Recognizing Indigenous Citizens: The Effects of Prior Consultations in Peru

Mariana Alvarado

New York University

May 27, 2022

Abstract

How does recognition change indigenous groups' relationship with the state? In September 2011, Peru became the first Latin American country to adopt a law regulating indigenous peoples' right to be consulted regarding administrative or legislative measures that may affect them directly. Since then, more than 60 consultation processes have taken place, leading to agreements between indigenous communities and the government regarding national laws, infrastructure, national protected areas, as well as the development of energy projects. I focus on consultations regarding the creation of oil blocks in the Amazon to measure the effect of a policy that recognizes indigenous peoples' rights over their territories on their relationship with a state they have been traditionally disengaged from. Using rich micro-level data and a difference-in-differences design, I estimate the causal effect of prior consultations on indigenous peoples' political participation and willingness to interact with and become legible to the state. Preliminary results suggest that while ethnic recognition has the potential to increase engagement with the state, poor implementation has turned prior consultations into a lost opportunity.

1 Introduction

Across the world, indigenous groups are defined precisely by their marginalization from the state. Historically, they have often suffered the violent dispossession of their territories, the stigmatization of their culture and violent attempts at assimilation. Nowadays, this history is expressed in lower use of state services and higher levels of poverty, but also, and perhaps most importantly, in very high levels of mistrust towards the state.[1] Partly in an effort to overcome this history of exclusion, in the last couple of decades the principle of free, prior and informed consent (FPIC) has become the gold standard in states' approach to indigenous peoples (IP). This paper uses data from Peru, the only Latin American country and one of only five countries worldwide to have included this principle in their national legislation, to examine whether ethnic recognition can improve indigenous peoples' relationship with the state.

The principle of FPIC was first included in the International Labor Organizations' Indigenous and Tribal Peoples Convention (169) as early as 1989. However, it was only ratified by 23 countries (15 of them Latin American, including Peru) and its implementation was extremely limited. More recently, the 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) requires that before adopting and implementing legislative or administrative measures that may affect indigenous peoples, states consult with them in order to obtain their FPIC. However, its implementation varies a lot by country. Most countries with indigenous populations formally recognize the right to FPIC to some extent but only a handful (Australia, Philippines, Indonesia, Republic of Congo and Peru) have included it in national-level legislation. It is worth noting that, except for extreme circumstances, UNDRIP does not require that consent is obtained, only that it be sought.

The legal recognition of the principle of FPIC has generally been considered a major achievement of the indigenous movement, one that in many cases (including Peru) was hard won at the cost of decades of confrontations and all too often, lives. However, given the historically poor relationship between indigenous peoples and the state, and at the

[1] For Latin America see Psacharopoulos and Patrinos (1994) and Barron (2008).

same time the limited nature of these consultations, it is unclear whether they will be successful in shifting indigenous peoples' views of the state.

This question is important because despite the existence of a long scholarship arguing autonomy has been the primary demand of indigenous groups since the onset of colonialism (Díaz Polanco 1998; Van Cott 2001; Yashar 1998)—and is associated with positive welfare effects (Díaz-Cayeros, Magaloni and Ruiz-Euler 2014; Sjaastad and Bromley 1997)—, when states have offered to recognize some level of autonomy, indigenous groups have rejected them with surprising frequency (Carter 2020). Carter (2020) shows this is the direct result of low levels of state credibility rooted in centuries of state-led extraction. Lack of trust is thus a defining and consequential aspect of the relationship between indigenous peoples and the state, one that often determines the success or failure of inclusionary efforts by the latter. Ultimately, effective democracy depends on allegiance to the state (Elkins and Sides 2007), however little work has been done to understand whether or how states can overcome this historical legacy to gain the trust of indigenous communities and get them to more actively engage with it.

In an effort to answer this question, I have constructed an original dataset with detailed information on all of the consultations carried out in Peru, which I combine with micro-level administrative data. My research design exploits multiple consultations regarding hydrocarbon projects carried out in the Amazon, for which extractive activities ultimately did not materialize due to the fall in global oil prices that took place in 2015.[2] This unique setting allows me to isolate the effect of exogenously-determined consultations from that of the activities that usually follow (and sometime precede) them. Using a difference-in-differences strategy, I thus estimate the effect of this form of ethnic recognition on a host of behavioral outcomes, comparing districts and communities that have experienced consultations to similar (in terms of their sociodemographic and political features), untreated ones.

[2]Between 2013, when these projects were planned, and 2015, when the first batch of consultations was finished, oil prices more than halved, dropping from $106 to $49 per barrel according to the OPEC.

2 Recognition, Consultations and Engagement with the State

Much of the research on the legal recognition of traditional institutions and leaders focuses on its welfare effects, for example by facilitating public goods provision (Baldwin 2019; Díaz-Cayeros, Magaloni and Ruiz-Euler 2014; Magaloni, Díaz-Cayeros and Ruiz Euler 2019) or addressing public health crises (Van der Windt and Voors 2020). Similarly, most of the empirical work on prior consultations focuses on their capacity to reduce social conflicts (Sanborn and Paredes 2015; Schilling-Vacaflor and Flemmer 2015). Rather than studying such material effects, this paper focuses on a prior and arguably more important outcome: how ethnic recognition affects the relationship between indigenous peoples and the state. I am thus interested in the symbolic or mainly psychological effects of an intervention in which the state reaches out directly to indigenous peoples, recognizing their right to self-determination.

As such, this paper is most closely related to recent work looking at the effect of recognizing indigenous rights on compliance with the state. In the Philippines, McMurry finds that granting communal land titles to indigenous communities leads to both greater indigenous self-identification and compliance with the state (as measured by birth registrations). She argues this is the result of increasing the state's legitimacy among treated populations and concludes that "collective recognition may provide an alternative strategy for consolidating state authority in diverse societies" (McMurry 2021, p.2). This paper's focus on trust and engagement with the state is theoretically very close to McMurry's interest in compliance with the state (we even share some of the same outcomes). What is unclear however is whether a different type of recognition policy —FPIC—, studied in another region, will produce similar effects.

More generally, a review of the literature suggests other reasons to expect consultations to have a positive effect on indigenous' peoples relationship with the state. Starting with the most basic, procedural component, there is compelling evidence of the positive effects of citizen participation in decision making on satisfaction with the political process and legitimacy, regardless of the outcomes of such participation (Frey and Stutzer 2005;

Olken 2010).

More substantively, sociological research argues that citizenship, or recognition, makes it easier to make claims on government and can be associated with empowerment or mobilization (Bloemraad 2018).This work has thus far focused on the narrower sense of obtaining citizenship by immigrants, but if we go back to T.H. Marshall's definition of citizenship as "a claim to be accepted as full members of the society" (Marshall 1950), we can think of consultations as a recognition of indigenous peoples' citizenship rights after having long been —and felt— disenfranchised. Indeed, in the Peruvian case, historical reviews show that "While Peruvian intellectuals and politicians understood Indianness in different and fundamentally contradictory ways, they consistently posited 'Indian' and 'national citizen' as incompatible or even mutually exclusive categories" (Devine 1999, p.66). Accordingly, indigenous movements' struggle for recognition has often been cast in terms of acquiring or re-defining citizenship (for examples see (García 2005; Yashar 2005)). If consultations can indeed be interpreted in this way, they ought to lead to higher levels of participation and engagement with the state as full-fledged citizens.

Finally, recent work by King and Samii (2020) highlights how, against a background of exclusion, the affirmation of an ethnic groups' existence as part of the political community can help mitigate mistrust towards the government. This is also consistent with what we know from seminal work emphasizing the importance of group-based representation for systemic legitimacy (Lijphart 2012).

This all indicates we should expect recognition policies to improve indigenous' peoples engagement with and attitudes towards the state. On the other hand, it assumes the effective and goodwill implementation of consultations. If instead they are perceived as mere window dressing, or even worse, as a strategy to facilitate extraction, they could backfire (Carter 2020; King and Samii 2020). This is not unlikely, given that i) consent does not need to be obtained but merely sought;[3] ii) most of the countries with indigenous

[3]According to ILO's 169 Convention, while consultations are a requisite, consent is only required when it comes to displacements. The UNDRIP extended this requirement to cases of storage or disposal of hazardous materials and the use or occupation of indigenous property. Finally, the Inter-American Court of Human Rights has ruled that it is also necessary in cases of large-scale development or investment projects with a major impact on a large part of indigenous territory (Saramaka v. Suriname). Peru's

populations carry a long history of state-led extraction which makes state actions suspect; and iii) these countries tend to have low levels of state capacity, likely resulting in poor implementation.

Recent scholarship indeed highlights this implementation gap when it comes to the prior consultation of indigenous peoples in Latin America (Wright and Tomaselli 2020). In the Peruvian case, Merino reports complaints from indigenous organizations that — despite their high expectations—, consultations have become mere formalities (Merino 2018). Moreover, he describes a serious problem of misaligned incentives: while state officials seek to comply with administrative processes in order to advance their projects, indigenous peoples expect true discussion and tending to their demands. Officials are thus reported to have an instrumental view of consultations, as a means of legitimizing or validating extractive activities that have often become contentious. Meanwhile, indigenous peoples' substantive demands are recorded but rarely addressed.

3 Ethnic Recognition in Peru

Peru has a large and diverse indigenous population. According to the 2017 census, around 25% of the population self-identifies as indigenous.[4] This comprises two distinct groups: peoples from the Andes highlands (mainly Quechuas and Aimaras), and natives from the Amazon basin. The former make up the bulk of the indigenous population in the country, with Amazon natives representing only around 1% of the population (despite the fact that the Amazon covers about 60% of the country's territory).[5] For both theoretical and practical reasons, this paper focuses on Amazon natives, who are divided into more

Prior Consultation Law requires consent only in cases of displacement and the storage of dangerous materials in indigenous territories.

[4]As noted elsewhere, this likely underestimates the size of the indigenous population, as discrimination may lead many to hide in the *mestizo* category. Other estimates based on mother tongue or place of birth range between 38 and 67% of the population, making Peru the Latin American country with the third largest indigenous population (Barron 2008; Yashar 2005).

[5]According to the 2017 census, a little under 213,000 Peruvians self-identify as indigenous peoples from the Amazon.

than 50 different ethnic groups.[6]

Theoretically, there are two reasons to focus on Amazon natives. First, they are the most disenfranchised and disengaged from the state (Paredes 2008), and as such, our discussion above applies most clearly to them.[7] Second, they have a strong indigenous identity and have long fought to be recognized as such. Indeed, Amazon natives have been organizing politically since as early as the 1960s and despite their small numbers, are the ones responsible for the adoption of the Prior Consultations Law (Merino 2020). In contrast, low levels of indigenous identification and mobilization in the highlands make it harder to interpret this law as a form of ethnic recognition of this group.

In fact, despite this early and relatively successful political mobilization by Amazon natives, the literature has tended to see Peru as a case of weak indigenous politics as a result of focusing on highland peoples (Merino 2020; Paredes 2008; Yashar 1998).[8] The reason for this lack of mobilization of highland peoples around indigenous identity has been much debated. Historical, cultural, institutional and political explanations have all been offered.[9] Some point to a long history of discrimination and exclusion, that has led highland natives to reject an Indianness which puts them in a subaltern position in society (De la Cadena 2000; Devine 1999; García 2003). Others highlight the disrupting effects of the military government's efforts in the late 60's to shift to a more modern, class-based approach by abolishing the term 'Indian' and labelling and organizing these populations as peasants. Yet others blame the internal conflict with the Shining Path

[6]See figure 11 in the Supplementary Information for the spatial distribution of indigenous peoples in Peru.

[7]This is reflected in the fact that, according to the 2017 census, Amazon natives' literacy rate is the lowest for any group at 85% (compared to 90% for quechuas, 91% for Aimaras and 95% for the general population). Similarly, Amazon natives are the group with the lowest levels of ID possession at 84% (compared to 90% for quechuas, 88% for aimaras and 91% for the general population).

[8]It is worth noting that some question this evaluation and argue that highland indigenous politics does exist in Peru but plays out differently from other countries: at the local rather than national level, and around narrower claims (García 2005).

