of democratic rule.

The Elusive Demos
Consultation organizers and the Correa administration drew on existing institutional norms, organizational practices, and social meanings to construct the identity of “the people,” articulate their interests, and link both to a scale of democratic decision-making. The analytic lens of scaling democracy reveals that such positions are not preordained. They are articulated in the relational process of political conflict, wherein actors innovate discourses and strategies in response to their opponents and evolving political conditions. In this case, the result was a complex repertoire. In pursuit of their political objectives, each side invoked the legitimating force of both the national “people” and the local “community,” and claimed that these collectivities had communicated their will through mechanisms of representation: the consultation, the election, the referendum.

Responding to demands to “democratize democracy” via substantive consultations, Correa pointed to his electoral record. As he stated in a speech a few months after the consultation,

> Why do so many people just talk blah blah blah about participatory democracy? . . . How much more participation than this? What other president of the republic in history has been held accountable every week to the Ecuadorian people? . . . Until I understood . . . participatory democracy is that we win the elections, but they govern. And this is not going to happen. If they want to govern the country, they must win elections. This is called dem-o-cracy.77

For Correa, participatory democracy is, in the usage of activists, a deceptive term that proclaims democracy but means its opposite: a regime in which the unelected govern and, as he went on to say, “impose their fundamentalism and infantilism of ‘no to oil’ and ‘no to mining.’”

During his speech immediately after the consultation, he was more specific, focusing on parish-level election results to demonstrate the democratic credentials of mining projects:

> The [presidential] election of April 2009 is very important. We always said that we are going to develop the mining potential of this country . . . I have the constitutional power to establish mining policy.

Likewise, he referred to the results of a 2011 national referendum unrelated to mining (in which the majority of voters in the two parishes voted in favor of the government’s position). Elections and referenda lost their specific content and became interchangeable shows of local support for any government decision. Whatever the outcome of the “so-called consultation,” if elections ensure prospective representation, the people had already willed that the nation’s mineral resources be exploited.78 As a corollary, opposition to mining is opposition to democracy (despite the election of anti-mining candidates at the subnational level).

The Correa administration’s model of resource governance thus involves a complex set of relations between affected communities and the geographically dispersed national population. His invocation of parish-level election and referendum results suggests that the government prizes local political support. The viability of extractive projects requires local quiescence, or at least tacit acceptance: resistance can scare off investors and disrupt mining activity. Indeed, activists uniformly interpreted the 2012 sale of Quimsaconda from Iamgold to INV Metals as a sign of political success. Although there are other explanatory factors (e.g., corporate actors saw the 2009 Mining Law as unfriendly to investment), bureaucrats also worried that local protest—especially the 2011 consultation—had stalled the project.79 State actors see public investment in local communities as key to mitigating resistance. Decree 870 established a state-owned enterprise (Ecuador Estratégico) tasked with “the redistribution of national wealth and to bring development to citizens . . . in whose territory nonrenewable natural resources are located” to “make these communities the first beneficiaries of oil, mining and natural wealth in general.”80

As Correa stated, however, extractive projects are a conduit of national development. And since Correa was elected on a pro-mining platform that benefits the national majority, mining is democratic. This vision opposes myriad particularisms (“half the community,” or “these three families”) to the national interest in resource extraction. When the CONAIE (the national indigenous federation) challenged the constitutionality of the 2009 Mining Law, Attorney General Dr. Néstor Arboleda claimed that “the State, in search of the buen vivir (living well) of its population, and being the property owner of non-renewable resources, has the obligation to seek the general interest over particular interests.”81 For these officials, prior consultation as interpreted by the CONAIE would spell the end of democracy. It would, as Correa stated, be “impossible to govern” because it would fragment the nationally conceived demos and unified territoriality required for state rule. But for indigenous
and environmental activists, prioritizing the interests of a homogenously conceived nation over those of affected communities erases the uneven territoriality of extraction. As Monica Chui—an Amazonian Kichwa activist who served under the Correa administration before resigning due to disagreements over resource extraction and indigenous rights—stated, “the common good is a pretext to violate the rights of communities that are also citizens. It is contradictory. We are also part of the state.”

