

# The Guardians of Conga Lagoons

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## Defending Land, Water and Freedom in Peru

### ANA ISLA

*Les gardiens des lagon Conga dans la région du Cajamarca rapportent un mouvement de justice environnementale qui a débuté en 1999 contre Yanacocha, un site minier à ciel ouvert de la Newmont Mining Corporation, Buenaventura et la Banque mondiale. Ces corporations avaient décidé d'un nouveau projet vers Mina Conga, ce qui a poussé le mouvement à intensifier son activité en 2011. Cet article montre comment la société civile a pris la défense de la terre, de l'eau et de la liberté. Les agriculteurs, les femmes et les autochtones ont participé à la lutte et ont frappé sur deux fronts. D'abord pour la défense de la terre, ensuite pour la lutte pour l'eau et la liberté. Ce qui a occasionné des poursuites de la police, la présence des militaires, un persécution fiscale, des détentions illégales la prison et la mort.*

Exploitation of mineral resources since colonial times, has reduced the concentration of mineral resources in both quantity and quality. What remains are dispersed particles in low concentrated areas, which are rocky, icy, forested, and mountainous, and which make it impossible to extract minerals using traditional deep-pit

mining methods and technologies. Therefore, open-pit mining is the current technological method available. Open-pit mining removes entire mountains, forests, and glaciers, with the aim of finding rocks with gold, silver, and other metallic and non-metallic minerals. Open-pit mining uses dynamite to kill the surface matter (e.g. forests, mountains, glacier covers, lakes, jalcas or springs water sources 3,000 metres above sea level). Moreover, its heavy machinery eliminates biological diversity (e.g. flora, fauna, and micro-organisms); and scars the landscape with the creation of giant craters. The shattered rock, combined with a cyanide and water mixture to remove gold, destroy ecological cycles and contaminates ecosystems, poisons the hydro resources, and pollutes the atmosphere due to the release of poisonous substances, thereby affecting all life. This process, known as lixiviation, has a strong impact on communities that live close to mining operations, as it also competes for water and energy. Cyanide lixiviation contaminates permanently, as it continues leaking into the land, water, air, etc. Changes brought by this chemical cocktail are

seldom in the mind of governments or mining corporations. Abandoned mining projects, all over the world, leave a legacy of permanent water contamination from cyanide, metals, and non-metals.

In 1987, *The Brundtland Report* (World Commission on Environment and Development) entangled the international debt crisis with the ecological crisis, and suggested “sustainable development” as a means to eliminate poverty and to contain environmental disaster. At the Earth Summit in Johannesburg in 2002, mining was defined as sustainable development. The advocates of the Global Mining Initiative as sustainable development were the International Chamber of Commerce, the World Business Council for Sustainable Development, and Business Action for Sustainable Development. Thirty mining corporations and several NGOs—among them the International Union for Nature Conservancy, Conservation International, and others—sponsored this initiative. A key tactic of mining supporters is to portray mining as a way to bring investment, create jobs, and reduce poverty. In the sustainable

development (SD) paradigm, despite on-going debates and search for alternatives, economic growth remains a dominant paradigm. Development theory rests on a binary world in which subsistence economies are constructed as “undesirable” and “undignified” (Esteva). In fact, the ongoing destruction of subsistence economies is the central element in development.

Moreover, the neoliberal agenda also established globalization as an open field for corporations in which there are no legal, social, ecological, cultural, or national barriers. Bilateral free-trade treaties and agreements such as NAFTA, signed between 1995 and 2010, institutionalized neo-liberal reforms by reducing tariff and export taxes on investments. Private-sector-friendly legislation and codes regarding the rights of foreign investors were incorporated into free trade agreements, providing additional legal protection to corporations for suing governments that rescind permits for operations.

However, pressured by Indigenous activists, since 1989 the International Labour Organization Convention 169 has recognized the ancestral rights of Indigenous populations. Despite the fact that the Convention was signed by many Latin American governments, these same countries are ignoring it or are nullifying its effects (Rodriguez-Pinero Royo). In addition, “in 1999, the International Finance Corporation (IFC), the financial arm of the World Bank, created the position of Compliance Advisor Ombudsman to monitor obedience with the social and ecological conditions attached to World Bank finance” (De Echave 20). Furthermore, the United Nations General Assembly in July 2011 recognized water and sanitation as human rights, and it has an official forum on water as a vital ‘commodity’. The Council of Canadians encountered the definition

of water as commodity and built a movement of global scale under the slogan *Water is Life* that created an Alternative World Water Forum (Forum Alternatif Mondial de l’Eau [FAME]).<sup>2</sup> It fosters The Blue Planet Project that promotes “water justice based on the principles that water is a human right, a public trust, and part of the global commons.”<sup>3</sup> Nevertheless, such initiatives continue to be only partially successful because mining can rely on unregulated conditions and voluntary compliance as the only means of ensuring corporate respect for environmental and human rights.

During the 2002 Earth Summit in Johannesburg, in the absence of a global regulatory system or international legal systems to hold multinational corporations to account for their operations in the periphery, multinational organizations were forced to address the social and environmental repercussions of the expansion of mining, and propose partial solutions. As corporations were confronted with rural and Indigenous community upheavals, they began to formulate their own regulation strategies referred to as corporate social responsibility (CSR). At the Earth Summit, in Johannesburg, CSR was added to the multi-stakeholder negotiations (MSN). The multi-stakeholders (which include governments, NGOs, and businesses) have come to realize that close relations with the communities (e.g. women, youth and children, Indigenous peoples, local authorities, workers and trade unions, scientific and technological communities, and farmers) are crucial for their operations. The concepts of CSR and MSN foster the notion that corporation and community interests are compatible (that it is a question of dollars and cents), and that each member of a community supposedly has a common interest, represented by the venture (mining), in fair negotiations. Catherine Coumans argues that

in a deregulated framework there is no community right in the periphery to reject mining investments, and therefore the most tragic outcomes of mining projects occur when rural communities refuse to become stakeholders in what they perceive as the plunder of their Indigenous lands and resources (31).

In South America, the most appealing countries in terms of attracting investments in extractive resources are Peru, Colombia, Ecuador, Bolivia, and Chile because of the large land tracts Indigenous people occupy. Consequently, Indigenous peoples and peasants’ local economies are under attack. For millennia, these communities have exercised control over the land, water, and livelihood that corporations now want to appropriate. Enforced by the Johannesburg Earth Summit and deregulation, communities have had little success in their efforts to get mining corporations to uphold basic concerns about their right to know the impact of the projects, and their right to reject them. Therefore, they increasingly find themselves face to face with the violence of mining operations. As a result, communities are forced to mount a political struggle for their territories as mining operations are transforming their physical, social, economic, and cultural environments. Even though the costs for local communities are high, they have no choice but to take on their own governments and mining agents, and their international backers (i.e., the World Bank, First World governments, new laws, tribunals, middle-class investors and their pension plans, lobbyists, and political parties).