[9]For institutional approaches centering on political opportunities and associational capacities see Yashar (2005) or Van Cott (2005). For cultural or historical analysis focusing on how discrimination led to the —sincere or strategic— development of other types of identities see Devine (1999); Mallon (1995) or De la Cadena (2000).

for repressing highland indigenous political organization beyond the local community (Yashar 1998). Regardless of the reason, these low levels of indigenous identification are reflected in the fact that peasant communities in the Andes have been known to reject consultation processes arguing they do not consider themselves indigenous.[10] What is more, once the law regulating prior consultations was approved, the question of whether it should apply to indigenous peoples in the Andes highlands was the subject of some debate, with almost three years elapsing before the first consultation among highland peoples took place.[11]

Peru also has a long and well-known history of state-led extraction dating back to colonial times (Dell 2010). This has resulted in high levels of mistrust of the state among all indigenous populations (Carter 2020). In the specific case of Amazon natives, the policies of the Peruvian state have been marked by ignorance and violence since the early republic. Briefly, the Amazon has been seen as a mostly empty space or wasted resource, and its inhabitants as obtruding brutes to be either eliminated or civilized (Espinosa de Rivero 2009; Rénique 2009). Multiple colonization campaigns were thus promoted over the years, granting colonists property rights over territories already occupied by indigenous populations, and sometimes also weapons to defend themselves from them. Amazon natives on the other hand, had until relatively recently no rights and could therefore be vacated, annihilated or subjugated as colonists saw fit. While this process has been extensively documented during the period of the rubber boom at the end of the 19th century, it is a much broader and enduring phenomenon. Indigenous peoples' reactions to this have typically been to either retreat further into the forest and/or violently defend their territories and way of life. This contentious relationship reached a climax in 1964 when members of a government commission planning the design of a highway which was to cross indigenous communities were attacked, and several of them hurt. In response,

[10]Peasant community Para in Chavina, Lucanas, Ayacucho, in consultation over mining project Apumayo (Report N 003-2017-MEM-DGM-DTM/IEX from the Mining Ministry).

[11]While many observers have argued that this was merely a strategy promoted by the Ministry of Mining and Energy to avoid having to undertake consultations for mining projects (the overwhelming majority of which are located in the Andes highlands), the fact that such a position was tenable is illustrative in itself.

the government called on its U.S. ally to bomb their village with napalm. That same year, the first modern indigenous organization (the Shuar Federation) was created. Since then, Amazon natives have sought to defend their territories and way of life by political means (Espinosa de Rivero 2009). And while their communal property rights were first recognized by law in 1974 (Law 20653), their struggle for self-determination has been much longer.[12]

The political demands of Amazon natives have often been framed in terms of recognition (Callirgos 2018; Espinosa de Rivero 2009): recognition of their identity as indigenous peoples and of their ensuing rights. Mainly, the right to protect their territories, preserve their culture and traditions and control their ways of life and economic development. Since the ratification of the International Labor Organizations' Convention 169 in 1993, prior consultation became one of their main demands, considered a key instrument for the enforcement of these rights.[13][14] However, despite the constitutional rank of international human rights treaties, for a long time national policies and legislation were not adapted to comply with Convention 169. Rather, major decisions that affected indigenous peoples' rights and livelihoods continued to be adopted without consulting them. This was once again the case in 2008 when president Alan Garcia signed a series of executive decrees that

[12]Moreover, the process of granting communal land titles to native communities is still ongoing. In January 2020 almost 700 native communities were still in the process of obtaining their titles (https://www.actualidadambiental.pe/680-comunidades-nativas-esperan-la-titulacion-de-sus-territorios-en-peru/).

[13]Article 6 of Convention 169 defines these consultations as follows:

> 1. In applying the provisions of this Convention, governments shall:
> (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; (...)
>
> 2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures. (Indigenous and Tribal Peoples Convention, 1989)

[14]As expressed in a 2003 pronouncement from Aidesep, the largest national indigenous organization in the country (https://amazonwatch.org/news/2003/0902-pronunciamiento-2).

weakened communal property rights and facilitated private investment in the Amazon.[15] In response AIDESEP —the most important national indigenous organization—, with the support of a broad cross-section of civil society organizations, coordinated a series of national strikes demanding their repealment. This confrontation lasted until June 2009, when the government declared a state of emergency and attempted to forcefully clear protestors outside the northern city of Bagua, resulting in more than 30 deaths and 200 wounded.[16]

In the aftermath of this violent confrontation the most controversial decrees were repealed, the Ombudsman's Office proposed a law regulating prior consultations[17], the Constitutional Court reaffirmed indigenous peoples' right to prior consultation[18] and Congress approved its own draft bill. President Garcia rejected these initiatives but in his 2011 presidential campaign Ollanta Humala promised to enact a prior consultations law and build a new relationship between indigenous peoples and the state, one based on respect of their rights. In September 2011, President Humala delivered on his promise and enacted the Prior Consultations Law[19] in Bagua, the epicentre of the protests. In the enactment ceremony, president Humala explicitly noted the history of exclusion this law sought to correct. He addressed indigenous peoples directly by saying:

> What we want to do with this law today is make it important for your voice to be heard. For you to be treated as citizens, and not as small children who are neither asked not consulted (...). I hope this law will serve as a step for you to have *citizenship* (President Humala, September 2011, emphasis mine).

[15]These decrees were signed under special powers granted by Congress to implement the 2006 free trade agreement with the U.S.

[16]For a detailed description of the events following the signing of the decrees, see Rénique (2009).

[17]Presented to Congress in the official letter N 0179-2009-DP, a bill called Framework Law of Indigenous Peoples' Right to Prior Consultation.

[18]See ruling 0022-2009-PI/TC.

[19]Law N 29785: Law of Indigenous and Native Peoples' Right to Prior Consultation, Recognized in the World Labor Organization's Convention 169.

4 The Prior Consultations Law

In Latin America, consultations among indigenous populations are carried out in practically all countries, but in 2011 Peru became the first —and so far only— country to regulate the right to prior consultation through a national law. Regulations to implement the law were approved in April of 2012 and exhibit some unique features with respect to other countries in the region.[20] First, consultations are mandatory whenever a legislative or administrative measure directly affects indigenous peoples' collective rights, including to their physical existence, cultural identity, quality of life and development. Second, there is a well defined and structured procedure all consultations must follow. Third, the Ministry of Culture monitors and facilitates consultations, making all information publicly available. Fourth, despite the fact that indigenous peoples' consent is not required in order for a measure to go forward, whatever agreements are reached during the consultation process are legally binding. Finally, a database of indigenous peoples has been created, though it is not considered to be complete nor exclusive.

Consultations are carried out by the promoting entity, which is the entity responsible for adopting a measure that might affect indigenous peoples, with the assistance of the Ministry of Culture.[21] Each consultation process must follow the seven stages summarized in table 1.

Once a measure has been identified as affecting IP's collective rights, the promoting entity is responsible for identifying the communities to be consulted. In most cases, the promoting entity provides location information to the Ministry of Culture and delegates this task.[22] Identification is usually determined by conducting fieldwork in the area.[23]

[20]The Law's regulation was approved by Supreme Decree N 001-2012-MC.

[21]The problem of misaligned incentives between promoting entities and indigenous peoples described above is largely a result of this element of institutional design. This misalignment is likely to be especially salient when it comes to consultations promoted by the Ministry of Energy and Mining, whose institutional interests and culture combine to see extractive activities as fundamental for the country's development.

[22]In the case of the Ministry of Mining and Energy, it signed an agreement with the Ministry of Culture in March 2016, establishing that the latter will be responsible for this stage.

[23]There is also a procedure enabling IP to petition the government to consult a measure that has

While not officially required, promoting entities' first approach once the affected peoples have been identified is to invite a small number of community leaders to a preparatory meeting. In this meeting they agree on a consultation plan establishing a timeline for all of the subsequent steps in the consultation. The promoting entity then makes public (locally and on its website) the measure to be consulted.

Table 1: Phases in the Consultation Process

Phase	**Description**	**Duration**
1	**Identification of measure to be consulted.** Promoting entities identify those administrative or legislative measures that could impact IP's collective rights.	Undefined
2	**Identification of IP to be consulted.** Promoting entities identify the IP in area affected by measure.	Undefined
3	**Publication of measure to be consulted.** Promoting entity publicizes measure to be consulted and consultation plan by publishing them on their website and sharing them with indigenous organizations.	120 days until end of step 6
4	**Information.** Promoting entity transmits information about the measure to IP. Information must be culturally appropriate and include the reasons, implications and potential effects of the measure.	Between 30 and 60 days
5	**Internal evaluation.** IP hold an internal meeting to evaluate the potential effects of the measure on their collective rights. Their conclusions are recorded in a document they share with the promoting entity.	30 days maximum
6	**Dialogue.** Promoting entity and IP meet with the purpose of reaching agreements over all aspects of the measure. Dialogue ends with the signing of a Consultation Act which includes all agreements, disagreements and relevant information.	30 days (renewable)
7	**Decision.** Promoting entity makes the final decision regarding the measure. This decision must respect agreements reached in the dialogue phase. If there was no agreement, promoting entity must justify its decision on the basis of the state's commitment to protect IP's collective rights. A Final Report is publicized.	Undefined

Source: Regulation of law 29785. Duration is in calendar days.

not been consulted. So far no consultations have been initiated through this mechanism, but in a small number of cases specific groups have succeeded in being included in ongoing consultation processes. However, a consultation process has been initiated as a result of a judicial plaint presented by indigenous organizations againt the Ministry of Transportation for failing to consult a major waterway project in the Amazon.

The next step consists of information sessions or workshops in which members of the promoting entity, with the assistance of the Ministry of Culture, present local communities with information regarding the project that is being consulted, its timeline and expected impacts on IP's rights. These workshops are conducted in the local language and offer community members the opportunity to ask questions. Multiple workshops are usually organized, often one in each affected community.[24] Information banners are also displayed in each community and in the case of the Amazon where traveling is costly, information is also broadcast via radio. After receiving this information, targeted communities meet by themselves, usually in a communal assembly, to discuss the information and decide their position. They also vote to elect 5 or 6 members of the community who will represent them in the dialogue session. The last step is the decision, which is adopted by the promoting entity. So far, all measures which have reached the decision stage have been approved, even in the few cases in which IP have explicitly rejected them.

In practice, communities have been known to complain that the information transmitted is often poor —in that they do not have enough information, particularly regarding potential environmental impacts— and presented in such a way that is difficult for community members to understand. This has also been reported by the Office of the Ombudsman, which acts as an observer of consultation processes.[25]

Consultation acts shows that dialogue sessions are often used by communities as an opportunity to raise long-standing and wide-ranging demands on the state. These include demands for various public services (health, education, infrastructure), investments (productive projects, jobs, social programs) and safeguards for their natural habitats. When these requests fall within the purview of the promoting entity, agreements are often reached. When they do not, the promoting entity simply promises to channel the demand to the proper authority. In either case, there is no monitoring system to ensure that agreements or commitments are fulfilled. Moreover, the Office of the Ombudsman has indicated that the Ministry of Energy and Mining has committed to activities that

[24]Information on the number, location and attendance of these sessions is usually included in the Final Consultation Report.

[25]Office of the Ombudsman report N 001-2016-DP/AMASPPI-PPI.

are part of its legal mandate and that it therefore is obligated to fulfil regardless.[26] It has also highlighted that delays in the implementation of agreements are common and undermine IP's trust in the state and goodwill regarding consultation processes.[27]

5 Data

5.1 Consultations

Data on consultations has been manually coded on the basis of the consultation acts, supplemented as needed with information from consultation plans, minutes from internal evaluation meetings, and final consultation reports. From these sources I have constructed a database which includes the following information: promoting entity, measure consulted, location (Region/Province/District/Community),[28] dates of all of the phases starting with the preparatory meeting, and name of the indigenous group(s) that is consulted. I also code instances in which IP abandon the consultation process or explicitly say they do not consent, instances in which IP say they consent and do not need to go to the dialogue phase,[29] instances in which information is broadcast via radio and instances in which consultations were suspended (generally because the project is abandoned by the interested party).

[26]Office of the Ombudsman report N 003-2016-DP/AMASPPI-PPI.

[27]Office of the Ombudsman report N 003-2015-DP/AMASPPI-PPI.

[28]The Peruvian territory is divided into three levels of government: regions (25), provinces (196), and districts (1874). Districts in rural areas are often divided into *centros poblados* or communities. For the purposes of the census, a community is defined as a part of a district's territory that has its own name and is permanently inhabited. Native communities in the Amazon and peasant communities in the Andes are examples of such units. Consultations typically involve one or more communities in a given district.

[29]This seems to be the result of a strategy developed by the Ministry of Mining and Energy for mining projects wherein they advise communities to state in their internal evaluation minutes that they agree with the project and do not need the dialogue session. These cases all have very similar internal evaluation minutes, suggesting the Ministry provided a template with the goal of expediting the process.

