The Water is MINE!
Negotiation and Resistance between Andean communities and the MINE

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ABSTRACT

Never in its history has the country of Peru seen higher numbers of social protests and civil unrest. The main reason is the alarming number of mining companies entering the territories of peasant and indigenous communities accumulating the local natural resources and dispossessing communards of what has historically been theirs. These companies are granted concessions (to sub-soil and needed water sources) by the neoliberal Peruvian government and have infiltrated virtually all headwaters of Andean rivers, treating communal territories as if these were empty spaces. As a result, local communities are forced to interact in pro and anti-mining discourses and strive to adapt (negotiation) or oppose (resistance) the mining project. This study analyzes the responses of communities in two cases where mining companies entered. In the district of Yauri (Cusco) peasant communards are striking deals with the Xstrata mine, while in the district of Laramarca (Huancavelica) communards decide to oppose the Buenaventura mine and are warned with vision of severe penalties, not to strike deals with the company. In an attempt to explain why peasants choose to negotiate or resist this research further draws on theories of natural resource valorization and accumulation. It holds these in light of several conditions that have been carefully studied and contextualized, such as the history, geography and organizational aspects of the communities. Recent formations of supra-community networks established with the cities where peasant migrants live was found to be crucial in dealing with discourses beyond the local domain.

Keywords: mining, valorization, natural resources, accumulation, Peru, resistance, negotiation
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1. **INTRODUCTION**

1.1 **TWO CASE STUDIES OF MINING IN THE ANDES OF PERU**

Towards the end of 2008 I returned to Peru, to the Region of Cusco, to carry out an investigation about the social impacts of a mining company and the functioning of its dialogue table. The main focus would be given to the analysis of peasant responses to adapt (or resist) to the presence of mining companies. It is during this first stage in Cusco, and after witnessing the dramatic level of dependence in which peasants were immersed, when I saw the urgency of including processes of open resistance in the investigation.

In this way, I want to introduce the reader to the two case studies that are the core of the present research. Laramarca, a community that has fiercely opposed the entrance of a gold mining company can illustrate the other side of the coin - from what I experienced in Cusco. It can also portray what is left for a community of peasants that choose to oppose the mining project in a country, where the government heavily promotes neoliberal policies to ensure economic development through mining and agro industries.

Both case studies will help in reaching a more thorough understanding of the processes of negotiation and resistance in the Andes of Peru while contextualizing the strategies and actions of indigenous peasants regarding natural resources in this struggle. I will hopefully make clear that in Peru negotiation and resistance are not necessarily opposite processes but are processes that in certain scenarios may complement each other.

As a final remark I would like to reflect on the terminology used for this study. The term peasant community is a translation of “comunidad campesina”; a term given by the government of President Velasco Alvarado after the Agrarian Reform in 1969 to stress class differentiation over ethnicities in rural Peru. In this report, I will use instinctively the terms “peasants” and “communards” mainly because that would be the translation of how people called themselves in the field. I think these two terms reflect well what it is at the core of their claims and discourses in front of the presence of the mining industries; mainly because these people are still linked with agriculture or livestock herding (despite having other sources of income), and because the sense of community it is profoundly linked with their collective rights that are now in competence with the neoliberal market.

1.2 **THE MINING CONTEXT IN PERU**

Peru faces an eminent socio-political problem in the last years. The increasing number of land concessions given by the central government to mining companies reached 19 millions of hectares by 2009. This transfer of resources was done without the consent of the indigenous peasant communities that live in this territory. Also the changes in legislation as the Peruvian population has recently experienced in the enactment of the new Water Law and the decrees
adopted that led to this new law, have purposely favored the mining industry over the local users of the Andes.

The consequences are now being acknowledged by everyone as these changes in legislation and the position of the state to support the entry of mining companies in Andean territories have urged people in the Andes to mobilize towards or against the mine and, in many cases rely on the “good faith” of national and international NGOs. The number of conflicts related to mining activities has never been so large in the history of Peru. A national report issued by the Peruvian Ombudsman revealed that by the end of 2009, 106 socio-environmental conflicts were in an active state. From this number, the conflicts resulting from mining activity amounted to 65%, in comparison to hydrocarbons (12%) or solid waste and drainage (9%). The main causes of the conflicts as explained by the report were a) fear of the communities to environmental damages, b) the (alleged) contamination itself; and c) the lack of commitment from the part of the industry (Peruvian Ombudsman, Socio Environmental Conflicts 2009). Although these indicators can be considered a point of departure for an analysis of natural resources conflicts, it is important to dig in more into the dynamics of negotiation and resistance that intensify these types of conflicts. What is certain is that all conflicts happen in economically poor or extreme poor and thus vulnerable zones, follow their own dialectics and in some cases represent political time-bombs. For instance, the violence experienced recently in the Peruvian Selva (jungle) in an oil rich area called Bagua, led to injuries and death of political leaders as well as policemen. This is a vivid example of the magnitude of socio-environment problems and an example of what can happen in the mining sector. In this particular case the implementation of a state regulation regarding the Selva was intended to give “big bio-fuels companies” free access to Amazonian native land and was the origin of the riot (La República, 2009). The regulation (a set of 10 new decrees granted in the framework of the free trade agreement with the US) has been called by national activists the “law of the jungle” as it depicts the unbalanced power between the state and market on one hand, and indigenous communities on the other.

For the last years two actors have influenced the power relations on the rural scene of Andean communities: the mining companies and local municipalities, together they have great impact on local livelihoods and the means to sustain them. This research is about the actions of community actors in two municipalities (districts) where mining is present either for ages or is on the threshold of entering.

The first case study takes place in Yauri, one of the districts (and actually the capital) of the province of Espinar (Cusco). Here mining is present since the eighties when local peasants lost their land through government expropriation. Later negotiations with the mining company resulted in a dialogue table facilitated by a national NGO with international funds. Before the entering of the mine the livelihoods of many in Yauri consisted of hard pastoral life on lands with a minimal resource base. Over the years pastoralism became increasingly more difficult because of mining influence and many have over the time both migrated out of pastoralism.

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1 La Republica (2009) Principal, Bagua: La Curva del Diablo se convirtió en un Infiero (05.06.2009)
and settled in the province capital, or even in further away towns, leaving their land and water deserted.

In the second case study, the district of Laramarca, province of Huaytara (Huancavelica) mining wants to enter for ten years and has actually succeeded to enter the neighboring communities of Laramarca, for the same period of time. This community has good agriculture and pastoral opportunities and while people migrate to the coastal town of Ica to find labor opportunities in agro-export they are able and willing to travel back the twelve hours to reap the benefits of their land and water in Laramarca.

In 2009, community members of Yauri are striking deals with the mining company while in Laramarca community members are warned they will face a Tupac Amaru\(^2\) when they strike deals with the company. This report will analyze the context of both and try to explain why peasants from Yauri negotiate and give up their land and water that belong to them for ages and why peasants from Laramarca still defend theirs.

To some extent it is possible to say that the country is harvesting what it has imposed since the beginning of the 90’s: the effect of neo liberal reforms. It is, however, paradoxical that although the number of conflicts and the violence generated by these reforms are increasing, the dominant discourse is still very strong and continues to misrecognize the autonomy of Andean communities and constantly deny the cultural and spiritual value of the resources taken. Alan Garcia’s political philosophy on the “Dog of the Market Garden” applied to the Peruvian reality reflects this idea. “People in extreme poverty should lease or trade their land and hillsides because what is unproductive for them might be productive for others with high investment and knowledge. In the case of mining, the question should not be raised as to whether mining technologies damage the environment because, he says, new mines can live next to cities without problems; the case is how strict the state has to be regarding technology demands and financial and employment benefit” (El Comercio Peru, 2009)

As the Dog in the Market Garden, who begrudges others what are not enjoying themselves, the Andean peasant should according to Garcia be able to adapt and be thankful for the entrance of the new industry, for it represents a new economic opportunity for them, and shares the utilitarian moral reasoning that the rest of the nation can benefit through mining revenues. However, it is not mentioned what the price is of these changes and who has to pay for it. What is certain is that mining has a huge impact on the social, cultural and ecological aspects of local livelihoods. Moreover the position of the Andean peasant is weaker in front of the mine and the central government because of unbalanced power relations produced by the state/neoliberal hegemony. These peasants on the other hand might weigh their options while defining strategies (and contemplating their actions) which can range from mobilization, possible revalorization of their land and water and discourse shopping.

The following section presents an opening story based on real figures of the first case study where the mining company is already established almost for thirty years. This exercise will

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\(^2\) Tupac Amaru was a leader of an indigenous uprising in 1780, who was tortured and beheaded. Preceding his own beheading, Túpac Amaru II had his tongue cut out and his limbs tied to four horses.
help to contextualize the transformation of meanings and values of natural resources prompted by the imposition of new dominant discourses.

1.3 THE JANUS FACE: JUANA CUTI MEETS JANUS

Juana Cuti is a middle age peasant who as teenager learned how to take care of the herd and cultivate potato, quinua and canihua, products which fit to the extreme climate of the zone and are necessary to survive. She probably saw her future repeating these activities as her mother did. The attachment with the land and water was strong and symbolized a spiritual sense of their connection to water and land, captured in rituals and celebrations to please and pray for abundant water and prosperous pastures.

Some years later the mine entered Juana Cutis life when she was already a mother and a registered community member. The mine offered development, tap water, roads, electricity but foremost they offered her and her husband the possibility to work. However, all the benefits had a flip side, the work created dependency as it was sporadic and not stable, the roads were mainly used by the mining trucks and even the tap water service was controlled by the company itself. The change was overwhelming and it implied that community members had to negotiate their terms of benefits versus the mine; however the recognition and compensation came as mentioned in economic goods and occasional jobs.

After many years of mining Juana Cuti lives now in the rural town of Yauri and, as many other men and women of the communities, has land and attends community meetings which holds her to the community benefits and obligations. With the passing of the years and due to labor uncertainty her husband, Juan Cuti, together with other community members created a small business of construction mainly aimed to offer services to the mine. She would start preparing food to sell to the miner workers in stands next to the town square, and with the money made (in-directly) from the mine they would manage to send their daughter to study in another city.

Our Janus Cuti (Juan Cuti) has two faces; he is a member of an organization which is officially meant to work as a local NGO against mining injustices. If some of the water of a certain river or stream gets polluted and he is about to take action, the mining company would offer him work and buy his silence for some period of time. Juan knew the catch behind this offer, but still decided to take it; after all he had more children than just one daughter. In the town many rituals and festivities are paid for and headed by the mining company. Its presence means also a lively Sunday market and influx of “foreign” goods that his younger children wanted. He started to value it as well; a cell phone and toy trucks for his children.

Juana and Juan Cuti can be virtually any actor in the Andean communities that are part of the mining scene. After twenty years of mining activity, submerged in dominant discourses and without proper rights and access to land and water or proper voice and recognition, her (or

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1Juana and Juan Cuti are fictitious names based on real figures of Espinar.
his) attachment to the environment will be destroyed or replaced. Cuti can for instance also be a mother of a mining worker who is member of a local environmental commission and who knows that by denouncing the mine her son’s job will be automatically at risk. Placed into pro and anti mining discourses Cuti might resemble a Janus-faced figure, facing two opposite directions but who still is the same person trying to survive.

1.4 PROBLEM STATEMENT AND OBJECTIVE

For many years in Yauri as well as in many other districts in the Peruvian Andes mining companies have not encountered major problems in entering local/communal territories and ignoring indigenous traditions and cultural relations to their environment. What makes the case of Yauri a particular case is the setting of a dialogue table which was celebrated by many as a successful example of corporate-community relations, product of a local-global advocacy network. In this case, it is not the state (the seller of indigenous natural resources) that helps Andean peasant communities to negotiate with the mining company about devastating socio–environmental problems, but a national NGO, helped by international funds. On the other hand and in the same Andean region, Laramarca, another community experiences the recent explosion of mining in the zone and faces the possible entering of the mining company. Their response, an emphatic: *No a la minería!* Why is that?

What I hope will be clear is that the presence of mining in a community alters not only the social and environmental conditions of the place, but also has a devastating effect on people’s culture and thus their relation to the environment and their social web. Often the mine accumulates local resources and does not properly respect local culture or local representation. In fact, the mine uses a set of strategies that force their discourse on the communards. Many of the benefits that mining companies offer are themselves Janus-faced, serve to incorporate locals into their system and disfigure local resistance.

In the last years several pieces of legislation and mechanisms of control that allow the mine to get access to indigenous peasants water and land have been adopted and imposed by the central government. This process of accumulation has been justified with the dominant discourse of development and national economic flourishing, but who benefits from this flow of capital are certainly not the very poor and even less, the environment. The presence of mining in Andean territories has brought as well new local actors such as NGOs and civil organizations, and has empowered local and regional government through the distribution of mining revenues with the motto: more mining, more capital. Under this logic, it can occur that some local and regional leaders in charge of politics prefer to negotiate the entrance of the mine behind the backs of the communities as in Yauri, or as in the case of Laramarca (and others in Peru: Secclla (Huancavelica), Islay (Arequipa) decide to support the community and oppose the mining project.

The objective of this research is to describe and analyze the responses, mobilizations and actions of communards of two districts in the Peruvian Andes – one where mining has a longstanding presence and one where mining is attempting to enter. *This in order to better*
understand the impact of different valorization and questionable consideration of local users and their customs and resources, as well as the impact of a present dominant discourse from outside. With this I hope to shed light on the mechanisms of how peasants deal with the mining company, (by adapting and resisting) as well as multiple contradictions that represents the entrance of a mining company in the Andean highlands. Furthermore and more importantly, while I wish to stress that no set of mechanisms can actually guarantee successful resistance (as it is ultimately up to the choice of the district, the community or the communards themselves), I hope to indicate that where some mechanisms are in place such as organizational and networking skills, sustainability of local culture and natural resources have a better chance to survive.

1.5 OUTLINE
From the problem presented above the make-up of a theoretical framework unfolds: valorization and accumulation of resources; local strategies and recognition; discourses, power and gender. An explanation of the theoretical framework will be given in chapter two. In chapter three the main research question is presented followed by the methodology and strategies used to answer them. Chapter four is meant to explain to the reader the political context of Peruvian mining regulation as well as present a brief historical account of the main water and land legislation related to the mining industry in Peru. Also CONACAMI, a national anti-mining citizen group, and its philosophy of Buen Vivir, meaning the “Good Life”, will be shortly explained as a national grassroots indigenous response.

In chapter five and six the empirical data of the two case studies are presented. Each chapter follows a similar outline and opens with “the road taken”, a section aiming to contextualize the reader in the Andean scene from before the mining companies entered the life of the communities. The next section presents the uses and values of natural resources in the communities, explained from the perspectives of different actors. What follows is an account of some of the social and environmental impacts that have caused the changes in perception and use of these resources. As a response to this, in the next (fourth) section, the current strategies of peasants for and against negotiation will help to understand the formal and informal actions that make these communities to counteract the mining companies. More interestingly, it shows how peasants appear to increase or decrease their socio cultural values linked to land and water resources depending on the strategy to resist or negotiate. Each of the two chapters offers in the last section “the road ahead”, a glimpse into a possible future for both cases.
2 THEORETICAL FRAMEWORK

2.1 VALORIZATION AND ACCUMULATION OF NATURAL RESOURCES

In dominant discourses of land and water management, these resources are considered first and foremost for their economic value, as an example and similarly to the commercialization of land property worldwide, one of the most important declarations of the last decades with respect to water management, the Dublin principles in 1992, recognized water primarily as an economic good. This one-sided vision of the water resource has caused a rise of the water markets.

However, the value of these resources extends beyond the economic domain and the evidences are shown all around us. For Andean communities (as for many others) the use of resources such as water and land (but also forest) has other (non-economic) important values. Boelens (2006) suggests that the valorization of water goes beyond an economic side and is influenced by local and supra-local power structures, rights and obligations of the community in general, familiar and gender relations, forms of organizations historically structured and the different visions of water, rituals and beliefs (Boelens, 2006:28). He has distinguished several domains of water valorization that add more to the political economic characteristic also present in Andean ontology. Below I have selected three of the domains relevant for the analysis of this study and at the same time consider the implications of different valorizations for land use in Andean communities:

The social legal domain: The social and legal domain, according to Boelens, takes into account the different conceptions of water rights, such as local conceptions versus state-defined rights; different privileges and obligations; and norms and rules to maintain the water rights (2006:31). In this sense, the value of water is strongly linked with the security (of the users) and the nature of possession (tenure) that — according to local rules and rights — guarantee the multiple uses of water in a local community (now and in the future).

The organizational domain: In this domain, the value attached to water has to do with the capacity of a community to plan, organize and supervise the distribution of water and the operation and maintenance of its infrastructure. Secondly, organizational values attached to water are mirrored in the mobilization of resources, the decision-making and conflict management around the administration of water (2006:31).

The cultural and metaphysical domain: In many communities, water distribution is entrenched in local institutions and networks that have been historically formed and are represented through human and supernatural actors. Water, rules and rights, and organizational aspects are reflected in the customs, symbols and traditions of a community. Furthermore, the supernatural, in this case, has a determined level of influence and control over water, in the sense that they legitimize a human action or established authority (2006:32).

5 The domains that Boelens describes are: The social—legal domain, the cultural—metaphysical domain, the technical, biophysical and ecological domain, the organizational domain and the political—economical domain.
The classification of values attributed to water and land differ according to different actors, persons or entities. These values and different interests are linked to actors (whether it is a woman peasant, a hacendado or researcher) at a certain moment, in a certain context (Boelens, 2006:36). Hence, power relations play an important role in this categorization: since some (group of) people are better situated than others to secure access to water, to control water resources, and to determine water discourses” (Roth, Zwarteveen and Boelens: 2005) and a kind of similar line of reasoning can be held for land property and access to it.

In the case of the mining industry, water is mainly needed for extraction and on-site processing of minerals; thus the function of water remains mainly in the productive-economic domain. In this logic, it is possible to understand that the costs of damaging the environment (contamination) is mainly analyzed and considered in its economic-productive sphere, as an example: “environmental liabilities” known as “the polluter pays principle” does not involve the compensation of damages in the social aspect of the contamination. Another example can be drawn from the case of Yauri where land compensation happened 10 years after the land expropriation happened, and certainly the new land had another meaning for peasants who did not want to use it for agriculture at this stage (but I will come back to this in chapter five).

This study proposes that the implications of this dominant discourse imposed by the mining regime and the state likely influences the way peasants, women and men, look at natural resources, reconstruct identities and change the way they value water and land in these different domains.

**Accumulation by Dispossession**

Water and land struggles today are often products of global processes of neo liberal reforms. Harvey (2003) interprets some of the characteristics of neo liberalism as processes of accumulation by dispossession where privatization has made people loose communal rights and thus, become more individualistic and dispossessed. Drawing attention to the local global interconnections would help us understand the dynamics of neo liberal processes and how this are influenced and influence at the same time water and land struggles. According to Zwarteveen and Boelens (2009: 14) “terms such as ‘local’ and ‘global’ require critical definition and examination, since the so-called ‘local’ phenomena often consist of – or can be seen as – specific manifestations of supra-local processes and powers”. Thus by using a framework of “accumulation by dispossession it is possible to show processes of dispossession, appropriation or theft of water form an integral part of the reorganization of capital on a global scale that is happening through contradictory process of consolidation and fragmentation, in search of opportunities to expand markets for its surpluses”(Ibid).

