

Mining and Community Engagement in Peru: Communities Telling Their Stories to Inform Future Practice

Researchers: Rita Armstrong, Caroline Baillie
Andy Fourie and Glevys Rondon

School/Centre: School of Civil, Environmental and Mining Engineering

University/Institutions: University of Western Australia
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Research aims:
This research examined the community experience of mining in Peru with the aim of:

- Understanding the underlying issues which have led to a breakdown in community engagement
- Identifying community recommendations for improvements
- Creating guidelines on best practice

For further information on this action research:
Contact person: Caroline Baillie
caroline.baillie@uwa.edu.au

IM4DC Action Research Report



Summary of Action Research Activity

Mining and community engagement in Peru: communities telling their stories to inform future practice

There is a need for improved community engagement processes in many parts of the world. This report presents an in-depth contextual framework for an understanding of the community experience of mining as a historical process. An extensive literature review and interviews with communities associated with two mine sites in Peru informed the research. The ultimate goal is to facilitate an improvement in community-mine relations in a context that has been characterized by increasing social protest, conflict and violence.

The narratives which are contained in this report reveal a common view that neither the government nor the companies hold any respect for the values, beliefs and needs of community members. Common issues to both mining communities include:

- Flawed communication processes
- Scepticism about community engagement
- Collusion between company and government
- Perception of mining companies
- Violation of human rights

Only a few interviewees believed that mining should cease, however; most wanted a resolution to their problems and made recommendations for future practice and these have been developed into a set of Guiding Principles. Furthermore, the report recommends that further research be carried out with government and mining personnel whereby these Guiding Principles can be implemented at the local level.

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International Mining for Development Centre, University of
Western Australia

Authors: Rita Armstrong, Caroline Baillie, Andy Fourie &
Glevys Rondon

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PART I INTRODUCTION

1.1 Project aims

This research project examines the community experience of mining in Peru with the aim of understanding the underlying issues which have led to a breakdown in community engagement, and to identify community recommendations for improvements in that area. The ultimate goal is to facilitate an improvement in community-mine relations in a context that has been characterized by increasing social protest, conflict and violence.

1.2 Project methodology

1.2.1 Literature Review

It was difficult to find examples of positive community engagement practices in Latin America generally, and in Peru in particular. We ultimately chose to compare two mine sites: one with a steady escalation of social conflict (Yanacocha) and one which despite utilizing third party NGO mediation and a roundtable dialogue, also generated social conflict (Tintaya).

- The Yanacocha mine, in north eastern Peru in the Andean region of Cajamarca, is operated by Minera Yanacocha S.A. (MYSA), is the largest open pit gold mine in Latin America. MYSA is a joint venture comprising Newmont Mining Corporation (51.35%); Condesa, a subsidiary of the Peruvian company Minas Buenaventura (43.65%); and the International Finance Corporation or IFC (5%). By 2000 MYSA was Latin America's largest gold producer but dissatisfaction with land acquisition had already emerged in the 1990s; followed by demonstrations against expansion of the mine in the late 1990s and again in 2000; growing concerns about contamination of water supplies and destruction of existing water sources; reaction to an accidental mercury spill in 2002; and large scale protests in 2012 which were followed by the enactment of a state of emergency in the town of Celendin.¹
- The Tintaya copper mine is situated in the Espinar municipality in the southern Andean region of Cusco. It was established in 1985 as a state enterprise and was eventually bought out in 1996 by BHP Billiton (BHPB). By 2002 local communities had presented a list of grievances to local, and then international NGOs, which included: complaints about the process of land acquisition; pollution of land and water; and sexual assault of women by local security forces. The Oxfam Mining Ombudsman, together with Peruvian NGOs, organized a Roundtable Dialogue framework which held the promise of positive outcomes but which were nonetheless seen as ineffectual by local people who participated in it. A thousand people stormed the mine site in 2003; although compensation agreements were signed in 2004, thousands more attacked BHPB facilities in 2005. BHPB sold its shares in Tintaya to Xstrata Copper in 2006. Two people were killed and 50 injured in large protests against Xstrata in 2012 followed by a state of emergency being declared a month later. Glencore International acquired the Xstrata PLC to create the newly named Glencore Xstrata PLC in May 2013.²

¹ A full description of these events can be found in the Yanacocha Timeline under 3.3, page 11 of this report.

² A full description of these events can be found in the Tintaya Timeline under 4.2, page 23 of this report.

A variety of sources (listed in Part X of this Report) were utilized to create:

- A brief background to the history of mining in Peru
- An outline of the socio-economic context of mining in the Andes
- A timeline of the escalation of social conflict at each site

1.2.2 Interviews

Interviews were conducted early in 2014 with a selection of community members at both mine sites. The main purpose of the interviews was to understand whether they felt ‘engaged’, respected and ‘heard’ in any mining negotiations. Each interview was open-ended but guided by a common structure and guiding questions which are set out in Appendix A.

All people who agreed to be interviewed expressed themselves with a degree of honesty and transparency that would not have been possible without the unique capability of the researcher, Glevys Rondon, who has been visiting both regions for the past decade. All interviews were conducted in Spanish and later translated and transcribed in London.

The narratives which are presented in Parts III and IV and the quotes which are used in Part V remain the property of the researchers and of the IM4DC and may not be used without their permission. An additional set of interviews were conducted with NGO personnel who have been closely involved in monitoring the impact of either or both mining projects.

Ethics approval for the above project has been granted in accordance with the requirements of the *National Statement on Ethical Conduct in Human Research* (National Statement) and the policies and procedures of The University of Western Australia: # RA/4/1/6548

1.3 Report Format

- Part II sets out a very brief social history of mining in the Peruvian Andes which takes place primarily amongst rural communities
- Parts III and IV set out the respective histories of mine-community relations at the Yanacocha and Tintaya mine sites as a prelude and context for the narratives which follow. These narratives are anonymous but are characterized by the author’s position in the mining context: male, female, rural campesino, or town dweller for example.
- Part V analyses the narrative material to draw out common themes and issues in the experience of mining at Yanacocha and Tintaya
- Part VI presents the common issues raised by community members in their recommendations for improvements in mine-community relations
- Part VII briefly refers to other work on mining and social conflict in Peru with similar findings
- Part VIII identifies Guiding Principles for effective community engagement
- Part IX recommends further work which needs to be done to create an effective Implementation Strategy for these Guiding Principles.

1.4 Unique contribution of this report

Recommendations about the need for improved community engagement are evident in the extensive publications by international agencies such as Oxfam (n.d.), the International Institute for Environment and Development (IIED 2002), and the International Council of Minerals and Mining (ICMM 2013). This report builds on these and other findings by presenting an in-depth contextual framework for an understanding of the community experience of mining as a historical process.

The narratives which are contained in this report reveal a deeply held belief that neither the government nor the companies hold any respect for the values, beliefs and needs of community members.

Only a few interviewees believe that mining should cease, however; most wanted a resolution to their problems and made recommendations for future practice and these have been developed into a set of Guiding Principles. Furthermore the report recommends the creation of an Implementation Strategy whereby these Guiding Principles can be implemented at the local level.

PART II HISTORY OF MINING IN PERU: A BRIEF BACKGROUND

2.1 Government policies towards mining

There is a long history of mineral extraction in Peru associated most famously with the Inca empire and then with Spanish colonisation in the middle of the sixteenth century. The Spanish conscripted local Peruvian labour (in the *mita* system) to work on the mercury mines at Huancavelica and on the Potosi silver mines in Bolivia (Dell 2010). Pizarro, the leading conquistador, has gained notoriety for his treatment of the Inca emperor Atahualpa at Cajamarca when he announced that Atahualpa would regain his freedom if he had a chamber filled with gold for the Spaniards. Once Atahualpa had acceded to that demand, Pizarro murdered him. The influx of European companies in the Andes and effectively enslaved those who lived there - with consequences which still vitally affect Peruvian society and nurture deeply rooted resentments (World Bank 2005, p. 17). Lima became the administrative hub of the Spanish empire and the Spanish created a legacy of “an authoritarian tradition of government led by conservative local elites and largely impervious to social pressures from below” (Crabtree & Crabtree-Condor 2012, p. 49).

The International Council of Mining and Metals identifies three distinct periods in the Peruvian mining sector (ICMM 2007):

- Prior to the late 1960s mines were largely privately owned. Many US international corporations controlled large scale mining while local entrepreneurs concentrated on small to medium mining projects (Echave 2005, p. 117).
- After 1968, the military regime established state control of the mining sector, which continued until the 1980s and the return of democratic government. Note: It was only in 1979 that universal suffrage was introduced (Crabtree & Crabtree-Condor 2012, p. 49) and that a system of party politics emerged.
- The social upheaval caused by the Shining Path insurgency movement, accompanied by high inflation, facilitated a return to more authoritarian yet laissez-faire government under Fujimoro. Fujimoro implemented a series of what have been described as neoliberal measures: eliminating price controls, government subsidies, and offering legal and financial protections for foreign investors (Bury 2004, p. 80). Investment in exploration increased by 20% in Peru between 1990 and 1997 and by 2003 “mining accounted for 57% of all exports in Peru, and 37% of foreign direct investment between 2001 and 2003” (Bebbington et. al. 2007, p. iv).

2.2 Mining and rural society in the Andes

By 2010, over half of Peru’s *campesino* (peasant) communities lived in mining affected area (Bebbington et. al. 2007, p. iv). Rural peasants in the Andes have historically relied on a broad range of activities (including pastoralism and horticulture) to sustain their income. Besides working in livestock production they also engage in petty trading and migrant wage labour (Bury 2007). In this region, access to water and communal decision-making about land use is a crucial determinant of people’s ability to make a living in markedly different altitude zones (Braaten 2014).

... after over 400 years of European influence and complete reorganization of much of Andean life there still are many communities whose subsistence economies are organized along the same lines of vertical control ... To put it another way, the fact that many Andean communities are still organized in a pattern which may have its roots in pre-Columbian times testifies to the resilience and resourcefulness of the Andean people and to the success of a particular mode of adaptation in a particular ecosystem. (Brush 1976, p. 148).

The Peruvian military government instituted agrarian land reforms in the mid-1970s which redistributed land from the haciendas according to the principle that “land belongs to those who work it” but land reforms did not necessarily ease the hardship experienced by the *campesinos* (Kay 2007). In terms of organisation, the *campesinos* worked individually on separate land plots, while functioning as local communities. Water management is one area which requires community co-operation; “water rights are collective and efficient sharing depends on well-functioning collective action both within and between communities” (Braaten 2014, p. 129).

It cannot be overemphasized that throughout centuries of dispossession, the Andean people have continued to use a subsistence system which has enabled them to “confront the risks posed by an agriculture weighed down by the limitations of the Andean environment” (Cusicanqui 1993, p. 79).

2.3 Mining and social conflict

In conventional economic terms, the mining sector has increased the revenue of the Peruvian government, led to greater economic stability, and decreased inflation (ICMM 2007, Bebbington et. al. 2007, p. 3). There has not, however, been a commensurate improvement in local economies or living conditions: this type of disparity is not uncommon and is often referred to as the ‘resource curse’. What is more uncommon and more disturbing, is that this recent surge in mining activity has also been accompanied by a steady rise in social conflict which, despite state and corporate emphasis on social responsibility and sustainability, shows little signs of abating.