Table 2: Consultations 2013-2020

Reason	**Promoting Entity**	**Number**
Mining exploration/exploitation	Ministry of Energy and Mining	24
Oil exploration/exploitation	Ministry of Energy and Mining & Perupetro	16
Natural protected areas/heritage sites	National Service of Natural Areas Protected by the State (Ministry for the Environment)	6
	Ministry of Culture	2
	Regional government	5
Hydroelectric power stations	Ministry of Energy and Mining	4
Roads/waterways	Ministry of Transportation	1
	Local government	2

Note: Own calculations based on information from Ministry of Culture.

This data cover consultations initiated between 2013 (the first consultation process started in May 2013) and 2020. During this period 60 subnational-level consultations were initiated by seven different types of promoting entities, as listed in table 2.[30] The bulk of these consultations involved extractive industries both in the Andes (mining projects) and in the Amazon (oil projects) and were promoted by the Ministry of Energy and Mining.

5.2 Outcomes

In order to measure the effect of consultations on indigenous peoples' behaviors towards the state I rely on two different sources of outcome data.

The first is district-level data on electoral turnout in the general elections in 2006, 2011, 2016 and 2021. Turnout not only measures political participation, but is commonly used as a proxy for citizens' engagement with the state. In this context, it constitutes a hard test for changes in behavior because voting is mandatory in Peru. Upward changes

[30]I exclude five national-level consultations regarding laws and policies on intercultural health, intercultural bilingual education, native languages, climate change and forests and wildlife. Since these were conducted at the national-level they were organized differently and involved mainly indigenous organizations.

may thus be limited by ceiling effects and downward changes may be constrained by the cost of fines.[31] I focus on general elections, which combine presidential and legislative ballots because I am interested in the effect of consultations on attitudes and behaviors towards the central state.

The second is district and community-level census data on school attendance, having a birth certificate, affiliation with the public health insurance scheme, and mother tongue. These data are available for 2007 and 2017 with the exception of school attendance, which is also available for 2005. School attendance measures the share of district residents over 3 reported as going to school or a higher education institution.[32] The quantity of interest here is the share of school-aged children (6 to 16 year olds) attending school, as basic education institutions in our districts of study will overwhelmingly be public. Unfortunately for community-level analyses only data on school attendance for all groups is available. Has birth certificate measures the share of the district population reported as having a birth certificate. Has public health insurance measures the share of the district population enrolled in the public health insurance scheme (Seguro Integral de Salud or SIS). This is a means-tested program, however since 2013 all native communities have access to it for free. Changes in enrolment should therefore result mainly from changes in individual willingness to engage with the state.[33] These variables are expected to capture potential changes in IP's willingness to interact with and be legible to the state, as a result of underlying changes in their perception of and trust in the state. In the case of mother tongue, while the share of district/community residents with a native mother tongue itself is not expected to change as a result of consultations, there might be changes in peoples' willingness to report a native mother tongue. As mentioned above,

[31]Mandatory voting is enforced in Peru, with fines varying by the poverty level of one's district of residence. For residents of districts categorized as extremely poor (like the ones mostly inhabited by IP), the current fine amounts to 23 soles (about $6).

[32]The census question asks if each household member is currently attending school, an institute or university.

[33]In theory, they could also result from information regarding the availability of this program. However, given exceptionally high levels of enrolment among native communities, this is unlikely. According to data from the 2007 census, people with a native mother tongue had the highest level of enrolment of any group.

widespread discriminatory practices have often been argued to lead indigenous peoples to "hide" their identity. If consultations succeed in making IP feel that they are recognized as citizens while indigenous, this may facilitate their reporting a native mother tongue.

6 Identification and Empirical Strategy

The second reason to focus on consultations involving Amazon natives is practical. Looking at the subset of consultations regarding the creation of oil blocks in the Amazon allows me to identify the effect of consultations using a difference-in-differences strategy. What was consulted in each of these cases was the creation of new oil blocks and the approval of their subsequently being opened to an international bidding process for exploration and —eventually— exploitation. These new blocks were all drawn in 2013 by Perupetro, the state-owned oil company, in a drive to increase oil production in a context of high global prices.[34] Since this was a measure that clearly required prior consultation, fieldwork was then conducted by Perupetro and the Ministry of Culture to identify the affected communities and initiate separate consultation processes for each block. This process ensures that treatment is exogenous.[35]

Oil block consultations exhibit two additional, and important, advantages. First, unlike other consulted measures, they did not involve any pre-consultation interventions in local communities. This differs from the procedure for mining projects, where what is consulted is the start of activities, after a concession has already been granted and an environmental impact assessment (EIA) approved.[36] In these cases, as part of the EIA,

[34]In its board agreement N 074-2013, Perupetro approved the creation of 26 oil blocks which would be open to an international bidding process with the goal of granting oil exploration and exploitation licenses.

[35]Indeed, the map of oil blocks in figure 12 in the SI suggests that blocks were drawn without consideration for the presence of indigenous communities on the ground.

[36]In fact, consultations regarding energy and mining projects are ruled by different regulations, specifying different timings (Ministerial Resolution N 209-2015-MEM/DM for energy industries -hydrocarbons and electricity- and Ministerial Resolution N 362-2015-MEM/DM for mining). Hydrocarbon and electricity projects are consulted before the EIA, because what is consulted is usually the decree authorizing the signing of concession contracts. Mining projects are consulted after the EIA and what is consulted is the resolution authorizing the beginning of operations.

participatory workshops are conducted with local communities, and agreements reached regarding the lease of their lands and usually also the hiring of local workers. This means consultations happens pretty late, once communities have received information from the mining companies and developed vested interests in the projects. This makes it hard to disentangle the potential effect of consultations from these other interventions.

Second, as a result of falling oil prices, only one of these blocks has actually been leased. This means that in all the other blocks the only thing that has happened is the consultation itself, allowing for a clean identification of its effects. The block that has been leased (block 192) is particular in that it contains block 1AB, which has been under exploitation since 1971. It is the largest source of crude oil in the country and has a long history of oil spills and social conflicts with neighboring communities. This consultation was the only one that involved, in addition to the creation of the block (an enlargement with respect to block 1AB), the approval of a new exploitation contract. For these reasons, this block will be excluded from our main analyses.

Substantively, oil block consultations are representative of the universe of consultations in Peru. These consultations are conducted by the Ministry of Energy and Mining, the entity responsible for two thirds of the consultations in the country. Therefore, even if the effect of consultations varies by promoting entity, this is arguably the most important one to study. Similarly, the object of these consultations are Amazon natives, and while they are a relatively small subset of the indigenous population in the country, they are involved in the vast majority (76%) of consultation processes.

As shown in table 2, 16 consultations regarding oil blocks were initiated between 2013 and 2020. The bulk of these consultations took place between 2013 and 2015, and these are the ones I include in my analyses.[37] I exclude 2 consultations that started in 2019 (blocks 200 and 201) and are ongoing.[38] I also exclude two consultations regarding

[37]The first of the consultations studied started in October 2013 and the last in February 2015. Throughout, I use the date of the preparatory meeting as the start date, as this is the first meeting with local leaders to effectively start the process.

[38]These blocks are also particular because what is consulted here is no longer the creation of the blocks but the signing of the license contracts for their exploration and exploitation. Indeed, draft licenses with interested companies were approved first (and involved some participatory processes) and consultations

block 192[39] (for the reasons stated above) and two consultations that were suspended (blocks 181 and 157).[40] This leaves us with a subset of 10 consultation processes in which promoting entity, reason and type of IP (Amazon natives) are constant. Moreover, in all of these consultations Perupetro organized workshops in each of the affected communities and information regarding the consultation was also broadcast via radio. This suggests consultations can be expected to have a broad effect in IP's attitudes and behaviors, and were not just an elite procedure.

To estimate the effect of these consultations I adopt a difference-in-differences strategy, comparing the change in outcomes of districts where consultations have taken place to those of districts without consultations. In an effort to enhance comparability and reduce the variance of my estimates, I restrict my sample to districts located in Amazonian regions (Amazonas, Huanuco, Loreto, Madre de Dios, San Martin, Ucayali and Junin).[41] These regions host almost 80% of the Amazon natives in the country. I exclude from analyses districts that undergo other consultation processes (not oil related) during my period of observation or that participated in one of the excluded oil block consultations. Treated districts thus have at least one oil block consultation and control districts have not had any consultations at the time at which outcomes are measured (they are either never treated or not yet treated).

In addition to exogeneity, the other key identifying assumption for difference-in-differences is the absence of time-varying confounders, meaning treated and control districts would have followed parallel trends in the absence of treatment. While this

initiated after.

[39]This block had a consultation in 2015 to create the new, expanded block and approve a new license agreement, and then another one in 2019 to approve a new license agreement.

[40]Consultation in block 181 was suspended because communities refused to sign any consultation plan until regulations governing the process were changed. Consultation in block 157 was suspended because it was found that the block included indigenous peoples in voluntary isolation. The block was re-drawn to exclude all indigenous communities and consultation was thus no longer required.

[41]Amazonian regions are those categorized as such by the Research Institute of the Peruvian Amazon, plus Junin. The reason I add Junin is that one of my oil block consultations takes place there. Moreover, while it is mostly an Andean region, its easternmost provinces are located in the Amazon and have significant native populations. Indeed, 16,9% of the Amazon natives in the country reside in Junin according to the 2017 census.

assumption is fundamentally untestable, to provide some evidence that parallel trends are likely to exist I use pre-treatment data on turnout and school enrolment to examine whether treated and untreated observations were comparable in their dynamics in the pre-treatment period. Ideally, I would have liked to do this for all census outcomes (and not just school attendance). However, as outcomes are expected to be correlated, pre-treatment trends are likely to be similar across the different census outcomes. Moreover, since the parallel trends assumption is more plausible only for classes of similar units, I also present results conditioning on pre-treatment predictors of consultation.[42]

To the extent that I do not know whether respondents in treated districts/communities actually participated in or were informed of the consultations, I am estimating an intention to treat and my estimates will necessarily be downward biased. Moreover, measuring outcomes at the district level means I am measuring the net effect of consultations both on consulted communities, and on those that were not. In the likely presence of spillover, I will be capturing it. However, spillover may be positive or negative: non consulted communities may identify with consulted communities and derive some of the symbolic utility of recognition, or they may experience feelings of loss over not being consulted themselves. In consequence, null district-level effects may result from these competing dynamics. In order to better understand my district-level results I will also conduct analyses at the community level using census data. In these cases, in order to identify the effect of consultations on treated communities and limit the influence of potential spillovers, I compare treated communities to untreated communities in other (non treated) districts. Furthermore, I restrict my sample to the universe of native Amazon communities as recorded in the Ministry of Culture's indigenous peoples' database. Nonetheless, it is worth noting that while the effect of consultations on consulted communities themselves may be of academic interest, from a policy point of view it is perhaps more important to understand the broader, district-level effect of consultations.

[42]See district and community-level balance tables 3 and 4 in the SI.

6.1 Estimation

In the past couple of years a growing literature has demonstrated the limitations of standard two-way fixed effects (TWFE) models in the presence of multiple periods and variation in treatment timing.[43] This research shows that static TWFE models work well in the absence of heterogeneity in treatment effects across time or units. Otherwise, they result in (i) improper comparisons between just-treated and previously-treated groups and (ii) improper and even negative weights. Moreover, dynamic TWFE models (those including leads and lags), are also problematic in the presence of heterogeneity across cohorts.

In order to avoid these issues, I rely on a new estimator proposed by Callaway and Sant'Anna (2021). This estimator isolates proper comparisons between treated and not-yet-treated or never-treated groups and estimates group-time average treatment effects on the treated ($ATT(g,t)$), which represent the average treatment effect at time t for the cohort first treated in time g. These cohort and time-specific effects can then be aggregated using relevant, user-chosen weights. Moreover, these effects are identified under the no anticipation and (unconditional or conditional) parallel trends assumptions.[44] In cases in which there are only 2 groups and 2 periods, it simplifies into the standard 2x2 difference-in-differences estimator. Clustered standard errors are calculated using a multiplier bootstrap and uniform confidence bands covering all of the group-time average treatment effects with fixed probability are computed.

[43] Some of the most prominent include Baker, Larcker and Wang (2022); Callaway and Sant'Anna (2021); Goodman-Bacon (2021); Sun and Abraham (2021). See Roth et al. (2022) for a good synthesis and practical recommendations.

[44] While anticipation periods can be accounted for, I assume no anticipation and code districts as treated from the time of the preparatory meeting, as long as they have reached phase 4 of the consultation process -the information sessions- by the time outcomes are measured.