Furthermore, using the framework of accumulation by dispossession will draw attention to the fact that by stealing poor people’ resources, cultural and social aspects are also destroyed and in the case of mining industry hardly or never replaced.

Mainly the first case study (Yauri) is intended to shed light on the assumption that with the entrance of the mining activities, the local cultural value of the land and water has decreased while on the other hand the economic value increased. Perhaps it is even possible to say that
accumulation of natural resources in this case would also imply another type of accumulation, indeed the accumulation of human resources, but as a form of control and a strategy to maintain power. For instance, due to technological advancement in the mining industry, mining companies do not offer sufficient labor for the communities, and thus labor becomes contested instead of collective, for this reason the question is indeed, what type of control mechanisms do mining companies use to replace the former collectivity of agriculture, and how does this influence the ways in which people act towards the mining company? For instance, Tanya Li (2010) has referred to this part of the population who do not fit into the new plans of the new industries and thus remain without labor as the “surplus” populations. She explains this in the frame of the politics of making live of letting die, when part of a population is selected by the governing authorities for life prosperity (in the case of mining those who in one way or another could build their livelihoods out of the mining company) and the rest who will eventually become more dispossessed.

Together with the physical (and thus ontological) dispossession of natural resources might change people’s sense of belonging, identity and culture. This might also jeopardize their own socio legal mechanisms. Furthermore, the second case study highlights the peasant’s strategies to fight against this process of accumulation going on already in the neighboring communities, here the values added to land and water sources are different since it is still part of their identity and culture and it is also used as a powerful key to resist towards the entrance of the new industry.

Finally, contamination (in general the main source of socio-environmental conflicts in Peru) can be seen as a form of accumulation, since after it is destroyed, other users cannot benefit from the resource anymore. In this way contamination is a factor of accumulation as long as the mechanism of power and governance of the water sources help them to become so; in the sense that the control of water goes only to few people in power and not always those who cause pollution are the ones who bear the problem of contamination (Isch, 2009).

2.2. LOCAL STRATEGIES AND RECOGNITION

What do prescriptive/normative discourses, economic prioritization of water and land valorization, and accumulation of natural resources have in common? They all ignore or consider poorly the plural conditions and cultural diversity in the Peruvian Andes which are important to understand the plural conditions of a community.

In other words they do not recognize adequately the peasant in Peru. Recognition requires an analysis of the roles of different groups within society, of the state and of why individuals or the state behave the way they do and the hierarchy of those who give recognition and those who receive it (Roth, Zwarteveen and Boelens: 2005: 263). The academic analysis that uses legal pluralism as a tool to understand these plural conditions of Andean communities and the forms of socio legal systems embedded in these communities should be separated. The division should be made between the hierarchical political recognition and non hierarchical theoretical recognition (Boelens, 2007). The response of the communities in front of a lack of legal recognition is to strategize in different and contradicting forms as I hope to illustrate in this study.
For this reason attention to the responses of peasants in organized and individual forms are relevant for this study and to the belief that people are not merely passive recipients of changes but either they try to adjust, contest or do both to their own benefit. The same belief calls for an actor-oriented approach.

**Actor Oriented Approach**

Long (2001) proposes a more integrated analysis of how agency, institutions, knowledge and power interrelate in the hope to explain the agency of poor people facing external interventions and how their ability to mediate and transform them at the same time. He says, “… Social actors must not be depicted as passive recipients of intervention but as active participants who process information and strategize in their dealing with various local actors as well as with outside institutions and personnel.” (Ibid: 13). The notion of human agency, as explained by Long, understands that individual and social groups (within the limits of organizations and resources they have and the uncertainties they face) are “knowledgeable “and “capable” of solving, or if possible avoiding, “problematic situations” and thus actively engage in constructing their own social worlds, even if this means being “active accomplices” to their own subordination (Long, 2001).

Interestingly Long’s approach originated during his stay in a mining village in the central Andes of Peru, were he experienced the challenge, as described by him, of capturing the complexity of how heterogeneity was generated within a single political economic structure or even within the same economic unit caused by the presence of the mining company.

**2.3 Power, Knowledge and Discourse**

The concept of –power and knowledge introduced by Foucault is useful to this study because it allows addressing epistemological questions by explaining how discourses are influenced by power in the constitution of knowledge.

Discourses are sets of meanings, metaphors, representations, images narratives and statements that advance a particular version of “the truth” about specific objects, persons and events. They can be produced written or spoken “texts” or even nonverbal (Long, 2001: 242) In this study symbols of power are relevant for the analysis of the dominant discourse, ranging from a mining truck often linked with development, the preparation of food of a resistance group in order to reject the food coming from the mining company in an meeting or a simple baseball cap wore by the communards with the logo of the mining company to demonstrate their loyalty.

In both case studies, **knowledge and power** take a preliminary role. It gives the opportunity to the dominant party, in this case the mining company to justify its needs (create truth) and impose them onto the other party (power).

**2.4 Thinking in Gender**

Gender will be used throughout the study as a tool of analysis. Although this is not an in-depth gender study, the aim of this research as described in the chapter one is to deal with
questions of social and cultural injustice. The accumulation of resources by some powerful actors in the market economy has brought contradictory effects on poverty and gender (Ahlers and Zwarteveen: 2009). The neo liberal discourse argues that the opening of the global market has brought benefits for women mainly through the provision of labor. However, the conditions under which this happens and whether gender inequalities are tackled are never mentioned. This kind of reasoning shows new challenges for the analysis of gender that should be carefully addressed. This study hopes to counteract this belief by showing how women are affected by these changes and why they are certainly not the most favored.

In this study gender is understood as a socio-cultural construction which attributes not only different roles and attitudes to men and women, but also delivers (as in any other processes linked to identity) meanings and legitimization to a society. Thus, assuming that women and men do different things, the impacts of mining and their degree of vulnerability (migration, land privatization, water contamination, etc) would be experienced differently by women and men and certainly influence the way they relate to each other. This study wants to draw the reader’s attention to reflect on these differences. Also it is good to acknowledge that, within a household, gender strategies may serve to counteract a common problem such as the lack of clean water. However the strategies used by men and women although different, may complement each other. In this case I strongly advise to keep an eye open on who benefits the most from these gender contracts (see Mulder, 1999)6.

Finally, the fact that mobilizations (in both cases) have inspired many women in taking actions against the mine is not merely accidental, both women and men as argued above are victims of mining activity. As showed in the case of Laramarca women have taken up actions against the mining company at different levels.

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3. **RESEARCH QUESTIONS AND METHODOLOGY**

This report will analyze the context of two case studies and try to explain why peasant communards of Yauri negotiate and give up land and water that was theirs for ages and why the community of Laramarca still defends theirs. In this line this research looks at two very distinct cases with respect to a) the circumstances when the mining company enters b) land and water regulations c) dominant and counter discourses d) livelihood strategies.

3.1 **MAIN AND SUB-QUESTIONS**

Why do peasants of some communities negotiate their land and water sources while those in others defend them? To what extent do their different values of natural resources play a role in these responses?

a) Valorization and Accumulation

*How do processes of accumulation influence the view on natural resources people have about their communities?*

b) Local Strategies and Recognition

*How are water and land used by peasants (for productive strategies but also for bargaining strategies)?*

c) Power and Discourses

*How important are dominant discourses on the ways people relate to natural resources, negotiate and resist?*

d) Thinking in Gender

*What manifestations of gender inequalities in terms of land and water expropriation can be identified for both cases?*

3.2 **METHODS**

3.2.1 **SELECTION OF CASE STUDIES**

In general, the case of Yauri is moving towards the end in the sense that the mining company has officially announced the closing down of its operations, while the case of Laramarca is an unfolding case with elements of resistance and peasants contesting a mining company. Both peasant communities (comunidades campesinas) are located in the upstream part of watersheds in the Andean region; have a livelihood based on agriculture and pastoralism, and register migration to the cost.
TABLE 1
COMPARISON OF THE TWO CASE STUDIES

<table>
<thead>
<tr>
<th>Yauri Case Study</th>
<th>Laramarca Case Study</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization: From its beginning protests against the mining company ended in negotiation and the two agreements with the company: one for resource loss compensation of affected communities and the other for projects of development of the district.</td>
<td>Mobilization: Active resistance networks integrated by active members of the community and those who live on the cost. Protests to the capital, workshops and information days about mining. Anti-mining theater play. No compensation.</td>
</tr>
<tr>
<td>Long mining presence (30 years); in some sectors the mining project is closing down</td>
<td>Mining about to enter, it has already entered the neighboring communities. Laramarca resists.</td>
</tr>
<tr>
<td>Subsistence agriculture poor pastoralism (with uncertain future to sustain)</td>
<td>Vivid agricultural sector and pastoralism, significant water for irrigation still small scale.</td>
</tr>
<tr>
<td>Migration to Yauri’s downtown and further to Arequipa, people come back to check on business but do not want to stay.</td>
<td>Migration to Ica (agro-export town with lot of work); still people go back for taking care of land in Laramarca.</td>
</tr>
</tbody>
</table>

A quick hypothesis is this: The peasants of Laramarca have means to defend their territory that were not present for Yauri at the time when mining entered. The first case can be an example of what mining will do to the livelihoods (and identity and culture) if mining enters. Despite the new state regulations, the mining company has trouble entering in Laramarca, their actions are open resistance: at least at first sight.

3.2.2 RESEARCH METHODS
For me, being a female student in search for understanding of socio environmental conflicts in a culture mainly dominated by men was often a disadvantage. Although it did not necessarily affect the credibility of the data collected during the interviews, it certainly created an unpleasant power relation. Of course, some of the actions taken by stakeholders such as poor cooperation, personal intimidation and questioning my position towards the company were regardless of gender prejudices as they were more a reaction of people that are submerged in ambiguous dynamics and often contradictory discourses.

I also have to add that lately there is an increasing presence of social scientists that enter peasant communities to gather data about particular configurations of the communities such as their local strategies to resist, forms of organization, their leaders, and the community’s main problems and weaknesses. Unfortunately these scientists are hired by mining companies that use this information for their own benefit.

This study was initially designed for analyzing the socio environmental impacts of mining activities on the livelihoods of the affected communities of the dialogue table installed by a national NGO in the district of Yauri. My entire stay in Yauri was four months, during this
Research Questions and Methodology

This period I was informally supported by personnel of the national NGO that operated in Yauri. This represented a huge help in contacting people and eventually obtaining ethnographic data but it narrowed down the selection of interviewees since they were suggested by the NGO. Finally, the normalization and trade of environmental claims for economic benefits and the overwhelming domination of the mining company in almost every aspect of the communities were a personal disillusionment that made me heavily question issues of power relations and the meaning of the different values applied to natural resources.

This is why when I heard stories about the other side of the coin, I decided to extent my work and to study processes of more active resistance against mining. I ended up in the coastal city of Ica, where I stayed two months getting in touch with anti-mining groups of Laramarca. Here I participated in the formation of alliances and the work of CORECAMI ICA (Regional Coordinator of Affected Communities by Mining). Unfortunately, this research was conducted during the rainy season (January – March), in this period communards of Laramarca migrate to the upper sides of the hills and stay in their estancias for pastoralist activities. Laramarca, and here I mean the village itself, is relatively empty at this time; usually people come down to the district center for festivities and the communal assembly celebrated on a monthly basis. Since the estancias are relatively far apart from each other and from the village, it was not possible for me to track them. Much of the information about agricultural customs, land use and irrigation rituals come from interviews (in the village and the town of Ica) and secondary literature.

Also the use of discourse analysis has been particular beneficial for this study when dealing with questions of power and the construction of knowledge.

Both case studies have been done in cooperation with the SWAS “Struggle for Water Security” Program, IWE department.
4 STATE MINING REGULATION IN PERU

4.1 STATE POWER: IS “LEGITIMATION” THE HIDDEN FACE OF COERCION?

As stated in the introduction, Alan Garcia’s politics of “the Dog of the Market Garden” reflects how in the eyes of the rulers it is advisable that a fraction of the population benefits at the expense of the exploitation of resources of others, namely the poor. Along with the normative framework designed to ensure privatization, discourses were constructed by the central government to legitimize it not only at an international level but also to reach a small but dominant national middle class who follows these types of cases mainly through the media. In order to understand the magnitude of this form of regime, I have selected Alan Garcia’s discourse on mining and natural resources and the two most important state mechanisms for environmental assessment which I will briefly discuss at the end of the section.

Box 1
GARCIA’S POLITICS OF THE DOG IN THE MARKET GARDEN

<table>
<thead>
<tr>
<th>Alan Garcia’s political philosophy: The Dog of the Market Garden</th>
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<tbody>
<tr>
<td>In 2007, president Alan Garcia published an article in a national newspaper revealing his political doctrine. Here Garcia explains how some Peruvians act and reason like the dog of the market garden, who begrudges what they are not enjoying themselves. He explains that due to lack of financial resources and training, poor people do not use their land properly, while, that land, in large lots would bring technology and benefit to the communal farmer and the rest of the country.</td>
</tr>
<tr>
<td>It is the dog in the manger, he says.</td>
</tr>
<tr>
<td>[There are millions of hectares for lumber that lie idle, other millions of hectares that communities or associations have not cultivated nor will cultivate, as well as hundreds of mineral deposits that cannot be worked and millions of hectares of ocean which are never used for farming or production] […]As a result, there are many unused resources that cannot be traded, that do not receive investment and do not create jobs. And all this because of the taboo of already past ideologies, idleness, laziness or the law of the dog in the manger that says, “If I do not do it, then let no one do it.”]</td>
</tr>
<tr>
<td>Garcia further reflects on land tenure and mining. Again he is making the point that people in extreme poverty should lease or trade their land and hillsides because what is unproductive for them might be productive for others with higher investment and more knowledge. In the case of mining, the question should not be raised as to whether mining technologies damage the environment because, he says, new mines can live next to cities without problems; the case is how strict the state has to be regarding technology demands, financial and employment benefits.</td>
</tr>
</tbody>
</table>

Source: Based on translation made by Andean Airmail and Peruvian times

Szabowski (2007) uses “legitimation” to explain the emergence of regulatory transnational laws and how these are incorporated into local realities. He writes that [all legitimation strategies share one fundamental characteristic: they seek to justify the exercise of power by claiming to set certain constraints upon its exercise] 7. Next to coercion and reward,

7 He further explains that constraints are based on socially prevalent ideas of fairness and appropriate behavior, see Szabowski (2007), pp 18
legitimation is often used by the formal regime to promote enrolment regulations, that is to say, to acknowledge their authority and have obeyed their decisions. More interestingly is that Szablowski uses a number of authors to demonstrate the discursive part of the nature of law as a system of communication, a particular kind of shared symbolic language with social functions, that it is sustained at a collective level by communities’ discourses and by producing stability and predictability in relations, and also at an individual level by gaining legitimation and recognition of an actor’s social and material entitlements.\(^8\)

Furthermore, discursive analysis shows that those who prescribe formal legal regimes aspire to mobilize actors in three overlapping groups: those who participate in making the rules, those who are regulated and those who constitute the desired audiences of legitimation.

With the example of the Dog of the Market Garden one can argue that for legitimation, Alan García’s political discourse selects methodically certain groups of the society: these groups in question are not directly influenced by mining exploitation. The poor, as a separate group, are considered by him as an obstacle for development and prosperity. He argues that because of their poverty they have neither the capital resources for investment nor the assets (knowledge and network) to bring economic development to the country. Even worse, they are also reluctant to share their natural resources with the rest.

Below I will briefly introduce two of the most important regulative mechanisms created by the government meant to evaluate and regulate the environmental impacts of mining activities. Here I argue that in line with the discourse of Alan García, both methods legitimize the entrance and continuation of mining companies by transferring power to evaluate and prescribe solutions in their own terms to the companies.

4.1.2 ENVIRONMENTAL CERTIFICATIONS

The Ministry of Energy and Mining of Peru adopted during the nineties international standards of environmental certifications. In 1993 the Law for Environmental Protection\(^9\) (D.S. N° 016-93-EM) was created to correct, avoid and mitigate possible past and future damages caused by the mining and metallurgic exploitation. This is how the Environmental Impact Assessment (EIA)\(^10\) and the Environmental Suitableness and Management Program (PAMA)\(^11\) were established. It is worth noticing that in Peru the Ministry of Energy and Mining prompts and awards mining investment, is in charge of administering and checking the efficacy and accomplishment of the Environmental Certifications, the EIA and PAMA. The government has refused to designate this work to a more impartial institution.

\hspace{0.8em}a) \textbf{Environmental Impact Assessment (EIA)}

In 1993 it was established that mining companies had to pay for the development and presentation of a complex study called EIA (Environmental Impact Assessment) in order to be allowed to operate in Peru. The aim of the study according to Law D.S. N° 016-93-EM is

\(^8\) Here Szablowski (2007) cites Black (1998) and Fish (1980)
\(^9\) Decreto Supremo 016-93-EM, Ley de Protección Ambiental
\(^10\) Estudio de Impacto Ambiental (EIA)
\(^11\) Programa de Adecuación y Manejo Ambiental (PAMA)
to predict negative impacts on the environment (including social impacts) in order to avoid or mitigate them\(^\text{12}\). After approval of the study the government would be in charge of monitoring the process.

Legitimacy here is exercised through communities, which by law have to be involved in the approval process of the EIA. The assessment has to be presented to those interested or impacted (often the surrounding communities) in a public hearing, with a period of 40 days’ notice, where communards are informed and invited to ask questions.

The problem is that the EIA is a large and complex document that normally takes months for the agencies (paid by the mining company) to develop, therefore it can be really difficult for the communities to contradict the study during the hearings, especially without professional support. The time constraint applies also for the MEM (Ministry of Energy and Mining) which only has ninety days to write its critics, and after that only thirty days to reply to the new document (the revised EIA). If this deadline is met, the EIA will be automatically approved. In this way, due to complexity and time constraints, the EIA works to the advantage of the mining company. Virtually all EIA’s are approved; a point to critically consider. A point made by Li (2009) in her study of accountability of EIAs in the Peruvian mining project is that by giving the possibility to mining companies to create an inventory of the socio-natural landscape and link it with the potential risks of mining activities, the state practically guarantees the approval of the mining project, in other words, it is like asking the accused to judge its own (possible) crimes.

This is how and under which conditions the EIA can be used as a source for legitimacy: it shows that the state keeps up with modern global standards for environmental management while giving the image of being a responsible, capable and sovereign government with regard to environmental affairs (Szabłowski: 2007).

b) **Environmental Suitableness and Management Program (PAMA)**

The Environmental Suitableness and Management Program can be seen as a clean-up plan. PAMA is not specific to mining but, like EIA, to any project that impacts the environment. Large scale irrigation projects and hydraulic infrastructure also need both certificates, for example.