The following two sections of report will outline two cases of company-community conflict: at Yanacocha and Minas Conga in the north-east, and at Tintaya in the southern Andes.

PART III THE YANACUCHA AND MINAS CONGA MINE SITES

3.1 The campesinos of Cajamarca

In 1993, one year after construction of the mine began, more than 96% of the Department of Cajamarca were rural peasants or *campesinos* (Bury 2004, p. 81). Bury, a human geographer, describes current conditions as one of ‘extreme poverty’ although his measures of poverty are based on categories which bear little or no relation to the indigenous categories of lack or deprivation. We are told for example that per capita income is less than half of the national average and that most of the houses do not have water or electricity, and that roads are almost non-existent. We are also told that 80% of the population cannot meet basic needs but we do not know how these needs are defined. He goes on to cite authors Gonzales and Trivelli who claim that the people of Cajamarca live “in a state of misery” (1999, p. 97). Bury’s description of rural life does, however, convey a sense of hardship and this is due to many historical factors some of which set out below.

Cajamarca was the focal point of Spanish colonisation, led by Francisco Pizarro who infamously captured the Incan ruler Atahualpa, and subsequently betrayed him. Under colonial rule, Cajamarca became a major textile centre, then a mining centre with the discovery of silver in Hualgayoc in 1772 (29). The region was then developed into a hacienda system which expanded at the expense of the land base of Indigenous communities. Deere has described the hacienda system as one of ‘feudal class relations’ (Deere 1990, p. 24). With the Spanish colonization of Latin America, lower classes of Spanish immigrants “could ‘buy’ their way into aristocracy as soon as they had accumulated enough money to pay for it”. By 1940 Cajamarca had the highest concentration of peasants living under the *hacienda* system: 46 haciendas owned 65% of the land (Deere 1990, p. 27).

After the Colonial period, once the Spaniards were expelled from the Andes, the land did not return to the Indigenous population but stayed in the hands of creoles and mestizos who perpetuated the hacienda system. In the Cajamarca region, this history of rural and political disenfranchisement has laid the foundation for collective action, in the form of peasant associations: the *rondas campesinos*.

The impulse to collective action came from poverty, vulnerability and from state failure, centred in this case on the failures of the police and the justice system. The generalized state of disorder and banditry led in the 1970s to the formation of an exceptional phenomenon: the *rondas*. These are community organizations which had their beginnings in patrols against cattle thieves. The *rondas* were a response to the populations generalized feeling of disappointment and distrust concerning the official system of justice. Not only are the police scarce, they are also inefficient and in many cases perceived as being accomplices of the criminals. Additionally, trials are long and require paying lawyers and bribes to the judges, public prosecutors, and police. Furthermore, campesinos (peasants) allege that they are treated with contempt. They have to wait till last to be seen by public officials, they are tricked because they cannot read or write, and they have to show deference for those titled “doctor”, “boss” or “sir”. (Munoz et. al. 2007, pp. 1932-33)

3.2 The Yanacocha and Minas Conga mine sites

The Yanacocha mine, operated by Minera Yanacoca S.A. (MYSA), is the largest open pit gold mine in Latin America. MYSA is a joint venture comprising Newmont Mining Corporation (51.35%); Condesa, a subsidiary of the Peruvian company Minas Buenaventura (43.65%); and the International Finance Corporation or IFC (5%). Newmont began construction of Yanacocha in 1992. It was the first large foreign investment in Peru since 1976 (Bury p. 80) and by 2000 MYSA was Latin America's largest gold producer. At that time, the mining sector accounted for 45% of all national exports (IMF 2001, Bury, p. 80).

Minas Conga is an expansion of Yanacocha. The project is part of the development of a larger mining district that contains different copper and gold deposits, most of which belong to MYSRL. The project area straddles the Sorocucho and Huasmín districts of the Celendín province (also part of the Cajamarca Region) and the district of La Encañada in the Cajamarca province (Kemp et. al. 2013, p. 1).

The Conga project is a copper-gold porphyry deposit located 75 km northeast of the city of Cajamarca, Peru and 24 kilometers northeast of Newmont's Yanacocha gold mine. Should construction of the Conga project move forward, Newmont and its partners ... plan to leverage existing operations at Yanacocha to develop Conga's potential within a world-class mining district. Construction of Conga will continue, provided it can be done in a safe, socially and environmentally responsible manner with risk-adjusted returns that justify future investment (Newmont 2013).

Many residents of local communities are opposed to the project on the grounds that it will destroy multiple high Andean lakes and threatens their access to sufficient, safe and affordable water, on which they depend for farming, livestock, and human consumption. Moreover, they claim the right to determine their own regional development and argue their right to free prior and informed consent has not been respected.

The following section will set out a timeline of the escalating conflict between MYSA and the communities impacted by mining activities. This historical sequence will provide a contextual backdrop for the interview material which follows.

3.3 Timeline of the escalation of social conflict around Yanacocha & Minas Conga

Date	Event	Reference	Narrative reference
1993	Mining commences at Yanacocha, to the north east of Cajamarca		
Late 1990s	Concerns about quality of urban water supply among Cajamarca residents	Bebbington (2008b, p. 2896).	Narrative 3, 4, 5 & 6
Late 1990s	Exploration lease for Minas Conga project and purchase of land for that project by MYSA	Newmont (n.d.4).	Narrative 6
Late 1990s	Peasant protests against exploration of area known as Cerro Quilish ³	Bebbington(2008b, p. 2896); Arana Zegarra (2004).	Narrative 3
June 2000	Accidental mercury spill in the transportation of chemicals to Yanacocha running into the streets of a nearby village and some of the residents collected it, thinking it had some economic value, thus exposing themselves to serious health risks. MYSA reported that it had recuperated 147 of the 150 kg that had been spilled.	World Bank Report 2005, p. 28.	Narrative 3 & 5
2004	Constitutional Tribunal allows MYSA to recommence exploration at Cerro Quilish and protests erupt in Cajamara; MYSA withdraws its application	Newmont; Arana Zegarra (2004).	
2007	Newmont citizen participation process on their own words: “In addition to environmental and social impact analyses that spanned up to 13 years, the citizen participation process began in 2007 and continues today. Nearly 16,000 citizens from more than 30 hamlets in the La Encañada, Huasmín, Sorocucho and Celendín districts have participated in one or more of the public involvement	Newmont	Narratives 3, 4, 5 and 6

³ Cerro Quilish “is a small mountain that comprises the top of the watershed supplying the city of cajamarca and the valleys of the Porcon and Grande rivers” (Triscitti 2013, p. 439).

	<p>opportunities related to the development of the Conga Project's Environmental Impact Assessment (EIA). In 2007, the Conga Project Team established the Citizen Participation Process ("Proceso de Participacion Ciudadana," or PPC) to ensure constructive dialogue with government agencies and community members during the early stages of developing the Conga Project's EIA.</p> <p>With a goal of transparency and inclusiveness, Conga's PPC offered individuals and community groups a variety of mechanisms in which to participate in the process, including: (1) <u>Public Information Offices</u> – established to offer a central location for community members to communicate with the Conga Project Team and discuss project-specific issues and (2) <u>Days of Dialogue</u> – scheduled dates and times at the Public Information Offices for citizens to meet with Project team members and have their comments and ideas recorded as part of the Conga EIA review process.</p>		
2010	EIA approved for Minas Conga "following a three-year, public participation process on the project's Environmental Impact Assessment (EIA) and extensive reviews by 12 government agencies in Peru, Conga's EIA was approved by the Ministry of Energy and Mines in October 2010"	Newmont (2013).	
May 2011	A resident of Sorocucho, filed a claim against MYSA for invading his family's land	Newmont (n.d.4).	Narrative 1
June 2011	Ollanta Humala becomes President promising more social inclusion. Oxfam reports that Humala was elected "with a fair amount of hope that he could provide a solution to these conflicts, but much remains the same"	Oxfam (2012). http://politicsofpoverty.org/2012/06/perus-mining-conflicts-explode-again/	
7 Sep 2011	President Ollanta Humala approves Indigenous Consultation Law	http://www.bbc.com/news/world-latin-america-14812506	

5 Dec 2011	President Ollanta Humala declares State of Emergency in Cajamarca. He blamed the impasse over the project on local officials: "Every possible means has been exhausted to establish dialogue and resolve the conflict democratically, but the intransigence of local and regional leaders has been exposed - not even the most basic agreements could be reached to ensure social peace and the re-establishment of public services," he said.	Peru declares state of emergency over disputed mine: http://www.bbc.com/news/world-latin-america-16026619	Narrative 2, 3, 4, 5, 6
2012	In 2012, an independent panel of international experts reviewed the EIA and confirmed the project's original EIA met Peruvian and international standards. It is the Ministry of Energy and Mining (MEM) that has final say however.	Newmont (2013), Oxfam (2012).	
July 3 2012	3000 people marched in protest in Celendin against Minas Conga. "In subsequent clashes between demonstrators and security forces, at least twenty civilians were shot with live ammunition, four of them fatally. Two policemen and a soldier also suffered gunshot wounds, according to the Interior Ministry". According to the national police director, Gen. Raúl Salazar, at the outbreak of the violence, 180 police were facing a crowd estimated at 3000. Human Rights Watch interview with Gen. Raúl Salazar, Lima, July 19, 2012.	http://www.hrw.org/news/2012/09/20/peru-letter-presidente-ollanta-humala	Narrative 6
July 3 2012	State of emergency declared in Celendin		Narrative 3, Narrative 6
Aug 2012	MYSAs commissions the CSRMs at UQ to get community feedback from residents of Cajamarca		
Aug 2012	The Peruvian government restructured its conflict management office, and renamed it the National Office of Dialogue and Sustainability. The aim of this office is to address conflict in a broader community development context, rather than only responding to social conflicts after they have already erupted.	US Department of State (2012). http://www.state.gov/e/e/b/rls/othr/ics/2013/204714.htm	

3.4 Narratives about the experience of mining in Cajamarca and Celendin

1. Female *campesina* of Sorocucho (YC)
2. Male *campesino* of Celendin (YR)
3. Male resident of Cajamarca (YU)
4. Female resident of Cajamarca (YW)
5. Female resident of Cajamarca (YV)
6. Male resident of Celendin (YS)

Narrative 1: female *campesina*

YC is well known because of her, and her husband's, refusal to acknowledge that MYSA has legal rights to one of their plots of land which would fall under the Minas Conga mining lease. She claims that her family had no contact with MYSA prior to 2010, and no knowledge about plans to mine on their land as part of the Minas Conga project.

Encounter with MYSA: machines and violence

She says that “the first time that we were in contact with them was when they came with their machines to my property because they came to my land without authorization”. She and her family went to MYSA's office in Sorocucho, only to be told that MYSA now owned that plot of land. This was confirmed by the MYSA office in Cajamarca who claimed that her father-in-law has signed a document which transferred the land rights to MYSA.

It is impossible to know whether in fact YC's father-in-law may have sold this plot of land or not. What is clear is that YC was not aware of these dealings and attempted to seek some kind of redress for what she saw as unlawful encroachment on her land by the mining company.