7 Results

7.1 Turnout

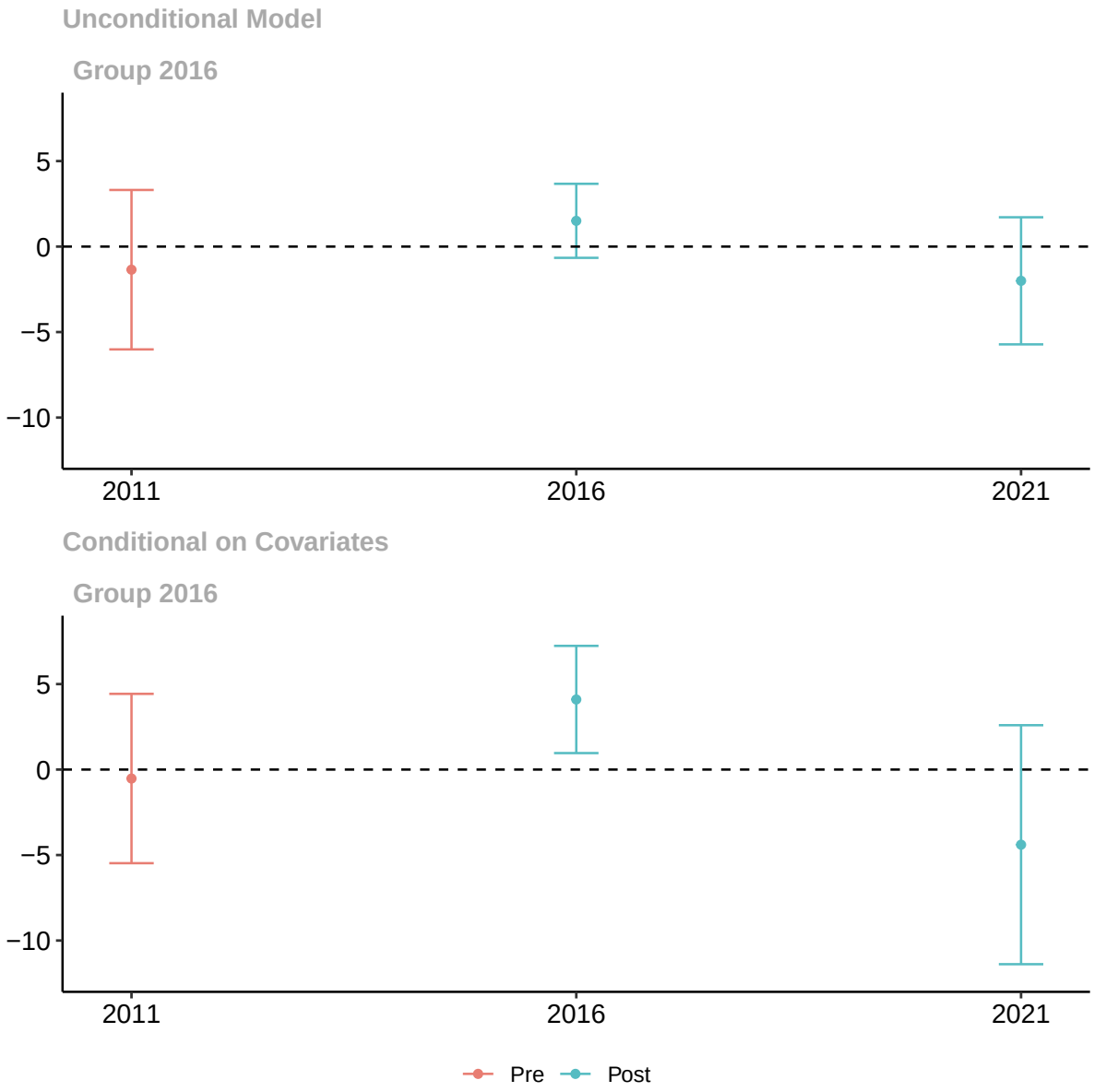
Figure 1 presents the results of analyses comparing the change in turnout rates in Amazonian districts with consultations and in those without consultations.[45] After dropping districts involved in other consultations, we are left with a balanced panel of 384 districts, 14 of which are treated, observed 4 times (2006, 2011, 2016, 2021). Treatment occurs between 2011 and 2016. Since we only have one cohort treated and three periods, there is no need to aggregate results and figure 1 reports the $ATT(g,t)$ for all periods.

In both the unconditional and conditional models, there is no effect in pre-treatment periods and a Wald pre-test of the parallel trends assumption is not significant. Moreover, the direction of results in both models is consistent: positive in the first period and negative in the second. Once we restrict the comparison to more similar districts (allowing the parallel trends assumption to hold conditional on covariates), estimates become larger and significant in the first period. These results suggest that consultations have an initial positive effect in the first two or three years after treatment. This is likely the positive effect of recognition predicted by theory. However, in the longer run the effect turns negative (though insignificant). This could result either from the effect of consultations degrading over time, or from IP realizing the state is not following through on the commitments that were adopted during the consultation. As has already been mentioned, this is a complaint often expressed by IP who feel that consultations have become a mere formality and that state representatives are not willing to establish a good faith dialogue.[46]

[45] See SI table 6 for regression table.

[46] For comparison, figure 8 presents results for the one block that does have extractive activity. Here, the effect of consultations is consistently negative and substantial: turnout is between 5 and 10 percentage points lower in both the 2016 and 2021 elections. However, it is hard to pinpoint the reason for these differing results. Negative effects may result, as was mentioned above, from the extractive activities that have taken place in these four districts. Moreover, these districts already had around 6 percentage points lower turnout in 2011 than the other treated districts, suggesting decades of oil extraction have further alienated people from the state. Finally, the stability of effects may result from the fact that

Figure 1: Effect of Consultations on Turnout



Note: These plots show dynamic district-level group-time average treatment effects for the group treated in 2016. Effects in the second model are conditional on the following pre-treatment covariates: municipal budget per capita (logged, 2012), district population (logged number of registered voters in 2011 presidential election), literacy (2007), share of district residents with native mother tongue (2007), district area, district mean altitud (masl). Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

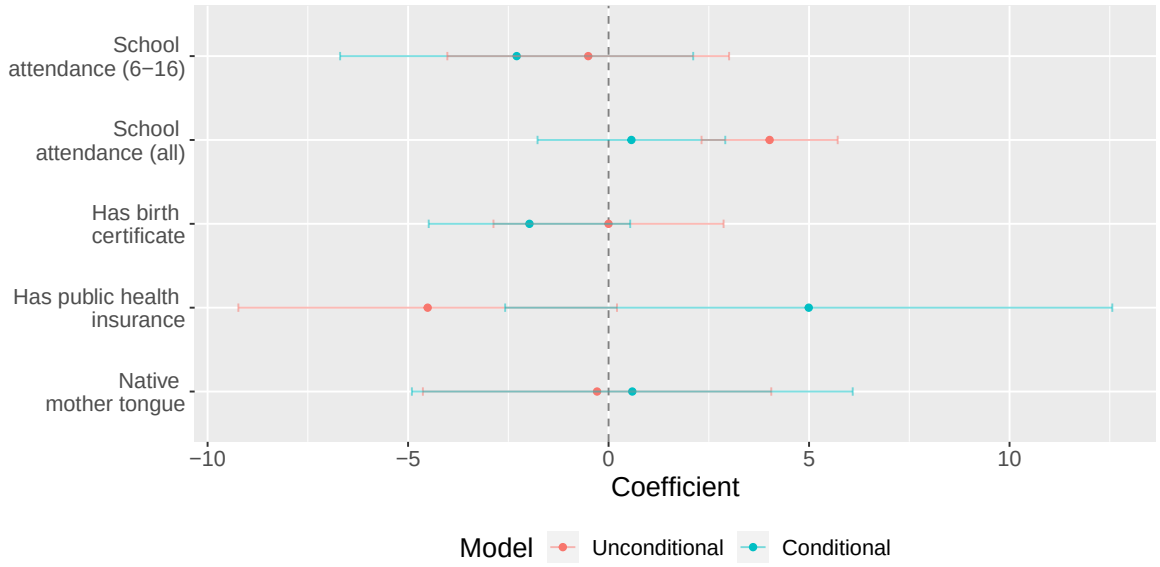
these districts experienced two consultations, one in 2015 and the other in 2019-2020.

7.2 Census Outcomes

Figure 2 presents the results of equivalent analyses for my census outcomes. Again, pre-treatment data lends credence to the parallel trends assumption (see figure 5 in the SI for dynamic effects using the school attendance variable).[47] As we can see in figure 2, consultations do not seem to have any observable effect on individual behaviors towards the state at the district level. There are several potential explanations for this. The first is that by the time the census is conducted in October 2017 initial positive effects (such as the ones observed on turnout in April 2016) have already faded. The second, potentially complementary, explanation is that these null district-level effects reflect competing effects among consulted and non-consulted communities within treated districts. A third possibility of course is that consultations in fact had no effect on the behaviors of individuals in treated districts at any time.

[47]Figure 2 includes effects on school-attendance for children in the age of mandatory schooling, which is theoretically what we are most interested in, but also for all of the district population over 3, as a reference for comparison with the community-level results.

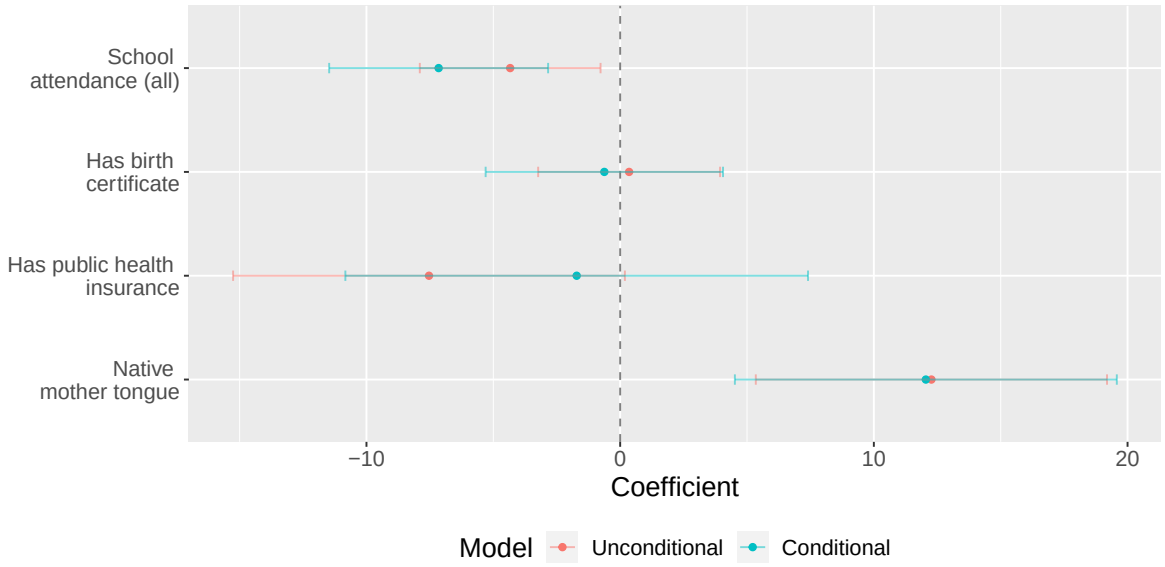
Figure 2: Effect of Consultations on District-Level Census Outcomes



Note: This plot shows district-level group-time average treatment effects for the group treated in 2017. Effects in the conditional model are conditional on the following pre-treatment covariates: share of district residents with native mother tongue (2007), municipal budget per capita (logged, 2012). Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

In order to probe the second possibility mentioned above, figure 3 replicates the analyses at the community level, comparing consulted native communities to native communities in other —not consulted— districts. It shows that consultations have a large positive effect on the share of community residents reporting a native mother tongue, suggesting they reinforce indigenous identity. On the other hand, they have a negative effect on school attendance. While this variable refers here to the whole population over 3 and not just school-aged children, we still take it as reflecting attitudes towards (mainly) public institutions as private ones are unlikely to exist near native communities. The negative effect on school attendance may reflect either a rejection of the state, or changes in peoples' behavior in the expectation of new job opportunities brought by extractive industries.

Figure 3: Effect of Consultations on Community-Level Census Outcomes



Note: This plot shows community-level group-time average treatment effects for the group treated in 2017. Effects in the conditional model use the following pre-treatment covariates: share of community residents with native mother tongue (2007), community altitude (masl), distance to district capital (minutes), distance to province capital (minutes), a dummy for location in the lowland jungle natural region, a categorical variable identifying different linguistic families, a categorical variable identifying different types of settlements, and a dummy for communities in situation of initial contact. Estimates are unweighted and clustered at the community level. Bars represent 95% uniform confidence intervals.