The law describes PAMA as a program that should contain the necessary actions to incorporate, in mining and metallurgical operations, the technological advancements and/or alternative measurements that aim to reduce and eliminate the (toxic) emissions and/or...
deposits in order to fulfill the highest acceptable levels established by the Relevant Authority.\textsuperscript{13}

Nonetheless the effectiveness of the program has been questioned several times since, in recent events, the state has not being able to enforce PAMA agreements, calling into question the efficacy of PAMA as a reliable environmental control. For instance, in 2004 the law was modified to give mining companies extensions for the accomplishment of the agreement under special circumstances (see boxed text), giving in other words more room to mining companies to auto-regulate their program.

**Box 2**

**THE PAMA AGREEMENT: DO(E) RUN AWAY**

\textbf{Do(e) run away!}

The US mining and metallurgical company “Doe Run Peru” does not comply with the PAMA, and files for bankruptcy

Almost ninety years of mining and metallurgic activities, namely the processing of copper, lead, zinc, silver (among others) in smelters and refineries has placed “La Oroya”, a poor mining town in the central Andes of Peru, which is one of the most polluted places in the world. This following a report made in 2007 by two environmental organizations in the U.S. In la Oroya ninety nine percent of children have dangerously high blood lead levels.

Following privatization, Doe Run purchased the mining company from the Peruvian state in 1997 agreeing to comply within 10 years of an environmental clean-up, thus the Environmental Suitableness and Management Program (PAMA). This signified an investment of up to $330 million to bring their activities to environmental standards required by law. However, after six years of mining activity a number of studies revealed that environmental pollution was rather increasing in La Oroya. The U.S. company started asking for an extension of the PAMA, claiming internal financial problems while putting pressure on the state with the threat of stopping the operations. Since then, civil society started questioning the efficiency of the PAMA and the performance of the state, which until now has extended the PAMA four times and helped Doe Run to acquire a credit line of $175 million from other mining companies and local banks to keep operating.

“A bankruptcy process would protect the company’s assets and workers’ jobs,” Mogrovejo, Peru’s current vice president said in a telephone interview with Bloomberg’s agency: “It’s a technical process we can’t comment on beforehand.”

On the other hand, analysts question how it is possible that Doe Run Peru faces such a critical situation after three years of soaring mineral prices.

Sources: MAC Mines and Communities on-line different articles, accessed on September 2009.

It is worth noting that both EIA and PAMA do not address how mining companies should act in front of the many social impacts caused by the possible (in case of EIA) or existing (PAMA) environmental damages brought by mining exploitation.

In the next section I will provide a historical view on the subjects of legitimation, namely the legislations of water and land corresponding to the mining sector in Peru.

4.2 ANALYSIS OF WATER AND LAND LEGISLATION PERTINENT TO MINING EXPLOITATION

Already at the beginning of the conquest of Peru in 1532, the Spanish stipulated, by law, that the minerals of the rich Peruvian sub-soil were property of the Crown. In this way, and because it also controlled the indigenous work force, it could secure and increase mineral exploitation upon payment of the appropriated taxes, to later be able to sell the minerals abroad (Brown: 2001). Some five centuries later, the same rights to sub-soil are still in the hands of few, the neo-liberal elite controlled by the Peruvian state. In the past years, the Peruvian state has given large parts of sub-soil in concession to mining companies without the consent of the owners of the superficial land: the indigenous peasant communities. The result is the highest number of social conflicts caused by mining industries in the history of Peru. How has this happened? I will try to briefly summarize the main episodes of land and water legislation in Peru that have caused the propagation of mining investment on the one hand, and the exasperation of peasant communities on the other.

Going back to the colonial period, since 1538 we saw that the Spanish hacienda system employed permanent and temporary workers as labor force. The permanent group remained for generations working in the hacienda in the exchange to use the land for their own herds (Sendon, 2009). That was probably the origin of peasant communities in Peru, which according to Del Castillo (2006) have a double origin that combines elements from the Indian and the Spanish commune. Del Castillo also notes that the conception of land property of peasant communities differs from the western since they seem to accept the existence of two title-holders, in other words, the community possesses and make use of communal land (usufruct) and each family possesses individual land as well, which is internally recognized and regulated through their own legal system.

In the case of water rights, the Peruvian water legislation originated in the colonial period, with amending rules meant to regulate the distribution of water for the costal agricultural land empowering in this form the hacienda system (GSAAC, 2003). Subsequently, a Water Code was enacted in 1902. This code granted ownership of a given water source to the holder of the property where the water source was located, when the remaining water passed another plot it became property of the next landowner downslope. Also, those who have been irrigating for a period of twenty years were allowed to continue irrigating. This new water law lasted 73 years and had the effect of freezing established private and communal rights (formed in the colonial period) (Trawik, 2003).

Immediately after the Independence of Peru in 1821, the first liberal policies decreed the abolition of ‘indigenous’ status to incorporate them as ‘citizens’ into the new nation, the idea was that the ‘new citizens’ were not only declared individual owners of their formerly communal lands but were given the right to sell the land at their disposal (Sendon, 2009). This situation remained until 1920 when the legal existence of indigenous communities was recognized in the Constitution. Some years later the Peruvian Constitution established that all water belonged to the state with exception of “legally” acquired rights, in this way perpetuating hacendados full control of water sources (WALIR, 2007).
Later, during the government of President Velasco Alvarado (1969-1975) agrarian reform was implemented under the motto: “Peasant, the landlord will no longer eat from your poverty” expropriating in this way large haciendas from their owners and redistributing the land to the workers of the haciendas. Nearly 12-million hectare of agricultural land was given to cooperatives and other forms of organizations involving later peasant communities. However the land reform encountered multiple political, cultural, technical and economic problems, which led to its restructuration in the beginning of the eighties. The nineties brought important changes to Peru that left communal land unprotected. The state stopped recognizing the inalienable character of communal land, in other words it was no longer a requirement that communards were the only people that could possess or usufruct their parcels, mandate that ensured the property in hands of the community. This measure supported the two massive land titling institutions imposed by the national government encouraged by the World Bank: PETT (Special Land Titling Program and Cadastre Project) specially for rural areas and COFOPRI (Commission for the Formalization of Informal Property) for urban areas. The main objectives of PETT were to build a cadastre\textsuperscript{14} of agricultural parcels and to provide land titles to informal landholders. See Illustration 1 for a schematization of the PETT procedures as they are also demonstrated to the farmers.\textsuperscript{15} Nakasone (2008) describes the official procedure of the PETT as follows:

“In this sense, communities were selected by the PETT officers and surveyors traveled to these communities to convey information about land ownership status. When the landholders did not have a property title, the surveyor offered one if they could prove possession of the land for five or more years. Little requirements were imposed to demonstrate this possession, as even purchase or sales receipts with an address were deemed acceptable. The property title was offered at no cost to the landholders”.

Also because of their monolinguism (only Quechua speakers), low level of literacy and lack of legal documentation, the PETT foremost brought complications for women landowners. It seems that the program only recognizes women’s land rights when they are the principal farmer “but only after asking a woman, where is your husband, where is your son?” (Deree: 2001: 449)

\textsuperscript{14} A cadastre commonly includes details of the ownership, the tenure, the precise location (some include GPS coordinates), the dimensions (and area), the cultivations if rural, and the value of individual parcels of land. Cadastres are used by many nations around the world, some in conjunction with other records, such as a title register. Encyclopedia Britannica.

\textsuperscript{15} Source: \url{http://www.mappinginteractivo.com/plantilla-ante.asp?id_articulo=1390}, PETT counted with a satellite cadastre with costly hardware and software all financed by the World Bank. Ex- minister of Agriculture.
PETT was eventually absorbed by COFOPRI and they now operate as one organization. This massive reorganization of land titling encouraged the exploitation of land market. Instead of protecting agricultural practices of small peasants, it practically turns communal land into individual property to consequently be able to sell or negotiate the superficial land to mining companies usually at a very low cost for the companies.

One month after the enactment of the agrarian reform, the new General Water Law (Law Decree 17752) came into being. This law proposed a new framework of water use and organization in Peru. Although similar to the Water Code of 1902 and its arrangement in 1933 that stipulated that all water was property of the state, the new General Water Law did not recognize the past rights of the hacendados and was the first “real” public property regime. The state became responsible for the conservation, preservation and the increment of the water resources. For this the INRENA (Intendancy of Water Resources - nowadays water is under control of the National Water Authority) was created to administrate the use of water through small dependencies called ATDRs (Technical Administrator of the Irrigation Districts). This institution was authorized to grant water licenses to the water users that would prescribe to law. Also the ATDR was supposed to write a yearly agricultural plan together with local user groups (irrigator commissions) at a district and provincial levels considering the hydraulic and agricultural characteristics of the zone. Later, another state program, this time for the formalization of water rights (PROFODUA) was introduced in 2005 as one of the components of the World Bank project Sierra Irrigation Sub-Sector, to promote the individualization and registration of land and water rights. According to a document of the World Bank in 2009 “Peru has made good progress in the formalization of water rights, but there is no capacity to monitor users’ compliance”. The report praised the rise of formal water licenses in the past years reached through PROFODUA:

“Thanks to this program, more than 300,000 irrigation water licenses are now formalized, based on the actual availability of water resources, and registered in the Public Water Right Registry (RADA), also under the responsibility of ANA (the National Water Authority). In the areas where PROFODUA has been active, ANA estimates that the number of known, but unregulated water users is no more than 25 per cent of those registered. Today, PROFODUA needs to complete the formalization and registration of water use rights in agriculture, as well as expand to non-agriculture water rights. ANA also faces the major challenge of keeping the

Illustration 1: Schematization of PETT’s Legal-technical process.
water right registry up-to-date and enforcing the terms and conditions of each water right entitlement given limited economic and human resources” (World Bank, 2009)\textsuperscript{16}.

In order for a peasant of the Andes, who depends on agriculture, to be recognized as a water user, it is necessary that his agricultural land should be registered, his water license should be formalized in an irrigator commission and he should also comply with the annual agricultural plan imposed by the National Water Authority. The same requirements count for women. However for them (at least in the Andes) it is twice as difficult to comply, because the policy assumes that all potential water users would have equal access to own property and can fulfill the rest of requirements, disregarding gender differences.

Although in the following years the state gave more importance and active participation to users by transferring of some its responsibilities to users themselves through water user’s organizations, many of the organizations are still weak and have little experience with the management of irrigation systems (WALIR, 2007). Also, many peasant communities continue negotiating and managing water according to their customary norms which might vary from community to community (Del Castillo in WALIR: 2007), much like in the two case studies of this research.

In the case of mining regulation and the control of natural resources, the General Mining Law (Law Decree No 109)\textsuperscript{17} of 1992 allowed forced reallocation or displacement of communities and populations for mining purposes. It also empowers companies to hold contracts of mining exploration and exploitation to negotiate permits, rights of servitude, use of water, and construction material among other types of authorizations upon private and public land that is necessary to conduct their activities. These obligations prevent peasant communities to keep mining companies from entering, using, contaminating and destroying communal land and water (Ludescher, 2001: 174). In 1995 another law, that as suggested by its name the “Law of Private Investment in the Development of Economic Activities in the Lands of the National Territory and of Peasant and Native Communities- the Land Law” (Law No. 26505)\textsuperscript{18} in its article No. 7 urges mining companies to reach an agreement within a time limit of thirty days with the right holder of the superficial land before obtaining the servitude by the Ministry of Energy and Mining. Here only peasant communities with a land title can claim some indemnification with the company (however in the Amazon, many of the native communities possess no titles). If the peasant community does not reach an agreement with the company, the latter can ask the settlement of servitude over land of the peasant communities. The procedure is easy and any company can acquire such a permit for thirty days from the Ministry of Energy and Mines. In case peasant communities take legal action, the court decides on the amount of money they will get as compensation, but not on the appropriateness of the servitude. (Ludescher, 2001: 175)

\textsuperscript{17} Ley General de Minería, which text is contained in the TUO (Texto Único Ordenado) approved under DS No. 014-92-EM
\textsuperscript{18} Ley de la inversión privada en el desarrollo de las actividades económicas en las tierras del territorio nacional y de las comunidades campesinas y nativas.
With the accumulation of land fostered by the mining boom in the nineties, the mining sector also became a powerful competitor in the struggle for water resources in the Andes. Mining activities demand a high volume of water for production. Also, with the legal framework provided by the state, it has become possible that mining companies expand rights to use water that actually belongs to peasant communities that cannot access state law.

In March 2009, a new water law (No. 29338) was adopted. Although this law was primarily made to complement the signed agreements with TLC, it has been widely criticized because of its implications for peasant communities with relation to mining companies. According to Bayer (2009), although mining companies are not directly cited in the new law, mining companies are favored in several articles of which two stand out:

**Article 43:** mining appears as number sixth in the list of productive uses of water, although is known that the mining industry is one of the main production activities of Peru, and thus its use and pollution of water need to be regulated. In this sense, Bayer objects that it is not been mentioned whether mining companies have to pay for the use of water, or how they are going to replace the water they consume, especially in zones of water scarcity.

**Article 75:** the new text has eliminated the protection of watersheds as intangible zones. It is exactly in these places where mining companies have concessions for exploration and exploitation of sub soils in indigenous land.

Mining concessions are often located in the head of watersheds and therefore a concession for potential mining activities might not only threaten the already scarce water sources (quality and quantity) of the families that surround the mining project but also the communities further downstream. The majority of mining conflicts explode at the beginning of the mining project, during the exploration phase. Since the procedure for mining concessions starts in Lima, far and inaccessible for Andean communities, they usually are the last to get notified about the sale of their sub-soils to mining companies until they have to deal with the mining companies themselves, which in some cases is after the exploration starts and some mining companies do not even officially ask the communities for permission before entering. Therefore it can be said that each mining concession granted by the state represents a time-bomb of social conflicts, although not all granted concessions will effectively turn into mining projects.

One of the main responses for this situation at a national level has been the formation of CONACAMI, (the National Confederation of Affected Communities by Mining) which tackles the problem of mining conflicts from an indigenous perspective and on which I will elaborate more in the next section.
4.3 CONACAMI: CONFEDERACIÓN NACIONAL DE COMUNIDADES AFECTADAS POR LA MINERÍA

“The role of CONACAMI is the protection of communities affected by mining, be it for the environmental impact that mining generates or for the lack of respect by companies for the culture and needs of the habitants of each region, generally dedicated to agriculture”

Former President CONACAMI (2005)

With ten years of existence, the National Confederation of Affected Communities by Mining (CONACAMI) can be considered one of the most radical organizations against mining companies in Peru. Its political stand claims the abolition of neoliberal processes while advocating for a multinational State and the revival of indigenous culture through pre-Hispanic practices and costumes that they describe as Buen Vivir; which can be translated as “The Good Life Culture”. The central administration of this civil society organization is in Lima but there are about 14 regional offices around Peru in the regions of Puno, Cuzco, Junin, Lima, Ica, Huancavelica, Ayacucho, Piura, Ancash, Tacna, Moquegua, Arequipa and Apurimac. CONACAMI is led by a National Executive Committee which is integrated by a President and Vice-president and a number of commissions. They are financed by OXFAM America, the Danish Ibis and the Belgium Eleven. Each of the committees has their own agenda against the regional mining activities and coordinates with the local authorities of the communities about their future actions. The committees can count on little economic support from the main office in Lima, and usually manage to find donors to pay for materials, transport and speakers (in meetings and workshops).

What I described above is how CONACAMI portrays itself. However, as usual in this type of organizations, other internal dynamics and interests take place simultaneously. The fact that CONACAMI’s activists are mostly volunteers gives plenty of space for activists and political leaders to decide on the next anti-mining actions, alliances and mining cases. It means also, as some say, that around 60% of the activists who work for CONACAMI are running for political parties in the next local elections. This suggests the strong political impact of environmental problems, now emphasized by the mining sector. For instance, some leaders have been able to specialize in mining problems and gain the sympathy of the communities through their advocacy. The result is sometimes that a group of well-known leaders is created who are not officially linked to any political party but due to their popularity are hunted either by an already established party or neutralized by offering them good jobs.

It is important to report that not every community in the region affected by mining activities seeks CONACAMI for support. As we will see in this study, community members are in some cases internally dramatically divided and their experiences with the companies differ from community to community. Thus, not every community sees mining as a risk or threat to their livelihoods, thus they might opt to use other channels in order to negotiate with the mining companies.

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19 These last two European NGOs, Danish and Belgium correspondently
20 Information obtained through personal communication with CONACAMI national board.
Two of the pillars of CONACAMI’s work have been the philosophy of Buen Vivir directed to the reconstruction of indigenous identities and, the application of the ILO Convention 169 signed by Peru in 1994.

The philosophy of Buen Vivir

Western people think of nature as a resource to use and destroy, but we want to live in mutual cooperation with nature, collectively. We take care of her and she returns to us. We create and don’t destroy (Interview with Mario Palacio, current President of CONACAMI 2010).

This worldview is nowadays central to any discussion in which CONACAMI is involved. During its ten years of existence it seems that CONACAMI has expanded its philosophy moving from environmental impacts of mining to the reinforcement (or building) of a Peruvian indigenous identity. This has given the confederation powerful arguments to continue operating, particularly in an era where social conflicts address the depredation of natural resources by mining companies.

Although Mario Palacios argued that it might take years to understand the Good Life culture if one is not an indigenous person21, I will attempt to put into words the core of this philosophy:

Buen Vivir, living well or collective well-being, rejects dichotomies of underdeveloped and developed, notions of poverty as the lack of material goods and wealth as a life of abundance used in the western vision of well-being. It can be understood through the reciprocal relationships that the community (ayllu) has with Mother Earth (Pachamama) (IPPCA 2009)22. It can be said that a person cannot reach Buen Vivir without the support of a community or ayllu. Walsh (2009) explains that in the most general sense Buen Vivir denotes, organizes, and constructs a system of knowledge and living based on the communion of humans and nature and on the spatial- temporal- harmonious totality of existence.

Interestingly, both Bolivia and Ecuador have used respectively in 2007 and 2008 the Buen Vivir philosophy in their constitutions.

International Labor Organization Convention 169

Simultaneously with the rebuilding of the Quechua-Aymara cultural identities in Peru, a great deal of the work of CONACAMI is directed at making pressure on the Peruvian state to comply with ILO 169, the Declaration of Indigenous Rights ratified by Peru in 1994. One of the issues that CONACAMI defends is the right to previous consultation of indigenous and

21 In Palacios words, when I asked him about why do people resist in some communities: “You are contaminated with the occidental world. Explaining to you the Andean cosmovision would not work here. This is about the clash of two cultures”. This assumption can be compare to a form of “neo-populism” as argued by Li: 2010 when referring to the global peasant movements. She also refers to the “communal fix” as counter dispossession mechanism that forces people to hold to their collective rights while binding them permanently in place.

tribal people with regard to legislative measures, development or industrial project that directly affects their collective rights.