Seeking redress

She therefore took the following steps: making a complaint to the police in Sorocucho; who then contacted MYSA without a response, and who then directed YC to “make a complaint before the public prosecutors in Celendin”.

The family travelled to Celendin (see map) and explained their predicament to the office of the public prosecutors; a representative told them that it would cost money for him to come out to their property to “make an inspection”. They agreed and borrowed the fee of 1,500 soles. It is not clear, to an outsider, what a physical inspection would prove when compared with, say, an investigation into MYSA records of land purchases compared with local records of land sales. In any event, the attorney never called YC or gave them a report on his findings. They later discovered that although their complaint had been archived in the Office of Public Prosecution “...all complaints expire after a certain time so all of our strength and money went in vain...”

Three months later, the MYSA diggers arrived at their plot again, this time accompanied by the police, another attorney from the Office of Public Prosecution, an MYSA lawyer, the engineer Silva (who seems to have been responsible for community engagement) and the MYSA security force. The state attorney advised them to make a deal with the company. When YC's husband said they wanted time to organize the move, rather than leave immediately as advised by the attorney, one of the MYSA engineers said “if you do not leave today, we will see that you rot in gaol”. A violent encounter followed in which YC's daughter knelt in front of the digger, only to

be forcibly removed by the DINOES who “dragged her by the hair, they kicked her, and they beat her with the butts of their rifles”. The police prevented YC from helping her daughter, shots were fired, and she says they “took our food, clothes, tools, they killed our dog... before they left, they burned our ranch”. When YC was at the property the following day, the police came again accompanied by Captain Soto (*it is not clear whether he is a policeman or works for MYSA*) who got angry with the police for the destruction of the family property.

Ways forward

On reflection, YC believes that the “the mine does everything secretly” and that “the municipalities are just as guilty as the mine because they had not informed us that the mine will come to our community. They had not informed us about that at all”. A friend of the family stated that the “the company should behave in a more civilised manner and should speak to the people. They should explain what the aims of their work are, and what is going to happen to the people, what are the consequences of the work they will carry out. They should listen and respect what the people want”.

Narrative 2: Male campesino

YR did not speak about his personal experience of mining but about the relationship between the *rondas* and the police and special forces in Celendin, whom he sees as allies of the mining company. .

The Celendin *rondas*, in his account, were against the extension of MYSA activities from Yanacocha to Minas Conga. He said that the government accused the *rondas* of “destroying the peace of the city” during the state of emergency at that time. The *rondas* main complaint was about the behaviour the soldiers who were present in Celendin, at the behest of the government. According to YR, these soldiers allegedly sexually assaulted young girls; never paid for their meals in restaurants; carried out combat exercises in the streets; and that their encampment near the reservoir was unkempt, they urinated in the reservoir.

It was because of this, he said, “... the people were coming all the time to us the ‘ronderos’ and we had to receive their complaints. Everybody was fed up with the company and with the soldiers so as we are ‘ronderos’ it was our responsibility to take it up with the local authority and the police and we provided evidence of what the soldiers were doing”. When it became clear that the soldier were not going to be sanctioned, the *rondas* eventually ‘decided to act’. They staged an intervention, that is, they caught soldiers who who had been with underage girls and “told them off”. YR is careful to point that they did not beat them or treat them inhumanely but delivered a lecture on their behaviour.

Overall, YR feels the company “colludes with the public prosecutors, with the judicial powers, also the police, they are on that side”. He goes on to say that “the authorities, the government and the company are dead against us, the *rondas*”.

Narrative 3 Male resident of Cajamarca

YU is a male university graduate whose experience with MYSA comes from being a resident of Cajamarca since the mine began, and being involved in a local NGO group that monitors mining activities. He acknowledges that “Cajamarca received Yanacocha with a certain happiness because they were bringing new jobs” and that it was only with hindsight, seeing how the company operated and how the projects expanded to become a much bigger operation, that urban and rural residents began to form a very different opinion of MYSA. He also acknowledges that some people support mining but these are people who are not directly impacted by its activities. He identifies three key issues that catalysed public opinion against MYSA: the low prices paid for land and the means by which they acquired it around Yanacocha; the subsequent mercury spillage at Choropampa; and the plan to mine at Cero Quilish.

Encounter with MYSA: initial optimism turns sour

YS describes how he initially “spent a lot of working hours speaking with the people from the social responsibility [section], interchanged ideas, we started to think about things that could be done to improve communication”. The NGO that he worked with initially had the “view that a company could eventually develop activities without violating human rights or affecting the environment so for some time we had contact with them, we participated in the forums which the company organized ...”. But later, he realized that the company had ‘two faces’. The ‘nice’ face of the company is the community relationships section:

“they hire women for the role of community relationships. In general for community relation they hire people with good intentions, anthropologists for example, but also many women, so those in charge of social responsibility are women in a lot of the cases ... and these social responsibility people try to do things in one way, in a coherent way, according principles that they believe in but they are not aware of all of the other dimensions of the company”.

He describes community relationships personnel like “replacement parts of a machine” because the people “are rotating all the time”. The real power, he says, resides in the ‘other face’ of the company, that is, with the people who ultimately make decisions which alienate communities. His views about these decisions are summarized below.

Misinformation about Minas Conga

He agreed that MYSA instigated a dissemination programme but that “they have shown only what they wanted to show ... so it was more like propaganda”. He describes the brochures about Minas Conga as ‘very general’ and unrealistic because “they say how good the water will be treated, how good the environment will be treated, what will be gained, right?” He also felt that the Thursday Dialogue sessions were not genuine dialogues because people had to write down issues that bothered them “but they do not receive an answer and the study, basically it is approved, so it is only a formality, to show it to the community. So there is hollowness to these proceedings...”

Increased repression: the company and the government in alliance

One of the main changes he has observed since the beginning of MYSA’s operations is that the company, instead of trying to change the face of community engagement – to being more conciliatory, for example – is that it has chosen a more repressive and adversarial approach. This

is evident, he says, in the use of military consultants, and in refusing to recognize the *rondas campesinos* as a legitimate stakeholder in negotiations:

“if you are their ally then they apply the politics of a good neighbour, social responsibility, etcetera but in the case of the *ronda* they not seem them as a neighbour, but as an enemy and so with their enemies they apply very explicit security policies, in which the enemy has to be identified, has to be followed, has to be neutralized also right?”

YU used many warlike references and metaphors in his interview: while he says that the mine sees the *rondas* as the enemy, it is clear that he now sees MYSA in the same way. He perceives the company as using deliberate strategies, such as strengthening its relationship to the military and with the police, and having a ‘master plan’ to divide the community.

YU asserts that “the company doesn’t like democracy” and, like many other interviewees, identifies a clear alliance between MYSA and the government. Significantly he says that “...in the majority of cases it is difficult to know who the representative of the mine is and who is the representative of the government”. When YU accuses the company of having two faces, he is contrasting the face of social responsibility and the face of repression, using police and military action.

Ways forward

YU is at pains to point out that he, and the organization to which he belongs, is not anti-mining. The ideal situation would be for the company to not act in the ways described above: to not be repressive; to be honest about the potential impact of mining; to be able to accommodate those sections of the community who do not want mining on their land.

Narrative 4 Female resident of Celendin

YW is a middle aged woman, who identified herself as someone who was concerned about “the protection of our very unique water system”.

Encounter with MYSA

YW frames the mine’s relationship with the community as gift-giving: “they create relationships with gifts because in reality they have so much money, right? They take advantage of the naiveté of our people ...”. YW claims that the *campesinos*, who are poor, were susceptible to initial overtures of gifts, in the form of commodities or money.

She acknowledges that MYSA held many meetings with local people – “there were contingents of people going up into the highlands and they took people in their vans from the surrounding area, anyone who wanted to go”. But she also believes that some of the meetings were skewed, that is, the company bussed in large numbers of their supporters and wanted to bar ‘trouble makers’ from their meetings:

“When they had their meetings here in Celendin my husband did not miss one and he documented what they said. I remember that before the meeting they would come and ask my husband not to stir up problems with so many questions. They said to

him we can discuss the project with you in private but most people would not understand.”

She is clearly sceptical about MYSA’s motives in holding these public meetings: “they told them the good part, the nice part, let us say the investment part but the information about the destruction [of the environment], the poisoning [of the water] that is not discussed. They said absolutely *nothing* about that”. She describes the reaction of the people at these meetings as ‘confused’. “Lots of people were scared and concerned because they saw Conga – so beautiful, so precious – and they said ‘how will it be?’, ‘who should we believe?’. It was a new topic for everyone but most people were confused”.

She claims that the purpose of the Thursday Dialogues, which were community consultations, held in Celendin, were to “brainwash people”.

Changes in the relationship over time

She believes that over time, people have come to hold a more negative opinion about MYSA: “Because to be honest those people who sold their land have realised that they are not better off, also we have been attacked by the police, the army, the whole government is against Celendin. They treat us as if we were animals.”

She said that in 2013, a rural community in Cajamarca were in despair about the quality of their water supplies and it is these sort of communities who now realise they are not better off since mining began: “does that not make these men from Yanacocha repent?”

Response to MYSA

YW and her husband’s response to mining is to lobby for the protection of the environment region (particularly the water resources) and to assist the *campesinos* who have been negatively impacted by mining. Water is a particularly important issue:

“Here in the Andes we care about water, it is more important than gold to our survival. Two-hundred and thirty communities will be affected, on top of this there are eighteen channels of irrigation, it is six-hundred and sixty-five of, them, there are also lakes. We want the company and the government not to touch the water basins. We also want them to control the use of cyanide, it is ninety-thousand tons of poison, and we will have to deal with it. They are going to kill us worse than dogs, worse than animals?”

Narrative 5 Female resident of Cajamarca

YV believes that ‘from the beginning the mine has not had a good relationship with the people’ mainly because they do not respect and value ‘the rural person’: “it is not a good relationship because they do not value the human being, they do not see them as a human, they see them as merchandise”.

Community engagement as gift giving

“They are so desperate for the mega project Conga to go ahead that they are deceiving the people with books, with better kitchens, with shoes, with jumpers and so on. Some people accept the gifts and others don’t”.

MYSA as deceitful

Like the narrator above, YV also perceives MYSA as being deceitful:

“It is easy to deceive rural people, because they do not know how to read, because they are not aware about laws, because they do not know how the mine works, and so the mine takes advantage of that right? for example they don't inform them about the projects that they are going to do?. For example, the Yanacocha mine said that they were going to be here for twenty years and well they have been here longer than twenty years, they lied to us saying that they are going to close the Yanacocha mine, and now they said that they are going to start another mine which they named Conga”.

In the same vein, she believes that the villagers at Choropampa were “lied to, they hired doctors to tell them that they are going to get better, that that the mercury will leave and you know what the first thing that the doctors used to prescribe to people affected by the spill was ‘drink beer, that will take it out of you’ ”.