The Guardians of Conga Lagoons, an environmental justice movement in the sense used here, is about recognition that Peru’s economy is based on agriculture and livestock production. They understand that the future of their families will be

determined by the water quantity and quality produced by the *jalcas* (springs) at the top of the mountains. This article brings to the forefront a nucleus of resistance to mining as sustainable development by women and men, peasants and Indigenous people of Cajamarca in Peru, caught in the middle of a confrontation to defend the land and water as com-

abashedly summed up the racism of the State when he called Indigenous people “Perros del Hortelano” and stated that Indigenous people are “not first class citizens” (*Democracy Now*). Garcia’s administration embarked on territorial reordering, invented new decrees and derogated laws that supported ancestral land claims and rural communities (Isla). His administra-

tion ignored socio-environmental conflicts and established relationships with mining corporations based on bribery. Corporations benefit from corruption expressed on the *obolo minero* (one cent payment) (Campononico). *Obolo minero* stipulated that mining corporations should pay 3.75 percent of their profits in royalties. Since this payment was voluntary, several corporations made no contribution whatsoever. If taxes had been paid, instead of *obolo minero*, the government would have received billions of dollars more than what was collected by passing this hat. During the last presidential elections in 2011, the new president Ollanta Humala promised to change the racist state politics that deny social justice and destroy nature. In Cajamarca, referring to the Conga Mining Project, he promised to respect the community decision of “no mining.” Instead, after the election, he gave this mining a green light and went after anti-mining communities with bullets and bombs, leaving Cajamarca’s population feeling betrayed, but not necessarily disempowered. These “invaded” communities understand that civil unrest is the only option left

### **Defending Land: The Case of Yanacocha Gold Mining**

to those who do not want mining in their locality.

Yanacocha began operating in 1992, in the region of Cajamarca, in Northern Peru. It is owned by a partnership between the Peruvian mining group

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mon, and freedom. This article will also highlight the environmental racism exhibited by a multinational corporation and in the functioning of the Peruvian state. Ecofeminists argue that racism denies the essential humanity of people. Indigenous people, similar to women, are naturalized, their land labelled “unoccupied” or “unused,” and thereby easily appropriated by those who claim they can make it “productive.” In this way, suffering and death are rationalized in the name of progress (Mies; Salleh).

On the one side, Yanacocha Gold Mining Corporation shifted the social and environmental costs of mining extraction onto local communities on the grounds of their existing on the periphery, being peasants, and being Indigenous. On the other side, the Peruvian state under Fujimori administration (1990-2001) passed a series of measures in favour of mining investment such as ending restrictions on remittances of profits, providing tax stability packages to foreign investors, guaranteeing mining companies exclusive control of land use, and facilitating entry to mineral deposits, among other advantages. Alan Garcia, President of Peru (2006-2011), un-

tion ignored socio-environmental conflicts and established relationships with mining corporations based on bribery. Corporations benefit from corruption expressed on the *obolo minero* (one cent payment) (Campononico). *Obolo minero* stipulated that mining corporations should pay 3.75 percent of their profits in royalties. Since this payment was voluntary, several corporations made no contribution whatsoever. If taxes had been paid, instead of *obolo minero*, the government would have received billions of dollars more than what was collected by passing this hat. During the last presidential elections in 2011, the new president Ollanta Humala promised to change the racist state politics that deny social justice and destroy nature. In Cajamarca, referring to the Conga Mining Project, he promised to respect the community decision of “no mining.” Instead, after the election, he gave this mining a green light and went after anti-mining communities with bullets and bombs, leaving Cajamarca’s population feeling betrayed, but not necessarily disempowered. These “invaded” communities understand that civil unrest is the only option left

Buenaventura, Newmont Mining Corporation of Nevada (US), and the International Finance Corporation of the World Bank.

Yanacocha mining operations has already produced environmental liabilities due to the disproportionate use of space and the unpaid socio-environmental damages. Professor Jose Perez Mundaca (*Conflicto Minero*), documented the struggle between Yanacocha mining and the people in Cajamarca. He shows that Yanacocha has brought several negative changes. Socially, Yanacocha turned the city of Cajamarca into a camp for the mine, transforming the city into an entertainment area for miners, and creating social conflict. In the rural areas, it impaired the environment of the peasants by buying their land and/or rendering it infertile due to contamination. Economically, the mining company enjoys exorbitant profits due to the high quality of the ore deposit, low costs of production, and tax exemptions. For instance, Yanacocha production costs are extremely low due to the use of state infrastructure (roads) among other things. For 2001, Chip Cummins estimated this cost at 85 dollars per

ounce of gold, compared to the 212 dollars in expenditure that same year, for Newmont in Nevada, United States. Politically, Yanacocha creates an economy of enclave, where decisions are made in the U.S. as its product destination is the foreign market. Its influence has penetrated most of Peru's institutions and organizations, such as ministries municipalities, NGOs, Chamber of Commerce, universities, and the Catholic Church. Geographically, the open-pit system means the removal of huge amounts of land mixed with huge amounts of cyanide, at river and lake sources. Not only was the ground removed and the water contaminated, several hills and lagoons were literally demolished. Environmentally, Yanacocha, due to its magnitude and its location at the source of several streams of regional importance, has generated considerable negative impacts on drinking water, watershed resources, and supply of water for irrigation. The hydrology is rain-fed, nourishing high-altitude grasslands *jalcas* (lakes at an altitude between 3,500 and 4,000 metres above sea level), as well as alpine lakes and wetlands, or *bofedales*. These lakes and wetlands are the sources of all the streams, rivers, and drinking water for the surrounding areas, including most of Cajamarca's 250,000 residents.

These impacts of Yanacocha mine have generated general resistance that began in Cerro Quillish.

### **The Guardians of Cerro Quillish: First Stage of Environmental Justice Movement 1999-2010**

The first stage of the conflict occurred in the immediate rural surroundings of the mineral deposit, such as Porcón. This town is located at km. 14 of the highway, and Yanacocha mine is at km. 24. But if you draw a straight line between the two, the mine is four or five kilometres away from

Porcón. People from this town can hear the miners working 24 hours a day. The main actors during this first stage of resistance against the mining corporation were the farmers that the company bought land from at undervalued prices, who initiated a struggle for fair payment for their land and their incorporation as workers to the mine.

Nelida from Porcón says,

*My father was one of the landowners in Quillish. He did highland agriculture. In 1997, he sold 23 hectares of land for S/. 3,900 (CAD\$ 1500). This represents S/. 169 (CAD\$ 65) per ha. He was forced to sell his property to the mine because he was informed that if he did not sell the land the state was going to confiscate it without paying him a cent. When he sold the land, the company told him that they would give him work. The mine employed him for three months at minimum wage, and then they fired him.*

She adds,

*Mining authorities have identified the families who are against mining. They call us backwards, because they say we oppose investment and progress. To capture the opposition, the mine has two strategies. First, some people, including women, are employed for a few months, then they are fired. When they are dismissed, they distance themselves from the community and do not want to participate in the struggle, because they are ashamed of having sold out to the mine. Second, the miners believe that the mountains are not alive and are there to be crushed. However, for us, a mountain means a lot. It is our protector, our guardian, it is what gives us water, medicine, and it is our*

*company.... Miners do not realize that by destroying our mountains, they are devastating us as well as themselves. (Nelida).*

This struggle intensified in June 2000 when, in a small town called Choropampa, 151 kilograms of liquid mercury spilled over a 40 kilometre wide area, contaminating three mountain villages, including Choropampa. Some young people began picking the mercury up with their hands—to disastrous effect. Campesinos learned that contamination kills. “More than 900 people were poisoned from the spill” (Cabellos and Boyd). In an effort to push the company to take responsibility for the health damage, headed by the town's mayor, the villagers blocked the road that connects Cajamarca to Yanacocha. After negotiations between the mine and the community, some Choropampa residents signed individual compensations. Others sued Newmont in the United States Federal District Court in Denver, in 2001 (Johnson and Caceres). Years after the mercury spill in the villages of San Juan, Magdalena, and Choropampa, the health of the population has not been restored, nor do they have adequate medical care (GRUFIDES).