In June 2010, President Alan Garcia presented a set of critiques on the Prior Informed Consultation Law for Indigenous Peoples which was passed by Congress in May of the same year, aiming to neutralize it. “If you want to build a road or gas pipeline and the locals say 'no', then there is no road or electricity. Peru is for all Peruvians and for there to be democracy we can't place limits on future legislation or governments,” he said, contradicting the right of indigenous people with national interest and making in this way the goals of CONACAMI more difficult to reach.

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23 BBC Latin America Online: Peru leader rejects Indigenous land rights law
http://www.bbc.co.uk/news/10399962 18/07/2010
5. **The Case of the Communities of Yauri and the Tintaya Mine**

5.1. **The Road Taken: Describing History and Context**

Imagine approaching the study area at four thousand and something meters above sea level. The geography around shows you a landscape almost desert-like, rocky, and at second glance, littered with scarce water sources. That is the Puna, one of the highest ecological zones, and thus the coldest, in the Andes of Peru. The uniformity of the light green colors surrounded by grey hills and mountains add perhaps more significance to the small and scarce water sources such as springs and streams. The public transport, an old minibus, goes with clear difficulties up and down while raising some dust on the road. Coming from the other direction to the left, a 4x4 pick-up truck slides down the road, you only get to see the truck wheels and the identification number installed on the roof of the truck. For those who could not make it, either by the second or the first option, the road continues some more hours ahead, on foot.

With the decline of the Spanish crown in 1821 and the subsequent formation of the Republic of Peru, Canas (in Quechua K’anas) presently known as Espinar, emerged as a province together with Canchis. The K’anas, the ancestries of the mining communities for this case, were known as fearless warriors who fought against the Incas to defend their territories and finally, as many authors would agree, were not defeated but rather became allies of the Incas with whom together they conquered new territories.

According to Glave (1992) land expropriation was a common strategy already since the beginning of the Republic; ambiguous laws apparently made to recognize indigenous rights to property and collective land were actually meant to control the indigenous workforce as in colonial times. During colonial times peasants of this region were great livestock pastoralists, an activity which they mastered. An activity in particular was domestication and treatments of indigenous livestock. There was a diversity of inhabitants and people often immigrated to this region attracted by the good commerce and potentials of pastoral life; many were integrated in the communities and acquired land through marriage. There were also other groups, mestizos (half Spanish) and indigenous social structures, that with the help of the Spanish crown appropriated pastoral land and throughout the years increased their power and control of land (Glave, 1988). Consequentially with the beginning of the Peruvian Republic the change of internal resource use within the communities along with the prioritization of individual family land over community land produced conflicts regarding boundaries and heritage, and as an outcome the selling of indigenous land (Glave, 1992). In a study conducted in Espinar, it was demonstrated that peasants were able to defend their highland pastures until the Republican period. From there onwards it became hard for pastoralist to adapt to the changes of local and market conditions imposed by the new time (Piel, 1983 in Sendon, 2009: pp.10). Later on, the process of “communalization” in southern Peru after the Agrarian Reform Law (1969) initiated the fragmentation of a social space crossed by this mobile peoples engaged in
highland pastoralism since the community lands granted by the state did not correspond to their territories and neither respected their costumes of pastoral life (Sendon, 2009).

Yauri, the province capital of Espinar, where this research was conducted, was formed as a consequence of the division of Canas in 1917. During these years and perhaps not by coincidence, Yauri was discovered as a potential mineral deposit: “biggest copper deposit in Peru” published by the Mining Journal in 1981 (KURAKA: 2003). Later on, the mining exploration was carried out by an American company. Finally, at the beginning of the eighties, a change in mining law delivered the right for the exploitation of the zone to the Peruvian state. It is debatable whether the mining company was, from its beginning, welcomed in Espinar. It can be assumed that the communities in this area received the company with many expectations due to the fact that pastoralist life became harder with the passing of the years. However, if that was the case, there would have not been so many conflicts and resistance when the land expropriation took place during the eighties. At that time, each family unit counted with one house, a farm and an estancia. In Map 1 the Province of Espinar is presented as well as its geographical and administrative location in Peru.

**MAP 1**

**PROVINCE OF ESPINAR**

*Map on the right: Province of Espinar (with Region of Arequipa in the South. Lower left: Espinar in the Region of Cusco. Middle left: Location of Cusco on the map of Peru. Upper left: Peru in South America* 

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24 Yauri as many districts in the Andes is called not by its name but by the name of the province, in this case Espinar.
The main affected communities by the mining activity have been the communities of the Rio Salado watershed, which is located at 4,100 meters above sea level. The discharge of the Rio Salado is very variable; the monthly average is between 1.5 and 12 m$^3$/s.

Yaurí and the surrounding area of Espinar get their water from rain and the three main rivers, Apurímac, Rio Salado, and Rio Canipia. The climate throughout the year is dry to very dry, not favorable for agriculture. The approximate land used for stockbreeding (bovine, ovine and camelids) is 83.99%. The river flow is abundant during the rainy season (January-March) and scarce the rest of the year. In the dry season snow melt and perennial lakes have some potential for water sources but this is even more under stress due to climate change. In general the communities that surround the mining company get their water from two small watersheds which are further uphill: The Tintaya River and the Ccamacmayo River. The communities considered for this case study depend only on the Tintaya (which has an area of 2,900 hectares approximately, and are the communities of Alto Huancane, Bajo Hunacane and Tintaya Marquiri. They share territories with the land acquired by the mining company Xstrata Tintaya S.A. and which represent 75% of the micro watershed. It is important stressing that here the mining activity takes place in the head of this small watershed. The Tintaya Mine and affected villages are presented in Map 2 (see below).

**MAP 2**

**LOCATION OF THE TINTAYA MINE AND AFFECTED COMMUNITIES**

*Map on the left:* Location of the affected villages in relation to Tintaya and Rio Salado watershed. *Upper right:* detail of the Tintaya river with (in white) mining activity: tailings dam (a) and open pit (b). *Middle left:* Detail (a) farms of Pacpaso and its proximity to the tailings dam. Groundwater from the dam infiltrates and surfaces here putting cattle and people at risk. *Lower right:* Detail (b) the open pit.
In the next section I will explain under which circumstances the dispossession of natural resources took place in Yauri, in an attempt to explain the implicit changes in the uses and values of these resources.

5.2 Natural Resources: Multiples Uses, Multiple Values

5.2.1 The Past: Water and Land Expropriation
The history of Alto Huancane, Bajo Huancane and Tintaya Marquiri in relation to mining activities was heavily affected by two important events: First, the land expropriation and water sources of the area and secondly the subsequent establishment of a dialogue table aimed to restitute the loss of natural resources to the affected peasant communards. This section will explain the first, arguing that the uses and values of these resources have drastically changed not only peasant’s livelihoods (from an economic perspective) but also their socio–cultural attachment to these resources.

The story of mining activity in the Rio Salado watershed started abruptly with the expropriation of land of the original community Antaycama in 1982. The Peruvian state expropriated 2,368 hectares under directorial resolution N.41/81/EM/DGM, the land was intended for mining activity. The main affected community was Tintaya Marquiri, which reported to have been paid for their land; according to Oxfam America, the state offered 10 soles (3 USD) per hectare and labor promises to the dispossessed communards. Since the loss of land, Tintaya Marquiri has been reduced to 100 hectares and transformed into a sort of shanty town next to the mining settlement. Tintaya Marquiri depends nowadays entirely on the mining company to subsist: “the communards that decided to stay have organized two community enterprises that provide cleaning, transport services and individual labor for the mining company.” (Cooperaccion, 2009)

The following table shows the number of affected communities from the first expropriation and further the second expropriation that took place as land forced selling in Yauri:

Table 2

<table>
<thead>
<tr>
<th>Affected Communities</th>
<th>Affected Hectares</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tintaya Marquiri</td>
<td>3,274.50 Has.</td>
</tr>
<tr>
<td>Community of Alto Huancane</td>
<td>450.73 Has.</td>
</tr>
<tr>
<td>Community Huano Huano</td>
<td>400.00 Has.</td>
</tr>
<tr>
<td>Community Alto Huarca</td>
<td>477.00 Has.</td>
</tr>
<tr>
<td>Community Bajo Huancane</td>
<td>151.77 Has.</td>
</tr>
</tbody>
</table>

Source: Cooperaccion (2005)

Santiago Ccapa, who has lived in Tintaya Marquiri his whole life, was expropriated during these years, in the present he as many others, works sporadically for the mining company. He recalls from these days:
The state-owned company Tintaya SA expropriated us of our land... 2,368hts. We did not want the expropriation, however back then we belonged to the “comunidad madre” of Antaycama and did not have a legal status to oppose. The state acted harshly, if we did not sign, there would be others who would sign on our names. The company promised to employ everyone. So we signed and tried to stay. After some years those from the mine opened more legal proceedings to force us to leave our land but we resisted. Since they didn’t give us jobs, how could we survive then? The land is our only work tool (herramienta de trabajo). Where should we graze, where to farm? And so when the new mining company BHP Billinton came we finally did move. Before, we were centrally situated, they have re-located us here on the mountains, however there were other people living there and more problems came out.”

Following neo liberal reforms in the nineties, the mining company was privatized and sold to Magma Copper Company which a little later passed to the Australian hands of BHP (Broken Hill Proprietary). During these years new dispossession of land occurred under the form of forced selling. This time it was not only Tintaya Marquiri, but the neighboring communities of Alto Huarca and Alto Huancane which “sold” their land to the company under the law of mining servitude (The General Mining Law, see section 4.2).

The land dispossession left communities practically desolated in some areas next to the mining operation. Alto Huancane is as mentioned another affected community which sold its part of land to the mining project, 450 hectares in total. The land was used for the construction of the mine’s tailings dam. However, not all the land was sold to the company, some community members still live in the zone and have to co-exist with the mining company: A study of 2008 made by Cooperaccion, the national NGO and main supporter of the dialogue table, informed of 231 registered community members in Alto Huancane, however because of the migration process that started with the expropriation of land, some sectors give the appearance of ghost communities, the estancias are practically empty and little human activity is shown in its surroundings fields.

Furthermore, the environmental disaster affected the use that communities gave to their water sources. For instance, the community of Alto Huancane reported serious environmental problems in their water sources in three different sectors Paccpacco, Coccareta and Huinumayo:

In the case of sector Paccpacco, the water upwelling coming from the mining tailings dam impacted the quality of the soil and was even visible in some of the houses presenting humidity in their walls. Some animals were reported dead from drinking water from the upwelling by local peasants and agriculture was no longer possible. The sectors of Coccareta and Huinumayo suffered from water scarcity due to contamination of their rivers. For these three sectors, the mining company provides domestic water, as their rivers and springs have been declared not suitable for human consumption.

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26 Field observations November-February 2009
27 A sector is the smallest administrative division of a community.
Maria and Bernardino sold part of their land to BHP Billiton and decided to continue living in the community, making their subsistence from cattle and small agriculture. Before the selling of land, they kept sheep and camelids whose wool would be sold on the market; they also cultivated potato, quinua, and made chunio –dry frozen potato dish –for their own consumption. Their children and younger siblings migrated to another region long time ago. Bernardino describes the land expropriation as follows:

“When the company came they used the tractors to damage the land, making sure that the people wouldn’t be able to continue cultivating and this way it went to hell. He mentions while pointing out the landscape and the few houses in his sector. “Now everyone is gone, there are no fields anymore. Those houses are of my siblings. I am taking care of their animals. There are only houses but no one lives in there. The youngsters already migrated to Yauri or Arequipa. “We only remain, the old people, when we die it will be end of the story”.

In the third sector Coccareta, migration has led people to give up agriculture and rather use it as a fallback. Genaro, a peasant in his sixties, counts 17 families in his community in spite of the emptiness of the sector: “the majority lives in Yauri and has other means of income besides agriculture, such as taxi drivers or in small grocery stores” -he says. “There are some young people here, they would like to work for the mining company and constantly keep an eye on how to get in”. He mentioned that the mining company rejected several times a small irrigation project that was meant to benefit his sector and which he was proposing to the mining company for finance. Genaro expressed that his two sons who worked for the mining company were fired as a reprimand for putting too much pressure on the realization of the project. Furthermore, the mining demand for water and its different uses started contesting the agricultural and domestic uses of the communities.

The sulphides plant uses 1735 m3/ (approx. 500 l/s) L/s) destined for the processing of minerals. It takes approx.100 l/s from the water from Rio Salado through a pumping system, the rest of the water is used of recovered water of the tailings dam and the tailings thicken disposal (Xstrata Tintaya 2006). The oxides plant uses water from the Tintaya River, the pumped water of the open pit, a perimetric canal of the pit and the drainage of the mining debris. The oxides plant requires 55 l/s. In rainy seasons the Tintaya River has 100 l/s and in dry seasons is almost null (Cooperaccion, 2008). For mining operations 38m3/h coming from the water obtains in the open pits. Furthermore the mining camps get their water from the Rio Salado and from springs (Cooperaccion: 2008).

Although the communities of Alto Huancane, Bajo Huancane y Tintaya Marquiri are, on paper, organized in water administrative committees for irrigation and drainage, they have little voice over the management and conservation of this resource due to the lack of information and planning (Cooperaccion: 2009). In fact, the control of their water sources has been appropriated by the company.
5.3 THE IMPACT OF MINING PRESENCE

5.3.1 THE PRESENT: MIGRATION AND SOCIAL DIVISION

Next to migration, the social constitution of the communards who remained living in the areas surrounded by mining in Alto Huancane was heavily affected. To the present day they are characterized by a profound distrust not only of state institutions but also of the community itself caused by their dependency on the mining company, based on who gets what from the mine. On the minutes book of the community, in the years when mining operation just started, it was written: “with respect to Huinumayo (this in Alto Huancane the sector where the mine tailings dam is located) we have not been able to come to a decision because of the internal discordance of the sector in this subject, for those who are working for the mining company. ...It is better not to make problems; maybe they will not provide us with jobs” (Decoster: 2004)

Labor provision was sometimes used by the mining company to manipulate the affected peasant communards. For instance, in Alto Huancane, VICOM (Vigilantes Comuneros) that stands for community security guardians is a job that entails patrolling one of the main sources of pollution of their community, the mine tailings dam. This work entails sitting in a small shed, in the freezing cold, and constantly smelling the odors of the tailing; also in order to prevent their own animals from getting drowned in it. It shows how the job distribution follows a rotation system where the company makes sure that each of the community members gets to work at least once or twice per year. This example can be seen as an attempt to ensure communards labor and loyalty, and further as a mechanism of control and a conditioning factor to maintain dependability. Alto Huancane has to the present two community enterprises, which provide sporadically the mining company with transport, heavy machinery, cleaning among other services.

Furthermore, direct rewards from the mining company to selected community members make it somehow difficult for community actors to turn against the mining company and denounce environmental damages. In 2008 in the zones next to the Tintaya mine, an acid spill produced by the explosion of one of the pipes that connects to the tailing dam was reported by the Peruvian Ombudsman Office; the mix of acids were spilled out in a radius of one square kilometer. The spillage damaged pastoral land; it contaminated streams and springs and covered the road with acids. When the local authorities went to the place to verify the accident, they found a group of communards- mine workers cleaning up the damage. The mineworkers welcomed the local authorities in a hostile way insulting them to intimidate while hiding the accident. Later, the regional commission of the Government in Cuzco confirmed the spillage of sulfur acids proceeding from the mine, but they reported no ecological damages (Peruvian Ombudsman: 2008).

According to a report presented in 2001 by the Andean Research Institute “Centro Bartolome de las Casas” the presence of the mining company has brought some positive social economic impact through the generation of jobs, reflected on the increase of the number of hostels, restaurants and commerce. On the other hand, they explain that the amount of alcoholism;

32 Field Work, November 2008 –February 2009, field work daily notes.
violence, prostitution and single mothers did also increase. “The socio-economic gap between those who have access to work for the mining and those in extreme poverty who continue cultivating the land and own small herds is bigger. Moreover, “Their (referring to the community members) identity has changed, knowing the fact that they are not able to live anymore from the mine, and thus have to depend on “presents” of the mining company and other methods such as development projects” (CBC: 2001).

Although the company has been accused of bribing community leaders and local authorities several times, it is not the aim of this report to prove this. However, this can be an indicator of the little trust that community members have towards local government.

Let us take the example of Apolinar, the young new president of the community of Alto Huancane. He, as many others, does not live in his community but in Yauri and had different forms of income apart from farming. As community leader he was automatically involved in the platform to defend issues of land relocation and environment, and thereby had direct contact with mine representatives. In the past he worked for a company that carried out mining explorations, a well paid job that he would like to repeat if possible, as he said.

Apolinar spoke on behalf of about 300 community members. His position towards the control of the mining company, in contrast to most of the community members, seemed to be more
radical, he did not want to play the fool with the miners, whom he knew liked to corrupt community presidents. –“they first try to put you against your own communards by saying that on the first year everybody likes you and in the second they only talk against you -so better work with us, they say”. Besides, he did not want to see “his people” being sold for 50 soles (17USD) of paid loan per day, having to silence and clean up the spills in their rivers. He said that at the local level even community leaders and members were individually bribed by the mine.33

5.3.2 ENVIRONMENTAL IMPACT: CONTAMINATION OF THE SMALL WATERSHED TINTAYA

Next to the loss of land, the environmental impacts affected the water quality of the small watershed Tintaya and the streams of Chullumayo, Camacccmayo, Yanamayo, Shangrilla and Paccpacco. The causes of this have been identified as follows:

-The mine debris and tailings dam are connected with the groundwater of the infiltrations and springs.

-Rising underground water from the tailings dams of Ccamaçmayo y Huinipampa.

-Water contamination from the rock debris and the tailings (with selenium molybdenum, and sulfates that are difficult to degrade). The estimated concentrations in the rock debris reveal that they have enough inventories of selenium and sulfate for lixiviation for about hundred years more (Cooperaccion, 2008).

The Tintaya River represents the main water source of Alto and Bajo Huancane and their farming activities. As explained, the water of the Tintaya River that comes from the mine installations constitutes a potential risk of contamination, foremost of selenium. The mining company uses a canal to divert the water of Tintaya. This canal collects the mineral dumps and is later flowing into the main river bed. Actually, the Tintaya River receives the main drainages of all mineral dumps and is still used by the communities for irrigation and animal consumption. The communities that surround the mining area get water for domestic purposes also) from these rivers, springs (although in some sectors they have tab water provided by the company)

5.4 MOBILIZATION AND DIALOGUE: SETTLING AFTER RESISTANCE!

5.4.1 A CHRONOLOGY OF MOBILIZATION IN YAURI

The central issues around the conflicts observed in Tintaya are the impacts of the mining project on the natural resources of the zone and the communities demand that the mining company should contribute to the development of the province (De Echave et al., 2008). Also, the dust produced by the mining company affects the crops and pastoral land of neighboring communities. As explained, the main source of contamination comes from the waste material and construction debris of the mine which pollutes the already scarce water sources that people use for farming and own consumption. The presence of the mining company has not only negative impacts on the environment of Tintaya, but also on the social composition of

33 Interview Apolinar February 2009.
the affected communities, which in many cases have migrated, become dependent (and competitive due to insufficient mine labor), more vulnerable and poorer.