Lack of support from local government authorities

Like many interviewees YV sees a direct collusion between MYSA and government. In this instance, she refers to local government:

“many authorities have sold their conscience for money like, for example Mrs X during the Fujimoro government was a council leader and she asked the people affected by the spill not to expose the company. She said she was in charge and she gave them assurances that she would get a fair compensation to all of them but nothing ever happened. That was another lie because she worked with, colluded with, the Yanacocha mining company. It has been confirmed, confirmation after confirmation that the government, buys authorities together with the mine, right? For example in the case of the governor ... from here Cajamarca, at the beginning he came out to say that he was with the people and that it was true that the mine contaminated [the water] but more or less three days later he changed his stance, he changed his stance and he began to defend the mine and even now he is defending the mine.

Narrative 6 Male resident of Celendin

YS is from Celendin but studied Economic Sciences at the University of Cajamarca. He has returned to his home town and is working for the municipal government. Although he too noted an increase in the cost of living while he was living in Cajamarca (see Narrative 3 above) this did not, by itself, create opposition to the Conga project. He only began to be opposed to the Conga project when the impacts of Yanacocha began to be felt. At the start of the mining project, he said, “we were not aware of the impacts that mining projects generate”.

Encounter with MYSA: Thursday Dialogues in Celendin

In fact he observed that many local welcomed the largesse of MYSA in the early days of exploration and community consultation:

“they arrived at schools with uniforms, with backpacks, educational materials, with gifts for the teachers; in the communities during their festivities, they gave fireworks, music bands, sport games, balls, do the people were used to sending a document to

the mining company and the mining company simply gave something. So here in Celendin we used to say 'it is so good that the mining company is here, it is a blessing from God' “.

When the Thursday Dialogues began in Celendin, the MYSA representatives (who had “something to do with Social Responsibility”) would tell them “there is going to be work for so and so people, there is going to be a mining tax, and going to be a series of development projects, etcetera etcetera and with the gifts they used to give, we used to say ‘wow, we are set’”.

He noted however that responses to queries about environmental impacts were patronising or overbearing: “are you geologists or environmental engineers?” they would ask. “But we had some knowledge. They behaved in the same patronising way with the communities when the people of the higher regions began to question them, they immediately stopped them, and they even ridiculed them in public”.

YS describes the initial process of gift giving as a ‘fictional relationship’ to get the trust of local people. He believes that MYSA, at least then, had deliberate strategy of dividing organizations, of financing the political campaigns of mayors who, when in power, facilitated the mining projects. Later he was part of a contingent that travelled to Lima to lodge a document to the Newmont office. He said that “Newmont did not want to receive us. They closed the door; they brought in the police. Thankfully we had the support of a Congressman who communicated with them, then they allowed two of us in ... we went in to give them our document and that was it”. They also presented a document to the World Bank who was more welcoming but have not responded to their concerns.

Water, land and knowledge: contentious issues

This type of response marked the beginning of a breakdown in communication between MYSA and the community, including both rural *campesinos* and urban residents. The water issue connected both groups of people, and is also very important to YS: “we realised that the mining company had located itself where the rivers are born, the same rivers that give water for agriculture, livestock, for human consumption of the communities, so that is our most important concern”. YS went on to detail how much rock would be removed each day for the 17 year life of the project – “facing this, we believed that we have to express our concerns”.

YS also believes that MYSA used underhand means to acquire land, that is, they acquired signature of community leaders to authorize the sale of land which was communally owned. He claims that they then “told the people that they were practically illegally occupying their own property”. YS cites the case Narrative 1 (he knows the family) in which he portrays the company taking a threatening attitude to the family: “look you have to sell, you are going against the mine, the mine has influence with judges and the public prosecutors, we are a giant and you are ants”. This incident “clearly shows that is them against us”.

The way in which MYSA conveys information about mining, and the manner in which the EIA was delivered, are also contentious issues. YS says that the company representative use ‘technical terminology’ that is difficult to understand that they make claims which are

supposedly based on scientific fact, and therefore incontrovertible. “they told us, for example, that these waters from here, from the lakes, they are not fit for human consumption so they were telling us that the water we drank, that we had been drinking for generations and generations was not good and yet we have not died”. The EIA for the Conga project was released in 2010. According to YS, this report was only available online from a natural resources and environment office in Cajamarca, not Celendin.

MYSA also called a public meeting to discuss the EIA but the meeting was held in San Nicolas de Chailhuagon which, while somewhat affected by the Conga project, is some distance from the region where the majority of people are affected, ie Sorocucho. YS says MYSA wanted to hold the meeting in San Nicolas because that community was pro-mining and they knew the distance would deter participants. Only a few people from Celendin went to this meeting, after hiring a minibus and travelling for five hours. People could write their names down if they wanted the opportunity to speak but could do so for only one minute. He said there were almost “a thousand DINOES patrolling the meeting”.

Companies and governments

Despite the government creating an Office for Dialogue and Sustainability to deal with conflicts like Yanacocha, YS does not feel that relations have improved. He cites the police presence in Celendin (in July 2012) as an additional catalyst to anti-mining sentiment. “They killed four of our men here in Celendin and one from Pampamarca and the shots came from helicopters and that is what it indicates, the post mortem of one of the men, that a bullet came from the air. So when they say “in Camjamarca there are four radicals that oppose the project” then what, to control four radicals, they come here with a big squadron of police and with helicopters? No there is something else happening here.” The ‘something else’ refers to the perceived alliance between the company and the government and YS says that the government “always supports the companies because the companies finance their political campaigns”

Ways forward

The companies should respect the decisions of the communities and they should “accept there are some places where they can carry out mining ... but also accept that there are some places where mining cannot be carried out, they have to respect the communities”. MS also feels that the company should not impose its idea of development on the communities: “before we used to live well, and it’s like that they say ‘no you are poor’. Lies with the discourse that we are poor, the mining companies come and impose their vision of development for us”.

PART IV THE TINTAYA MINE SITE

4.1 The Tintaya mine

The Tintaya copper mine is situated in the Espinar municipality in Cusco. It was established in 1985 as a state enterprise and at that time, according to a report by Oxfam America, the Peruvian government expropriated land from Indigenous farmers in return for 10 soles per hectare (approximately \$2) and the promise of mining jobs (Barton 2005, p. 21). The mine was eventually bought out in 1996 by BHP Billiton. BHPB expanded the mine and bought land from the original community (Tintaya Marquiri) and four others: Alto Huancane, Bajo Huancane, Huano Huano and Alto Huarca (Oxfam 2003). The mine has had a significant impact on local government revenue: in the three year period from 2005-2007, there was a 1,100 per cent increase in mining royalties (canon minero).

According to Oxfam (2003), the basis of community grievances prior to 2002 were as follows:

- The land purchases were conducted in an illegal and unethical manner (e.g. community members not having full knowledge of their legal rights)
- Experience of the environmental impact of mining (leakage of waste water from the company's processing plant into local rivers)
- Forced evictions, abuse by mine staff and sexual assault of local women

Local communities then worked with national NGOs to work out a way to resolve these grievances.

The creation of what has become known as the Tintaya Dialogue Table held great promise for the resolution of social conflict at this particular mine site, and potentially for other mine sites as well. Tintaya was portrayed as an example of successful negotiations between the company and the population through the mediation of national and international NGOs (Arellano-Yanguas 2010, p. 82).

4.2 Timeline of escalation of social conflict at Tintaya mine site

Events	Sources	Narrative reference
1985: mining commences in Tintaya as a state-owned enterprise		
1996: BHP Billiton (BHPB) acquires the majority share in Tintaya and expands the mine by purchasing land from Quechua communities	Oxfam (2003)	Narrative 1, 4, 5, & 6
November 2000. CONACAMI requests Oxfam Community Aid Abroad to take up Tintaya case with BHPB head office in Australia.	Oxfam (2003).	
2000 A coalition of five affected communities created an alliance with a group of domestic and international NGOs to build a case against BHP Billiton	Barton (2005, p. 2).	
2001 Oxfam Mining Ombudsman visits affected communities	Oxfam (2003).	
Feb 2002 first of many meetings of Mesa de Dialogo (Dialogue Table)		Narrative 4
April-May 2003 frustration at inability of Dialogue Table to generate tangible solution to grievances (“too many studies”); 1000 inhabitants storm the mine site	Oxfam (2003) Anguelovski (2011).	
June 2003 Community members accuse company staff of not listening to them during the investigations of the commission or preventing women in particular from speaking to the consultants. Allegations that company officials have intimidated community members by stating that if they are involved in the Dialogue Table process then they are acting ‘against’ the mine and will therefore not obtain work at the mine	Oxfam (2003)	
2004 BHPB and the 5 communities sign an agreement compensating families for lost land and livelihoods and establish an environmental monitoring team and community development fund (Acuerdo Marco Fund – referred to as the Marco Agreement in narratives)	Barton (2005, p. 2).	Narrative 3
2005 BHPB staff believe that relations have improved but thousands of people attack BHP facilities		

<p>2005 Tintaya employees march in support of the mine in Cusco and Arequipa</p>	<p>Bebbington et. al. (2008, p. 2893).</p>	
<p>2006 BHPB sells share in Tintaya to Xstrata Copper. Xstrata agrees to honour the Agreement signed by BHPB</p>		
<p>Communities feel the Agreement should be renegotiated</p>		
<p>2007 the Acueredo Marco Fund amounted to US\$11,000 million for investments in the Espinar province. In theory, this Fund is supposed to be jointly managed by the community and the company but in reality is managed by the company trust fund.</p>	<p>Arellano Yanguas (2008)</p>	<p>Narrative 3, 4</p>
<p>May 2012 Two people killed and 50 injured in protests against Xstrata's Peruvian copper mine. "We are interested in dialogue and the development of Espinar, but we find ourselves facing a very radical opposition," Mines and Energy Minister Jorge Merino said in a statement from his office.</p>	<p>Reuters: http://www.reuters.com/article/2012/05/29/us-xstrata-peru-idUSBRE84R0NT20120529 Oriela & Thorp (2012)</p>	<p>Narrative 2</p>
<p>June 2012, President Oscar Humala imposes state of emergency in Espinar</p>		
<p>April 2013 Ministry of Environment released the summary of results of its Participatory Health and Environmental Monitoring (PHEM) which was commissioned by Peru's government in 2012 following violent protests of the previous year. The PHEM Report determined that there is pollution in the Espinar Province that appears to be the result of mining and there is pollution in the Espinar Province that appears to be from "natural" sources. Communities directly affected by Tintaya are exposed to lead, thalium, and arsenic. Glencore Xstrata responded that the contamination discovered above environmental standards was only in a few samples and that most of those samples were from outside of the "mine's area of influence" - asserting that the contamination measured was the result of natural, or "background," metals contamination and not from current or Xstrata mining activities.</p>	<p>Levit (2013, p. iii)</p>	<p>Narrative 3, 4, 5, 6</p>

May 2013 Glencore International acquired the Xstrata PLC to create the newly named Glencore Xstrata PLC		
June 2013 publication of report on environmental impact concerns prepared by Centre for Science in Public Participation, at the request of Oxfam America. The report is based on review of publicly available data and reports and visits to the communities and the mines (tours provided by Xstrata personnel). Also in this year mine closure begins – to be complete by 2039.	Levit (2013)	
2014 Xstrata Tintaya fined \$84,000 for pollution (elevated levels of copper in soil)		

4.3 Narratives about the experience of mining at Tintaya

Narrative 1: male leader of local Quechua community (TC)

Narrative 2: female resident of local Quechua community (TH)

Narrative 3: female resident of Espinar (TE)

Narrative 4: male farmer (TF)

Narrative 5: male living close to mine site (TA)

Narrative 1 Male leader of a local Quechua community

Encounter with Tintaya

This community has lived with the mine for thirty years. According to TC, the community's first encounter with the project came when the company (then owned by the government) said 'we are going to build a road' and "so the community approves, the community accepts the road will be built, that it will pass through the community. But after the road, what happens next? Then the mining pipelines come. They betray our trust, why do they not speak the truth and say what will happen to the communities?"