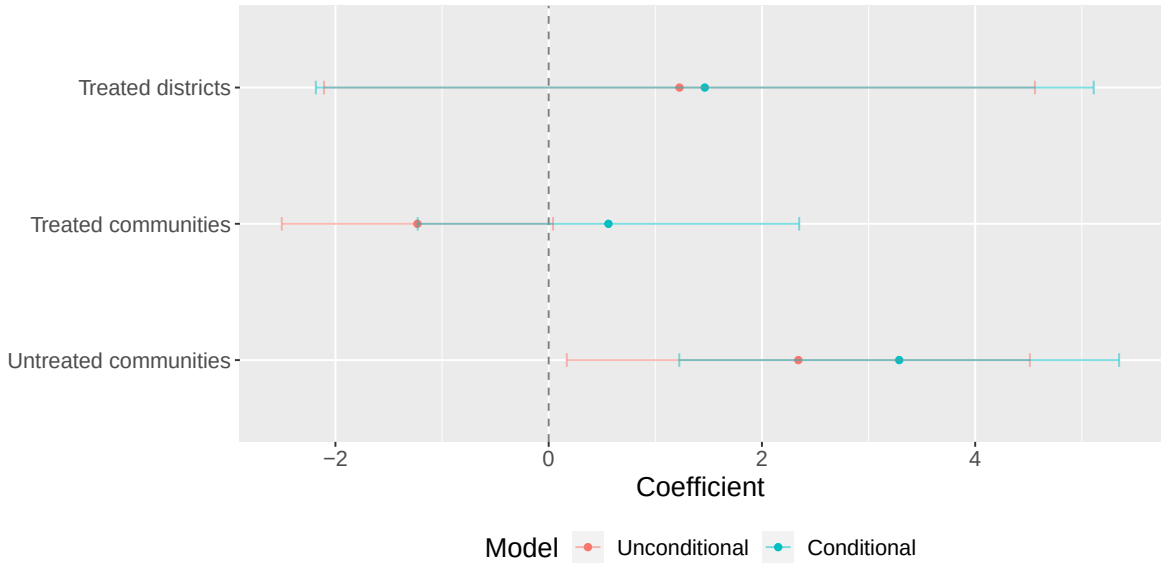
Figure 6 characterizes spillovers by measuring the effect of consultations on un-consulted native communities within consulted districts. Again, consultations are found to have a large (though slightly smaller) positive effect on indigenous identity, as captured by the share of community members reporting a native mother tongue. As in the case of treated communities, this is coupled with a negative effect on one of my measures of interaction with the state: it reduces the share of community members who report being enrolled in the public health insurance scheme by more than 10 percentage points. This result does seem to express a rejection of the state on the part of these communities, who may feel themselves mistreated by being excluded from consultations.

It is worth noting that while community-level results measure the effect of consultations on *native* communities (comparing consulted or un-consulted native communities in treated districts to native communities in other districts), district-level results measure

the effect of consultations on *all* district residents. Moreover, community-level results are estimated on a subsample of districts: those with native communities included in the Ministry of Culture's database that were enumerated in both the 2007 and 2017 census. Differences between district and community-level results may thus be driven by (1) differences in the sample of districts considered or (2) differences in the behavior of district residents who do not live in a native community. Figure 7 in the SI presents district-level analyses for the same sample of districts used in community-level analyses and again finds no effects. This indicates that differences between community and district level results are not driven by changes in the sample but rather that the behavior of district residents outside of native communities is responsible for driving coefficients towards 0.

As is often the case when using difference-in-differences with cross-sectional data, effects may reflect changes in the composition of treated and control groups. This would be the case, for example, if individuals with a certain profile (e.g., more proud of their native identity, or looking for jobs) were more likely to move to communities that experienced consultations. In order to assess this possibility, figure 4 presents the effect of consultations on the share of permanent district and community populations (those who reported they were already residing there 5 years prior to the census). They suggest that treated districts and treated communities did not experience larger population flows than control ones, making it unlikely the effects there are driven by changes in population composition. On the other hand, there is evidence of changes in composition in untreated communities within treated districts.

Figure 4: Effect of Consultations on Population Flows



Note: This plot shows district and community-level group-time average treatment effects for the group treated in 2017. The outcome variable is the share of residents that lived in the district/community 5 years prior to the census. Effects in the conditional models use the following pre-treatment covariates. For district-level results: same as figure 2. For treated communities: same as figure 3. For untreated communities: same as figure 6. Estimates are unweighted and clustered at the district or community level. Bars represent 95% uniform confidence intervals.

These results suggest consultations have had little positive impacts on IP's behaviors towards the state. While they did increase turnout in the short-term, this effect faded rather quickly (in one election cycle). Moreover, people in treated districts do not appear to have become more likely to engage with public institutions of education or health, nor to be more willing to become legible to the state. When it comes to communities in treated districts, the most sizeable effect is an increase in IP's tendency to report having a native mother tongue. Consultations' most important effect thus appears to be to strengthen indigenous identity, perhaps as a result of feeling ill-used by the state's representatives in the consultation process. This would be consistent with the reduction in school attendance and public health insurance as consulted and un-consulted communities, respectively, shy away from the state.

8 Alternative Explanations

A possible alternative explanation is that the initial positive results on turnout represent instrumental behavior: an increased willingness to engage with the state in the expectation of future benefits derived from oil investment. Subsequent negative effects would then be explained by these disappointed expectations as oil investments did not materialize. This explanation seems unlikely however, given that (contrary to what happens in many Andean areas), Amazon natives are in general opposed to extractive activities and what they typically demand of the state in dialogue sessions are (i) better provision of public services and (ii) protection from the negative externalities of extractivism. It is thus more likely that negative effects are driven by disappointment regarding expectations of higher public goods provision.

It is also possible that increased reporting of a native mother tongue is driven by the expectation of future benefits, having found that their indigenous status gives access to special rights (i.e., being consulted). In future versions I will include data from household surveys measuring attitudes towards the state (trust in institutions, evaluation of public officials, attitudes towards democracy) as a way of uncovering the underlying mechanisms. Moreover, I will also conduct fieldwork in treated communities to collect qualitative data that might help me better understand consultations' effects.

9 Discussion

As other countries in Latin America —and beyond— consider the enactment of their own prior consultation laws, it is crucial to take stock of the Peruvian experience to examine how consultations have impacted the relationship between indigenous peoples and the state, and why. Results presented here suggest ethnic recognition does have the potential to improve indigenous peoples' behaviors towards the state. In particular, it can increase political participation in the form of turnout. However, they also indicate that the Peruvian state's policy of prior consultations is a lost opportunity. While it did have a positive short-term effect, in the long run poor implementation and unwillingness

to follow through with commitments seem to have undermined the process.

These results challenge previous findings that (1) participatory processes improve state legitimacy and (2) ethnic recognition encourages compliance with the state. Thus, while McMurry argues that collective recognition "may provide an alternative strategy for consolidating state authority in diverse societies" (McMurry 2021, p. 2), this paper adds an important caveat: implementation is key. If recognition is implemented in a bureaucratic manner, and state representatives are not seen as responsive, consultations may further alienate indigenous peoples from the state.

References

Baker, Andrew C, David F Larcker and Charles CY Wang. 2022. "How much should we trust staggered difference-in-differences estimates?" *Journal of Financial Economics* 144(2):370–395.

Baldwin, Kate. 2019. "Elected MPs, traditional chiefs, and local public goods: Evidence on the role of leaders in co-production from rural Zambia." *Comparative Political Studies* 52(12):1925–1956.

Barron, Manuel. 2008. Gender and Ethnic Inequalities in Latin America: A Multidimensional Comparison of Bolivia, Guatemala and Peru. Technical Report CRISE Working Paper No.32 Centre for Research on Inequality, Human Security and Ethnicity.

Bloemraad, Irene. 2018. "Theorising the power of citizenship as claims-making." *Journal of Ethnic and Migration Studies* 44(1):4–26.

Callaway, Brantly and Pedro HC Sant'Anna. 2021. "Difference-in-differences with multiple time periods." *Journal of Econometrics* 225(2):200–230.

Callirgos, Juan Carlos. 2018. "Neoliberal discourses and ethnonormative regime in post-recognition Peru: redefining hierarchies and identities." *Cultural Studies* 32(3):477–496.

Carter, Christopher L. 2020. States of extraction: The emergence and effects of indigenous autonomy in the Americas PhD thesis University of California, Berkeley.

De la Cadena, Marisol. 2000. *Indigenous Mestizos: the politics of race and culture in Cuzco, Peru, 1919-1991.* Duke University Press.

Dell, Melissa. 2010. "The persistent effects of Peru's mining mita." *Econometrica* 78(6):1863–1903.

Devine, Tracy Lynne. 1999. "Indigenous identity and identification in Peru: Indigenismo, education and contradictions in state discourses." *Journal of Latin American Cultural Studies* 8(1):63–74.

Díaz-Cayeros, Alberto, Beatriz Magaloni and Alexander Ruiz-Euler. 2014. "Traditional governance, citizen engagement, and local public goods: evidence from Mexico." *World development* 53:80–93.

Díaz Polanco, Héctor. 1998. *Pueblos indígenas y estado en América Latina*. Editorial Abya Yala chapter La Autonomía, demanda central de los pueblos indígenas: significado e implicaciones, pp. 213–220.

Elkins, Zachary and John Sides. 2007. "Can institutions build unity in multiethnic states?" *American Political Science Review* 101(4):693–708.

Espinosa de Rivero, Oscar. 2009. "Salvajes opuestos al progreso?: aproximaciones históricas y antropológicas a las movilizaciones indígenas en la Amazonía peruana." *Anthropologica* 27:123–168.

Frey, Bruno S and Alois Stutzer. 2005. "Beyond outcomes: measuring procedural utility." *Oxford Economic Papers* 57(1):90–111.

García, María Elena. 2003. "The politics of community: education, indigenous rights, and ethnic mobilization in Peru." *Latin American Perspectives* 30(1):70–95.

García, María Elena. 2005. *Making indigenous citizens: identities, education, and multicultural development in Peru*. Stanford University Press.

Goodman-Bacon, Andrew. 2021. "Difference-in-differences with variation in treatment timing." *Journal of Econometrics* 225(2):254–277.

King, Elisabeth and Cyrus Samii. 2020. *Diversity, Violence, and Recognition: How recognizing ethnic identity promotes peace*. Oxford University Press.

Lijphart, Arend. 2012. *Patterns of democracy*. Yale university press.

Magaloni, Beatriz, Alberto Díaz-Cayeros and Alexander Ruiz Euler. 2019. "Public good provision and traditional governance in indigenous communities in Oaxaca, Mexico." *Comparative Political Studies* 52(12):1841–1880.

Mallon, Florencia E. 1995. *Peasant and nation: the making of postcolonial Mexico and Peru*. Univ of California Press.

Marshall, Thomas H. 1950. *Citizenship and Social Class and Other Essays*. Cambridge University Press.

McMurry, Nina. 2021. "From Recognition to Integration: Indigenous Autonomy, State Authority, and National Identity in the Philippines." *American Political Science Review* pp. 1–17.

Merino, Roger. 2018. "Re-politicizing participation or reframing environmental governance? Beyond indigenous' prior consultation and citizen participation." *World Development* 111:75–83.

Merino, Roger. 2020. "Rethinking Indigenous Politics: The Unnoticed Struggle for Self-Determination in Peru." *Bulletin of Latin American Research* 39(4):513–528.

Olken, Benjamin A. 2010. "Direct democracy and local public goods: Evidence from a field experiment in Indonesia." *American political science review* 104(2):243–267.

Paredes, Maritza. 2008. Weak indigenous politics in Peru. Technical Report CRISE Working Paper No.33 Centre for Research on Inequality, Human Security and Ethnicity.

Psacharopoulos, George and Harry A Patrinos. 1994. "Indigenous people and poverty in Latin America." *Finance & Development* 31(001).

Rénique, Gerardo. 2009. "Law of the jungle in Peru: Indigenous Amazonian uprising against neoliberalism." *Socialism and Democracy* 23(3):117–135.

Roth, Jonathan, Pedro HC Sant'Anna, Alyssa Bilinski and John Poe. 2022. "What's Trending in Difference-in-Differences? A Synthesis of the Recent Econometrics Literature." *arXiv preprint arXiv:2201.01194* .

Sanborn, Cynthia and Alvaro Paredes. 2015. Getting it Right? Challenges to Prior Consultation in Peru. Technical report Centre for Social Responsibility in Mining Sustainable Minerals Institute, The University of Queensland, Australia.

Schilling-Vacaflor, Almut and Riccarda Flemmer. 2015. "Conflict transformation through prior consultation? Lessons from Peru." *Journal of Latin American Studies* 47(4):811–839.