Professor Perez (*Conflicto Minero*) recounts that during the peasant struggle in Porcón, Marco Arana, a parish priest of Porcón, Nilton Deza, a biologist of the UNC, and Reinhardt Seifert, a German engineer resident in Cajamarca organized the environmentalist association ECOVIDA in 1999. It led the anti-mining opposition. Cerro Quillish became the focus of conflict as it feeds the Quillish, Porcón and Grande Rivers. The struggle was intensified after the mercury spill. Since 2001, the opposition against Yanacocha has become a movement in which varied forms of struggle defend health and life from its contamination. The move-

ment organized local, provincial, and regional standstills in defence of the environment; it resorted to a legal and judicial lawsuit against Yanacocha mine after the mercury spill; and municipal ordinances were passed to protect the hills. For instance, the Provincial Municipality of Cajamarca declared Cerro Quilish as a Protected Area; committees ad-

agriculture and livestock (Perez, *Conflicto Minero* 153). Regarding water contamination, Nelida says,

*Women are very aware of the water problem, because we are in the kitchen, we have to do laundry, and if there is no water we have to find it somewhere for the animals and the family. We know that pol-*

luted water is linked to infertility in women and animals.<sup>4</sup> Plans would consume 3,069 hectares of land to extract the gold and copper that lies beneath, and would affect between 3,000-16,000 hectares of fragile mountaintop wetlands including numerous lakes, rivers, and marshes that supply the region's drinking water (Bernard and Cupolo, March, 2012). According to Newmont, "The

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vocating the protection of the area at different levels were organized, such as FARC (Frente Amplio Regional de Cajamarca), FDI (Frente de Defensa de los Intereses, Ecología y Medio Ambiente de Cajamarca); congresses were organized to discuss the environmental impacts and sustainability such as First Departmental Congress in Bambamarca (Primer Congreso Departamental); new roles for old organizations appeared such as *rondas campesinas*; pilgrimages to the aquifers hills threatened by mining were organized; professional bodies such as the College of Physicians, Biologists, and Engineers declared themselves against mining; Sunday speeches were organized in the atrium of the Cathedral of the city of Cajamarca.

Nongovernmental organizations (NGOs), such as Asociación de Defensa y Educación Ambiental (ADEA) (Association for the Defence and Environmental Education), hired specialists to assess the Environmental Impact Study (EIS) of Yanacocha, in particular the water sources in Quilish and Porcón Rivers. This study found "iron and aluminium" beyond the values allowed by the General Law of water for human consumption,

*luted water is linked to infertility in women and animals. Women can no longer have children, if they do, some of them are ill. For instance, there is a six-year-old child who was born stunted. The cuys (guinea pigs) and the cattle are sometimes stillborn or born deformed. Two years ago my uncle had a cow that her offspring came out deformed as the head of a duck and was stillborn.*

With the publication of the results of the EIS, ADEA and other environmental groups pressured the central government authorities to take corrective actions and threatened the government with a departmental strike. This confrontation has escalated since 2011 when the owners of Yanacocha hoped to extend their mining project to what has been denominated Conga Mining.

### **Conga Mining Projects**

Conga Mining project is several times larger than the initial Yanacocha mine. The Conga project is presented as one mine project though it proposes the installation of nine more mining

Conga Project in Peru involves surface mining of a large copper porphyry deposit also containing gold that is located 24 kilometres northeast our Yanacocha Gold Mine.<sup>5</sup>

The grabbing of land and water are inseparable. According to Fidel Torres and Marlene Castillo, in the immediate area surrounding the operations of the Project Conga, close to 700 *jalcas* (springs), 96% with flow rates important for agricultural and human use, have been documented. Of these, 398 (59 percent) are between 3,500 and 4,000 metres above sea level; 133 (19.7 percent) between 3500 and 3000; and 145 (21.4 percent) between 3000 and 2500 metres above sea level. There is a complex system of underground water flows connected with the above ground water that makes up the aquifer in the area. *Jalcas* or spring water sources are common spaces controlled democratically by peasants living in the area who use the water and are organized in *Junta de Regantes (Collective Association of Water Users)*. They maintain the ecological health of the aquifers and the equitable distribution of its benefits around the knowledge of the dynamic of the water. This social pact

is respected by its membership, and it is around this community knowledge that the environmental justice movement is organized.

According to the Internacional Institute on Law and Society, this mega-project would directly affect peasant communities and Ronderos Campesinos, which apply to them the rights and benefits that corre-

*the Marañón; of the Llaucano River, which irrigates the valleys of Bambamarca and Chota, and that of the Cajamarquino River, which irrigates the valleys of Cajamarca, Llacanora, Namora, Matara and San Marcos.*

Further, he states: "The corporation's plans to drain and extract gold from

ha. of *jalca* mainly due to two factors: 1) the expansion of agricultural and livestock derived by the demand of multinational factories of milk (PERU-LAC NOW INCALAC, and GLORIA S.A.); and (2) the mining area of Yanacocha, which removed several thousand hectares of land in the area of the *jalca*. It mixed water with cyanide degrading the soil, and contaminating

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**Since the majority of people in Cajamarca fiercely oppose this six billion dollar project, the Peruvian national police have heavily oppressed their resistance. They have suffered: declaration of emergency, repression, harassment, tear gas, burning of camps close to the lagoons, police monitoring, fiscal persecution, attacks, illegal detentions, [and] blows.**

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spond to the Indigenous peoples, by constitutional and legal mandate (Constitution, arts. 89, 149; 4th DFT) Law of Ronderos Campesinos, art. 1; Convention 169 of the ILO on Indigenous and tribal peoples in the countries independent; United Nations Declaration on the rights of Indigenous peoples; and doctrine and jurisprudence of the IACHR. (IILS 1)

Professor Wilder Sanchez maintains that:

*The Conga project is unworkable because it is located at an altitude ranging from the 3,700 to 4,262 meters above sea level, at the headwaters of five river basins: 1) Jadibamba River; 2) Chugurmayo River and 3) Chirimayo River (both tributaries of the Sendamal, which is attached below with the Jadibamba, originating La Llanga River); (4) Chaillhuagon River, which feeds Rio Grande and Chonta River; (5) Toromacho Creek, which feeds the Pachachaca River and Llaucano River. Three large river basins will suffer severe impacts: the Rio La Llanga, of Celendín, which irrigates the Valley of Llangat and flows into*

two of the most important lagoons and use three lagoons as a landfill of tailings and substances toxic.