The official democratic imaginary became a discursive resource for bureaucrats tasked with mining policy. As Mariuxsi Flores, the Provincial Director of the Public Development Institute for the Amazonian region (ECORAE), told me:

If the project has a national benefit, prior consultation is not going to reflect the cost-benefit; therefore, all of the state should be consulted. The law is clear that it does not apply to strategic projects. We are talking about the country, benefits for the country. It can’t be that a parish decides for the nation. All of the beneficiaries and those harmed, it will have to be all of the nation.

Despite being constitutionally required, Flores ruled out consultations for mining projects in the “national interest.” She repurposed the logic of directly affected to justify the democratic credentials of extraction. Though she referred to “those harmed,” she repeated the positive impacts (“benefit”; “benefits”; “beneficiaries”) for “all of the nation.” But later in our conversation, she extolled the importance of cash transfers and healthcare in “convincing” indigenous Shuar communities to support mining. Flores’ appeal to benefits at the national and local levels reveals how the identity, interests, and scale of democratic peoplehood is partly constructed through public investment funded by resource revenues. In the context of a dispute over the meaning of prior consultation, such situated interpretations have pragmatic effects. Just as activists’ pronouncements potentially consolidate collective action, state actors’ understanding of prior consultation shapes the law’s implementation, enabling particular forms of collective identity.

Anti-mining activists also appealed to multiple scales of democratic decision-making and democratic peoplehood. During the consultation, they shifted from defending the democratic authority of affected communities to making assertions about the people as an undifferentiated mass. The event instructions specified at the outset that the participants were the users of “Community Water System of the parishes of Tarqui and Victoria del Portete.” The document, however, interpolates this particular collectivity as one example of “communities, communes, peoples and nationalities” that exercise democratic rights. Meanwhile, the invitation sent to observers refers to “indigenous and mestizo peoples of Victoria del Portete and Tarqui” and “affected communities.” The Act of Observation we drafted is less precise: “participants” and “the population.”

Speeches addressed an even broader collectivity: “the people,” “Ecuador,” “comrades,” “pachamama,” “our children.”

Whether they aim for a país minero or a post-extractive Ecuador, both sides in the dispute over resource extraction in Ecuador appealed to the legitimizing force of local participation in the service of translocal political projects. Just as state discourse alternated between equating and sharply contrasting local preferences with “the national interest,” anti-mining activists alternated between differently scaled democratic collectivities. This proliferation of democratic subjects was not arbitrary. In the case of the Quimsacocha consultation, a situated political calculus drew and innovated on an available repertoire of collective identities, guiding decisions about referential practice. The invocation of a given identity depended on the audience (participants, observers, domestic or international supporters), the context of reception (the plaza, activist listservs, the press), the actor’s objective (mobilizing local activism, building translocal alliances, projecting legitimacy), among other factors. National laws and international conventions encouraged an emphasis on the communities “directly affected” by extraction; the imperatives of movement-building encouraged invocation of other potentially affected communities; the national scale of resource policy, and the president’s plebiscitary bent, encouraged two parishes, the smallest unit of representation in Ecuador, to claim national peoplehood. Political contexts, enduring and ephemeral, shape the substantive content of scaling democracy. And, if felicitous, such descriptions of the relevant collectivity and their democratic credentials can shore up the collective identities and forms of participation they invoke. This is the performative capacity of political discourse—and, in this case, scale-making in action.

Conclusion: Rethinking the Resource Curse and Diversifying Democracy

My ethnographic study of a community-mining consultation in Ecuador demonstrates that conflict over democratic authority at the national and local level can be seen as an agonistic process of scaling democracy. The actors I analyzed aimed to shift the locus of democratic decision-making to more or less encompassing territorial scales, and are grounded in contextually specific understandings of “the people” (the local community or the national demos) and their interests (anti-extractive resistance or extraction-funded development).