Sjaastad, Espen and Daniel W Bromley. 1997. "Indigenous land rights in Sub-Saharan Africa: Appropriation, security and investment demand." *World Development* 25(4):549–562.

Sun, Liyang and Sarah Abraham. 2021. "Estimating dynamic treatment effects in event studies with heterogeneous treatment effects." *Journal of Econometrics* 225(2):175–199.

Van Cott, Donna Lee. 2001. "Explaining ethnic autonomy regimes in Latin America." *Studies in Comparative International Development* 35(4):30–58.

Van Cott, Donna Lee. 2005. *From movements to parties in Latin America: The evolution of ethnic politics*. Cambridge University Press.

Van der Windt, Peter and Maarten Voors. 2020. "Traditional leaders and the 2014–2015 Ebola epidemic." *The Journal of Politics* 82(4):1607–1611.

Wright, Claire and Alexandra Tomaselli. 2020. *The Prior Consultation of Indigenous Peoples in Latin America: Inside the Implementation Gap*. Routledge.

Yashar, Deborah J. 1998. "Contesting citizenship: Indigenous movements and democracy in Latin America." *Comparative politics* pp. 23–42.

Yashar, Deborah J. 2005. *Contesting citizenship in Latin America: The rise of indigenous movements and the postliberal challenge*. Cambridge University Press.

A Supplementary Information

A.1 Balance Tables

Table 3: Balance Table for District-Level Analyses

	Control		Treated		
Variable	Mean	SD	Mean	SD	Difference
Birth certificates (2007)	98.599	(1.739)	94.199	(5.052)	-4.400***
ID (2007)	93.670	(3.891)	88.470	(7.367)	-5.200***
Uninsured (2007)	57.451	(15.701)	52.912	(10.663)	-4.540
Public health insurance (2007)	32.051	(18.213)	36.407	(14.326)	4.356
School attendance (6-16 years old, 2007)	88.275	(6.970)	80.410	(8.587)	-7.865***
Native mother tongue (2007)	2.511	(12.532)	30.482	(30.147)	27.970***
Municipal budget (pc, logged, 2012)	5.881	(0.503)	6.638	(0.745)	0.757***
Rural	51.575	(27.877)	62.109	(27.267)	10.535
Adult population (logged, 2011)	7.867	(1.136)	8.520	(1.062)	0.653**
Literacy rate (2007)	82.886	(6.448)	77.928	(10.807)	-4.959***
Occupied (2007)	3,282.003	(6,528.019)	5,777.714	(6,892.381)	2,495.712
Extreme poverty (2007)	22.071	(13.899)	25.849	(18.550)	3.778
Poverty (2007)	56.388	(17.621)	53.965	(22.126)	-2.423
District area	746.523	(1,945.425)	8,421.023	(5,343.443)	7,674.500***
District elevation	2,070.586	(1,351.152)	241.214	(75.241)	-1,829.371***
Observations	379		14		393

Note: Analyses using turnout as dependent variable have 9 fewer control observations. This is because some districts that were not yet created in 2006 are excluded from turnout analyses.

Table 4: Balance Table for Community-Level Analyses: Treated Communities

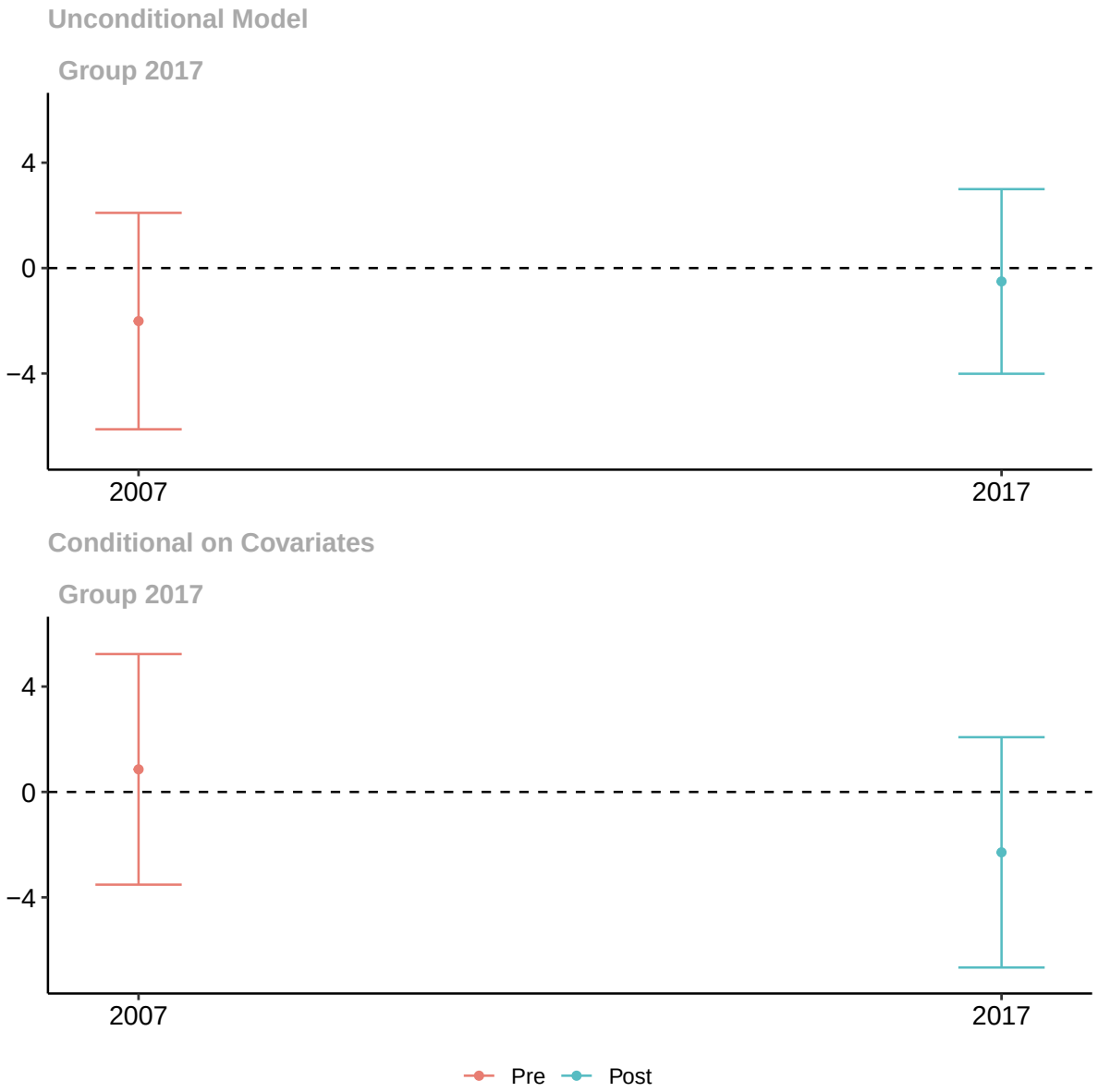
	Control		Treated		
Variable	Mean	SD	Mean	SD	Difference
Birth certificates (2007)	94.412	(6.361)	91.342	(10.285)	-3.070***
Public health insurance (2007)	45.439	(19.062)	53.527	(20.214)	8.087**
School attendance (2007)	33.934	(9.446)	39.656	(7.517)	5.722***
Native mother tongue (2007)	55.572	(44.279)	77.513	(24.154)	21.942***
Population (2007)	380.880	(512.368)	386.950	(469.432)	6.070
Urban	0.099	(0.299)	0.050	(0.221)	-0.049
Community elevation (masl)	449.044	(318.059)	248.300	(40.128)	-200.744***
Distance to district capital	186.058	(254.308)	262.988	(149.676)	76.930*
Distance to province capital	391.340	(523.360)	551.477	(477.555)	160.137*
Distance to region capital	1,044.482	(1,373.600)	1,236.218	(571.959)	191.737
Initial contact	0.006	(0.076)	0.050	(0.221)	0.044***
Ling1: Arawak peoples	0.280	(0.450)	0.750	(0.439)	0.470***
Ling6: Pano peoples	0.012	(0.108)	0.150	(0.362)	0.138***
Region1: Lowland jungle	0.603	(0.490)	1.000	(0.000)	0.397***
Region2: Highland jungle	0.388	(0.488)	0.000	(0.000)	-0.388***
Region3: Fluvial yunga	0.009	(0.093)	0.000	(0.000)	-0.009
Cat1: Annex	0.061	(0.240)	0.000	(0.000)	-0.061
Cat2: Hamlet	0.773	(0.420)	0.900	(0.304)	0.127*
Cat3: City	0.003	(0.054)	0.000	(0.000)	-0.003
Cat4: Other	0.120	(0.325)	0.075	(0.267)	-0.045
Cat5: Village	0.044	(0.205)	0.000	(0.000)	-0.044
Cat6: Small town	0.000	(0.000)	0.025	(0.158)	0.025***
Type1: District capital	0.023	(0.151)	0.025	(0.158)	0.002
Type2: Provincial capital	0.006	(0.076)	0.000	(0.000)	-0.006
Type3: Community	0.971	(0.168)	0.975	(0.158)	0.004
Observations	343		40		383

Table 5: Balance Table for Community-Level Analyses: Untreated Communities

	Control		Treated		
Variable	Mean	SD	Mean	SD	Diff
Birth certificates (2007)	94.412	(6.361)	89.033	(15.007)	-5.379***
Public health insurance (2007)	45.439	(19.062)	58.328	(20.386)	12.888***
School attendance (2007)	33.934	(9.446)	34.595	(13.307)	0.661
Native mother tongue (2007)	55.572	(44.279)	75.428	(34.289)	19.856***
Population (2007)	380.880	(512.368)	356.986	(238.166)	-23.895
Urban	0.099	(0.299)	0.028	(0.167)	-0.071*
Community elevation (masl)	449.044	(318.059)	472.042	(395.127)	22.999
Distance to district capital	186.058	(254.308)	322.064	(219.577)	136.006***
Distance to province capital	391.340	(523.360)	482.572	(292.255)	91.232
Distance to region capital	1,044.482	(1,373.600)	860.340	(441.571)	-184.142
Initial contact	0.006	(0.076)	0.014	(0.119)	0.008
Ling1: Arawak peoples	0.280	(0.450)	0.662	(0.476)	0.382***
Ling6: Pano peoples	0.012	(0.108)	0.282	(0.453)	0.270***
Region1: Lowland jungle	0.603	(0.490)	0.634	(0.485)	0.030
Region2: Highland jungle	0.388	(0.488)	0.366	(0.485)	-0.022
Region3: Fluvial yunga	0.009	(0.093)	0.000	(0.000)	-0.009
Cat1: Annex	0.061	(0.240)	0.000	(0.000)	-0.061**
Cat2: Hamlet	0.773	(0.420)	0.887	(0.318)	0.115**
Cat3: City	0.003	(0.054)	0.000	(0.000)	-0.003
Cat4: Other	0.120	(0.325)	0.085	(0.280)	-0.035
Cat5: Village	0.044	(0.205)	0.028	(0.167)	-0.016
Type1: District capital	0.023	(0.151)	0.014	(0.119)	-0.009
Type2: Provincial capital	0.006	(0.076)	0.000	(0.000)	-0.006
Type3: Community	0.971	(0.168)	0.986	(0.119)	0.015
Observations	343		71		414

A.2 Parallel Trends for District-Level School Attendance

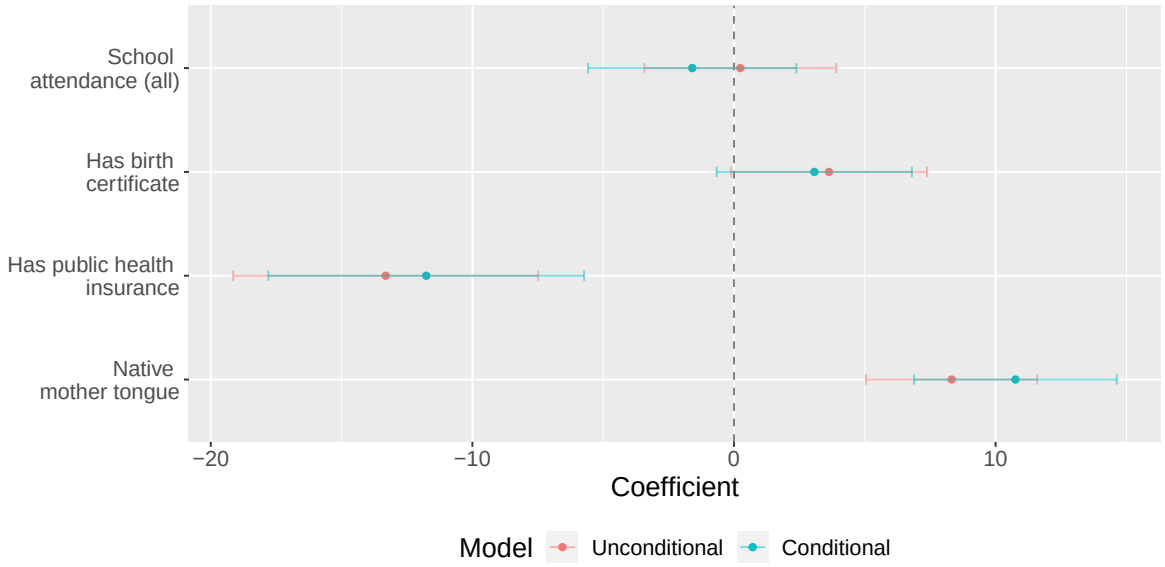
Figure 5: Effect of Consultations on School Attendance (6-16)