Since the majority of people in Cajamarca fiercely oppose this six billion dollar project, the Peruvian national police and the Peruvian army—on orders from the central government—have heavily oppressed their resistance. As a result, they have suffered: declaration of emergency, police and military presence, repression, harassment, tear gas, burning of camps close to the lagoons, police monitoring, fiscal persecution, attacks, illegal detentions, blows; the death of five people, including a minor, and leaving a *rondero* paraplegic and another without sight.

### **Defending Water As Common – ¡Conga No Va!**

Professor Jose Perez (*Agua-Procesos*), argues that until 1980, the highlands and *jalcas* were commons, that is, open to common use for grazing livestock and subsistence agriculture. The impact of peasant agriculture was minimal because they use organic fertilizer. However, between 1987 and 2007 there was a loss of 75,454

the water. All these processes have meant greater pressure on the soil with damaging effects on the environment in general and water in particular. In addition, reforestation projects by the international cooperation through the planting of eucalyptus and pine trees created new water problems. Instead of sowing water, eucalyptus consumed water from the *puquios* (smaller areas of fresh water) and *jalcas*. Finally, since 2000, they now plant trees that are native species. FONCODES has also built reservoirs to store water and CARITAS has built family wells.

So how will Conga mining affect water quality and quantity? In an interview with Professor Wilder Sanchez, he states that:

*Conga Projects will draw at least six million tons of wetlands (similar to marsh or swamp) that today occupy 103 Ha., thus destroying the water sponge that stores water from rain and mist that filters it slowly to the lakes, streams, and groundwater that give rise to the springs. Since there are several mining projects, the cumulative impact of craters*

*will destroy the groundwater and seriously alter the normal flow of the hydro-geological system; due to its huge depth will cause the disappearance of the springs and other lakes in the surrounding area, and contaminate groundwater with sediments, heavy metals and acid water infiltration between the rocks removed.*

*In addition, the water can be contaminated with chlorine by-products. Chlorine is used to treat gold mine wastewater and remove cyanide, which helps extract gold from mining ore in a process called heap leaching. The city's water treatment systems are currently inadequate to remove these by-products, which can include the carcinogen THM (trihalomethane).<sup>6</sup>*

Professional and community knowledge added to the protests. On September 29, 2011, a strike took place in eight rural areas (Namococha, Quengorio Alto, El Alumbre, Corralpampa, San Antonio, and others); on October 14, 2011, another strike took place, this time in Encañada; then the Cajamarca Regional Government called to a Regional Stoppage on November 9, 2011; and on November 24, 2011, several other strikes were organized in the Region of Cajamarca.

As the protests increased, conflicts emerged at every level of government. At the national government, Conga has removed two Government Prime Ministers: Lerner and Valdez and several Ministers and Vice-Ministers because they confronted the protest with bullets which created national unrest.

In this national disagreement, the region of Cajamarca elected as Regional President a Communist Party Patria Roja leader who had not been corrupted or intimidated by Yanacocha. His policy defends the headwaters of watersheds, prohibits

mining operations, guarantees the right to defend the water resources, and supports the defence of ecosystems as commons. In an interview registered by Bernard and Cupolo ("Cajamarca"), the vice-president of Cajamarca region said:

*In June of 2011, we (the Regional Government) visited the lagoons on the Conga site to do a general overview of the land and found its ecosystems to be too fragile for mining activities. Shortly after, we reviewed the environmental impact study (EIS) that approved the project in 2010 (during Alan Garcia administration) and found serious deficiencies. As the protests became more and more frequent, we felt obligated to respond to our resident's concerns and represent their voice so we put together the 036 regional ordinance.*

But on April 17, 2012, Peru's Constitutional Tribunal ruled against Ordinance 036. The court said Cajamarca government officials overstepped their powers by making regulations against the mining project (Bernard and Cupolo "Cajamarca"). Following this decision, the central government and the corporations demanded prison for the regional president of Cajamarca.

The water struggle in this region is at every level. Interviews with women in Cajamarca city told me that their home in the city only has running water for as little as a few hours per day due to ongoing mining in the headwaters of the Rio Grande. They have to wake up before three or four a.m. to collect water if they want to cook or take showers. Therefore, water pollution has made women play an important role in the process of *Conga No Va!* despite the fact that women in the mountains, did not have a tradition of participating in the protests. The defence of water, in

the year 2012, made visible the participation of the peasant woman, the professional women, and the Sisters of St. Francis. For instance, on June 19, 2012, pregnant women from the region marched on the streets against Conga mining.<sup>7</sup> These women have been playing central roles in deflecting confrontations. During moments of tension between the police and the men, they physically put themselves in between the two to stop the violence. In other situations, women rescued their men from the hands of the police.

### **The Guardians of the Lagoons: Second Stage of the Environmental Justice Movement 2011-2014**

Patria Roja facilitated the work of ecologists organized in ECOVIDA. In the rural area, this political party provided the critical mass through their teachers' organizations—SUTEC (Sindicato Unico de Trabajadores de la Educación de Cajamarca)—and its organization of *ronderos campesinos*. SUTEC and ECOVIDA created the "Front for the Defence of the Interests, Ecology and Environment in Cajamarca" (FDI stands for Frente de Defensa de los Intereses, Ecología y Medio Ambiente de Cajamarca) and organized the First Departmental Congress in Bambamarca. At this congress, Nelida from Porcón, who attended it, says,

*Campeños in the countryside, who survive mainly through agriculture and cattle rearing, have reported high levels of animal deformities, huge amounts of fish washing up dead, a severe water shortage leaving them unable to irrigate their crops, skin deformities on themselves and their children, and unusually high rates of cancer and birth defects.*

As new groups joined the struggle, FDI changed into FUD (Frente Unico

de Defensa de la Vida y el Medio Ambiente de Cajamarca), then several other struggle fronts were organized, among them Frente de Defensa de Cajamarca (FDC), Frente de Defensa Ambiental de Cajamarca (FDAC). These organizations educate, organize and mobilize the people to defend their rights.

Since October 8, 2012, Bambamarca's *ronderos* (a peasant institution that provides security in rural areas) are taking care of the lakes of Mama-cocha, Mishacocha, Laguna Negra, and Laguna Seca, while in Celendín, peasants, *ronderos* and teachers are guarding lakes of Perol and Azul.

The teachers in Celendín and *ronderos* in Bambamarca are the backbone of the environmental justice movement in the region. I conducted several interviews with them in Bambamarca and Celendín.