If we follow chronologically the course of conflicts in Tintaya, we will find out that the problems experienced in the communities affected by the mining project were used to back up the demands posed by the local government and local organizations. As noticed by De Echave, the anti-mining discourses are directed to regulate the continuity of the mining company, rather than the closing of the operations (De Echave et al.: 2008)

Yauri is known for its dialogue table, which is the product of an advocacy network of international and national actors from NGOs. The other agreement called the Framework Agreement resulted from the advocacy of local and regional organizations that worked at intervals with the province of Espinar to establish a platform for the management of development projects. The table below shows the main events and community activities that led to the establishment of the two agreements.

Table 3

<table>
<thead>
<tr>
<th>Year</th>
<th>Resistance and Mobilizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>The Peruvian government expropriates 2,368 hectares of land for developing the Tintaya copper mine in Yauri, Espinar Province.</td>
</tr>
<tr>
<td>1982</td>
<td>The mining company and the communities reach the first agreements</td>
</tr>
<tr>
<td>1985</td>
<td>The mining company begins operations in Yauri. There are local protests and demands from Tintaya Marquiri through claim lists and deeds of commitments</td>
</tr>
<tr>
<td>1990</td>
<td>The mine is taken and mining activity is suspended. This was led by the mayor of Espinar</td>
</tr>
<tr>
<td>1994</td>
<td>Yauri negotiates a main road to the next biggest city, Arequipa</td>
</tr>
<tr>
<td>1995</td>
<td>The mining company has to deal with expropriated people. Magma (the mining company) denounced and opened a legal process to 23 inhabitants accused of violence.</td>
</tr>
<tr>
<td>1996</td>
<td>The Australian Broken Hill Proprietary (BHP) buys the company. BHP bought 1,263 additional hectares of Tintaya Marquiri and 246 hectares of Alto Huancane among others.</td>
</tr>
<tr>
<td>1997</td>
<td>BHP denounced communards due to usurpation</td>
</tr>
<tr>
<td>2000</td>
<td>CONACAMI (Confederation of Communities affected by mining) request help in Australia</td>
</tr>
<tr>
<td>2001</td>
<td>The affected communities demonstrate against the company and there is confrontation. BHP denounced for public peace violation. The mayor of Espinar sends report to OXFAM Australia and seeks for help. Two female communards stopped machineries in protest and the company takes them to the police office while the community committee intercedes for them.</td>
</tr>
<tr>
<td>2002</td>
<td>Letters of protest are sent to the Ministry of Energy and Mining opposing to the construction of the new tailings dam in Huinipampa. The dialogue table was formed and started working on conflict resolution, environmental analysis and processing community request for the intervention of the Australian Ombudsman</td>
</tr>
<tr>
<td>2005</td>
<td>Violent mobilization to the mine settlement in order to open new process of negotiation</td>
</tr>
</tbody>
</table>

Source: adapted from Decoster et al. (2004) and De Echave et al (2009)

According to the ex mayor and activist Oscar Mollohuanca the first protest in Yauri was on the 29th of March in 1990, “la gesta heroica del pueblo”, as he called it: “A heroic day of the town”. The communities of Yauri demanded economic benefit, the monitoring of some

34 Interview with ex –Major of Espinar, Oscar Mollohuanca, 2009
obvious environmental problems and also some of the technologies that the mine exhibited and displayed. Around 1999, the negotiations changed, as the municipality started some informal meetings with the company but they resulted in unproductive conversations. Oscar Mollohuanca says: \textit{We tried to use the mine discourse and pretended to be friendly to be able to enter in their territories}.

In 2000 there was a confrontation, around a thousand of people situated in the main square of Yauri. It served to call attention of the national media, mining was not the only topic on the agenda; it also included other topics such as decentralization. The next year a strike was announced. \textit{“It is fine”} the mayor explains. \textit{“You use our land, our water. Are we not supposed to get any benefit!”}. However at the end, the strike was called off because the company agreed to contribute with a budget for drinking water. The same year, the first draft of the agreement “Convenio Marco” under the name of “developmental commission” came up. He explains: \textit{“they said: This will be the developmental commission of Yauri. We said: “all right we put whatever name on it (meaning the word development), as long as we get what we demand”}. According to the ex-mayor, the mining counts with a great manipulation power that did not exist in its beginning. \textit{“The mining company is the biggest political actor: The last two mayors were practically put in place by the company. They finance the elections and select their candidates while launching smear campaigns for candidates of the opposition”}

On the other hand these strategies of the mining company to pacify masses have been highly questioned. La Republica, a national newspaper confirmed these accusations in February 2009: the sociologist Durand reported that the mining company had become a form of private government that controls Yauri, and that this anomaly is possibly caused due to the poor administration of the state. The indirect effect of the agreements achieved, the inequality of resources and opportunities among the communities but mainly, the plans of the company to gain the “loyalty” of the population, makes it more divided and dependent. Mechanisms deployed by the mine are the financing of local elections, awarding the loyalty of community leaders with projects and work, while on the other hand condemning those who are “conflicutive”(Durand: 2009)

In one opportunity in 2003, the cutting off of water supply was also used as a political strategy to avoid protests in a coercive way. This happened during the confrontation in Yauri. The company decided to take measures in order to stop the demonstration by cutting off the water supply of the communities. For many days the comunards had to find different ways to get water from the capital of the district for their personal consumption.

To finalize we can say that, while mining companies use open and hidden coercive methods to normalize the communities, the tactics used by peasant comunards have been able to some extent to transform the course of actions. However these, changes have brought along other dynamics and new actors in the process of negotiation.


\footnotetext[36]{Information gathered from interview with employee of Cooperaccion. 15-11-2008.}
The next section will serve to understand the dynamics of the dialogue table and its possible impacts on peasant communards’ view of natural resources.

5.4.2 THE POLITICS OF TINTAYA’S DIALOGUE TABLE

[...What is certain is that the solution to tensions between the mining industry and the neighboring communities seeking to defend their rights should reaffirm the value of “forms of human coexistence and governance based on consensus, tolerance, inclusion and participation, demonstrating that any form of discrimination or exclusion is an obstacle to development and democratization of the country and a potential source of social violence”. When this view is not supported by the country’s legal framework, stakeholders in mining-related issues begin to develop their own tools for conflict management...]

The main proponent of the dialogue table was the national NGO Cooperaccion, together with OXFAM America. They signed an agreement in 2004 for the compensation of land and environmental damages caused by mining extraction. In this agreement also participated five of the affected communities of Yauri, the mining company BHP Billiton and the National Confederation of Affected Communities by Mining (CONACAMI) which decided to withdraw from the table after one year due to supposed out of table negotiations between the mining company and some communards.

For the national and international NGOs, this table is an example of good corporate responsibility: “Other mining companies could learn from Tintaya Dialogue Roundtable. By establishing a process for working through community grievances, companies may successfully prevent the escalation of disputes at an early stage” (OXFAM Australia)”. Furthermore, I wish to add that a dialogue table can be especially beneficial for mining companies since it improves its corporate image while gaining social permission to access community territories for a low cost.

However, little research has been done to understand what the dialogue has signified to the peasants of the affected communities. In this section I argue that, besides from possible economic benefits, the roundtable has caused a counterproductive effect on the relation that peasant communities have to natural resources and their perception of their futures, especially when facing the closing of the company. The weak position of the communards and their constant dependency on the outcomes of the table led them to create their own (out of table) strategies for negotiation which involved the allocation of individual benefits and labor promises in exchange for silence and loyalty to the mining company.

The dialogue table was integrated by four working commissions composed of Presidents of the communities, municipal and NGOs representatives and the mining company staff. These working commissions were the land, environmental, human rights and sustainable development commissions.

37 Answering: Do the outcomes of the Tintaya process substantiate the effectiveness of this type of process? The inverted commas are used in original text to quote Nelson M. (1999). De Echave et al. (2005). Dialogue and Management of Conflicts on Community Lands: The Case of the Tintaya Mine in Peru, Cooperaccion.

38 Information gathered after fieldwork observation November-December 2008.
development commissions. In this research I focus on the land and environmental commissions only.

In 2008 the work of the **Land Commission** regarding the acquisition and ownership of land for the affected communards was coming to an end. With the agreement of 2004, BHP Billiton agreed to replace the land expropriated by the state and the company plus an additional of 25-50 percent, including as well technical assistance for the new settlement of the land. However, most of the land was given to men, as they were culturally recognized as the heads of the household and the previous owners of the land. This problem was not taken into consideration by the NGOs, here is an example:

Julia is a single woman. Her father refuses to give her a portion of the new land that all her brothers received because he thinks she is not capable of using it. When I asked one employee of the NGO about this problem: *he said – we distribute the land, the rest has to be solved inside the families*. For Julia the land represented a fallback position, she said it was not fair to do all the work (take care of both her old parents) and not be able to own her own plot.

Additionally, in the case of Alto Huancane, the new land was located in districts far from the community and with very difficult access. As the president of the community said *“if someone gets sick over there, he doesn’t make it to the hospital*”. According to one comunard, the low quality of land made agriculture almost impossible. Also, the new division and land distribution caused internal problems among the new inhabitants who seemed to have turned to more individualistic work and had many internal disputes to manage the new land.

The **Environmental Commission** aimed to determine the impacts of the mining operations in the area. Technical sub-commissions on environmental monitoring, human health and animal health were set up. The stakeholders of the dialogue table confirmed their willingness to work together to protect the environment in accordance with the quality standards stipulated in the dialogue table, and through the implementation of a joint environmental assessment. Also the program would include indicators, the identification of risks zones, oversight plans and training. (Cooperaccion, 2005).

While this all sounds promising for environmental protection, it is necessary to remind that although different stakeholders were involved in this process, the costly studies, on which the work of the commissions was mainly based, was financed by the mining company. This seemed to be causing the same effect as the Environmental Impacts Assessments, where the company is its own evaluator and facilitator of solutions (See chapter four).

By 2008 a report made by the Peruvian Ombudsman concluded that the efficiency of the Environmental Commission was doubtful since negotiations of environmental damages were resolved outside the dialogue table. It led to the intervention of the OSINERGMIN.

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41 In Spanish, Organismo Supervisor de la Inversion en Energia y Minas (OSINERGMIN).
Carolina Dominguez Guzman

(Supervising Body for Energy Investment) to verify if the information given by the mining company about environmental impact was valid.

The payments obtained by the dialogue table and the partial abandonment of agriculture and pastoralist activities, added new meanings to the communards perception of natural resources and their future. Farming in the communities was mainly carried out by the older population while the younger population had other activities and incomes and did not want live in the countryside (Cooperaccion, 2006). The expropriation of land gave a radical move to the lives and livelihoods of the peasants of the communities having lost their land, access to water for production became also difficult to claim. Other peasants were also gradually losing land as mining exploitation expanded.

In this respect, Cooperaccion reported in 2006 before the selling in 1996, land was already divided into individual plots to facilitate the process of selling. In this way the communal organization was transformed according to the new demands imposed by the changes of land and water distribution. These transformations affected not only the communities’ internal synergy but also their vision of natural resources. Thus, when new land and compensation arrived, families who were actually longing to be relocated in the cities were asked to sign under the modality of “relocation with development” which would mean to continue farming: …[Fostering growth and improving families’ quality of life, providing the communities with development opportunities and signing agreements for technical assistance] (Cooperaccion, 2006). This can be an explanation why the distribution of land and the repayment came as an extra resource for peasants communards who in spite of not living in the communities, traveled from time to time to be present in the community meetings, knowing that their presence would guarantee their community membership and consequently make them licit to benefits that might come from the mining company. This was the case of Marlene Cutil a young comunera of Alto Huancane, who lived in the peripheries of a city (Arequipa) and had travelled five hours to be present at the communal meeting. “My parents insist that I keep registered in the community” she declares “you never know what you can get” [meaning from the mine]. “However, I do not want to return to live in this place, neither I want my children to come”

As I have presented, community actors did take advantage of the land received through the platform, land that could be used to rent or sell and thereby increase their fallback position. Some community actors were willing to exchange land for education and labor opportunities for their grandchildren as expressed in their request addressed to the company. This shows that settling after resistance might help communards to obtain economic benefits. However, the damage in the socio-cultural organization that regulates community lives is already made and more difficult to return since they are non-negotiable.
COMMUNARDS OUT OF THE TABLE STRATEGIES

Communards out of “table” strategies

On our way to Alto Huancane, I accompanied a worker of the local NGO, for the organization of a small workshop/information on the closing of mining operations, when we were met by a communard, to urgently change the plans and visit a stream affected by an outflow of mining waste. When we arrived there, two others communards, a man and a woman in their fifties came out of their house to meet us. They seemed surprised by the presence of the NGO representative. The representative made some questions which had to be translated and were answered in Quechua: Six families were affected with the outflow which happened the night before. Representatives of the mining company visited the accident later that night and talk to the affected communards. They told the peasants that the spill was nothing more than clay loam water (agua de greda). After this the affected communards were invited to the mining office (and most likely offered some compensation – this was at least the feeling of the NGO worker).

A sample taken at the moment of the accident would have been helpful to check the actual content of the water-said the NGO worker. Obviously the communards did not want to cooperate with the NGO and tried to deny the contamination of water. To stress the insignificance of the accident the owner of the land explained to me: Look, it is nothing doctorcita(1), I can still see the little worms in the water [indicating that the water still contained life].

Once we left the place someone who was present during the accident told us another version of what had happened. The same night the owner was really upset with the mining company, and said that this was the last time that something like it would happen (again, as he made these threats/Statements before), he also said that he will ask the company to buy his land and ask for relocation. Somehow between the accident hours and our visit, the company played an important role of negotiation. We found out later that those communards had indeed taken samples of water right after the accident which they decided to hide from us later.

Is also good to notice that many of the environmental damages never reached the Table because of outside the table negotiations where they often ask for labor or a present. Sometimes the Table works as fallback for peasants, “if you don’t give us work, we speak”.

1. It means doctor (most likely in social science) in diminutive form, a term to refer a high educated woman in rural areas, in case of men they would most likely be addressed as “engineer”.

Source: Field observation 14 January 2009

5.5 THE ROAD AHEAD: CURRENT STRATEGIES AND FUTURE OPPORTUNITIES

Here in Yauri it is not uncommon to see people wearing caps with the logotype of “Xstrata Tintaya”. These caps are not given by the mine but rather bought at the local market, where the sellers assure that these are the most popular ones in town. The communards use them even if they do not work for the company as symbol for loyalty and, to some extent a way to try out their luck in getting a job ***42

When local ceremonies take place in Yauri, the most important places are designated for the mining representatives; next to come are the local authorities. In this order, during the anniversary of Yauri, the company opened the event presenting themselves as the beneficiaries of the communities: those who ‘care for the people”43. They usually assume the role of organizing/hosting the event (in an almost majordomo kind of way). This event

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42 Field Notes, November 2008.
43 Field Notes, February 2009
inevitably also implied that the company had access to the symbolic and discursive means; the microphone (speech), podium (who presents) and agenda (by whom, how and in which order are things presented).

Power relations also played an important role in the work of the dialogue table. Often NGOs that are supposed to work for the communities can be trapped in the framework of the powerful discourses set by the logic of the company and influence communities to use certain discourses.

It seems somehow difficult to capture the efficacy (good for whom?) of a dialogue table due to the different interests of stakeholders and what they want to gain from the project. However, something clear is that a dialogue table follows a win-win reasoning which might not be applicable in reality. In an interview with the company’s representative of the department of community relations, the work dynamics of the dialogue table was defined as friendly; like in a family relation. At the time of the interview I just read the La Republica article of Durand that I mentioned earlier. I suggested then the possibility of the use of local informants that provided Durand with information for his article. Faced with this, my interviewee responded that if that would be the case, the informants could have never come from the NGO they work with since that would be against their own work: “The local NGO cannot be against us, we work together” and in another opportunity regarding the dialogue table she said: “We are like a family” “You see the best part of the dialogue table is that everyone gets to say something”. In fact the mine representative was partly right because it seems that everyone gets to say something but it is finally up to the mining company to whom they listen. Also, internal dynamics reflected in day-to-day work relationships; in this case, the production of discourses and symbols (such as the provision of transport, venues, refreshments etc) can make clear who the head of the ‘family’ is.

Finally, the costs of the dialogue table are maintained at the minimum when compared with the profits made by the mining company. The annual budget of the dialogue table was around USD 300.000 starting from 2005 for a period of three years compared to USD 358 millions than the company earned by the year 2007 and which incremented to 9% during the next year (PLADES report, 2008). 44 This without mentioning that thanks to this mechanism Xstrata Tintaya will be extended for another twenty years in new neighboring territories.

In another area, “uncertainty” seemed to be the common feeling that underlined the difficult position of peasants and local leaders with regard to the closing of the mining project and the subsequent retreat of the company. Even for people in Yauri who were better positioned and own a restaurant or a hot shower/ sauna business, the opportunities to continue were small and they were afraid for their futures. However, the road ahead was definitely far clearer for some other stakeholders such as the mining company which was already planning to extend the project of Xstrata Tintaya nine kilometers further to nearby communities. The commentary of one of the communard of that region was that he was actually hoping that the mining

company would be interested in buying his land. Furthermore the same NGO would follow and is indeed already working in the area.

Nowadays, Yauri has a city hall built of huge blue (reflexive) mirror glasses that, combined with the picture of the Andean mountains on the background, contrast the peacefulness of the high altitudes with a cry for modernity. Some of the consequences of modernity are the asphalted roads that connect the new city with the main cities Cusco and Arequipa. The main square is surrounded with small business that provides services of fax, internet, copies, and cable TV. Two different cellular companies triples the telecommunication supply when compared to other Andean provincial towns in Peru. Also spread all over the main street, is the possibility to find hostels and hotels, a countless number of grocery stores, pharmacies and restaurants from Chinese to Italian food. Almost all services and capital movement exists because of the presence of the mining company, which has managed via legal and illegal strategies to control the natural resources and discourses of the region.