Note: These plots show dynamic district-level group-time average treatment effects for the group treated in 2017. Effects in the second model are conditional on the following pre-treatment covariates: share of district residents with native mother tongue (2007), municipal budget per capita (logged, 2012). Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

A.3 Spillovers on Untreated Communities in Treated Districts

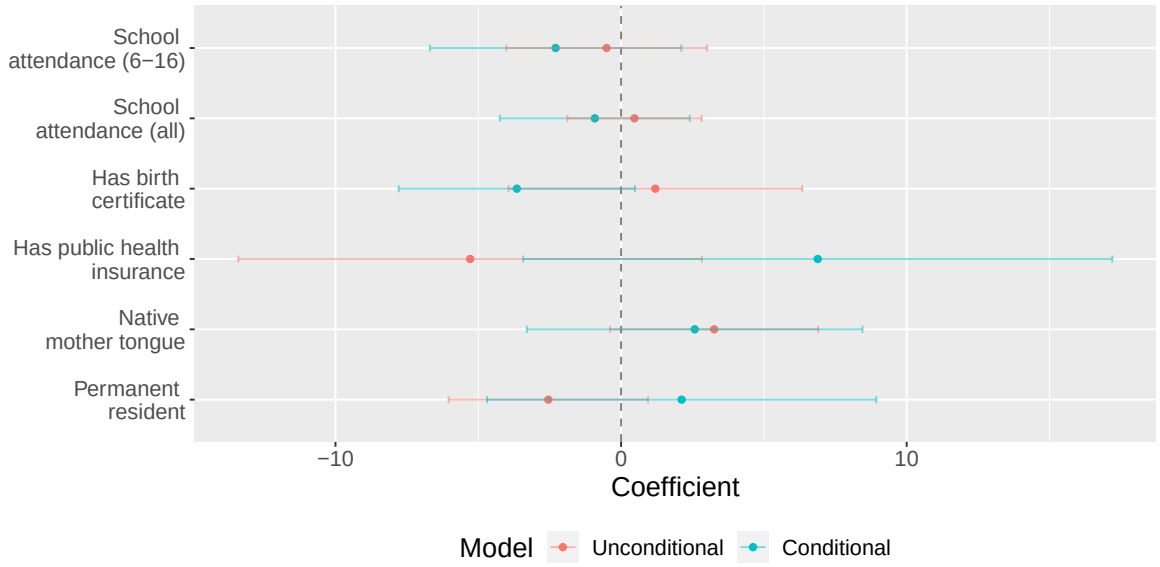
Figure 6: Effect of Consultations on Untreated Community-Level Census Outcomes



Note: This plot shows community-level group-time average treatment effects for the group treated in 2017. Effects in the conditional model use the following pre-treatment covariates: share of community residents with native mother tongue (2007), distance to district capital (minutes), a dummy for urban communities, a categorical variable identifying different linguistic families, and a categorical variable identifying different types of settlements. Estimates are unweighted and clustered at the community level. Bars represent 95% uniform confidence intervals.

A.4 Restricted District-Level Sample

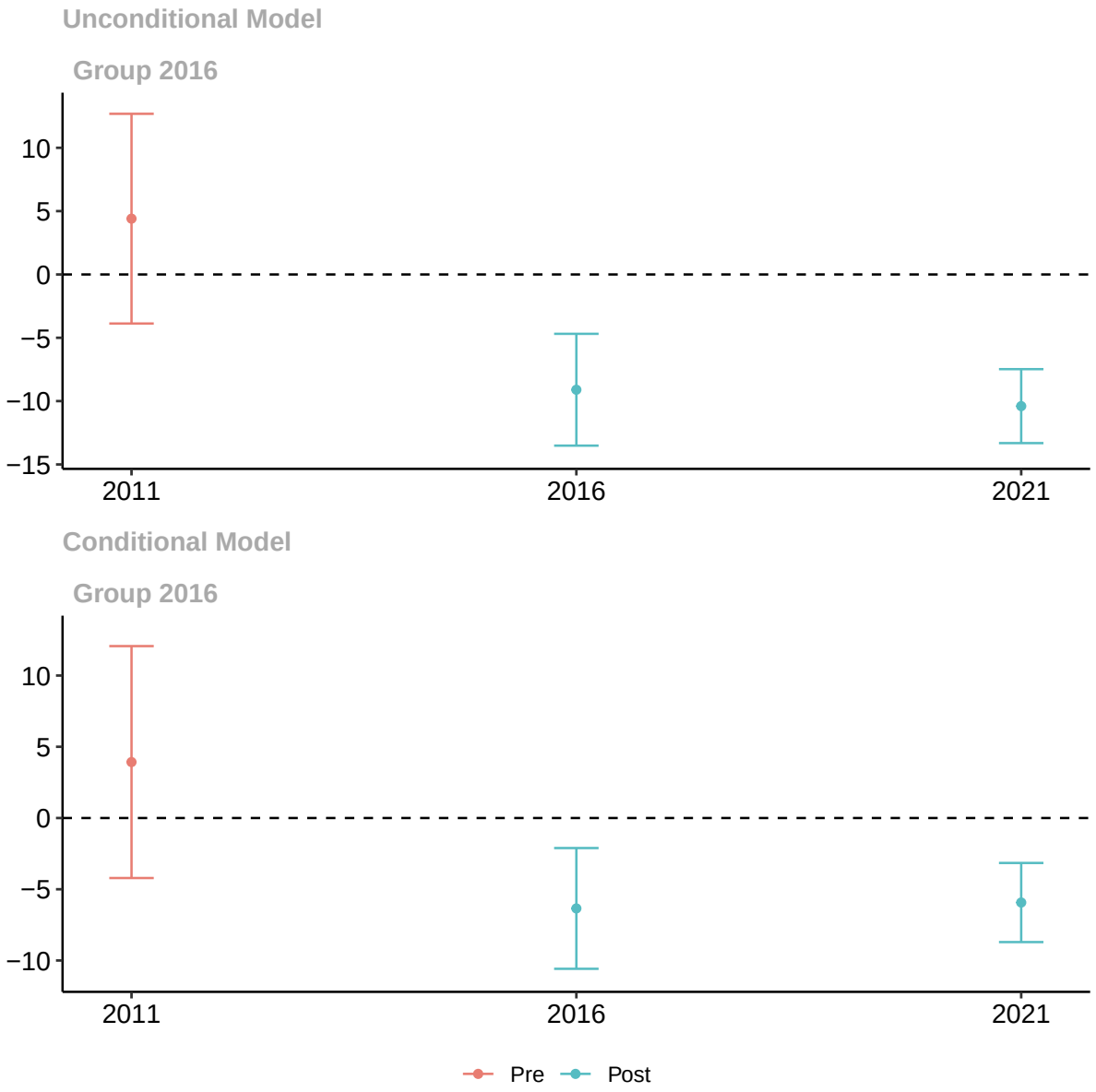
Figure 7: Effect of Consultations on District-Level Census Outcomes (Restricted Sample)



Note: This plot shows district-level group-time average treatment effects for the group treated in 2017. Effects in the conditional model are conditional on the following pre-treatment covariates: share of district residents with native mother tongue (2007), municipal budget per capita (logged, 2012), literacy rate (2007), district area. Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

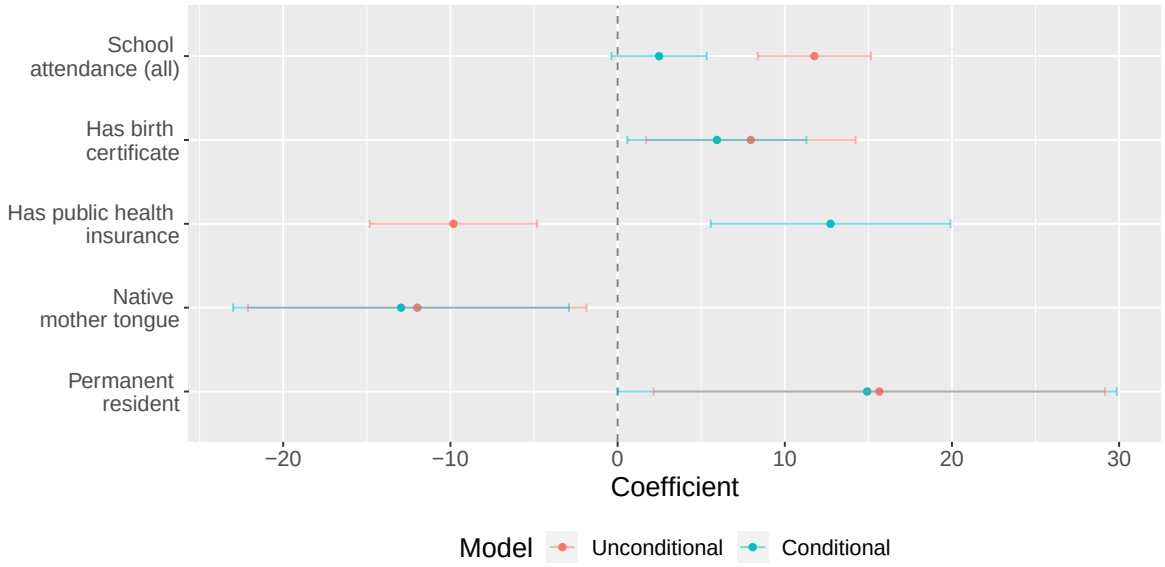
A.5 Results for Block 192

Figure 8: Effects on Turnout



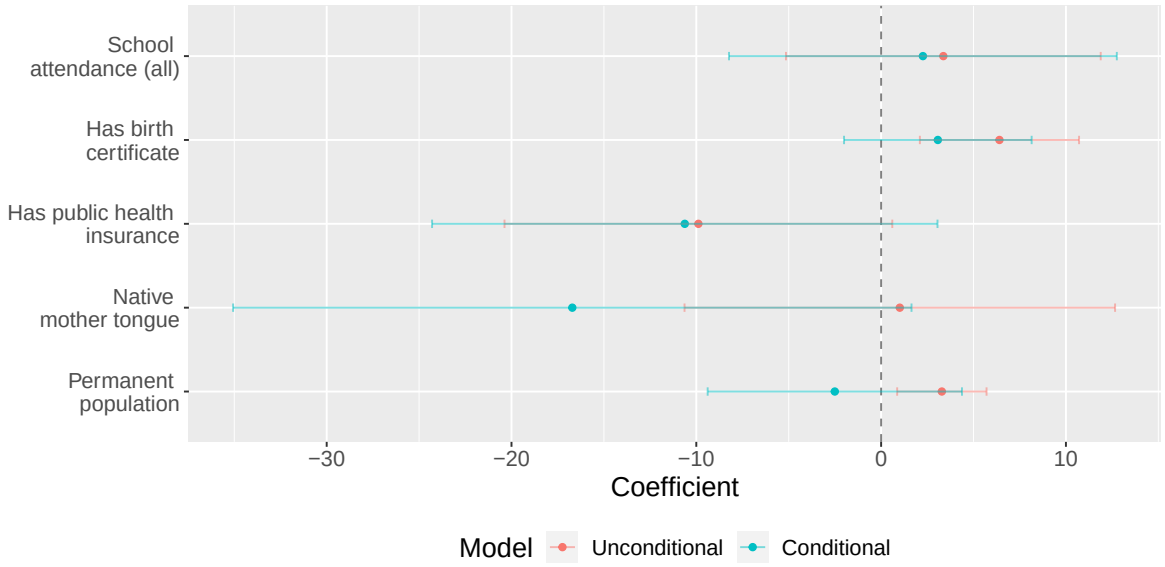
Note: These plots show dynamic district-level group-time average treatment effects for the group treated in 2016. Effects in the second model are conditional on the following pre-treatment covariates: literacy (2007), share of district residents with native mother tongue (2007), district poverty rate (2007). Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

Figure 9: Effects on District-Level Census Outcomes



Note: This plot shows district-level group-time average treatment effects for the group treated in 2016. Effects in the conditional model are conditional on the following pre-treatment covariates: literacy (2007), share of district residents with native mother tongue (2007), district poverty rate (2007), district area. Estimates are unweighted and clustered at the district level. Bars represent 95% uniform confidence intervals.