In Bambamarca, Eddy Benavides, president of the Frente de Defensa de la Provincia de Bambamarca (FDPB) (Defence Front of the Province of Bambamarca) stated:

*I represent FDPB in the Frente de Defensa de Cajamarca (FDC), which is a conglomerate of organizations that defend the natural resources and the water resources. We are well organized, well prepared and cannot be stopped by anyone. You know why? Because apart from the consciousness that we have acquired, we have deep wounds that were caused by the Socabón (deep-pit) mining in Hualgayoc, 50 years ago. These corporations have environmental liabilities as two rivers (Tingo Maigashamba and Arazcorgue Hualgayoc) are dead, and there is a lack of water. Now we only have two living rivers (Yaucano and Pomagon) that come from the lakes of Conga. But in spite of that, the Government has accepted two new open-pit mining projects*

*in our area. The amount of water used for leaching is enormous. Water for mining is like blood to the body. In essence, our fight is for the defence of water, life, and the future of our peoples. So, we are not going to surrender ever. This struggle is emblematic in Bambamarca.*

My first question was about what are *rondas campesinas* or *ronderos*. Benavides commented that:

*The birth of the rondas campesinas was in Quillamarca—Chota and one year later in San Antonio, and Bambamarca. RCs in San Antonio is the second iteration throughout Peru. Rondas campesinas are legally recognized in the Constitution. Rondas started more or less 36 years ago in order to stop the abigeato (land and livestock theft). The role of the rondas campesinas was to bring justice to the rural community. Justice was a result of a discussion of the case directly by the claimant and the respondent in front of ronderos. The application of justice is fast and free, because it is community justice. In an hour we solved land disputes that had sometimes taken several years in courts. But there are times that the case should go to the Prosecutor. In the countryside, rondas campesinas expanded to resolve issues of injustice, be it land, deaths, violence against women etc. With the destruction of land and water, a new role for the rondas campesinas emerged. The peasant is very intelligent Benavides says, whereas, if before "the role of the RCs was to exterminate the small thieves (abigeos), now our role is to capture and punish the big thieves (miners)."*

Benavides argued that FDC knew of the possible destruction of the lakes,

but that the rest of the peasants did not know. He sustains that:

*Conga was going to complete the looting performed by Yanacocha if the peasants and ronderos did not go to the lakes. It was only when peasant and ronderos got to the lakes and saw the great wonders we have, that we finally understood. We now have a better reading of how mining destroys the water heads. And this awareness makes peasants and ronderos travel to all the villages to inform and build this solid popular mass.*

In Bambamarca, *rondas campesinas* have provincial, district, zonal, and base committees. I interviewed three Bambamarca women *ronderas*, who actively participated in all sorts of things, from counting how many people there are in each town (demographic work), supervising government programs to determine whether they are working properly (i.e., food programs), to solving violence against women and organizing the patrol schedule. The agendas of men and women *ronderas* are the same, but women have emphasized legal issues to defend land, pensions for children, escaping domestic violence, and to seek allies. The role of women in the Assemblies is to bring order and punish the guilty. The women have argued that the men in Bambamarca have changed. Before *rondas campesinas*, the men in their homes and the police on the streets were sexist. They were afraid of both. Since women entered the ranks of *ronderas*, men in their households say, "Go to your organization and I will stay here with the children. When you return let me know what agreements you made." In this sense, the women's lives have become more equitable in their homes as well as on the streets, as they now work in cooperation with the police and the

judicial system. Barbarita says:

*Las Ronderas are organized from Bambamarca city to small villages in order to defend their community. Our authority comes from the community assembly that elected us. Ronderas are women from 16 to 60 years of age. Women ronderas patrol nightly with men. We do not*

*all the members of the different communities are involved in the care of our lakes. The women in general are responsible for cooking the food, either fiambre-style or communal pot. But the purchasing of food is taken care of by all community members. By taking care of the lakes, the peasant wins, gains authority and earns respect.*

*mining industry entered Huambamarca, which is a livestock area, we organized and seized their cars and personnel. In one car, we found some mining personnel. We made them do rounds, without shoes, for five hours, from hamlet to hamlet. They were carrying signs that read we are miners, delinquents; we killed the waters, children, and*

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**“By taking care of the lakes, the peasant wins, gains authority and earns respect. For us water is life. We will win, because this fight is for justice, so that we can leave a future for our children. The Rondas are united and it will be very difficult for the miners to defeat us. They know that we are in the thousands.”**

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*have weapons. We walk with sticks and a penca to punish the bad of society. We never attack but we do defend ourselves.*

Barbarita, articulates that...

*[S]ince November 24, 2012, the Ronderos/as are taking care of the lakes to prevent the mining industry from starting any of its work. The miners are building two Reservoirs—Chailhuagon and Perol—to stop us from using our lakes. On the day miners come and bring their machinery all the farmers stop working and go up to surround the lakes. The lakes are almost 4,000 m. above sea level and it is cold there. We take turns to look after them. In an organized manner, we have installed ourselves around the lakes with plastic tarps that cover us from the rain and night. Since a number of members have to work every day for their livelihood, each Wednesday about 40 community members from each community go to the lakes and come back on Sunday. Others leave on Sunday and return on Wednesday. So,*

*For us water is life. We will win, because this fight is for justice, so that we can leave a future for our children. The Rondas are united and it will be very difficult for the miners to defeat us. They know that we are in the thousands.*

Maria adds:

*For women, the rondas have been our university where we learn. Women were the most devalued being until we joined the rondas. We did not know how to read or write, we did not have identification (DNI), and we were not registered as citizens anywhere. We would die and it was not known who had formally died. With the support of men, in our organization of rondas campesinas, women have learned to speak, defend themselves, and gain authority.*

Maria argues:

*Since ronderos declared mining as stealing, and as an activity against nature and people, we are more active. For instance, when the*

*pregnant moms. At the end of the walk all those workers vowed to never return to this town.*

As the mining dispute grows, the Peruvian government wants to seize the Ronderos' functions. For instance, the Ministry of the Interior has taken the power of some *rondas campesinas* away through the Ley de Rondas. The government has been trying to neutralize the autonomy of the *rondas campesinas*. But, in Bambamarca, the government and the corporation have not succeeded in fracturing the rondas and they continue to be autonomous. However Edy Benavides says not to confuse *Rondas* in Cajamarca as “currently there are two types of *rondas*:

- 1) The real *Rondas Campesinas* led by people who have *rondado* or were born in peasant communities; and
- 2) The false *ronda* such as the *Federación de Rondas Campesinas* organized by the mining companies and it has no history. They are working with the government, particularly the *Ministerio del Interior*. (Benavides)

I also interviewed ten members from the Plataforma Inter-institucional Celendina (PIC), who are teachers, musicians, and peasants. Milton Sanchez states that:

*The organization of the guardian of lagoons was not easy. The mining company argued that Bambamarca only wanted more money from*

*Marcos, in March 2011. People in San Marcos said, "our rivers also are born up above, thus it is also our struggle." At this meeting, we decided to contact the Regional President, who had been in office for three months. We sent two letters that the Regional President did not respond to. Consequently, we decided to convene ourselves and*

provinces attended. There Gregorio Santos, the Regional President of Cajamarca, realized the magnitude of the movement and formed a Frente de Defensa Regional (FDR) with members of his party. Milton Sanchez stated:

*In Celendin, we were only three members aware of the Conga*

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**"When we left the tent we saw in the hills hundreds of people from different villages that had come walking to reject the project. But they were intimidated by the amount of police that they had never seen. We returned home indignant."**

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*mining. To learn more, we went to Bambamarca where we were told that they were not going anywhere if we do not first resolve the boundary problems. Since Bambamarca is the major force, we went to FDAC for help. This organization proposed encounters to discuss mining in our backyards. A first encounter took place in Celendin. At least 50 leaders from all provinces of Cajamarca met in the Parish House, where we wrote our First Manifesto, "The Charter of Celendin." It prohibited mining activities in the area of Pozo Seco, Lagunas de Alto Peru in San Pablo; Minas Conga in Celendin; Mogol, El Vaquero, El Clarinero, Colesmayo in San Marcos; Tanta-huatay in Hualgayoc; La Zanja in Santa Cruz; La Shacsha in Baños del Inca; Cerro Negro and Quillish in Cajamarca (San Pablo Declaration, November 20-21, 2011). At this meeting, we also decided to have meetings in every town so that people would become familiar with the problems.*