He also said that previous community presidents sold land to the company without informing the local people: "we found a document signed in 2009-2010 selling land to Xstrata Tintaya but he (the ex-President) did not inform us about these documents. He was doing them under the table with the authorities and the company and the community never even had the knowledge about these documents that were being signed and registered by the notary".

Deteriorating relations over time

He used to think of the mining as being 'respectful' towards local people but now "they work with the intelligence service, with the police" and treat people who question mining practice as criminals. When asked about specific personnel who engage with the community, TC said that "we do not know of anyone, an engineer or a representative with whom we can speak directly. There are managers, there are supervisors, but they do not have their doors open for dialogue, to speak. There is no one we can trust".

His overall feeling about the company is that of betrayal: "they have never officially consulted me or notified me of what they were going to do. We feel betrayed by them. They do not inform us clearly that they are going to do, they don't discuss their plans, and how they are going to do it. Indigenous people do not know how the mine works, so they only shut us up, they only humiliate us and that is how the people are living". In continuation of those feelings, he said that he – and others – feel abandoned by the Peruvian government.

Narrative 2 Female resident of local community

Treatment by the police after the 2012 demonstrations

TH is a Quechua woman, whose family speaks Quechua (rather than Spanish) at home. When recalling the 2012 protests, she says

We have been beaten, by the police. We have been treated like they would a piece of cloth, they just threw us in a corner, then they kicked us, they hit us with their batons. They beat my husband too, they beat him, and the police dragged him. It

seemed like we were rags, which is how they threw us about. My husband is the president of our community but the company doesn't like him and they say they will take him out although he is the elected president the company has named another person. They want a president who can work in their favour, nothing else.

Perceptions of the company

The company doesn't want to talk to indigenous people, they should speak, they should come and dialogue, but they do not come, they don't talk to us women. We want to learn. I belong to a mother's club and we are worried about the children, they are often ill with skin irritations but they never been to the club to talk to us. My husband says we cannot talk to the company because of the way they have mistreated us. They have mistreated us too much. That's all I have to say.

Narrative 3 Female resident of Espinar

TE has a family, and is a member of a women's' NGO. She was a teenager when the Marco Agreement was formulated with BHPB.

As an adult she was approached by the company (now Xstrata) who said to me "because you are female and you understand the Marco Agreement, what is it that you want? So I asked for projects for women". She advocated for programs which would help women's livelihood such as craft production or animal husbandry. TE did not feel however that she should have to go on radio, as requested by the Xstrata Tintaya Foundation, to publicly thank Xstrata for their funding: "I could not say thank you, because no, that is not their money, it is ours".

Community engagement: image not substance

When asked about community engagement, TE recounts how she is often told by company relations people that "Of course the company has changed", they say, "we have changed, we are working side by side with you, we have changed". The change, however, is exemplified in the distribution of gifts and cash, ie in compensation. But for TE, this type of compensation is not always suitable for Quechua people. "For example, they are giving people tractors with that money from the Marco Agreement. The townspeople, they do not work the same way they used to, how it should normally be done. It is all mechanical and mother earth (Pachamama) is not well, it is not matured enough and now it does not give fruit as usual".

She raises these issues on the radio and discusses, for example, the lack of pasture and water for people to keep their animals: "I know that I am not welcomed, I am being accused of spreading false rumours about the company during my radio programme. Someone from the community with the support of the company filed a complaint against me I have my first hearing to be informed of charges on the 5th of March".

TE feels that the company manipulates community relations and is more interested in producing an image of good relations rather than genuine dialogue. She provides an example of the company wanting to hold a street party to celebrate the 10th anniversary of the Marco Agreement: "what the company wants is to decorate the streets, they prepare a special meal and ask the women to dance and during all that time the company is recording everything and then they say to other communities, look at the people of Espinar are happy, look at the women

dancing! But we are not going to let it be, we have come to an agreement that we will not participate in those exhibitions, we are not going to participate in any programme”.

Her resistance to this representation comes from a belief that the company is not following the Marco Agreement: “it has not been followed, for example, the people from Espinar should have had work, but no, it was not like that, the workers of the company were all from other places, from other towns, so when they receive their wages, they do not consume things in Espinar, but in other towns. But in Espinar, as the mining company is there, the living costs are high, as if we are all working in the company, but it is not like that”.

The Marco Agreement, she feels, has generated a cultural shift amongst many local people who are now willing to settle for hand-outs:

“They have taught people to ask. For example they do not want to work anymore, but, if someone from one institution says they have gifts then they all turn up, but if they are going to give information about the environment, or about the monitoring which tells how the water and land is, then no one participates. If the mining company is going to talk about the Marco Agreement, and it is announced that Xstrata Antapacay is going to be present then yes, the people attend, but when it is an NGO, no, they do not go to see”

People who do actually question the company about environmental issues, such as contamination and waste, are dubbed “anti-mining”. If local mayors want more information about certain issues, they are accused of “holding back the town”. For TE, mining and cash hand-outs has divided the community:

“Nowadays money is the only thing that people see, money, where is more money?”

Ways forward

TE would like the company “to work transparently as the law states but they do not respect that”. But if the government does “make the company respect” communities, she wonders how this this will happen.

Narrative 4 Male resident concerned about farming

First encounter and gradual exposure to the company

TF first visited the company offices in 1995 (after BHPB took over) with other community members. They requested about 5,000 gallons of fuel to “open a pathway to the settlement” and the company said “yes, no problem but they also said ‘you have to give thanks’ so I thanked the company (to be honest we *were* grateful) in an interview which was recorded and later on it was played by a radio station”. Then in 2002 after he gained a position representing a group of farmers in Espinar, he came in closer contact with the company and experienced first-hand “how they worked, what benefits there are for Espinar, and their ways of working”.

Company ways of working: reward and punishment

TF feels, like TE in the narrative above, that the mining company has “divided the Espinar population with their economic power ... by now they have about 20 radio programmes in the

Espinar province”. They will offer to put on radio programmes, for example, or fund community newspapers.

“Because of the money, sometimes the people accept, sometimes even if it goes against the population, against the authorities, sometimes we are willing to sell our conscience, that is what is happening”

TF says there is culture of surveillance of people who speak out, not even to stop the mine but to question its activities. He cites the example of a provincial mayor now in his second term of government but he is accused of not being co-operative, or of being difficult. The Marco Agreement is under re-negotiation but TF is not optimistic because he feels most of the local mayors are ‘biased in favour of the mine’

He also feels that relations have deteriorated:

“in my opinion the mining company has no incentives to improve. The company is used to get what they want. I think it will be difficult for them to improve in anything. The company rules and.. people are used to it. The Marco Agreement is currently in re-consideration, but the mayor of the Espinar province, the mayors of the districts are biased, they are in favour of the mines because the district mayors get offerings by the representatives of the mine: “what do you want for your district? ... because they have money, people request it, and the company can then say “the population is in favour of the mining company”, “it gives support”, but we have to be careful with that and that is what is happening now”

Environment and livelihood

TF emphasizes that agriculture and cattle-rearing are the mainstay of the local economy. He is concerned about the contamination of waterways for both humans, plants and animals: “the mine is currently at the water heads of the rives, where the water flows down, in that river you cannot bathe in any more, when you bathe you start to feel itchy, you get a rash on your body, many things start to appear, there is not, we have managed to prove that the is contamination, but they say it is not”.

On the Tintaya Dialogue

“I had the impression about the representative of the company, I do not know but I felt like, they laugh saying ‘of course, yes, we will do it’ but they do not value the discussion. They are always talking about the price of minerals ‘the price is down we cannot increase our contribution’. Under pressure they say ‘we approve it’, they approved one thing and then another, but when the time came to sign the act, they did not want to sign it, so it was just a waste of time the dialogue. That is the way that the mining company Tintaya works, what can we do if they do not want to sign the act?”

Narrative 5 Male resident living close to the mine

Land negotiations

TA negotiated an initial agreement with the company (then Xstrata) about the sale of some of his land. He said ‘it was a bad price’ but “in the second negotiation the company came to us, they

came with fizzy drinks and their bread to practically gain our friendship and our trust ... they talked about living well together, being good neighbours, but the company practically changes engineers, co-ordinators all the time so we do not even know the people there, right?”. He has another parcel of land the sale of which was not complete:

“ ... we returned by day to the plot of land that we were negotiating, and in the afternoon the mining company came with their killers, the police and security guards that was at night time, they practically surrounded the whole family, they practically threw us out around eight in the night, nine in the night, during the night, and together with the cattle we had to go, they evicted us, right? So they displaced us ... some animals were left behind because it was night time ... they came and trampled all over us with the pickup trucks, with the police, disguised with balaclavas. So the company behaves in that way, we had the just reason, that if they did not meet what they had promised then we had the right to return, right? ... The lawyers, the public prosecutor they all were there telling us ‘you sold the land’.

Living conditions

The land which TA owns is very close to the mine site. While this makes it desirable for the company to purchase, it also makes it an undesirable place to live. His land is only 7 metres from the mine site: “the noise is very intense, it is too much, too much”, then there is the dust in the dry season which is affecting both humans and animals. He says the water supply is contaminated but when they complained about it, the company promised to ‘monitor the situation’ but they have not received any reports, and are still drinking the same water.

Narrative 6: Female resident living close to the mine site

TJ is a Quechua speaker who lives close by a mine site. She and her family also sold some land to the company at a very low rate, not because she agreed to that rate but because the company got her mother to sign the deeds in her absence. Her mother does not speak Spanish. They advised her mother to relocate to the district of Coporaque but EJ says “this area is dry, there is no water, there no access to a road, the road does not go there, how will she get there?”

She is very concerned about the water supplies to her property. The company had built one canal but the water, she says, is not fit for human consumption: “my children have rashes, they have headaches, stomach aches. I have started buying water from Espinar town , in bottles for our weekly consumption”. She does not want to leave the area however: “I am not going to go anywhere. I am staying and to shut me up they will have to kill me first”. Her mother’s experience has made her suspicious of company dealings. Many people in the surrounding area do not support TJ’s claims so she has contacted the Espinar Municipality to get the water tested.

She feels attachment to the land even though it is difficult to live there, so close to the crushers and the continual dust. She is trying to continue living on the land as her father did before her: “he sowed clover seeds, but now I am trying to following his path, but every year I am sowing but every year I fail, there is no water, every year I fail, sow and fail, this year I have three hectares half sowed, plus one hectare, and two hectares of pasture, dormant and recently sowed, I do not know how it will end up this year because we do not have water and the mine, just walks all over us”.

PART V COMMON ISSUES

Analysis of the Yanacocha and Tintaya narratives revealed that both groups identified common issues which had shaped mine-community relations. These are listed below and include some quotes which have already been presented in the narratives, additional quotes from the same interviews, and quotes from academics and NGO personnel in Lima. It should also be noted that many issues overlap.