The analytic lens of scaling democracy sheds new light on the increasingly contentious dynamics that suffuse democratic participation in resource policy in Latin America. In Bolivia, indigenous communities and state actors clashed over the implementation of prior consultation in regards to a highway project. In Argentina, citizens have voted against mining in popular referenda.
organized by municipal governments, resulting in conflicts between organized movements at the municipal level and provincial governments that depend on mining rents. In Guatemala, informal mining consultations like the one I observed have emerged as a successful collective action strategy among indigenous communities emerging from the trauma of civil war.86 In Peru, another country where scholars have noted a historically weak indigenous movement, organized peasants have pressured municipal governments to hold popular consultations on mining projects, as well as organized informal consultations—and entered into direct conflict with the national government.87 In Colombia, affected communities (both indigenous and non-indigenous) have organized informal consultations; the national government has responded with repression.88 Meanwhile, the Supreme Court has ruled against non-indigenous) have organized informal consultations; communities emerging from the trauma of civil war.86

In these conflicts, actors appeal to a similar repertoire of claims. As was the case in Ecuador, conflicts tend to be structured by opposing appeals to local versus national authority, and actors tend to ground their claims in distinct legal rationales (international law versus state sovereignty) and ideological frames (popular environmentalism and indigeneity versus resource nationalism). In addition, these conflicts are inescapably transnational, involving multinational corporations and transnational advocacy networks. Despite these shared features, the concept of scaling democracy draws our attention to the political construction of the identities and interests linked to the scales of democratic peoplehood—a process conditioned by contextually-specific institutional norms, organizational infrastructures, and social meanings. Further research on such conflicts over democratic scale would expand our knowledge of the conditions under which the scales of democracy become the crux of political conflict, and of the specific dynamics of how such conflicts unfold.

These emergent democratic practices invite us to reconsider prevailing approaches and findings in the scholarship on resource dependency and democracy. According to the “political resource curse” hypothesis, resource dependency encourages authoritarian regimes or low-quality “pacted” democracies, repression, bloated bureaucracies, and violent conflict. But when affected communities are politically organized, participatory institutions can potentially bolster the practices of democratic citizenship, challenging the notion that resource dependency and democracy are like oil and water. Precisely because the right to prior consultation is legally recognized but often not substantively enforced, its formal codification has occasioned social mobilization and demands for inclusion in policymaking. Insofar as social actors have filled the enforcement gap with their own informal consultations, they model what a more democratic politics of extraction might look like.

These forms of democratic contestation also impart a methodological lesson. Building on scholarship that has re-evaluated the political resource curse and found that the political effects of oil or mineral dependency are institutionally mediated and historically contingent, I also suggest that there is a link between the predominant conceptualization of democracy in formal-institutional (and easily quantifiable) terms and associated empirical findings. In contrast, the preceding analysis relies on a qualitative and situated understanding of democracy, including informal practices. Such informal institutions comprise not only deviations from legitimate democratic procedure (e.g., clientelism) but also encompass elite and citizen practices that deepen democratic contestation and accountability. Informal and context-specific practices such as the Quimsacocha consultation question the assumption that the state is the unique locus and guardian of democracy. In Sheldon Wolin’s terms, such processes constitute “fugitive democracy”: created and renewed in episodic, transgressive acts that challenge constitutional limits on the category of “the people” and institutionalized modes of participation. Scaling democracy is just such a practice. In collaboration and contention, situated actors map democratic decision-making and the bounds of the demos onto more or less encompassing territories. In the process, they settle and unsettle the scales of democratic sovereignty.

Finally, the concept of scaling democracy suggests a potential affinity between democratic theory and empirical research with an ethnographic sensibility. As Andrew Sabl compellingly argues, the study of democracy is marked by an empirical-normative divide. The distressing result is that democratic theorists produce work that runs the risk of being unmoored from pressing political events, while empirical researchers define and measure democracy in ways that neglect the conceptual complexity and range of extant theory. I agree with Sabl’s call for conversation across the divide. I would add that the site-intensive observation of contextually-specific democratic practices has the potential both to capture the complexity of democracy often occluded in large-N studies, and to diversify the work of Boaventura de Sousa and Leonardo Avritzer call the “canon of democracy.” The study of practices such as scaling democracy offers inspiration for new understandings of citizenship, the demos, the public versus the private, and the modes of participation in collective life—understandings that
resonate across the divide of political theory and empirical research.