Sanchez adds that:

*The second meeting was in San*

*go to the Regional Government. Upon the arrival of 80 leaders, we sat in the Auditorium. The President refused to meet us, but the Regional Vice President, who is from Celendin, came out to meet us. He told us that the President was in Chota Province, but when he heard we were going to occupy the place and that we would not move until the President met with us, he arrived in five minutes. The Regional President, Gregorio Santos, was a rondero in San Marcos. A rondero peasant said to him, "Goyo, remember when we took care of the lakes in San Marcos? Remember we slept there and watched the stars together?" He remembered the episode and agreed that we had to do an inspection of the lakes. We went to do an inspection of the watersheds with the Regional Vice President [described above]. Then we requested a review of the EIA, which reveals details on what they will do to the headwaters of the watershed.*

After this episode, we had the Third Interprovincial Encounter in Bambamarca, where eleven out of thirteen

*Mining Project. Celendin is where more than 90 percent of the Conga project could take place. To expand the knowledge, we decided to have a forum. After the forum, in February 2011, PIC [Inter-institutional Celendin Platform (ICP)] was born. As the forum was a success, all in Celendin, including newspapers, began to talk about Conga. The Ronda Campesinas in Celendin joined after learning the experiences in Hualgayoc.*

Sanchez recalled their first encounter with mining authorities in Encañada, a province of Cajamarca, during its first EIA presentation.

*The mining company released their first EIA in an assembly. For it, corporations took the workers and their families in dump trucks and trucks. On one platform of a tent was located the staff of the Ministry of Energy and Mines, and the mining executives. In another tent there were their workers. Over a thousand police surrounded the two spaces of the auditoriums where there were about 5,000 people attending. Without an*

invitation, 17 of us arrived in a van to the assembly. Government and corporation personnel tried not to let us in the auditorium where the authorities were located. But we prevailed. I was allowed to ask one question to the mining company. And the question was what do you mean when you say that the lakes will be moved? The response was that the lakes were going to be moved from one place to another. When we left the tent we saw in the hills hundreds of people from different villages that had come walking to reject the project. But they were intimidated by the amount of police that they had never seen. We returned home indignant.

Sanchez continued with his account:

*With the help of GRUFIDES and the regional government, we learned that the lakes would disappear and become open pits; other lakes would be converted into their landfills; that the dimensions that they referred to were enormous and they would destroy our water. We started to ask why would mining commit such cruelty against nature and people. After this information, we went to the lakes, we photographed them, and we put them on the Internet. When we became familiar with the lakes we realized that they were part of the ecosystem in which we live, that we were interconnected, and we began to love our lakes. That's where magically the lakes were born, because we do not have snowcaps, we have jalcas. We learned that what one does not know ones does not defend.*

He further commented,

*The work we did had negative effects on the mining project. When the company released its*

*EIA in Celendín it realized that its acceptance level had dropped dramatically, and it start giving backpacks, jackets, hats, and caps in the schools. (M. Sanchez).*

The movement initiated another regional strike. Meanwhile the offensive from the central government against the protests increased. On December 3, 2011, the central government decreed a State of Emergency in four provinces (Cajamarca, Celendín, Hualgayoc, and Contumaza). The following day, on December 4, the government sent their Ministers to talk with the five provinces. Sanchez informed us that:

*Prime Minister Valdez came first to say who could come in to talk and who could not. In Celendín, we decided that if any of us were unable to talk in there nobody would go in. In the end, we all were accepted and went in. As a representative of the Platform I made three points:*

- 1) To review the EIA,*
- 2) To do an audit of Yanacocha,*
- 3) That Conga should be presented as nine projects in the Headwaters of the Watershed, instead of one as it is presented. Thus, we want to know what will be the impact of the nine projects, not just one.*

*The government rejected any discussion on these three points. Here government representatives say the first thing you need to do is to finish the strike. We responded that we do not make decisions; that we only represent the will of the people. Thus, we requested time to go to the lakes to ask our constituents opinion. The government rejected our proposition, instead it says that if we did not sign an Act of Surrender would invoke a State of Emergency and we were not allowed to leave. At the end of the negotiation, we*

*were allowed to leave, and we hid. Since we could not do anything from hiding, we made contact with the Congressman of Cajamarca and requested a session in the Congress. Wilfredo Saavedra from FDAC and I from PIC went to the Congress. On December 6, 2011, we got five minutes to expose the issue, and to explain what Conga meant for us. Upon leaving the Congress, the press surrounded us to ask questions to Saavedra to whom the government gave leadership and had directed its attacks, because he was in jail accused of terrorism, and the government wanted to equate the water movement with terrorism. When we advanced half a block, State Security came and took us to the DIRCOTE (National Counter Terrorism Security). We spent ten hours in DIRCOTE until ten Congressmen came and stayed with us until they let us go.*

### **The National March for the Water, and the Second Regional Strike**

Cajamarca region rose up in defence of water, its economy, its dignity, and aspirations. The Marcha por el Agua (March for Water) was convened to take place on February 1<sup>st</sup>, 2012, by the Fronts of Defence against mining, by men and women of the city and the countryside, from Celendín, Bambamarca, San Marcos, San Pablo and Cajamarca, and from other inland areas of Cajamarca. Marco Arana, director of GRUFIDES, led the protest. A national announcement was made to join the Conga movement because the conflict had taken on national dimensions. People were mobilized in other regions such as Cuzco, Arequipa, and Piura.

The March demanded the following from the central government of Peru:

- respect for the rights of peoples, to prior and informed consultation in strict observance of the 196 International Convention of the ILO;
- compliance with international treaties and national laws, with respect to the conservation of fragile ecosystems;
- protection and conservation of the headwaters of the basin, as water springs and sources;
- return of powers of municipal and regional institutions to regulate mining activities on a large scale and available to the territory;
- recognition of water as a human right;
- requirement to not have anymore, open-pit mining, and, worse, with cyanide and mercury.