5.1 Flawed communication process

5.1.1 Withholding information

There is very little evidence, from these narratives and from other sources, that exploration companies or mining companies explain their goals to communities before beginning exploration or mining activities.

It is quite normal in Peru for the state to decide to do a new extractive project or an infrastructure project without informing the communities let alone consulting them. They simply do not participate and people normally find out that their territories are in the process of being granted for concession or that they form part of a license when the company is already entering their land to carry out their extractive activities. As I said, this is a big problem because many of the communities in our country do not know that their territories are no longer theirs and that is an issue. The government totally bypass them.... [In the case of Yanacocha] these subsistence farmers have not had any knowledge that their lands were part of the Yanacocha expansion. This is important because the company is arguing that as it is not a new project they do not need to obtain the consent of the communities. This is why the company is treating the Conga project as an expansion of the Yanacocha mine. As a result, the relationship between the towns and the company is very concerning. Instead of informing and seeking their consent the company is promoting handouts to the towns so that they can accept the Conga project. (Interview environmental lawyer)

The Cajamarca NGOs were also concerned about the mechanisms through which communities could find out about a mining lease within their territories, or how they were informed about when to submission regarding EIAs or changes to mining procedure. In Yanacocha Narrative 3, MS relays how the communities in Celendin and Cajamarca were informed about deadlines for comment on planned changes to water usage through an announcement placed in the newspaper “El Peruano” but many communities did not receive this newspaper or only received a few copies.

“Yanacocha published a note in the most widely circulated newspaper in the region. Yanacocha was asking for permission to use the water that we consume and they gave us until the third of January as the deadline to present any opposition...in the communities people do not read newspapers, so by what means were we supposed to find out? Is that fair?”

“The company comes with betrayal, with stories, we are going to build a road and with that tale so the community approves, the community accepts that the road will be built ... but what happens next? Then the mining pipelines come. They betray our

trust, why do they not speak with the truth and say to the communities what it will happen” (Tintaya Narrative 1)

The lack of information about acquisition of land, about who is purchasing what land and from whom, is a divisive issue:

“the mine ... created allies with the Peruvian state, in order for them to be able to negotiate individually with indigenous communities. Now, how can they do that when the communities have collective rights?... in our country rural agricultural communities exist, and they share the land, collectively, to be clear, they own property in a collective manner, now for the mines to be able to enter and do what they did they needed the support of the government and so the state contributed to this with a new policy to give out land titles, a policy promoted by the World Bank...The way I see it, the communities did not participate in the decision making of the concession nor were they informed of the conditions or the process the company would follow for buying land. This lack of information is a big problem and divided the farmers in to two groups one that was paid large amounts of money for their lands and others who got less and felt cheated.” (Interview, environmental lawyer)

5.1.2 Difficulties in accessing information

Much of the information about the mining process is disseminated in Spanish presented in long documents filled with technical terminology. According to a researcher for a Peruvian NGO that monitors mining:

“in the case of Peru, for example when we speak about high Andean communities, we are speaking about Quechua-speaking communities, we are speaking about communities that the ILO identifies with specific needs for example their culture, their attachment to the territory, own language so, I can't give these communities a document of twenty thousand pages, which is what the Environmental Impact Study is, and say revise it within twenty days, and give me your opinions, when that information does not arrive in good time, is not adapted to their culture, to the reality of the communities, so that at the end the information is not useful. Personally I would say that the delivery of information is ...also incomplete and so, that prevents any public participation process, or participation process of the communities in the areas of influence, it is a participation process that is very limited, and that has all of those limitations... it is a participation that is not informed, and that is not conducted in good time frames, so then it does not influence the making of decisions of a mining project” (Interview academic and NGO member)

The narratives also reveal a deep frustration with being uninformed, to the extent that people feel this is a deliberate process of marginalization. In Yanacocha, for example one informant complained that “now they come with this tale that they are going to bring electricity pylons through the community. We were never informed about these mining pipelines, no the people in the community were not aware of this”. In Yanacocha Narrative 5, YV says it is ‘easy’ to deceive rural people.

5.1.3 Not appreciating local ways of understanding and communicating

There is frustration with company personnel being seemingly unable or unwilling to communicate in ways that are direct, transparent and easy to understand. One member of an NGO organization commented:

“[it's an issue of] methodology the engineer simply talking at them and well the people do not follow the rhythm, of those types of meetings and then, the people are sat down, they sign the act but they have not understood, and then when there is the stage of the questions, rural communities always go for practical questions , they do not work in situations where they are sat down, they are listening to the details, they go straight to very concrete questions, “is the project going to contaminate or not contaminate? To questions like that, they expect clear answers “yes or no” so the answers they get do not satisfy them (Interview, NGO Lima)

There is also a common view among those interviewed that verbal agreements are binding:

“so we complained, ‘what is this, we have some of the agreements we had come to, that we are going to work and that you are going to give each one of us work’ and practically they did not do that, “well where is the document that the engineer signed?”. Yes, that is what they told us, but we only talked, we had trust in the company, that this was going to be, and we thought that we had a verbal agreement, we thought that they were going to do it, however the company at the end of the day they acted like they did not know anything (Tintaya Narrative 5)

5.2 Scepticism about community engagement

5.2.1 Giving gifts as a false and empty gesture

There are many accounts about the questionable largesse of mining companies in the early life of a mining project.

“they are so desperate for the mega project Conga to go ahead that they are deceiving the people with books, with better kitchens, with shoes, with jumpers and so on. Some people accept the gifts and others don't (Yanacocha Narrative 5)

“[The company] they are giving people tractors with that money from the Marco Agreement ... hey have also given, cows, alpacas to the farmers.... for example if there is no pasture in that community, if there is no water, how are they going to keep their animals?” (Tintaya Narrative 3)

“they arrived at schools with uniforms, with backpacks, educational materials to the teachers, with gifts in the communities during festivities, they gave fireworks, music bands, sport games, balls so the people were used to sending a document to the mining company and the mining company simply gave something” (Yanacocha Narrative 7)

This type of gift giving is not seen as generosity but as empty gestures to buy community goodwill.

5.2.2 Giving gifts as corruption

There is also a perception that gifts are also used as bribes:

“we found that they said that 580 people participated in one communal assembly and 515 at another, what they have is signatures they obtained from distributing food, bread, sweets, that is how they got the signatures that made them the legal proprietors of the land. The previous community presidents, have never informed their people of these documents which means that they too acted against their own people. We also found a document that apparently was signed in 2009 /2010 it has 580. This time the community was selling land to Xtrata Tintaya. We have seen this document. The thing is that the ex-president did not inform us about these documents that he was legally doing. He was doing them under the table with the authorities and the company and the community never had the knowledge about these documents that were being signed and registered by the notary” (Tintaya Narrative 1)

5.2.3 Empty rhetoric

Many people affected by both Yanacocha and Tintaya are deeply sceptical about the process of community engagement. In Yanacocha, for example PS (Narrative 5) conveys his perception of community meetings:

“the mine ... fills the room up with people that are in support, even with their own workers, the people affected, they do not allow them in...what is important is that during these events there is no possibility to dialogue, instead , instead people can write down in a piece paper [about a] problembut they do not receive an answer and the study .. it is approved so it is only a formality There have been many aggressions against people who have tried to get in... the police beat them up and stops them from entering. Now it is even worse they have divided their projects into smaller parts in order to avoid these hearings... now they can jump over them and the population simply does not have the possibility to dialogue with the company until they see the machinery in their land, like the case of YC”

TE, from Tintaya (Narrative 3) is also scathing about company public relations which, she says, always wants to depict laughing, happy Quechua people in their promotional literature. MP, who works for a human rights umbrella organization in Lima, says that “...companies treat communities like children, they give them small gifts that in reality do not compensate the harm that the extractive industry is causing them, but they do maintain them linked in a clientèle type of relationship” (Interview NGO Lima).

5.2.4 Deterioration in community relations

Considering the escalation in social conflict around both mine sites, it might seem to be stating an obvious fact that people feel relations have deteriorated. It is the reasons for that perception that is important, however:

“in my opinion the mining company has no incentives to improve. The company is used to get what they want. I think it will be difficult for them to improve in anything. The company rules and.. people are used to it. The Marco Agreement is currently in re-consideration, but the mayor of the Espinar province, the mayors of the districts are biased, they are in favour of the mines because the district mayors get offerings by the representatives of the mine: “what do you want for your district? ... because they have money, people request it, and the company can then say “the population is in favour of the mining company”, “it gives support”, but we have to be careful with that and that is what is happening now” (Tintaya Narrative 4)

5.3 Collusion between company and government

5.3.1 Use of police and Special Forces to protect company interests: pivotal moments in the deterioration of mine-community relations

There is agreement amongst those who are disaffected by mining projects that the government supports the mining companies and protects the interests of the company. This is most deeply felt by the use of police and the Special Forces (DINOES) to enforce company policies.

This is evident in all the narratives but particularly the following:

- story of forced eviction in Yanacocha Narrative 1
- portrayal of the police presence in Cajamarca in Yanacocha Narrative 2
- description of police treatment in Tintaya Narrative 2
- account of forced eviction Tintaya Narrative 5
- account of police treatment in Tintaya Narrative 6

The use of force in response to social protest has proved to be a pivotal moment in the deterioration of mine-community relations. The death of protestors in Cajamarca, for example, was perceived in the following way:

“It was a pivotal moment as it was the first time that someone died in a protest....also it is the first time that there is the use of arms, additionally it was identified that the company had firearms and that opened a new issue... Also it was shown that they had a plan....for the military to control the area... the operation was called Operation Devil... so the company instead of taking measures to improve the quality of the environment, or improve their operational capacity to control their operations, what they are doing ...is looking for clearer repression plans in alliance with the police, ...with the military ” (Yanacocha Narrative 3)

The use of police, in addition to mine security forces, is troubling to local NGOs:

”the companies still have their agreements with the police ...Yes, there are various companies in the country that are operating with their own security group but there are policemen paid directly by the companies, they eat, sleep and mobilise using the resources of the company, they also receive direct instructions from the company. They are rented police, ordinary policemen with their regulatory weapons, with their uniforms, but that are doing private services for the company. This has been official since the time of Fujimori, but since 2011 policemen can lend their services to a

company at any time. When it started it was only when they were in their holidays, now it is any time. So for example they may need the police to take care of the streets of Lima but it doesn't happen that way because Yanacocha needs them and so this generates a vulnerable situation for human rights, because the police is sent by the companies to very isolated areas, and you are putting public forces at the service of private interests, it also is a very discriminatory issue, because at the end of the day the one who receives protection from the state is the one who can pay for it. Here in Lima, and well in other parts of Peru too, we have a very serious public security problem, and now the case is that the policemen who had been trained with our taxes, paid with our taxes, are going to work for the mine, to receive an additional wage. Because it is an additional wage the policemen go there very happy because as the state pays them very little, they want to go where the company needs them and the other problems is that, it is not just that the police go to the communities to work and comply with the constitutional regulations in the middle of no-where, but the issue is that they receive direct instructions from the company, and it is because of that the people have died, for example in Cajamarca...for example in the area where YC lives, probably the only contact that she has with the state is with those policemen paid by the mine, that is the face of the state for YC. They are the police that come and repress her, because the mining company has sent them, and that happens in many parts of the country, in the Amazon, the highlands of Piura, that is the face of the state for the people.” (Interview NGO Lima)

5.3.2 The government as an ally of the company

There is a shared perception that the government does not act as a regulator of mining, but as an ally of the company, working to serve the company's interests.