Notes
1 For the phrase “democratize democracy,” see Santos and Avritzer 2005. See also Cameron, Hershberg, and Sharpe 2012; Fung 2011, and Smulovitz and Peruzzotti 2000.
2 “Re-primarization” refers to fiscal dependency on primary commodities harking back to the enclave economies of the nineteenth century. See Arce 2014; Bebbington and Bury 2013; CEPAL 2010; Cypher 2010; Hogenboom 2012; Sinnott, Nash, and de la Torre, 2010.
4 For “edges” of democracy, see Shapiro and Casiano-Hacker Cordón 1999.
5 Gerring 2007.
6 CEPAL 2010; Ruiz Acosta and Iturralde 2013.
7 Brysk 2000; Chuiji, Barraondo, and Dávalos 2010; Larson 2014; Sawyer 2004; Silva 2009; Yashar 2005.
8 Cf. n. 7, and Andolina 2003.
10 Riofrancos 2017; Svampa 2015.
11 Conaghan 2008. Relatively, the Correa administration has successfully pursued the recentralization of fiscal policy. Ecuador (a unitary country) was an early adopter of fiscal, political, and administrative decentralization policies (e.g., direct election of provincial prefects), but some of those reforms, such as the ability for taxpayers to voluntarily direct 25 percent of their income tax to their home municipality, have since been reversed; Eaton 2013:, 19–21; Van Cott 2008, ch. 2).
12 Auyero and Joseph 2006; Kapiszewski, MacLean, and Read 2015, Chapter 7; the contributions to Schatz ed. 2009 and Wedeen 2010.
14 Wedeen, 264.
15 Kapiszewski, MacLean, and Read 2015, 244–247.
16 Ibid., 448–250; Tilly 2006.
19 Cohen 2003; Fung and Wright 2003.
20 Held 1995.
22 Dahl 1989, 207; Habermas 2001; Honig 2007. For a critique of the notion that boundaries of the demos must be presupposed, see Abizadeh 2012.
28 Costanza 2015; McGee 2009.
32 Arellano-Yanguas 2011 demonstrates that the high political and economic stakes of the boundaries of territorial units are among the causes of mining-related conflict in Peru.
33 Rodríguez-Piñero 2005.
34 Falleti and Riofrancos 2016.
35 During the 2007–2008 Constituent Assembly, delegates debated prior consultation versus prior consent. Consultation (which Correa supported) won.
36 The first documented community consultation took place in Peru in 2002, and communities in Argentina and Mexico have employed consultations as a tool of self-governance and anti-mining resistance; Costanza 2015; McGee 2009.
37 On participatory institutions in Latin America, see Cameron, Hershberg, and Sharpe 2012; Fung 2011; Nylen 2011.
38 Smith 2009.
39 Fung 2011, 863.
40 Baiocchi, Patrick Heller, and Marcelo Silva 2011.
41 Ibid.
42 Santos and Rodríguez-Garavito 2005; Sieder 2010.
43 For examples of social movements enacting state-like practices, see Colloredo-Mansfeld 2009; Smulovitz and Peruzzotti 2000.
45 For example, see Abers 2000, 12–17; and Montambault 2015.
46 For emblematic examples, see Fung and Wright 2003, and Fishkin and Ackerman 2002. For exceptions, see n. 36.
47 Cameron, Hershberg, and Sharpe 2012.
49 E.g., the recent attempt on the part of environmental activists to present a national referendum on the issue...
50 Rodríguez-Garavito 2011; Pateman 2012.
51 Urkidi 2011: 558. See also Costanza 2015; McGee 2009; Rasch 2012.
52 E.g., Puigreinschi and Samuels, 2014.
54 For advances in reducing poverty and inequality, see Oxfam 2013; Weisbrot, Johnston, and Merling 2017.
55 Unión de Sistemas Comunitarios de Agua de Azuay (despite the name, the organization is not comprised of the entire province of Azuay, only the canton of Cuenca); Cisneros 2011, 214–25; Moore and Velásquez 2013, 127–128.
56 Moore and Velásquez 2013.
57 The name of the mine in company and state documents is Quimsacocha. Activists often use the spelling “Kimsacocha.” K and Qui are used to transliterate the same Kichwa phoneme. In Kichwa, “quimsa” means three and “cocha” means lake, referring to the three high-altitude lakes within the concession.