Eddy Benavides stated:

*In Bambamarca, we began the March for Water from the lakes. People were joining as the march passed by the districts affected by mining (Choropampa, Chilete, Yonan (Tembladera) and the Village Ciudad de Dios). By the time the march arrived at the border between Cajamarca and La Libertad, thousands of women and men from other regions, such as Amazonas, San Martin, Piura, Lambayegue, and Ancash gathered together and marched toward Lima, the Capital city. We arrived to Lima, on February 10 in what we called ten wonderful days of solidarity.*

Milton Sanchez stated,

*In Celendín about 3,000 [people] were brought together for the March. People in Cajamarca were waiting for us to join the march to Lima. We arranged strategies, we*

*thought the police at some point was going to bomb us, so people had to reorganize themselves by looking for the location of the flags of their villages. In one town, Celendín's flag broke. I stood in one place while a lady sewed the flag. While I was waiting the people from all walks of life started asking about our struggle. By listening to what we were doing, people brought us food and water. One lady told me that she had nothing to give, but that we took her daughter with us, and the young lady accompanied us for a stretch of the walk. In our walk we received gifts, pharmacies gave us throat medicine, shoemakers gave us shoes for those whose shoes had been worn out on the road. By the time we arrived in Lima, we were 40,000 people. On the way thousands were joined in. That march made millions of Peruvians aware of our struggle.*

Maria from Bambamarca shared some insights about the March:

*We, women with our families walked to Lima. We were stimulated to see our leaders walking without break. Women with their young children went by bus, but in the villages and cities we walked the streets asking people to accompany us to Lima. I walked until my shoes fell apart. On our walk the villages would get up to greet us, they would give us food, water, clothes, shoes, etc. The solidarity of the villages gave us encouragement to continue. While I walked, I thought, 'it is our life that is at stake, because our villages are agricultural and livestock producers. If Conga destroys our spring waters, just like Yanacocha had already done to another part of our land, we are condemned to death. For example, we use the water directly*

*from the lakes to irrigate our lands, for our kitchens and for our animals. These lakes do not require any work, because they are there only to give life. For us, it is cruel that corporations want to destroy our waters that require no financial investment from the government. So for us Conga No Va! means that our own life is at stake. We, women think not only of ourselves, but also of mothers and their children, the children of our daughters, and so on. It would be cruel to leave them with nothing.*

After the March, Celendín and Bambamarca organized the Comando Unitario de Lucha (CUL). On March 31, 2012, the National Assembly of the Peoples in Celendín, hosted by the local *rondas campesinas*, convened a Permanent Regional Strike. The Second Regional indefinite strike was organized in the provinces of Cajamarca, Hualgayoc, Celendín, San Pablo, San Marcos, and other areas. It began on May 31, 2012, with mass demonstrations, rallies, candlelight vigils, and soup kitchens. In the city of Cajamarca, at Plaza Bolognesi, police lashed out against the women who were preparing the common pot. They emptied the contents of the pots, which contained the food for peasants who came from other areas, and then beat those peasants. Groups in favour of mining also organized a "March for the peace and development of Cajamarca," and declared that it was looking for a dialogue about the development of one of the poorest areas of the country and in rejection of the guilds, which were against the Conga project.<sup>8</sup> According to Milton Sanchez,

*In Celendín, the Mayor was in support of mining; to find an excuse to end our strike, the Mayor sent people to burn part of a municipal*

office with the purpose of accusing us as terrorists. On July 3, 2012, after 34 days of strike, helicopters shooting from the air at protesters confronted a march on the public plaza. In this mass killing four members of Celendín died (Antonio Joselito Sanchez Huaman, 29; Faustino Silva Sanchez, 35; Cesar Medina Aguilar, 16; and Paulino

of kidnapping the girls and the military asked for members of the Rondas to be convicted to 32 years in prison. This is another example of the criminalization of protest. We all have been charged, for instance, I have about 40 charges against me.

Several other abuses have been committed against us. We do have

contaminated water for animal and human consumption. Furthermore, those who have protested and defended water have ended up dead or in prison.

As the struggle increased, NGOs in favour of Yanacocha, such as PRO NATURALEZA, arrived in Cajamarca, and others against Yanacocha, such as GRUFIDES, led by Marco Arana,

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**“These lakes do not require any work, because they are there only to give life. It is cruel that corporations want to destroy our waters that require no financial investment from the government. So, for us, Conga No Va! means that our own life is at stake.”**

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Leonterio Garcia Rojas, 48), and 200 of us took refuge in the Virgen del Carmen Church and other went to the lakes. Nineteen were arrested on the street and taken to Chiclayo city for 15 days where they were beaten.

The next day, with an already declared 60 days state of emergency, the population of Bambamarca decided to light candles in the church in Plaza de Armas, in memory of their fallen companions in Celendín. Once again, police and army lashed out at citizens killing Joselito Vásquez Campos, 28 years old. Milton Sanchez argued that,

*During the state of emergency, soldiers stationed in Celendín committed numerous abuses and raped girls 16 and 17 years old. Many of them became pregnant and do not even know who the fathers of their children are. One night, the Rondas Campesinas caught four soldiers abusing a girl. They were captured and taken to the house of the Rondas who called the commanding officer of that group. As a result, the Rondas were accused*

*a camp on Laguna Azul. One time when we went down to a meeting, the police burned our food and our camp. But in front of Laguna Azul there is a family—the Chaupe’s. They have refused to sell their land to the corporation. Since 2011, police have been trying to remove them, by killing their sheep, and burning their house, but they are still there, living in terrible conditions, withstanding the cold of winter. The Ronderos supported them by rebuilding their home. This family is the power we have up in the lakes.*

### **Defending Freedom: Criminalization of the Protest**

When Yanacocha arrived in Cajamarca, many hoped that mining could be done without severe impairment of the waters and agriculture, with respect to local populations, and with the possibility of the creation of job opportunities. Instead, during 18 years of mining, Cajamarca has been turned into the Peruvian region with the greatest socio-environmental conflicts because mining has destroyed the area’s rivers and lagoons, and

solidified the anti-Conga movement. Marco Arana stated:

*At GRUFIDES, We speak of a socially just development. This means that there cannot be development against people, and much less against the most vulnerable groups. Let the people have the right to health under the conditions they want. As for the definition of basic needs, GRUFIDES has three mandates: a) defence of human rights, b) technical assistance to communities with environmental impacts, c) political advocacy to change the legal framework in relation to mining activities.*

*GRUFIDES brought technical support to review the Conga Mining Project EIA study, including Robert Moran who on March 8, 2012, presented a study “Peru, Conga Mining Project: Comments on the Environmental Impact Study and Related Issues. Since social protest has been criminalized, GRUFIDES oversees the technical and legal issues, and acts as an advisor to the community. In sum, GRUFIDES is a technical-legal organization for the defence of human rights.*

Marta Vasquez, GRUFIDES' lawyer, describes how the central government established new legal features in Cajamarca, by which environmental advocates and regional authorities who support the popular struggles against mining are prosecuted. These can be summarized as:

1) Selective Persecution. People who are prosecuted are those who assume some public leadership.

2) The evidence for prosecution is based on pictures of the leaders addressing the public.

3) The freedom of expression has become criminalized. If I disagree I have no right to say anything.

4) Criminal laws have been modified in an outrageous manner. Since the globalization neoliberal agenda that deregulated the nation/state legal system, a new legality was established. Since Toledo's administration (2001-2005), the penalty against protest was increased to six years in jail. During Garcia's administration (2006-2011), the law defined protest as "Organized Crime" (July 2007), aimed to categorize it as a crime of extortion, and the penalty reached 25 years.

5) Humala's administration (2011-2016) promulgated law, No. 30151 in January 2014. This law grants the armed forces, as well as the national police, a license to kill. They are exempted from criminal responsibility.

6) Further, Humala has created a resolution against the participants of Conga. They are not processed in Cajamarca, but rather in Chiclayo or Lima. Taking away GRUFIDES ability to defend the accused. In this case, GRUFIDES is presenting allegations that the people can go to jail not because of the veracity of the allegations, but because the people are poor and cannot afford the cost of transportation, food, hotel etc.