“The company has the government as an ally. During events they both appear together...It is difficult to know who the representative of the mine is and who is the representative of the government ... sometimes the government representative talks more in favour of the company .” (Yanacocha Narrative 3,)

“I think that our government looks like they work mostly with the private companies...the government of Peru does not support the people of its own country. When a community complains, the central government supports the companies more with their police. It is the humble people in this town that live in humiliation” (Tintaya Narrative 1)

“There is no pint in talking to the authorities... they are also biased. I don't blame the company I blame the government. Since Fujimori the Peruvian laws have only been for the benefit of the transnational mining companies, and I believe today there is no respect for the people, there is no respect of human rights, that is what is happening in the Espinar Province,” (Tintaya Narrative 4)

“The public prosecutor does not work on Saturday and Sunday in Espinar ... only from Monday to Friday they work. But that Saturday they were there evicting us the public prosecutor is present there ... but when a person from the community wants them, they always say they have a problem, are they going to come out on Saturday and Sunday for us? No they don't work weekends. But for the mine the authorities here in Espinar lend their services, and this is concerning for us, definitely, so that is

what is happening and since that date, we do not have a relationship with the company”, (Tintaya Narrative 5)

5.3.3 The government designates those who complain or protest about mining as criminals

The experience of forced evictions at the hands of mine security forces and police, and the experience of police brutality during the states of emergency at Celendin and Espinar, create fear and is associated with historic memories of the violence generated by the armed conflict between the Peruvian government and the Shining Path insurgency. MP, a resident of Lima who works with an umbrella human rights organization has this to say:

“those who oppose the mine are de-legitimised, they are also branded terrorists because here in Peru, with a history of armed conflict, that is something that weighs a lot, that terrorise people because, until very recent the terrorists here, or those presumed to be terrorists, they would take them out of their homes in the middle of the night, shoot them and make them disappear so it is a big stigma to be accused of being a terrorist” (Interview NGO Lima).

“if someone speaks in favour of their community ...they are marked, that person is threatened , for example me , we have informed about these documents and already the company has blackmailed us, they have criminalised us , they even want to take our position ...as president [of the community] because the company does not like that I talk about these documents. I should keep quiet: whoever informs the public, the company does not like them, they only like people that humiliate themselves, that they can be paid to shut their mouths. And we are living like that”. (Tintaya Narrative 1)

MP explains that the police are the ‘face of the state’ to the rural people in the Andes. The state is not seen as an ally, or a place where people can safely take their complaints or seek a form of redress. Some of the Tintaya narratives mention the example of a local mayor who is unusual in voicing concerns about the impact of mining on the environment and the community:

“The company says to the mayor, “you have to agree with what I do”, so if the mayor agrees then they work well, but if the mayor says I want more information or he says the company is not doing well, then no the company does not support the municipality. At the moment they say Oscar Mollohuanca the mayor is holding back the town” (Tintaya Narrative 3)

Local individuals such as this mayor (and Marco Arana in Cajamarca⁴) advocate for the people, but are marginalized and seen as ‘troublemakers’. The director of a human rights organization in Cuzco took a similar view:

“But I think that the communities hope for the state to have a role, more to regulate and guarantee rights, but ... ordinary people have no trust in the government, in a way their association with the companies has weakened the state itself, and sometimes it is the cause of the conflict because people have nowhere to go so if a problem can't be resolved directly between a company and the communities and

⁴ Marco Arana is a former Catholic Diocesan Priest who worked with an NGO group that monitored the impacts of mining in Cajamarca. (Arana Zegarra 2004).

many examples come to mind and the state is an observer but a pro-mining observer, what can people do? Yes there is a legal framework, but what one can see is that in practice the legal framework is brushed aside and what counts is this big relationship between company and state”. (Interview NGO Cuzco)

5.4 Perception of mining companies

5.4.1 Mining companies minimize concerns about their activities

When local people express concerns about the impact of mineral extraction and processing on the environment, they feel their concerns are often trivialized or glossed over.

“When you questioned the impacts that the project was going to have , they immediately came out in an overbearing manner to minimise and even put down the arguments that we were expressing , saying that why do you argue if we are not specialists in mining. Are you a geologist, or environmental engineer....they behaved in the same patronising way with the communities when the people of the higher regions began to question them, they immediately stopped them, they even ridiculed them in public” (Yanacocha Narrative 6).

“we also spoke with a lady from the environment, I do not know what her name was, but we also spoke with her and the lady from the environment she pledged to give us a report about the impacts. The report would confirm if the water was good for human consumption. She promised to send the water to the laboratory, and give us the results... and they were going to give us a report in a week, until now I think that was about four, five months have passed and now practically we are still consuming the water, but the water comes oily and splatters out and that water we are sometimes drinking, they say that it is ok for human consumption, but we are killing ourselves in life....We get ill a lot, it is mainly the children and they run a higher risk against their health, because they have longer to live but the children some day they are going to suffer from who knows what, and that worries us..... We don't know what to do.”(Tintaya Narrative 5)

“... there is a global tendency at the moment to promote the voluntary principles, they also talk about self-regulation,... that it is an attempt by the companies to stop the state from intervening, “it is not necessary for you to regulate us, alone we are going to behave well” what I think is that the state should meet its obligations, which is to protect its citizens but unfortunately in countries like Peru, the state is too weak and does not meet its role” (Interview NGO Lima)

5.4.2 Negative perception of mining employees

How engineers are perceived

The narrative often refer to engineers although it is not clear what positions they hold, and at what level. Engineers were described as people who:

They hold power

“the engineer Guillermo Silva was the only person who could solve my problems”
(Yanacocha Narrative 1, describing how the family sought clarification about ownership of their land)

“I haven't had any contact with the company apart from the time when the police came with the engineers and they attacked us. They are terrible” (Tintaya Narrative 2)

They are indifferent to the needs of ordinary people

“we went to the mine's office in Cajamarca and there the lady in charge phoned the engineer. He didn't show up.... the engineer refused to give us an appointment” (Yanacocha Narrative 1, seeking clarification about their land)

“So I had been working there for a year, and then they were reducing personnel, so then I went to the engineer and I said “you know what Mr? I am a little unwell and so could you look for another area for me to work in” just as he had promised, so then he said “you know what Mr, in fifteen days I will look for a place in another area for you” so then we agreed on that, then fifteen days later, and nothing. So since then, I kept telling them and they kept saying in two weeks’ time and a month passed two months, passed, three months passed and practically, then, *he did not want to even recognise me*, until now practically I am wasting all my time waiting for them to do what they said they would do, right? waiting, but the years go by wasted, we are wasting time, we have a family, everything”... that engineer ...does not want to know me, I mean they do not want to assist the people that have negotiated their lands, and it is those engineers that practically have never showed their faces *when you speak to them nicely, they do not respond to you, you call them to say hi, and they do not listen, they pretend to be deaf, that is how the engineers are*” (Tintaya Narrative 3 describing how his attempts to get a different job on the mine)

“the engineers they say “go and complain somewhere else” like that they tell me “ if you do not want to move from here, then it’s going to be like this”, that is what they say” (Tintaya Narrative 6)

They are corrupt

“We have been there when the engineer offer you bribes” (Tintaya Narrative 1)

How CE personnel are perceived

Community engagement (CE) personnel on the other hand are perceived as the ‘nice’ face of the company. The Yanacocha narratives indicated a greater contact with CE personnel but although some admitted that these people were well meaning, they had no power and often did not stay long in the position (see for example Yanacocha Narrative 3). Engineers were also described as transient: “the company practically changes engineers... all the time, so we do not even know the people there”(Tintaya Narrative 5)

5.4.3 Distrust of CSR

As discussed in the Introduction to this report (1.2.2) we also interviewed a small group of NGO personnel. There is general scepticism about the application of CSR (corporate social responsibility) in the absence of state regulation, particularly at Yanacocha and Tintaya as illustrated in the following quote:

“...That (CSR) was a strong discourse shared by many companies in Peru. However, what we have actually found, is that in reality the discourse has various problems, firstly ... is the big difference between the discourse and the concrete actions. There ... is a great abyss and an enormous gap. One thing is what the code of conduct says, the code of social corporate responsibility, and another things are the actions. A second problem with the discourse of Social Corporate Responsibility.... is that this discourse attempts to replace the local public politics and to replaces the state as a means of control, for supervision or regulation. The discourse is the discourse of the auto-regulation ‘we the modern companies are conscience of our activity, as we are referring to mining activity, it generates some negative externalities, some negative impacts in the populations, but do not worry, because with our social and environmental standards we are going to control those negative impacts’. So although the companies are talking about social standards, of environmental standards, and that they have a code of conduct and social responsibility, we do not think that it is sufficient. Because the state has to play a role, the state has to control, regulate and supervise, the state, let us say it represents the common interests, the common good, and in that sense the state has an important role ... it is the absence of the state, the absence of the government what without a doubt provokes a completely and absolute asymmetric situation, and that is the scenario for which the conflicts ... we feel that the absence of information is made worse by the fact that the state is absent. (Interview NGO Lima)

5.5 Violation of human rights

Overall, these experiences - of people who wish to question mining practices, or who do not wish to sell their land, or who oppose the extension of a mining project - constitute a violation of their rights as people who deserve to be treated with dignity and respect. It makes some of them afraid to pursue further action or to question company policy.

“I have complained [to the company] about the way they failed the community...the company has not liked our observations so now they slander, blackmail, bring the police..., they made us fight with the police. People are afraid, they no longer want to reclaim their rights, and they do not want to talk about their rights. One time when us leader complained about these [false] documents they began to threaten us with the police, to follow us, day and night we are being watched , we are running risks, even our lives are in danger by the large companies that come to our territories” (Tintaya Narrative 1)

On the other hand, it has made others desperate:

“I am not going to go anywhere. I am staying and to shut me up they will have to kill me first. You see I cannot allow the company to walk all over me, it is ok for them, they have money to get lawyers, they have five lawyers, policemen come, but me, I am practically alone defending what is mine (Tintaya Narrative 6)

PART VI COMMUNITY SOLUTIONS AND GUIDELINES

In the interviews, we asked people if they could identify ways forward to improve community relations. Not surprisingly, the key change areas are the reverse of the negative qualities that currently permeate mine-community relationships: instead of paternalism, fear, scepticism, contempt, and violence, the people want a relationship that is founded on transparency, trust, respect and peaceful negotiation.