Figure 10: Effects on Community-Level Census Outcomes

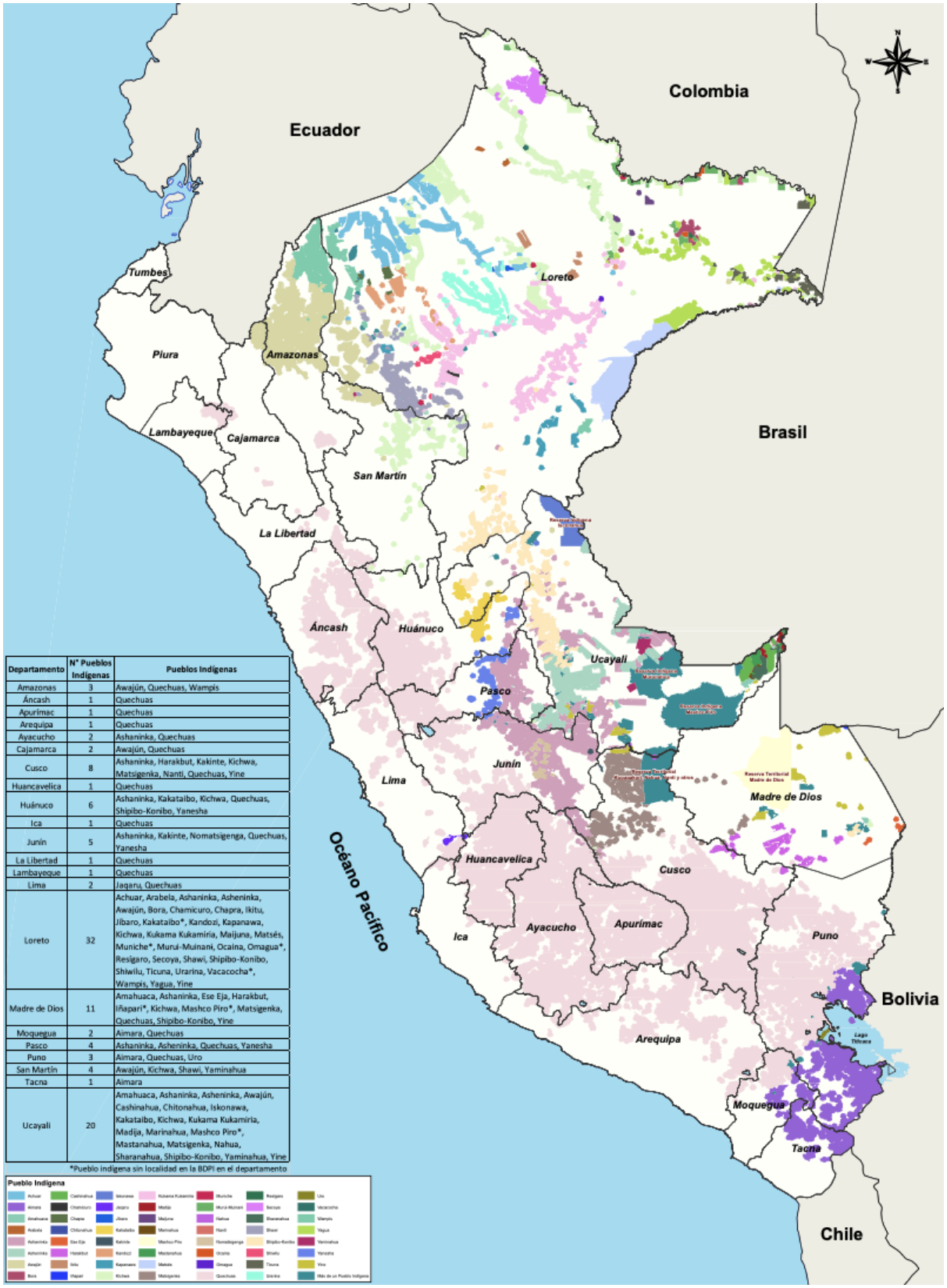


Note: This plot shows community-level group-time average treatment effects for the group treated in 2016. Effects in the conditional model are conditional on the following pre-treatment covariates: share of district residents with native mother tongue (2007), distance to province capital (in minutes), a dummy for location in the lowland jungle natural region, a dummy for settlement type hamlet, and a categorical variable identifying different linguistic families. Estimates are unweighted and clustered at the community level. Bars represent 95% uniform confidence intervals.

A.6 Indigenous Peoples in Peru

The map below was produced by the Peruvian Ministry of Culture, which as part of the implementation of prior consultations has created a working database of indigenous peoples in the country. In order to be considered as indigenous, a group must have: i) historical continuity since before the creation of the state, ii) a territorial connection to the region, iii) distinctive institutions and iv) a collective consciousness of possessing an indigenous identity. 55 indigenous peoples have so far been identified, 51 in the Amazon and 4 in the Andes.

Figure 11: Territorial Distribution of Indigenous Peoples, Peru



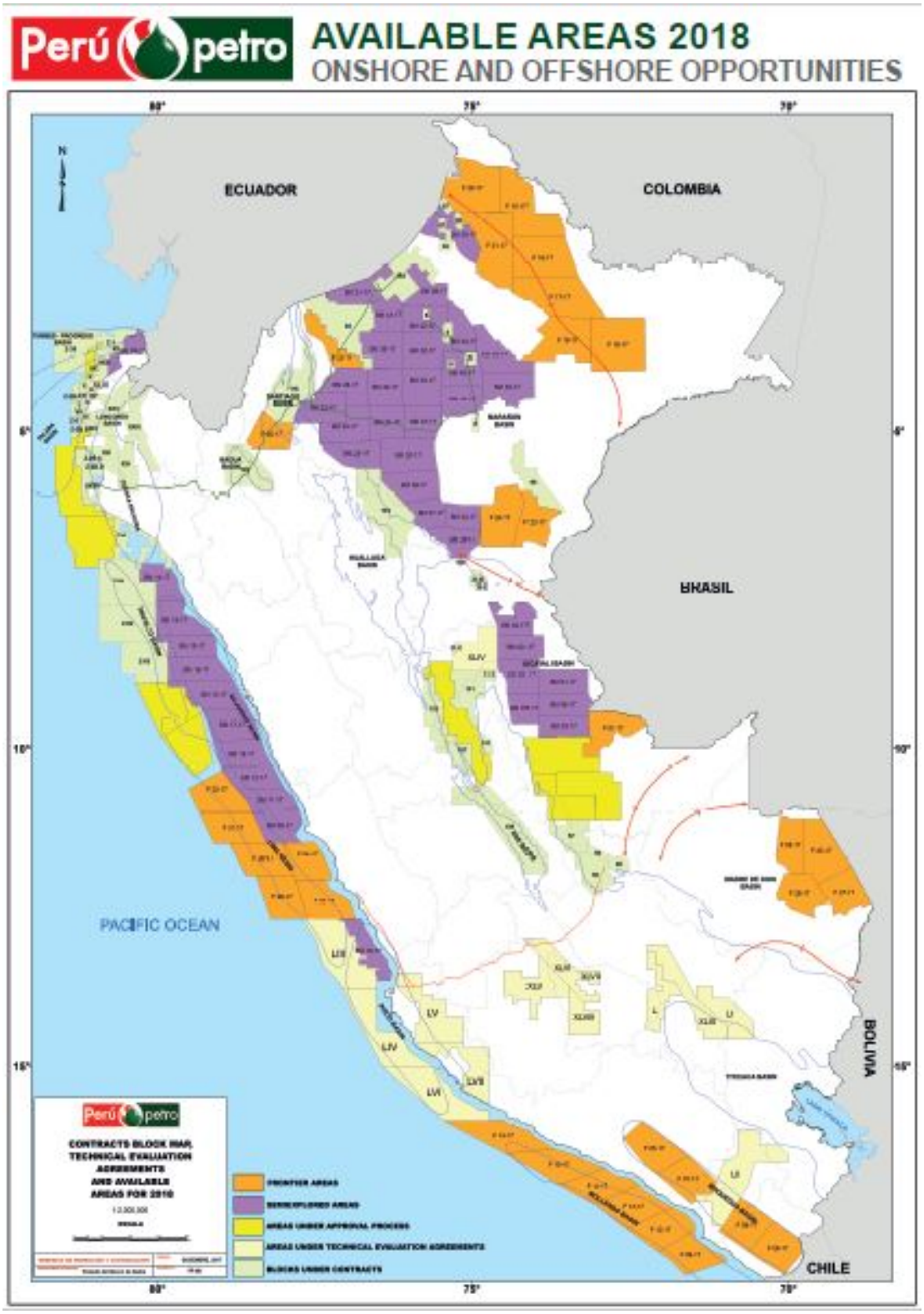
Departamento	N° Pueblos Indígenas	Pueblos Indígenas
Amazonas	3	Awajún, Quechuas, Wampis
Áncash	1	Quechuas
Apurímac	1	Quechuas
Arequipa	1	Quechuas
Ayacucho	2	Ashaninka, Quechuas
Cajamarca	2	Awajún, Quechuas
Cusco	8	Ashaninka, Harakbut, Kakinte, Kichwa, Matsigenka, Nanti, Quechuas, Yine
Huancavelica	1	Quechuas
Huánuco	6	Ashaninka, Kakataibo, Kichwa, Quechuas, Shipibo-Konibo, Yanesha
Ica	1	Quechuas
Junín	5	Ashaninka, Kakinte, Nomatsigenga, Quechuas, Yanesha
La Libertad	1	Quechuas
Lambayeque	1	Quechuas
Lima	2	Jaqaru, Quechuas
Loreto	32	Achuar, Arabela, Ashaninka, Asheninka, Awajún, Bora, Chamicuro, Chapra, Ikitu, Jíbaro, Kakataibo*, Kandozi, Kapanawa, Kichwa, Kukama Kukamiria, Maijuna, Matsés, Muniche*, Murui-Muinani, Ocaina, Omagua*, Resigaro, Secoya, Shawi, Shipibo-Konibo, Shiwilu, Ticuna, Urarina, Vacacocha*, Wampis, Yagua, Yine
Madre de Dios	11	Amahuaca, Ashaninka, Ese Eja, Harakbut, Iñapari*, Kichwa, Mashco Piro*, Matsigenka, Quechuas, Shipibo-Konibo, Yine
Moquegua	2	Aimara, Quechuas
Pasco	4	Ashaninka, Asheninka, Quechuas, Yanesha
Puno	3	Aimara, Quechuas, Uro
San Martín	4	Awajún, Kichwa, Shawi, Yaminahua
Tacna	1	Aimara
Ucayali	20	Amahuaca, Ashaninka, Asheninka, Awajún, Cashinahua, Chitonahua, Iskonawa, Kakataibo, Kichwa, Kukama Kukamiria, Madija, Marinahua, Mashco Piro*, Mastanahua, Matsigenka, Nahua, Sharanahua, Shipibo-Konibo, Yaminahua, Yine

*Pueblo indígena sin localidad en la BDPI en el departamento

Source: Ministry of Culture, Peru.

A.7 Map of Oil Blocks

Figure 12: Oil Blocks for Lease, Peru



Source: Petroperu.

A.8 Regression Tables

Table 6: Group-time Average Effects of Consultation on Turnout

		Unconditional	Conditional
Group	Time	ATT(g,t)	ATT(g,t)
2016	2011	-0.702	2.709
		[2.687]	[2.794]
		(-5.631 4.227)	(-3.022 8.441)
2016	2016	1.837	4.412*
		[1.213]	[1.460]
		(-0.389 4.063)	(1.416 7.407)
2016	2021	-2.162	-9.107*
		[2.007]	[3.581]
		(-5.845 1.522)	(-16.454 -1.761)
Observations		382	382
Control group		Never treated	Never treated
Anticipation periods		0	0
Estimation Method		Doubly robust	Doubly robust
P-value pre-test parallel trends assumption		0.735	0.293

NOTES. Bootstrapped-based standard errors clustered at the district level are reported in brackets. 95% simultaneous confidence bands reported in parentheses. Effects in the second model are conditional on the following pre-treatment covariates: share of district residents with native mother tongue (2007), share of district population in extreme poverty (2013), municipal budget per capita (logged, 2012), district area).

Significance codes: * confidence band does not cover 0.