58 Lucero 2003.
59 The words are from the speeches of Cesar Padilla (director of the Latin American Observatory of Mining Conflicts) and ECUARUNARI President Delfín Tenesaca.
60 The claim to ancestral rights was made by Carlos Pérez at a Bi-national Forum on consultation in Ecuador and Peru, held in Cuenca February 28, 2012.
61 Personal Interview with Carlos Pérez November 19, 2011, Quito.
62 Radio Ciudadano October 2, 2011. SENAGUA is the national water ministry.
63 I am indebted to Osman Balkan for this point.
64 The descriptions are from the speeches of Lizardo Zhagui (ECUANURI and UNAGUA member), Cesar Padilla, and Delfín Tenesaca.
65 Personal Interview with Carlos Pérez November 19, 2011, Cuenca.
66 Speech transcript acquired from Alberto Acosta (Personal Interview, December 12, 2011, Quito). See also ANDES October 24, 2011 “Ministra de la Política: hay tergiversación y mentira en el caso Quimsacocha.”
67 For consultas modeled on Quimsacocha, see El Comercio July 26, 2015 “La recolección de firmas para plantear la consulta popular en Quimsacocha finaliza en Girón” and “Se plantea una Consulta Comunitaria para decir no a la minería en Pacto, Ecuador [Yes to Life No to Mining].” Available at http://www.yestolifenotomining.org/se-plantea-una-consulta-comunitaria-para-decir-la-mineria-en-pacto-ecuador/
68 Personal Interview with Carlos Pérez November 19, 2011, Cuenca.
69 Enlace Ciudadano 241, October 8, 2011, Chanduy.
70 Sarayaku vs. Ecuador. In July 2012 the Court ruled that the Ecuadorian state had failed to consult Sarayaku indigenous people prior to oil exploration.
71 Enlace Ciudadano 269, April 28, 2012, Cascales.
72 Executive Decree 1040 (April 2008) establishes guidelines for socializations. The term “socialization” is associated with the corporate sector, but is common in bureaucratic discourse. It denotes the dissemination of information for marketing or promotion.
74 Recently, however, predominantly urban activists mobilized against oil extraction in the Yasuní National Park.
75 This march took place from March 8–22, 2012, covering 700 km. from the Amazon to the capital. Opposition to resource extraction was a pervasive theme.
76 An example of what Gordon and Jasper 1996 call “grievance extension” (broadening the boundary of “directly affected”); The Guardian April 30, 1204: “Yasuní Campaigners Claim Oil Drilling Petition Results Are Being Manipulated.”
77 Enlace Ciudadano 249, December 10, 2011, Macas.
78 For prospective representation, see Manin, 1997, 161–183.
79 NB: The law has since been reformed to be more investor-friendly. For interpretations of the sale, see Financial Post “IAMGOLD bails out of Ecuador,” June 21, 2012 and Reuters “Ecuadorian Communities Welcome IAMGOLD’s Retreat and Warn INV Metals That There’s No Social License for Quimsacocha,” June 22, 2012.
80 Rafael Correa Delgado, Decreto Ejecutivo N. 870, September 5, 2011.
81 On March 17, 2009, the CONAIE challenged the constitutionality of the 2009 Mining Law for violating their rights to pre-legislative and prior consultation. The Constitutional Court ruled that the law was “conditionally constitutional” given the “exceptional situation” of a constitutional transition; Constitutional Court, Sentence Num. 001-10-SIN-CC, p. 13.
82 Personal Interview, Monica Chui June 27, 2012, Quito.
83 Personal Interview, Mariuxsi Flores July 10, 2012, Zamora.
84 Cameron and Tockman 2014, 70.
85 Christel and Torunczyk 2016; Walter and Urkidi (in press), 8.
86 Costanza, 2015, 276–277.
87 Arce 2014; Walter and Urkidi, 5–7.
88 Walter and Urkidi, 10.
89 Rodríguez-Garavito 2011, 293–297.
90 Servindi April 1, 2016, “Rechazan decreto que promueve minería a gran escala en el Orinoco.”
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