7) Today, the prosecution is used to pursue social protest leaders. The mining and state prosecutors legally denounce those who announce a

protest march on the radio or in the newspaper. Anyone can face detention, and prosecution on charges of "terrorism" (Vasquez).

Mirta Vasquez argued that,

*Mining could legally denounce a person to prevent the possible disturbances that might occur. This might be something that the company is imagining could happen. Until December 2013 there were 303 leaders denounced. Each leader has over 20 complaints. Most cases must be filed away because there is no evidence. And when the judges call the accused sometimes a year after the possible disturbance happened that are the subject of the complaint. These complaints serve to deflate the movement. Due to sexism, women are less vulnerable to be persecuted, and be legally denounced. The police and prosecutors say "they are just women." Nevertheless, there are ten percent women defendants.*

GRUFIDES is helping mainly rural communities to bring their case to the Inter-American Court of Human Rights (CIDDHH). On March 18, 2014, the Coordinadora Nacional de Derechos Humanos (National Coordinator of Human Rights)—a civil society body aimed at protecting human rights in Peru, gave evidence to the CIDDHH in Washington. The complaint raises the violations of rights of Indigenous and tribal people as enshrined in ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples, and the violation of human rights of the Guardians of Conga Lagoons by the state and the police. This complaint was resolved in part. On May 7, 2014, CIDDHH issued precautionary measures in favour of a guarantee of the life of 46 leaders in the fight against the mining project Conga. Among the 46 leaders,

is the Chaupe family in its entirety, a journalist, and the leaders of defence fronts, among others. The leaders of the movement are going to ask the government to shelve more than 200 complaints against all those who have been participating in the struggle. The second part of the complaint still pending resolution, submitted in April 2012, is a decision on the illegal presence of the Yanacocha in territory of the lagoons of Conga.

Further, on June 26, 2014, the Justice System forced the Regional President of Cajamarca, Gregorio Santos, to respond in Lima to undefined complaints. On the same day of his appearance in court, the Judge ordered preventive prison for 14 months in what has been called a "political ambush," organized by President Humala, to stop Santos' candidacy and re-election as Regional President. Raul Wiener, a journalist from La Primera, wrote,

*Everyone knew that Gregorio Santos was going to be stopped. This was not a new issue, but it came clear in the year 2012, when Cajamarca challenged Humala for not keeping his promises to the water of the lagoons from the eagerness for gold from Yanacocha, which was one of his election banners that achieved the majority vote of the region. Already at the beginning of this year, the Controller's office sent ever increasing number of Auditors to find topics to accuse the regional President who had faced the investment door that apparently was the beginning of a new cycle of expansion of mining investments in the country.*

While in prison, with no charges, on October 2014, Gregorio Santos was re-elected as Regional President of Cajamarca. As a result, Humala's government extended Santos' incarceration for another 18 months.

## Conclusion

Mining has been portrayed as a way to bring investment, create jobs, and reduce poverty. Instead, as this paper has shown, mining corporations, using deregulation and free trade agreements to enhance massive profits, are destroying the water systems of the Cajamarca community. Conga, as an environmental justice movement, has demonstrated that teachers and *ronderos* are forces that do not negotiate water, because water is life for their communities. Despite government brutality, their courage has not been compromised.

At this time, Conga No Val is a triumphant movement. On the one hand, the Guardians of the Lagoons—in defending land, water, and freedom—have defeated President Ollanta Humala, as he is banned from Cajamarca where he made a false promise of terminating Conga Project in order to gain a national election. On the other hand, the Guardians of the Lagoons—in organizing a successful movement—have successfully put the Conga Mining Project on hold for the last three years. Moreover, this movement is demanding a clear accounting from the Earth Summit in Johannesburg that declared mining as an acceptable and viable form of “sustainable development,” when this is so obviously not at all the case.

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<sup>1</sup>The North American Free Trade Agreement, Chapter 11, was added to the bilateral free trade agreements in Latin America. The dispute settlement provisions of NAFTA Chapter 11 allow investors to pursue legal remedies against government measures

under the laws of that country, but in the alternative provide the option for investors to bring their claims against a State directly to international arbitration through the procedures and services of several international arbitration entities. It means that in case of conflict between a country and a corporation, the World Trade Organization (WTO) is in charge of applying “justice” (Bill Moyers, Trading Democracy, [http://www.pbs.org/now/transcript/transcript\\_tdfull.html](http://www.pbs.org/now/transcript/transcript_tdfull.html). Accessed on July 2010).

<sup>2</sup><http://www.waterjustice.org>.

<sup>3</sup><http://www.canadians.org/blue-planetproject>.

<sup>4</sup>Yanacocha South, Carachugo, San José, La Quinoa Sur, Capping West, Cerro Negro, Cerro Quilish, Chaquicocha and Yanacocha Green.

<sup>5</sup><http://www.newmont.com/south-america/ops-minas-conga-peru>.

<sup>6</sup>An update from the field on the Conga Mine, Ross Geredien, [http://www.earthworksaction.org/earthblog/detail/an\\_update\\_from\\_the\\_field\\_on\\_the\\_conga\\_mine#.U6MvmUAizEc](http://www.earthworksaction.org/earthblog/detail/an_update_from_the_field_on_the_conga_mine#.U6MvmUAizEc).

<sup>7</sup>[http://www.youtube.com/watch?v=axtxb-Wi7\\_o](http://www.youtube.com/watch?v=axtxb-Wi7_o).

<sup>8</sup>See more at: Panorama. “Demostrado: Cajamarca quiere Paz y Desarrollo,” <http://www.blogcyh.com/2012/05/cajamarca-quiere-paz-y-desarrollo.html>.

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## PENN KEMP

### Grazing the Face of Climate Change

The cedar the bohemian  
wax wings twitter among  
bare boughs on their way  
warmward.

Envy emulates flight,  
lights desire, douses  
doubt in fiercer certainty.

Icarus stretches his fine  
new wings, disarmed by  
possibilities plus.

“Beware the wax, my son. It  
cannot last in the face of  
strong Sun shine.”

No fear. Bright day beckons.

“I’m on my way and who will  
gainsay the path to glory, glory!”

Damn the consequence, o’er-  
weening  
teen. Between  
between the elements.

High performance art starts  
here. Raising mighty arms  
he flaps. He flies.

Close, warming his face.  
Oh, the glow! Pride  
bursts, sun bursts,  
sun grazing.

Rising solar flare—  
sudden glare incipient—

may might may not—

Bright implausible wings dim  
before a brighter sun, too close.

Closer. Losing

altitude, attitude.  
Lost.

Farther from father into free  
fall.

(Hubris, they will say  
in that all-knowing future.)

The fall, falling. Spring  
springing.

A flutter of feathers  
catching the light  
light on the surface.

Follow their fine drift  
on the wind, winding  
down

through sub-lunar  
splendour onto  
sea sparkle.

Living sphere,  
Facing fear too late  
on a sea of metrics.

Facing ob-  
livion. (Immortal  
eyes can not cut it).

Dead last. Death lasts  
forever. Ever  
more.

Reflect, refract, reflect  
again and loss a gain.

Free to fail only  
once and then no  
longer

No longer boy but  
myth.

*Activist poet/playwright Penn Kemp is London’s inaugural Poet Laureate, with twenty-six books of poetry/drama and ten CDs.*