Without the presence of the mining company, Yauri would probably be as any other town in the Andes of Peru, marginalized and forgotten by the state. Public investment would reach them in unfinished agricultural projects or perhaps their water sources would be taken by more powerful entities such as big agro exports or hydroelectric companies. However, I want to make clear that the temporary “solutions” given by the mining company gave only the “illusions” of prosperity, definitely not enough to return peoples livelihoods and protect their natural resources in a way that would still serve them and their future generations. In contrast, the mining company has managed to gain control over almost all aspects of the communities and to some extent replace the role of the state. Outside the dialogue table, the local government and social organizations have not been able to articulate the interest of the communities and come up with long term projects, foreseeing the retreat of the mining company. Also, the different values peasants attached to the uses of natural resources have changed after more than twenty years of mining activities in Yauri, being ruled under neo liberal discourses, living the trauma of ecological depredation and the (new) dynamics of negotiation.
6. THE CASE OF LARAMARCA AGAINST BUENAVENTURA MINE

Prelude of Punishment

The death of Tupac Amaru II (1738) symbolizes an icon of indigenous struggle in the history of Peru, not only because his death represented the loss of the leader of one of the last large-scale indigenous uprisings against the Spaniards, but also because of the cruelty of his execution. Tupac Amaru II “was forced to witness the execution of all those whom he cherished; then his tongue was torn out by the roots; then he was quartered by four horses. Lastly, his body was burned, the charred remains of his head and arms and legs were being displayed among the various villages, speared on to poles (Ainsworth: 1919: 21). One of his limbs was sent to the altitudes of the region of Cusco, to the province of Chumbivilcas, which borders Espinar, and was ancient K’anas territory (see chapter seven). All this was done publicly, in the central square of the city of Cusco and surrounding strongholds of resistance as to send a message to the rest of the population.

Over three centuries later the president of community of Laramarca shared with me the following, while we were standing on the central square of his village which overlooked the other side of a valley where the mining company Buenaventura created environmental disaster in the neighboring community Ocobamba:

“We have been defending our lands for quite some years now. We do not want to go through the same problems that the community of Ocobamba experiences. We are blessed with good land and sufficient water for livestock and agriculture. Here in the community everyone is against the company. We agreed together in an asamblea: the one who starts negotiating with the mine, we will TUPAC AMARU him on this very square.”

While this is not likely to occur even when a Laramarquino approaches the mine, there was a determination and anger in his voice which made clear that it was more than an empty threat. In this case, not so much the icon of indigenous resistance, but the symbolic value of public punishment was used to make a point. The citation is at a first glance the common point of view of people of Laramarca about the Buenaventura mining company and a lot of the action undertaken by them seems to underline this.

In general there two main characteristics that encompass this case study: 1) The struggle of peasant communards of Laramarca to defend their natural resources against the entrance of a gold mine and 2) Their ability to mobilize people by forming and informing supra-community networks to keep resisting without losing an eye on internal control. However, what can these strategies tell us about the situation of the communities’ local autonomy against the mine? And, to what extent are these struggles linked to communards of Laramarca’s attachment to natural resources? The fact is that Laramarca is by no means the only community trying to resist dispossession of land and water. Other communities in the Andes and the coast of Peru have also showed powerful strategies with reasonable levels of organization and enough arguments to resist the mining presence.

45 Interview with President of the community of Laramarca. April 2009. See also Illustration 3 for a view from the village square in question to the community of Ocobamba.
6.1 THE ROAD TAKEN: PRESENTING HISTORY AND CONTEXT

To reach Laramarca we depart from the irrigated coastal plains of the region of Ica. Traditional crops here are cotton and vineyards. It is a desert area but Andean rivers, like the Rio Grande, provide water sources to turn these plains in patches of green. While traveling higher in the mountains the dirt road becomes less accessible and in the rainy season (from December to March) Laramarca and other communities in the Rio Grande watershed get cut off from the coastal cities. Further on the road we pass the pastures of the Pacific side of the Andes (a Puna zone similar to Yauri’s geography but with better water quality) until we drop down again in a much greener valley. There are trees here, unlike Yauri, and rivers that cut through the landscape. Typical public transport that connects Laramarca to other communities in the Rio Grande is the half truck-half bus, vehicle that transport people and products like maize, meat and cheese; traditionally for this area. These inter-Andean valleys, more so than in Yauri which is Altiplano, display Andean verticality: different ecological and climate zones are used for different products. Cattle in the Puna zone, potatoes, tubers and ‘pasto’ in the Suni zone and maize in the Quechua zone implies a bigger diversity in products.

The community of Laramarca (which coincides with the district of Laramarca), and in fact all communities in the head-end of the Rio Grande watershed, are part of the region of Huancavelica: a region which in contrast with our first case study in Yauri is historically famous for its mining presence. While mining impacted Laramarca, to a lesser extent during the first four centuries after the Spanish conquest a brief introduction now, will help us clarify the context of Laramarca later, particularly since historically mining and its effects seem to take part of the collective of the inhabitants of Huancavelica and thus, is relevant for the setting of Laramarca case (The geographical and administrative position of Laramarca in the Province of Huaytara and Peru is presented in Map IV).

The city of Huancavelica (capital of the region) was founded by the Spanish crown after the discovery of the Santa Barbara mercury mine in 1563. This zone was known as one of the world’s most abundant sources of mercury. The Spaniards assumed control and dispossessed the Incas of the mining activity that was already taking place in this area. However, mining in Huancavelica dates back to pre-Incas time when Indigenous peoples mined the ore, grinded it up and turned it into pigments. Later the Incas started heating the ore to use it as liquid mercury for sacrificial rites, painting warriors bodies and as cosmetics for the Incas’ wives and other elite women (Brown:469).

According to Spanish law, property rights to sub-soil belonged to the Crown. In this way the monarchy was entitled to grant the use of sub soils to miners upon payment of the appropriate taxes (Brown: 468). The Spanish Crown raised the production of mercury, and set the price that the government would pay for it; in this way mercury was sold and transported to the silver mines in Potosi (Bolivia). Mercury was here required to extract silver by a process of evaporation. Because of the rise of production the amount of workers in the mitas (forced Indian labor) increased as well. Extra labor force was required from the areas around, and it is

46 The district (or distrito) is the lowest level of the Peruvian administrative structure (above it are provinces, regions and the national government). In several cases it coincides with the community level (comunidad campesina). However sometimes a district consists of various communities; or one community is divided over two or more districts.
not unlikely that workers were gathered from the south of Huancavelica in Castrovi rreyena (nowadays spilt in the provinces of Castrovi rreyena and Huaytara) the surroundings where our second case study take place.

Map IV

PROVINCE OF HUAYTARA

Huancavelica, since that time, was a settlement of miners, muleteers, traders and a large part of indigenous peoples who were forced to work for the mine. Since then, an estimated 36,000 tons of mercury were mined from the region’s cinnabar ore until the mines were closed in 1974 due to diminishing production. Labor conditions for the mita workers were brutal, the mine was known as the “mine of death” because of its horrific working conditions. Much labor force was required for satisfying mineral demands under Spanish rule and although the factual impact on the territory of the communities of Laramarca and the Rio Grande watershed was most likely little, the scars of mining exploitation run deep and are felt until today. Stories of forced labor probably traveled back to Laramarca by the mita workers from the Rio Grande watershed.

On the border of the area of the province of Huancavelica in the North and the province of Huaytara in the South there are two highly distinctive landmarks: two mountain ranges called Chonta and Palomino with numerous peaks above the 5000 m.a.s.l (see map iv). This makes a
natural barrier difficult to cross even today and for many centuries has separated the area around the Santa Barbara mine described above from the inhabitants of the present-day Huaytara and Castrovirreyna. A great part of Huaytara (Laramarca included) was inhabited by an ethnic group called the Chocorvos who were conquered by the Incas and appeared to be docile and acceptable towards the Incas.

These historic and geographic characteristics will also help to understand the influence and the communities’ connection in the headwaters of Rio Grande with the coastal city of Ica/Nazca that are maintained until today. This relation is also inscribed in myths like the creation of the irrigation canal of “La Achirana” which drives water from the headwater of the Ica watershed to the Ica desert. The Inca Pachacutec, on conquest through this part of Peru, was struck by a beautiful women, a Chocorvina, and the only way to conquer her (and the favor of the Chocorvos) was to construct an irrigation canal, called La Achirana, to water the Ica plains (see also Ore 2005). But most importantly, it is also through this direction from the Ica/Nazca plains that Spanish hacendados invaded the area, expropriated the local communities and put the natives to work in their haciendas. There is plenty of evidence that there was massive displacement of the Chocorvos and the ethnic groups in neighboring Castrovirreyna. However the highest parts of the Rio Grande watershed (most of the Puna zone and higher) were never taken by Spanish colonizers. These were the areas of alpaca herders. It is interesting to note that Laramarca has within its current borders an extensive Puna part where alpacas and vicunas still roam, a part that has never been colonized so to speak, on the contrary to their neighbors in Ocobamba.

Laramarca was never occupied by the Spanish hacendados. The history tells that Laramarca belonged to the Chocorvos probably as a llaqta (or village). Later during the colonial period Laramarca belonged to the curato (a territory under ecclesiastic jurisdiction) of Cordova, province of Castrovirreyna until 1646 when it was conferred to the cacique Francisco Choquiy by the Spanish viceroy Marquez de Mancera under the name of “Chupaya y sus linderos” which nowadays is Laramarca (Huaraca, 2000)

In 1931 Laramarca was officially registered as community by RS No. 020 in the Ministry of Public works, Indigenous Affairs Official Registration Office and later in 1941 it got recognition as a district (Law 9299 22 ENE).

Still the only mining presence in the south part of this region of Huancavelica was near the city of Castrovirreyna (capital of the present day province). In the high altitudes around it there was silver found. Although mining continues until today it was not near the quantities of Potosi or of the mercury deposits in Santa Barbara. Also important to notice is that the road from Lima to Huancavelica and onwards to Ayacucho and Cusco passed through Castrovirreyna and left the communities of Huaytara (including the Rio Grande watershed) under a veil of forgetfulness throughout most of the colonial times.

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47 Interview with Humberto Lizana (May 2009). Also see Cronologia de Huancavelica (2003). This is similar to the higher parts of many of the Huancavelica Puna.
48 Name used by the Spanish crown since 1538 to refer to indigenous political leaders.
What is commonly understood is that most of Huaytara, and the Rio Grande Watershed in particular, was always an area of agriculture and cattle herding – throughout history until a few decades ago. After the Agricultural Reform of 1969 most former hacienda land became individual land unlike communal lands (like in most of the Andes)\(^{49}\). Again, a district where this did not happen was Laramarca.

To conclude, it is possible to say that historically, three main aspects can be considered for the analysis of Laramarca and their struggle for natural resources 1) Although mining did not directly take place in Laramarca, mining production and its socio-environmental damages to the communities are present in people’s collective memory; 2) The community of Laramarca have had for centuries a close relationship with the coastal city of Ica, determined by the proximity of the areas; 3) The lack of presence of hacendados in Laramarca could have made peasants of Laramarca more closed against foreigners and created a particular attachment to natural resources, reflected in their anti-mining struggle and in their land and water relations.

6.2 **NATURAL RESOURCES: MULTIPLE USES, MULTIPLE VALUES**

6.2.1 **LAND AND WATER USE AND RESOURCE VALORIZATION BY THE MINING SECTOR**

The presence of mining activities, since the beginning of the nineties, in the headwaters of the Rio Grande watershed had a direct impact particularly on the district neighbors of Ocoyo and Cordova\(^{50}\). Even in Laramarca itself, where mining has not officially entered, the impacts are tangible.

Mining conflicts mainly originate when mining companies invade communal lands; whether it is through selling of land, or temporary use of territory. According to law No. 26505 (law that regulates private investment in national land and in native and indigenous communities) decisions concerning the use, tax or rent of communal land has to count with the approval of 2/3 of all the community members of a certain community (CONACAMI: 2009). Thus after the concession is made by the government the selling of land has to be negotiated it with the communities.

Huaytara is nowadays the province with the highest number of mining concessions in the region. Almost half of its territory is been granted to mining companies. The main mining project is Antapite, owned by IMINSUR or the Buenaventura mining company. Apart from Antapite, other mining projects have bought concessions in this zone such as the Australian NEWCREST, the Canadian IAMGOLD, Brazilian VALE or the American BARRICK GOLD, one of the biggest mining companies of the world (CONACAMI 2009). All in all, the number of mining concessions in Huaytara is the highest among provinces in Peru. In Huancavelica the territories of 350 communities have been granted to mining companies and districts such as Laramarca and Ocoyo are virtually complete claimed by the mining sector (see Map 5). To restate: Lands of Laramarca have been given in concession to the Peruvian Mining Company Buenaventura without consulting the community to whether they agree with this decision. This happens from an office in Lima, prompted by the central government.

\(^{49}\) Interview Humberto Lizana, 2009.

\(^{50}\) Also in Quirahuara and Querco to lesser extent, and in other districts of Huaytara like Santiago de Chocorvos and Pilpichaca.
It seems the mining sector has already determined use and value of the natural resources, including land and water, of the district of Laramarca (and Huaytara in general) as if it were empty space, as if it was not used or of no value. The area of Laramarca has been however, as I mentioned in the previous section, an area of agriculture for centuries, before mining and before the arrival of the Spanish crown. However this is often not recognized or acknowledged by outsiders and governmental institutions.

The concentration of land and water rights in the hands of mining industries has given the mining company the faculty to decide on the value of natural resources which they normally attached to economic factors. Most of the time a critical look at the valorization of resources is replaced by development discourses, shifting the link to education, health (hospitals) and nutrition over costumes and culture. Furthermore discourses on socio-environmental care of mining production are usually confronted with the fact that as an enterprise, Buenaventura has to pay off the investments they do for its shareholders.

As expressed by the company most of the “essential values” are based on corporate reflections on how to maintain the best profitability, expansion. For instance “In order to achieve these objectives, BUENAVENTURA needs to constantly optimize its operations so as to improve profitability and thereby be in a position to finance the
investment that such a program requires without neglecting the legitimate expectations of the company’s shareholders.” (Buenaventura Mining Company)\textsuperscript{51}

At the same time the Peruvian state represented by the Ministry of Energy and Mining (MINEM) has as its first concern the promotion of mining investments, ignoring the lively agriculture that takes place in certain regions of the Andes. An illustrative example is a report of MINEM in 1998 that states the reasons why there is a limitation of agricultural development in the area 1) A scarce precipitation of the receptive watershed and 2.) Morphologic characteristics of the watershed which produce surface run off and erosion (see MINEM, 1998). However, surface water accounts for 80% of the irrigated parts in the Rio Grande Valley the rest is pumped groundwater, in other words the runoff water is in fact used further downstream and not a lost resource waiting to be exploited by the mining company.

6.2.1 LAND AND WATER USE AND RESOURCE VALORIZATION IN LARAMARCA

Laramarca has approximately 500 communards, 350 active communards with a right to vote plus 150 passive communards with the right to speak in the debates but not to vote, those communards live permanently in other places such as Lima, or Ica.

The livelihoods of the peasant communards of Laramarca is intricately linked to land and water use; based on pastoralism (alpacas, vicuñas, bovines and sheep) and small scale agriculture cultivating maize, potato, beans and wheat. Located at 3.395 m.a.s.l, Laramarca counts with an optimal climate and altitude for agriculture with ecologically distinct pockets above and below it (uphill tubers, wheat and cattle are found; down we can find maize, (field)beans and even fruit trees. The access to Laramarca is difficult mainly from the coast; it can take 12 hours by public transport from the city of Ica, the nearest provincial town. However it is easier for the communards of Laramarca to travel to this coastal city than to Huancavelica the capital of the region where normally formal transactions required by the government take place.

Laramarca territory is an estimated 2.500 hectares. As regularly in the rest of the Andes, most of its territory is communal land with exception of the area around the estancias and agricultural plots. As explained at the beginning of this chapter Laramarca was never occupied by haciendas but conferred to an indigenous leader since 1646. In this way Laramarca did not experience the Spanish regime as other Andean communities and to some extent grew more independent and proud of their territory. The individual land I referred above is property recognized in the community according to their social cultural organization.

Another important aspect to note is Laramarca’s long struggle of defending its territory from its neighboring communities. I will give an example to illustrate, with the passing of years and the natural population growth, the new inhabitants had to move to peripheral places to be able to make a living, usually to the community borders and marginal lands, when the same happens to the neighbor community, it can risk that the two new groups merge and claim the territory as independent. This is one of the reasons why Laramarca still has border disputes.

\textsuperscript{51}http://www.buenaventura.com/e_long.htm. Buenaventura Mining Company, Long Term Values Web site
(with San Francisco de Querco and Hurancancha) and its communal territory has not yet been legalized and registered in the National Register of Peasant communities in Huancavelica (due to lawsuits). Also, and beneficial for the mining company, the selling of superficial land has become difficult to control since once Buenaventura has legitimated its claim in state law it is difficult to turn back.

Many of the communities in Peru do not know about the existence of formal land titling programs like PETT or COFOPRI, and many peasant communities have territory boundary disputes. The situation in fact is that COFOPRI does not want legalize communal property until the disputes are resolved. In this way (and not coincidently in favor of the mining sector), COFOPRI continues encouraging community to formalize their property in individual plots.

In Laramarca, irrigation is supported by the traditions/customs of *ayni*\(^{52}\). They use “*riego por gravedad*” or gravity irrigation. The main contested source is the *Chacacha* River which feeds three irrigation canals at different altitudes: the “*canaletas*” of Ackllipa, Anta pampa, Callpay. All canals are below the level of the actual village on the right bank of the Valley that Laramarca overlooks.

According to Flores (2008), rituals and celebrations in Laramarca, related to natural resources are many: For instance the cleaning of irrigation ditches is celebrated in Laramarca every year on the 20\(^{th}\) of July. This activity is divided in three “*faenas*” (or collective workdays). During the first phase the “*regantes*” (or water users) of the sector of Alahuayqui have to work the main canal that supplies water to the reservoir of Urayccocha. The second *faena* involves the sector of Anta Pampa and subsequently work is taken by the sector of Callpay. The cleaning of the canals takes place in an atmosphere of celebration and excitement. The day starts with drinking the “*Llincha*” a hot beverage made of medicinal herbs. The workers bring their work tools for the cleaning. The authorities in this celebration are called “*the zambos*” possibly due to a figure shape in the rocks (on the left bank of the valley) that resembles the form of a (afro-Peruvian) woman “*la zamba*” crouching up where the water is born; As a farmer comically explained to me “from between her legs she is passing water, and so a stream flows down to Laramarca”\(^{53}\).

After everyone has gathered the “*champeo*” begins, this means cleaning the canal of weeds and debris that accumulate during the year. For this activity the communards of Laramarca are also divided into three groups: the Jollanas, The Chaujas y the Chejas. Those who finish first are awarded with a quart part of a bottle of aguardiente (locally brewed alcohol or spirits). The celebration is prolonged until late in the night where people dance and share food.

The way people from Laramarca value and celebrate their water sources extends to their land (agricultural field and pastures). I will give an example from the pastoralist life of Laramarca. In August they celebrate the custom of “La Herranza”. This festivity is aimed to bring good

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\(^{52}\) *Ayni* is a form of communal work based on “reciprocity”, it can be said that provides the foundation of how people relate in the Andes to each other and to the nature, it is also known as “*minga*” or “*faena*” in Ayacucho and Cusco.

\(^{53}\) It takes a couple of hours walking up along the river to reach this figure. Beneath the figure the intake structure that transports water to Laramarca has been made.
luck in the cattle production of next year. The celebration is twofold: the first purpose is to offer gifts to the Apus (mountains) to please them and the second is a more practical reason: the counting of the cattle or herds of each family and brand the new to avoid confusion. The estancias where they stayed in the altitude are surrounded by a small direct area that (without written limits) belongs to one family (individual right), but fertile patches of land further away from the estancia are shared by three or four families and this might caused problems.

In this particular celebration communards of Laramarca make use of a musical instrument called the “Wuacrapucro” a kind of cornet. Its particular sound produces an echo capable of reaching and penetrating the Apus (mountains). Women sing songs about their pastoralist life, the experiences of past years and the longing for good fortune. This while playing a tambourine. Further the ceremony of “Casaracuy” is organized to plead the Apus for a productive year in the cattle. Here the goal is to cross a female and a male animal on a stage specially arranged for the event while the owners paint their faces in white representing the snow of the Apus and distribute food among the public (Flores, 2008)

If we put the temptation of the mine aside for a moment, we can say that Laramarca is a vivid and proud collective (again the distinction district -community is difficult to make here); it seems well organized with a deep cultural heritage and valorization of their natural resources which opposes the view of Buenaventura. Agriculture is celebrated with rituals and customs, and the growing is diverse.

As it was explained to me by a communard: “The water and land resources have a special meaning for our livelihoods” because besides their use and productive importance “In Laramarca people live on it, and from it and with it”54. He said this while observing the colorful contrast of blue sky, mountains and green fields (even greener because of the rainy period). He continues saying that the land and resources are good to them and always have been. He illustrates this by referring to an old, but beautiful church symbolizing the old – they were doing well then, and the relatively new village square and municipal hall. All this he says is thanks to the land, the pastures and the water.

6.3 THE IMPACT OF MINING DRAWING NEAR

Prelude: The mirror effect:

“The company used to come to Laramarca; organizing information days and trying to convince us that mining is good for the development of Laramarca and that it won’t harm our land. Among other things they showed us videos about how the mine does not pollute the environment while showing images of ducks living happily in their tailings dam. In the video everything is fine. But I say: we do not need any video to know the truth, because we have the best video we could have ever seen right in front of us: the community of Ocobamba. From here we have seen how this community has changed and suffered from land and water scarcity. The whole community is divided since they welcomed the mine”. (What this communard was looking at is shown in illustration 3)

54 Expressed by a peasant of Laramarca. 2009.
Illustration 3. View of Ocobamba taken from Laramarca’s main square.

From Laramarca it is possible to see the neighbor community of Ocobamba which has undergone already ten years of silver and gold exploitation, dispossession of land, pollution and scarcity of water. Source: donjapepa.

Two of the communities that surround Laramarca gave up to mining industry already since the beginning of the Antapite mining project. Therefore, the effects of mining in Laramarca itself are mainly environmental and need to take into account a watershed perspective. In relation to the social impacts I take as example the community of Ocobamba, as this community is often referred to by people of Laramarca when arguing against the Buenaventura mining company.

6.3.1 SOCIAL IMPACTS IN THE RIO GRANDE WATERSHED

Similarly to the first case study, the main social impacts in the affected communities have been internal social division and migration. In this section I will explore closely how the social cohesion of Ocobamba is divided and transformed.

In Ocobamba, described above in the intro, internal community problems have led to fierce conflicts between those who work for the mining company and find benefit through an agreement of reconciliation in 2008 and those, who find the agreement illegitimate. One of the causes of the conflicts is the existence of new members of the community who according to local informants do not belong to the community. Somehow these outsiders are registered as community members and have been convinced to take part in the community assembly and so create a pro mine majority. In 2008, the community had been reduced by more than by half (from 300 to 136 community members). While Ocobambinos moved out to look for more livelihoods opportunities, new people were coming to Ocobamba prompted by work and convinced by the mining company.

The community decisions such as the signing of the reconciliation agreement of 2008, which normally have to have the approval of 2/3 of the representatives (Law No. 26505)\(^5\) was

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\(^5\) Ley No. 26 505. Ley de Inversión Privada en el Desarrollo de las Actividades Económicas en las Tierras del Territorio Nacional y de las Comunidades campesinas y Nativas. See Article 11, about the faculties of Andean and native communities over their territories and their requirements.
managed in a process where, according to the opposition, even community leaders were bribed. The main points of the 12 pages agreement of 2008 are presented below:

1) In exchange to sign the agreement with the company, the company would pay the community 450 000 soles (approx. 150 000 USD).

2) The community gave permission to work on 263 hectares of community land, agreeing that when the operation finishes they would return the land and pay 1 sol per ha. (0.34 USD).

3) The construction of infiltration ditches and a dumping installation to bring water to a night reservoir in the zone of Yanapuquio (a territory that borders Laramarca).

To have the right to vote and thus an opinion for the reconciliation agreement it is necessary to be registered as communard of Ocobamba. The minority expressed that this process is at the moment easy to violate due to the game of power and interest of the mining company. This has partly changed the meaning of community and of becoming a communard, since being part of the community was reserved only for family and those who own land by customary local law while now it can be “arranged” to gain votes to ensure the mining operation. One original communard of Ocobamba commented in a reunion: “In Ocobamba, nowadays everyone can be a community member”\footnote{Meeting of Frente de Defensa 2009 held in Ica, the comment was put as a result of the strategy called: the “golondrinos” (swallows) where right before the communal elections, the company buy some people outside the community make them change addresses to appear as living in Ocobamba and pay them to sign or attend meetings of the community.}, what he means is that in the past it was virtually not possible to become community member, only though marriage or heritage.

Currently in Laramarca, there is a lot of information regarding environmental impacts of mining in the Rio Grande watershed among the community members. Moreover throughout the history of Laramarca, the community has worked out alliances with neighboring communities as well as confronted its opponents. Although Laramarca and Ocobamba have solved their territorial disputes, the main preoccupation of Laramarca is the extinction of the water sources (obviously the pollution of the river Chacacha which borders the mine operational zone).
But there is more to it. The truth is that there is a potential surplus of water in the headwaters of the Laramarca River and (as in many Andean communities) this brings a series of opportunities for different actors. For instance:

1) One of the propositions raised by the mining company is to take water from the headwaters of the Laramarca River (still not polluted) and pipe it to the affected communities of Ocobamba and Ayamarca (mainly for drinking water purposes) leaving Laramarca with less water.

2) The community of Laramarca claims the construction of a medium sized reservoir to capture the water of the Laramarca River, store and use it to extend irrigation.

3) The regional government has come up with an “integrated solution” which is still under evaluation. The idea is to capture water from the communities of Querco and Laramarca, store it in a bigger sized reservoir placed in Laramarca and use it not only to irrigate most of the communities of the Rio Grande watershed in Huaytara but also to benefit the mining company.

While Laramarca finds out about the best way to finance the construction of the reservoir, they oppose fiercely to the mining project. Laramarca has managed to develop a well organized anti-mining network that counts with the support of local leaders and the municipality, but foremost of its residents who live in the city of Ica and still have stake and hold rights in the community.

MAP VI

THE RIO GRANDE WATERSHED

*Map on the left: Location of the affected villages in relation to Rio Grande watershed. Upper right: Rio Laramarca flowing down to the populated center. Middle left: Rio Ocobamba flowing into the Rio Grande on to the coast. Lower right: Right bank of the Rio Laramarca, under the populated center, used for irrigated agriculture.*
Internally there exists an unspoken social control among the inhabitants of Laramarca. To some extent it can be said that it is socially prohibited being in favor of the mining company, however they might feel otherwise in a different arena. As mentioned by two mining ex-workers they found indeed a better source of income to work for the mining project, however they were fired as punishment for coming from the anti-mining community. They rested with that decision; after all they could not go against their community\textsuperscript{57}. Finally, there is a strong pride and attachment to community costumes linked to resources and identity which is shown in speeches, literature and discourses about Laramarca as I have demonstrated above.

6.3.2 ENVIRONMENTAL IMPACT IN THE RIO GRANDE WATERSHED

In Rio Grande there are three main communities affected by the presence of mining: Ocobamba, Ayamarca and Laramarca. Although mining has not taken land from Laramarca, they resist openly because their water sources are being affected. It is important to acknowledge that since the mining company is located at the head water of several micro watersheds, the excavation of tunnels for mining exploration has affected the natural flow of the streams and thus the water sources of Laramarca. This has affected the livelihoods of 30 families that used to benefit from this water source (Peruvian Ombudsman: 2005). Also one of the main water sources of Laramarca comes from the stream from Chacacha which borders Ocobamba and Laramarca. This river is heavily polluted.

In Ocobamba water sources have also dried up. This is the case of a reservoir designed with a capacity of 1200 m\textsuperscript{3} and an irrigation canal for 6-8 liters per second which is now empty (see picture below). On the other side of the community the Ocobamba River has suffered mining pollution and the community cannot profit from this water anymore.

\textit{Illustration 5: The Antapite Mining Project in the Rio Grande Watershed}

\textit{Upper left: Antamina mine tunnel. To the right: Water contamination in Ocobamba River. Lower left: water transfer to the treatment plant of the mine, community peasants obtain the water from this pipe. To the Right: Irrigation canal of Yanapuquio, out of use due to its lack of water. Sources: Upper photos: Donjapepa. Lower photos: J.V. (Presented in Ica, SWAS meeting 2009).}

\textsuperscript{57} Interviewing two communards in Laramarca. April 2009.
In general, there are almost no studies (with exception of those made by the mining company) to analyze either the degree of pollution of water sources in this region, or the contestation of water rights. Thus, in order for us to grasp the misrecognition or ignoring of community rights to water, caused by the mine accomplice with the state, I turn to an example of one of Laramarca’s neighboring districts Ocoyo and the community of Ayamarca.

In the case of Ayamarca and the river Suyto, the impacts have been identified as the depletion (or dispossession) of the water sources. Here the use of water by the mining company is legitimated by an official water right granted by ATDR Palpa-Nazca, forgetting or ignoring that peasants from Ayamarca also use this water source.

According to the a report made by Regional Ombudsman (2006) in the water authority ATDR granted 2005 the mining company the following water right under provisional resolution N. 061-2005-GORE-ICA/DRAG-ATDR.P.N,) for the following purposes:

<table>
<thead>
<tr>
<th>Purpose</th>
<th>Liters/s</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) For use of the mining population</td>
<td>1.80</td>
</tr>
<tr>
<td>b) For mining use</td>
<td>4.00</td>
</tr>
<tr>
<td>c) For industrial use</td>
<td>14.60</td>
</tr>
</tbody>
</table>

| **IN TOTAL** | **20.40 liters/s** |

The report explains that these 20 liters are virtually the entire volume available of a sector (micro-watershed) of Ayamarca, whose members use it for watering certain crops during the driest months of the year (farmhouse gardens), for drinking water for cattle and most likely washing clothes and themselves. These traditional, customary and local uses are often ignored not only in this case but in general in Peru. In this case the mining sector has been privileged versus the water users of the communities.

More clearly the report mentions that since Andean communities do not appear officially registered by this institution, they virtually do not exist nor compete legally for the water sources. More so, and as I mentioned earlier, to contest or consult this ATDR the villagers of Rio Grande have to travel 12 hours to one of the cities in Ica (in this case the city of Palpa). Contradictorily, the Environmental Impact Assessment (EIA) mentioned that the water supply for human consumption or agricultural use of the zone under mining influence has been by no means threatened (Ombudsman, 2005)

As I mentioned at the beginning of this section it appears so that the mining company and even governmental institutions consider much of the headwaters of the Rio Grande as empty spaces or of low-value resource use. What I described in the previous section about agriculture and pastoralism in Laramarca is either misunderstood, not known or blatantly ignored.

58 Now called Autoridad Local del Agua (Local Water Authority). See 4.2 for more explanation.
59 Acta de Conciliación No. 00 Acuerdo Total entre la Compañía de Minas Buenaventura S.A.A y la Comunidad Campesina de San Pedro de Ocoyma. Proyecto Acta 14.10. 08
6.4 **Mobilization and Alliances: Resistance before Settling?**

6.4.1 **A Chronology of Mobilization in Laramarca**

Since the beginning of the problem in 1998, the strategies used by the community members of Laramarca are moved not by factual events in the community territory but the repetitive threat of the mining entering their fields. In this sense, the information campaigns that are regularly announced in collaboration with NGOs rely on mining experiences somewhere else in the area and of course, the impact that mining has caused in their own fields as side effects of mining elsewhere. Until this point non serious study on the impact of mining (of water and quality and quantity) has been carried out in Laramarca, although these arguments are central in their local discourses to resist mining.

The community counts with professionals living in Ica who maintain a strong advocacy network and who have indeed largely contributed to the start of the mobilization process against the mining. There is also an active participation of the group of people from Laramarca living in Ica in celebrations and local activities, people who use their land as a fallback position, and who show to have a very strong link with Laramarca as they refer to her as a blessed community.

It is also good to acknowledge that, as district, the income flow of Laramarca does not depend directly on the regional government for the execution of public projects, but goes straight to the district treasury. This makes it possible that communards of Laramarca administrate their resources to their own benefit and have access to counter influence the regional government. Unlike other communities such in our first case, they count with their own system for tap water, small irrigation canals, soils with improved pastures, and good cattle production (app. 1500 vicuñas that produce fine wool).  

The case of Laramarca appears to be an evolving case; mining is, to the present, still using its own strategies to start operations (as explorations indicated a large amount of gold and silver in the subsoil) and the community members are still defending. As an example, the formation of the Frente de Defensa took place in the time when this research was conducted.

In the next section I will analyze this ongoing process of mobilization by taking into account the politics of the main actors and their affiliation with respect to resistance, their discourses and actions. What follows below is a brief summary of the main events and activities held and organized during the resistance process of the community, which will be explained in each of the following sections.

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60 Nowadays, the price of vicuña wool per kilo is estimated in 659 USD (el Comercio, February 2010) http://elcomercio.pe/impresa/notas/gracias-al-control-caza-furtiva-aumenta-acopio-fibra-vicuna/20090522/289779
6.4.2 THE POLITICS OF LARAMARCA AND ITS MULTIPLE STAKEHOLDERS

LOCAL DISTRICT GOVERNMENT
Throughout the history of mining resistance in Laramarca the municipality has actively participated against mining operations in their territory. This political stand has caused tensions between local authorities and the development plans of the regional and central government. According to the district mayor of Laramarca, the regional government does not want to invest in Laramarca in retaliation for their opposition towards Buenaventura. Recently a group of communards of Laramarca (including the president of the community) traveled all the way to Huancavelica to claim for more public investment. Confronted by this, the response of the regional government expressed that in order to make public investment in Laramarca possible it is necessary for Laramarca to accept the mining company, because -it does not make sense to inject public investment in the community if the community itself goes against development.  

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61 Interview with member of Frente de Defensa, May of 2009.
In contrast to regional governments, it seems that local governments (Tambogrande, Majas, Seclla, Islay and Laramarca itself) support their communities in their decision to resist the mine, or at least are more under influence of the members of the communities (in order to maintain popularity).

ICA – LARAMARCA SUPPORT COMMITTEE NETWORK
The coastal city of Ica has received many migrants from the highlands of Huancavelica for the last decades in search for labor opportunities in the agro export sector. This flow of migration is more tangible in the outskirts of the city where many people of the communities of the Rio Grande watershed live. In these zones community life is lively reproduced through the celebration of festivities, sports or informal reunion which is meant to unify and integrate leisure activities with the defense of the community. In this way, it is not unusual to see this people actively involved in what it happen in their communities where they still have rights and still have a vote.

The Ica –Laramarca Support Committee was established in 2005 with the permission of the local government. This committee is integrated by a reduced group of professional women and men (teachers) residents of Ica. The committee has supported mobilizations to Lima, helps spread and relay information against the mine and holds quite a closed and dominant stand against the mining company. The women of this committee have formed a group of theater representing the problem of water scarcity caused by the mining project. For the committee, fighting the mining company should be taken seriously in all symbolic forms and the active members of the committee do not hesitate showing their opposition to mine. Although they were more active during early stages of the mobilization, the members of the committee are still informed and keep close relation with CORECAMI.

“It is usual that miners distribute food vouchers during information days about their plans. That is why we prepare our own food to show that we do not need anyone favors” says a representative of the Support Committee

In December 2008, the committee actively participated in an Inter-regional Forum of Water Management in Ica. The women of the Support Committee participated with a theater play about the loss and contamination of water in the Rio Grande watershed. In the play a group of women is crying about the loss of clean water and the death of animals. By the end of the play someone representing a mining worker approaches and he is immediately expelled from the community.

CORECAMI ICA-HUANCAVELICA
The regional representative of the National Confederation of Affected Communities by Mining in Ica-Huancavelica was formed in 2000, the year when the mining company Buenaventura started putting pressure on the territories of Laramarca to come in. The forming came after a big protest against mining in Lima, when some communities of Rio Grande proposed the creation of a resistance group with a watershed perspective. The goal was to deal with mining problems that CORECAMI Huancavelica was not tackling, as I explained in section 6.1 geographical landscapes poses easier access to the region of Ica than to the capital of Huancavelica.
The actual president of CORECAMI ICA is currently a woman; her family comes from Laramarca and two of the members of her family are also actively involved in the resistance process. Together they have recently welcomed the creation of the Frente de Defensa Rio Grande which I will explain in the next section.

The role of CORECAMI is to connect the case of Laramarca in a broader national network, and to provide local leaders with information about similar processes. They are regularly invited to national meetings to monitor their processes and exchange information with other communities.

As an example, the past water forum in Laramarca (June 2009) was organized by CORECAMI and managed to invite an important political figure to talk to the communities: Padre Arana. He is a known anti-mining activist whose work and advocacy to socio-environmental problems has caused him several life threats. His political party called “Land and Freedom” (Tierra y Libertad) is auto identified as an alternative left wing party that works for the defense of the environment. In this case, CORECAMI managed to find money (outside CONACAMI budget) to pay for the trip of the priest (Padre Arana) as speaker. The rest such as food and accommodation was divided between members of the movement and Laramarca community. About this day the president of CORECAMI ICA explained:

“The day was a success, Laramarca’s main square was full and we managed to turn down the opposition”. She recalled the presence of unwanted people such as: “the apristas coming from Ica and some infiltrated people from the mine who tried to verbally attack the presence of “el padrecito” (as she endearingly called him). “But he managed really well”, she said. Besides, referring how they dealt with some inconveniences that day, “Buenaventura cut down the energy right before the event started, to this the president of the community ordered to provide electricity with its own power generator. Also, they (Buenaventura) sent eight policemen. We all knew that they were to work against us. However padre Arana turned this action to his favor in his speech and mentioned that the policemen were sent as his guardians”.... “But if something happens to him, el pueblo would know who did it! –. At the end the President of CORECAMI said “we gave the policemen some pisco and they accepted” (insinuating that with that action they won the policemen to their side).

Finally, the visit of this new leader left for the local movements (CORECAMIs, NGOs, political actors) potential alliances, particularly for the upcoming election of 2011.

FRENTE DE DEFENSA FOR THE DEVELOPMENT OF THE RIO GRANDE WATERSHED (COMMON FRONT)

The FREnte was founded in 2009 as an initiative of a group of actors (most of them Ica residents with property rights in their communities) who had a stake in the processes of protest and mobilization against mining at a watershed level. The formation happened, not coincidentally, with the last module of a NUFFIC funded course on Integrated Water

62 Members of APRA right wing party on rule.

63 A national liquor distilled from grapes (as brandy)
Management organized by two local research institutions IPROGA/CBC and coordinated by the Faculty of Irrigation and Water Management Engineering of Wageningen University.

For the module, students were supposed to conduct interviews about water problems to the different community members who were invited to participate upon travel costs and food. After the module, it was announced that those who were interested in participating in new frente could stay. Many people stayed out of curiosity and interest but finally the group was reduced to 10-13 people from different communities who decided to name a temporary board for the future Frente de Defensa de Rio Grande. There were only two women in this new board and this because by law is necessary to put a minimum quota of women to approve these associations, as they said. They soon started discussing the legal character of the new organization. The president of Laramarca legitimized the presence of the communities (as no other members of community boards were there) without him having a strong participation in the meeting.

Further, the Frente was criticized by its lack of representativeness and the fact that most of their members were residents of Ica representing interest of people of the higher zones where mining is located.

The response of the FRENTE was the following:

“Some would argue that the Frente is not a representative, "democratic" organization. They themselves visualize their role in the Board of Directors as "preliminary", anticipating that as the organization grows, and new elections will be needed. Resistance organizations (Frentes) are NOT necessarily "democratic". It is not correct to characterize them as acting just like the authoritarian mining companies or Peruvian government. What can you do in the case of Ocobamba, where the community Board has already signed agreements with the Mine? Will this Board ever approve of a Frente? So, the section of the Frente which comes from Ocobamba does not represent the majority in this case and never will. It represents the resistance of those in Ocobamba who are against the mine.”

It was clear during the upcoming meeting on the coastal city of Ica that the same people who participated during the formation would not be able to show up again, however the president and his wife (the president of CORECAMI Huancavelica) as well as other fixed members manage to coordinate and are the main agents of change. On the other hand, it is worth mentioning that some residents of the communities found indeed a better idea to have people in the city of Ica to represent them since they found it difficult due to the lack of transport to come down to the city to take action.

In reality, the FRENTE is supposed to represent all the affected communities of the Rio Grande watershed such as Palpa on the coast, Querco, Cordova (Ocobamba), Quirahuara, Ocoyo, and Laramarca (which face up different water problems, such as drought and water...
shortage because of climate change and mining activities and a lack of integrated water management of the watershed.)\textsuperscript{65}

One of the main tasks taken by this organization has been the modification of the community statutes of Laramarca, which in their eyes will prevent the community to sell land to the mining company. According to the President of the Frente, the statutes were made in Ica with professional help and with participation and approval of the community board of Laramarca however they do not count with the approval of the whole community, therefore they plan to organize another workshop in order to explain the rest of the communards of the effectiveness of the new documents.

To sum up this section if we are to enumerate the actors that have a stake in the different organizations, we are going to find that those who make decisions about (coordination, organization and planning) are a reduced group. Most of the organizations work with little capital, but still they profit from belonging to a larger network, thus organizations merge and divide depending on the course of events, an example of this is the merging of the Frente with CORECAMI. Leaders and activists are to some extent not only advocated to their environmental agenda; they also participate in a number of other activities to increase their livelihood security. For instance, the president of CORECAMI often works (salaried) in another region for public projects which means that she cannot be present at all stages in the resisting process, however this flexibility offers her the option to decide her alliances and the meetings she attends, however the flip side of the coin is that the mining company is certainly willing to offer local leaders well paid work in order to have them as ally or at least neutralize them.

6.5 THE ROAD AHEAD: CURRENT STRATEGIES AND FUTURE OPPORTUNITIES

In Laramarca, as in the case of Yauri with the dialogue table, social license has been used to manipulate public opinion about the corporate image of the mining company. Since the company has not yet entered Laramarca territories the mechanisms to gain the communities acceptance has been to offer solutions to tackle the problem of water scarcity which is main concern of the communards regarding mining exploitation.

Mining Problems, Mining Solutions: Project “Sembrando Agua” (Sowing water)

The protests of the communities of the Rio Grande watershed concerning the pollution and contestation of their water sources have caused a reaction of the Buenaventura mining company. Its proposal regarding water scarcity has been to come up with costly hydraulic projects like the construction of water reservoirs aimed to provide water for the communities.

In a forum organized by some NGOs and the Laramarca community about Integrated Water Resource Management (IWRM) a representative of Buenaventura mining company talked about their solutions to solve water problems in Laramarca\textsuperscript{66}

\textsuperscript{65} Taller de la Problemática del Recurso Hídrico y su impacto en el medio ambiente. Fecha: 12 dic. 2008. Auditoria de la Junta de Usuarios de la Achirana de Ica

\textsuperscript{66} Notes taken from “Foro Interregional Ica- Huancavelica”. December 2008
“I have not come (to this meeting) to defend the company; my presence is to inform you about the work that we are implementing in the communities where we operate. We have committed ourselves in finding ways to improve the use of the water sources. We have made some projects to improve the agricultural use in Laramarca, Ocobamba and in other communities of the Rio Grande watershed. In the community of Laramarca it is possible to improve people’s livelihoods and the extension of agricultural land with efficient drip irrigation techniques. Techniques that would help to capture water during the rainy season or transferring water from neighboring watersheds, but this represent relatively high costs of infrastructure (…) We have come up with a project to improve the water of the Rio Grande watershed, called “proyecto sembrando aguas” (literally: project of sowing of water) which implies the improvement of irrigation infrastructures, a feasibility study and water transfer from adjacent watersheds. Towards the end of 2008 we will present a project aimed to improve pastoralism in the zone. I applaud the persons in charge of the organization of this event for their preoccupation about the use of water.”

Controversially, sembrando agua is the name given in Pre-Hispanic time to an indigenous mechanism of capturing water and storing it in permeable soil until it is “harvested” in dry seasons, for agricultural uses. It is quite provoking that the same name is being used by the company in its attempts to improve the water sources in the zone where they ignored the cultural values of resource use in the first place. Moreover, it can be assumed that the high costs of infrastructure and human labor will be finally harvested by the company as it will be placed as a burden on the communities and districts.

This modality is becoming a common strategy for mining companies: they offer to do costly hydrological studies and give false “promises” of more water before entering community territories. In some cases, these studies only represent a small part of the entire project, once the study is approved by the communities; it is well possible that difficulties arise when the communities seek financing for the realization of the actual project from the local and regional government.

Vichuri and San Isidro de Taracachi are two remote communities that belong to Ocoyo and are also part of the Rio Grande watershed. As many other small Andean communities in Peru, these are forgotten places with little investment from the regional and central governments and in the case of such remote communities they also tend to be forgotten by the local governments. Here the mining company is also trying to be accepted but with more success than in Laramarca. Since communards from Laramarca subsist from agriculture and cattle one of the main concerns with the entrance of the mining company is their water resources. As expressed in the following account by a local leader of Vichuri:

“We still have many struggles to come with the mining company Buenaventura, because they are committing abuse of the water sources, knowing that water is scarce for people and animals. They (the mining company) pump up the water for their own benefit for mining

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explorations, activities that are conducted very close to the borders of the community we belong to. ⁶⁸

As a strategy the mining company has proposed to make a hydrological study of the zone and a number of development projects. In turn communities, tend to reconsider their terms of negotiations, and finally accept the entrance of the mining company. The picture (illustration 6) below is an example of the folders spread by Buenaventura mining company.

At the moment Laramarca refuses to accept similar projects for their community. Opposition to the mining company has brought to Laramarca mechanisms of participation, the formation of supra community networks and has reinforced its pride and trust on local identity and natural resources. It is also good to acknowledge that the scope of interest and power of the different actors who have a stake in the mobilization of Laramarca are not homogenous. An interesting result is that a great part of the groups with active political participation to defend Laramarca’s natural resources are people from Laramarca who were brought up there but later migrated to Ica to seek for other opportunities that are not possible in Laramarca such as high degree education and job opportunities outside agriculture. The difference with migration that happened in Yauri is that they actively guard and proudly defend their property in Laramarca.

Also, different discourses borrowed from other successful experiences have managed to find resonance in the community. These discourses together with their own symbols and definitions of resistance such the preparation of food, getting the police on their side, the tupac amarization of betrayers etc have given body to the struggle of Laramarca and definitely strengthen their strategies to take control for the road ahead. The idea is that even if they would give up to mining exploitation one day, they would be able to negotiate and determine their own rules of the game with the mining company and maximize their profits while protecting their natural resources. Again, the overwhelming strategies of the market require that communities are prepared and well organized.

⁶⁸ Comunero of Vichuri, e-mail communication, spread March 2009.
Illustration 6: Project Proposal for the Sustainable Development in the Community of Vichuri and San Isidro de Taracachi.

Example of folder spread by the mining company Buenaventura with the hydraulic study. Within the red box the project is summarized:

The study entails:

- A general evaluation of the water sources considering studies already realized in the area
- Fieldwork, getting to know the watershed and different water sources (rivers, streams)
- Hydrological evaluation
- Availability of water for different uses and needs for the community
- The community has to give authorization to access to the area and a guide with knowledge of the area
- Duration of study: 45 days

Finally, the table below summarizes the role of the different actors, their interest and their contribution in the spreading of discourses in the resistance process of Laramarca. As we can observe discourses are mostly formed outside the community and reach the community’s (permanent) residents in a later stage.
Table 5
STAKEHOLDER ANALYSIS IN RESISTANCE PROCESS IN LARAMARCA, DISCOURSE AND POWER

<table>
<thead>
<tr>
<th>Stakeholder</th>
<th>Role</th>
<th>Interest</th>
<th>Discourse</th>
<th>Location</th>
<th>Power</th>
</tr>
</thead>
</table>
| CORECAMI Ica-Huancavelica            | -Encourage Laramarca to continue resisting the mine.  
-Organization  
-Information  
-Network to Lima                  | As NGO, CORECAMI interests are both to support Laramarca and to respond to CONACAMI agenda, which itself depends on international support.  
-Indigenous identity  
-Local Autonomy                   | Ica meetings in Ica and Lima            | Medium               |
| Frente de Defensa                    | -Information  
-Legal Assessment Protest                | The defense of natural resource at a watershed level. This can have different meanings for the members.  
-Environmentalist                   | Mixed Representatives of Rio Grande communities. The majority residence of Ica  
Constitution and meetings take place in Ica | Low                      |
| Support Group Ica                    | Information  
Propaganda  
Protest  
Theater group                      | The defense of natural resources at a local level, with mobilization on the coast.  
-Human Rights  
-Environmentalist                  | Ica                                      | Medium               |
| Community Board                      | Actively participation in almost every action taken regarding mobilization  
Represent community interests.             | -Mining is the destruction of Laramarca communards livelihoods.  
-Environmentalist                   | Laramarca                              | High                   |
| Local Government                     | Promote, implement and execute lines of actions to strengthen decentralization of the zone  
In Laramarca, the local government has supported local resistance.  
-Destruction of Laramarca communards livelihoods | Mixed: Laramarca and Ica                | High                   |
7. CONCLUSION AND DISCUSSION

In Peru, the intensification of social environmental conflicts caused by the establishment of mining industries in Andean community territories have been the main concern and departing point for this study. Andean communities are confronted with various mechanisms of accumulation destined to transfer local land and water rights to mining companies. Faced with this situation Andean peasants are forced to adapt or resist mining companies in order to build their futures. In Yauri, as in many communities, peasants have opted to negotiate the entrance and establishment of the mining company in exchange for development projects and labor. On the contrary, other communities such as Laramarca have resisted (and continue to resist) the admission of the mining project and have chosen to defend their territories. This study has attempted to explain a) why these two processes happen simultaneously in Peru and b) what the implications are for the uses and valorizations of natural resources.

In this sense, a glimpse into the multiple dimensions of water and land valorization in Andean communities has shown to be useful for the analysis of the different values Andean peasants attribute to their natural resources. This valorization is at the same time strongly connected to the uses peasants give to these resources. For instance, one of the reasons why in Yauri peasants tend to negotiate their land and water sources had to do with the fact that part of the communities had no longer control over (the use) of their natural resources; unlike peasants of Laramarca. Here peasants still lived from agriculture and pastoralism and, in their eyes, were blessed with good land and pastures and enough water sources which they value beyond the economic spectrum.

Another finding reveals the contra-productive impacts that accumulation of natural resources has on peasants’ collective rights to land and water. In the case of mining it has forced peasants to privatize their land and sell it to the companies, which weakens their collectivity. This in Yauri, was first experienced through the land expropriation and division of the land into individual plots to facilitate the process of selling to the mining company. In Laramarca instead, peasants have opted to protect their collective rights to land and water by stressing their collective and local customary rights in communal regulations.

Also, taking into consideration the reactions of the communities in both case studies has helped clarifying the motives for the different responses to the presence of mining. Peasants’ strategies are important in determining their positions (positions which are in turn determined by how peasants value their natural resources and see their futures) in front of mining companies. In Yauri, current resistance, first and foremost, was used as a strategy to regulate the continuity of the mining company rather than closing the operation, while in Laramarca resistance was (and still represents) the only way to maintain their sovereignty and their control of natural resources.

The present study also has shown that the adaptation to some of the impacts of the presence of mining companies, such as the search for non-agricultural forms of subsistence, the loss of land, the lack of access to clean water, and the conditions of migration to cities do intensify gender inequalities established in the past. For instance, most women could not benefit from
land compensation in Yauri since they were not recognized as owners of land like their husbands or brothers.

Mining companies often want to confuse the public opinion, arguing that by providing jobs for women in a sector that was usually reserved for men they support the feminist agenda. It is not mentioned that those jobs are often reserved for educated women from urban areas that count with different rights and labor conditions. In general, the labor provided for members of the affected communards is minimal, unstable and often directed to men. In this sense, women, who have worked the land with their husbands or parents as pastoralists, have to find with much creativity (eventual) jobs outside the company as street sellers, cookers etc. The conditions under which, rural women are immersed in the labor market provided by mining deserves a more specific and contextualized investigation.

Furthermore, this study has explained the main historic, geographic and political aspects of both communities. This in an attempt to show the past and present conditions of Yauri and Laramarca when dealing with the mining companies.

In both case studies, the communities are peripheral, with indigenous origins and similar livelihoods. Their sub- soils rich in minerals have attracted the interest of mining companies and the subsequent national attention on issues related to corporate behavior. On the one hand Yauri became the model for negotiation for NGOs and mainstream politicians and on the other hand, Laramarca, to a lesser extent, became the example of CONACAMI and the Rio Grande watershed on mining resistance. The reasons why these two communities appear to have chosen different paths have, in my opinion, to do with a series of elements that I will present below.

Yauri’s pastoralist land was highly contested in the past, even more than Laramarca’s because of its good pastoral lands, commerce and the continuous presence of foreigners. History shows that peasant communities of Yauri were deprived from acquiring and accessing their land and water sources, and many people ended up submerged in poverty. From this it can be assumed that, although land expropriation made peasants mad in the beginning, labor promises kept them from articulating protests to fully oppose the mining project after the initial struggle. Their claims were directed to the sharing of the benefits, more so than the protection of their natural resources. The mining companies delivered, in the eyes of peasants, more earnings than by means of agriculture and there was among peasants that the fortune of the mining company had to be share with them.

This picture changes in Laramarca, where development grew somehow different from Yauri. This was not only due to its geographical characteristics, but also because historically the community grew practically independent from Spanish control and this condition probably kept them more connected with their natural resources. Next to this, experiences of mining activities through the historical voices of ‘cruel mining’ in the past and the examples of the present have kept Laramarca from going through the same problems and pitfalls.

Laramarca’s geographical characteristics show sufficient water (quality and quantity) to ensure good pasture and optimal cattle production, in contrast with Yauri, where water and
land were scarce. This aspect adds force to the agency of people from Laramarca who live on the coast and who keep the land as a temporary fall back/social security option for them and their kin. Also, apart from stockbreeding, their management of agricultural land has allowed them to cultivate a variety of crops which makes them more self-sufficient in contrast with the communities of Yauri. This wealth of natural resources is vividly celebrated in ceremonies that contribute to maintain the social unity of Laramarquinos and strengthens supra-community networks with those groups on the coast to defend their territory against mining activities.

 Politically, the condition of the district of Laramarca facilitated their opposition to the entrance of the mining company. As a community-district, Laramarca is able to control and administrate the influx of money derived from the government. The communities of Yauri were always dependent on other communities’ interests (where opinions about the mining company were divided), making the path for negotiation with the mine more necessary. Furthermore, Laramarca mobilized three levels of political alliances, first the agreements of the community represented in general assemblies (at community level), next the support of local government (at a district level) and the supra community networks that have played a very important role in the struggle against the mining company Buenaventura (at inter-regional level).

 The widespread occurrence of mining conflicts has increased the level of awareness of the communities around mining projects and resistance against mining is definitely not the same as twenty years ago. While the intention of CONACAMI to create a larger resistance network in Peru seems momentarily an illusion, many communities, like Laramarca, do resist the mine, but more on a community/district level. Furthermore, it seems that communities are taking advantage of the growing flow of information on mining impacts, the presence of NGOs, and the increasing number of local environmental movements and networks (we are more!) that increases each time there is an opportunity (in for example small pockets of money) to meet and make alliances.

 Andean communities are increasingly improving their organization to contest the demands of the mining companies, and the examples of the resistance networks of Laramarca (see table 5) can tell how structured this process is becoming. In this respect, resistance is not new for the community of Laramarca. They are an old community (1 646), always proud and independent, historically defending their land against the intrusion of neighboring communities in the way they do now against the mining company.

 However, the acting of mining companies, as showed in the report is comparable to Machiavellian strategies to enforce political control in the communities where it needs to operate. What I mean are the types of covert politics and actions that, Niccolo Machiavelli described, in The Prince. His advice to the ruler (or the prince) was to behave in certain ways and be able to maneuver political control to one’s own benefit. If you wish to have control over a community you “need not necessarily have all the good qualities I mentioned above, but should certainly appear to have them. I would even go so far as to say that if he has this qualities and always behaves accordingly he will find them harmful; if he only appears to
“have them they will render him service” (Machiavelli:57). In this way, as in the political mining scene a good prince should appear to be compassionate, generous, faithful to his word, kind, frank, devout and still be able to perform the opposite. What I have shown in this report is that mining companies may refer to social relations with peasants as they were all together a “family”. Also the companies appear to select and celebrate some of the communal traditions and promise studies to harvest more water, while actually leaving communities devastated and local costumes related to natural resources destroyed.

This study has served to understand how dynamics of accumulation by dispossession work, showing that the mechanisms of dispossession affects not only peasants livelihoods but also their local systems and their relations to natural resources. Moreover, the study points to the need to take into account the history of Andean communities to find possible connections to their current strategies, and contextualize their actions. While I do not want to appoint that there is a recipe for resistance (since the future of a certain peasant community might be influenced by different aspects as explained above) I hope to have shown that present processes of resistance in Peru against extractive industries are becoming more and more structured and organized.
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