Transparency

The need for transparency refers to the need for a clear understanding of the kind of work that is going to be carried out, how long it will take and what impact it will have on people and environment:

“ the company should inform us about the work that they are going to carry out within the community ...and how they will live with the community...they should support the community but apart from that the mine should work on the environmental impacts....because the first need nowadays there is no water but the mine has never said to our community you need water so we are going to help you with that. They have never said that.... they only worry about their own interest, their projects, their production and so on. They should support the communities” (Tintaya Narrative 1)

“now they come with this tale that they are going to bring electricity pylons through the community. We were never informed about these mining pipelines, no the people in the community were not aware of this” (Tintaya Narrative 1)

Respect

The idea of respect covers many domains. Every person who was interviewed wanted to be treated with dignity, as a person whose ideas and views are worth considering, not as troublesome obstacles to the efficient working of the mine site.

Respect for local values and knowledge

Views about where to mine or not mine

As one man from Cajamarca said, “they should respect the decisions of the communities. Accept that there are some places where they can carry out mining, then fine with support from the communities, but accept also that there are some places where mining cannot be carried out, they have to respect the communities.”(Yanacocha Narrative 6).

Views about what constitutes ‘development’ or ‘a good life’ (buen vivir)

The narratives reveal that communities are overwhelmingly concerned about the contamination and destruction of water sources which affects their ability to continue farming. There is no sense – from either the Yanacocha or Tintaya narratives – that rural people are willing to abandon their rural livelihoods. Hardly anyone mentioned the improved infrastructure (such as new roads, education or even health) which are listed as the benefits of developments in company facts sheets and websites ((Newmont n.d.4)). Access to land and water is vital for them to maintain a rural livelihood. They do not want to be seen as poor, deprived, and lacking but as rural people who wish to continue making a living from the land which is very much part of their cultural identity.

“,, they come and install supermarkets, they come and impose new forms of living that completely contradict with the one that we have” (Yanacocha Narrative 6)

“[the community] is so divided ... our traditions are no longer there, our culture, everything is breaking apart, and the mining companies should not do that” (Tintaya Narrative 3)

For NGOs, respect also extends to the recognition of rural Andean communities as Indigenous communities:

“...Firstly, the companies should be forced to know the rights of indigenous communities and apply international standards that expect them to consult the communities even if the state does not respect those rights... I think companies should prioritise the rights community have to be informed, to be consulted and to give their consent. If a company does not make sure that this process is uphold and insists to carry on, then they have to accept that together with the state they are violating the rights of indigenous people.” (Interview environmental lawyer).

Dialogue

There were some references to direct interaction with community engagement personnel but it seems, from the narratives, that interaction with the “company” comes in variety of guises: with engineers, with managers, with police, with the Public Prosecution Office, and sometimes with community engagement people. Not only do people want a chance to speak directly to those who make decisions that affect their lives, but they need to know who those people are.

“It would be good for the private companies to open the door to us, for us to speak about how we can live with the mine but instead of that we find the doors closed, we do not have access to dialogue, to speak...that is why we are demanding that the [government] changes their current behaviour that is acting in favour of the mining company , not in favour of the communities...the communities that have the impacts...It is not good that we find ourselves marginalised by the mining companies, we are being deprived of our rights by the mining companies” (Tintaya Narrative 1)

Effective dialogue should be inclusive

The message from these narratives is that an effective dialogue has to encompass every section of the community that is impacted by mining.

“The company should speak, should come and dialogue but they do not come , they do not talk to women. We want to learn. I belong to a mother's club and we are worried about the children ...but they never been to the club to talk to us“ (Tintaya Narrative 2)

“in none of the studies that they have carried outdo they consider the *Ronda Campesinos* as a relevant actor . It is as if for them they (the Ronda) does not exist.....if you are their ally then they apply the politics of a good neighbour, social responsibility etc but in the case of the Ronda[it] is an enemy and so with their enemies they apply very explicit security politics in which the enemy has to be

identified, has to be followed, has to be neutralised... they use the word neutralise and so they work with two scripts the social responsible one is applied to those that can be ...their allies , those that can defend them and the security politics is applied against all those that are not aligned with their ways.....that oppose the general interest of the company and their interest in Cajamarca is expansion... the company has developed many faces ... one face is social responsibility for their allies but another face is for repression...In general for community relations they hire people with good intentions anthropologists for example but also many women and these social responsibility people try to do things in one way ...according to principles they believe in but they are not aware of all of the other dimensions of the company....because they share very little ...and in some cases they are surprised when the other [face of the company] comes to the surface ”(Yanacocha Narrative 3)

Effective dialogue requires a review of time frames

People who have legitimate queries about mining operations do not want to be excluded from public meetings, or presented with lengthy and unintelligible documents which are difficult to obtain and even more difficult to understand. Time is needed to accomplish this, as well as the acceptance that conflict is always evolving:

“ [in order to get social consent corporations] need to have the capacity to accept that the real time frames need to be respected not to impose the other time frames....I think conflicts are always going to be present—they are always going to be alive, in essence, they are conflicting relationships, what [governments and corporations]... need is the capacity to act in those conflictive relationships and allow the conflicts to carry on evolving” (Interview academic and NGO member)

Trust

There are many references to broken promises in the narratives, and in the issues which are set out above. These broken promises generate a lack of trust and a general scepticism about the honesty of mining company employees (5.1.1); the integrity of mining company employees (see 5.4.2); the ability of the state to protect community interests (5.3).

PART VII RESONANCE WITH OTHER FINDINGS

We have identified a number of shared obstacles and problematic issues in this comparative assessment of relations between these two mining companies and the communities that live alongside them. These obstacles and issues are not unique to these two mine sites and some examples of similar findings are listed below:

- Muradian et. al., for example, have identified the following reasons for the failed relationship between company and community in Tambogrande, Peru:
“[an underlying] distrust in institutions, and the lack of a participatory procedure for deciding local development strategies create serious difficulties in legitimizing the project assessment and approval.” (Muradian et. al. 2003).
- Arellano-Yanguas (2008, p. 36) found that:
“The environmental face of these conflicts hides a more complex set of reasons and grievances that account for upsurges in violence that are related to (a) social unrest generated by the geographical coexistence of large mining operations with rampant poverty; (b) the state’s limited ability to enforce mining regulation; and (c) the public perception of collusion between the government and the mining companies. However, conflicts do not stem from these factors alone. Once conflicts arise, they themselves become the cause of further problems. Companies’ attempts to mitigate conflicts and show the developmental potential of the mining industry lead them to interact with local actors in a dysfunctional way by: (a) fostering clientelism; (b) promoting quick spending that reduces the quality of public investment; and (c) trying to usurp the state. The result is a vicious circle in which popular frustration generates conflicts that in turn reinforce the conditions for new conflicts”.
- The World Bank report also clearly states that mistrust among all stakeholders has ‘deep historical roots’ (2005, p. 17) and states that “the mining industry has done little to understand the surroundings and social and cultural aspects of the local communities and the government has also done almost nothing to provide the industry with the required information about their way of life” (2005, p. 18).
- Another finding, which reflects Muradian’s argument about the need to reconcile different value systems is outlined by Urkidi & Walter (2011, p. 693):
“While Latin American governments and mining companies discuss in terms of revenue and money compensation for externalities, communities are demanding democracy, bottom-up decision making, and recognition of the links between culture and environment. The idea of ‘good living’ (*buen vivir*) that different social actors in Latin America are embracing summarises a critique of unfair development models and a new approach for thinking about wellbeing”
- Most recently, MYSA commissioned the Centre for Social Responsibility in Mining at the University of Queensland to conduct a stakeholder perception study among the residents of the nearby town of Cajamarca (Kemp et. al. 2013). The CSR report made a number of recommendation directed specifically at MYSA, namely that they should: make an apology; instigate institutional change; revise timelines; prioritize local level relationships and support community building.

Increased trust, transparency, and improved dialogue are key words for these and other reports about community engagement in Peru. To mitigate the issues, an increasing number of consultancies are developing in Lima to support companies with community engagement and ‘social diagnostics’ in order to create the social license to operate. Many companies (both junior and major corporations) as well as the Government report that community engagement is improved and social conflict now being avoided by these means. However, it is clear that despite

intentions to listen to community, company representatives generate an impression of a lack of respect for local perceptions and declared needs. This reduces their ability to understand community interests necessary to negotiate long lasting relationships.

The unique contribution of the current report to this important body of research rests on providing the context for in-depth narratives which convey the depth of feeling of alienation from both government *and* companies, and the lack of trust placed in both institutions.

PART VIII GUIDING PRINCIPLES

- **Transparency**
- **Respect**
 - **Respect for local values and knowledge**
 - **Respect for alternative models of development**
 - **Respect for human rights**
- **Dialogue**
 - **Effective dialogue should be inclusive**
 - **Effective dialogue requires a review of time frames**
- **Safety**
 - **To ensure the safety of communities, government needs to be an effective regulator of mining practice**
- **Capacity**
 - **The communities' capacity to participate in dialogue with mining companies and governments requires the fulfilment of all guiding principles listed above.**

PART IX FURTHER REFLECTIONS AND RECOMMENDATIONS FOR FUTURE WORK

The crucial issue is to move beyond recognition of the causes of social conflict to recommendations for action that can generate effective change. How do we give meaning to the guiding principles of increased respect, trust, transparency and effective dialogue between governments, companies and communities? As Harvey points out, much of the literature which recommends improvement in the community engagement sector of mining companies “frequently reads like material we would expect to find emanating from the development sector, rather than tailored advice for the extractive industry” (2013). In a previous publication, two authors of this report have also argued that recommendations for improvement “need to be anchored in the pragmatic reality of ordinary life for them to have real meaning and value beyond the level of abstract debate” (Armstrong, Baillie & Cumming-Potvin 2014, p. 92). Sub-contracting the task of improvement to other companies or agencies is also not the solution. This does not require behavioural changes on the part of those in the extractive industry, that is, it does not require them to engage with guiding principles for change. Bruce Harvey, who has had many years’ experience in this industry as Rio Tinto’s Global community engagement representative, recommends that employees should participate in local induction courses which should be:

“crafted and delivered by professional educators with the active involvement of local people. They should be tailored to local circumstance, not framed in universalisms and theoretical abstraction. Based on a desire to instil comprehension more than compliance, local induction should provide local historical and contemporary context and a ‘safe’ environment for employees and community members to discuss difficult issues” (Harvey, 2013,p.4)

These views are mirrored in another recent report on the costs of social conflict in the extractive sector which also underlines the importance of internal incentives to change (Davis & Franks 2014). These authors declare the need to address the problematic tension between the time frame required to build productive relationships and the time frame of “short term production targets or ambitious construction schedules ... and distinct budget lines” (Davis & Franks 2014, p. 9).

The material in this report is ‘tailored to local circumstance’ and provides the kind of ‘local historical and contemporary context’ that should be the basis for knowledge transfer in the pursuit of institutional change. Our first recommended action is therefore:

1. Developing local induction courses for company personnel, crafted by professionals together with local people and to involve narratives or films depicting local people’s experiences

We also recommend the support of communities to understand company perspectives and to develop the capability to voice their needs as *interests*, crucial for equitable and sustainable negotiation processes. We recommend the following action for further continuation of this critical work

2. Engaging with different levels of mining industry representatives who work or have worked in Peru, and with local Government representatives and NGOs, to study their approaches and strategies to *listen* to communities and their response to what they *hear*. This will aim to ultimately facilitate the development of a mutual understanding of company-community *interests*.

It is imperative that the various researchers and practitioners working to enhance fair and equitable community engagement processes in Peruvian mining contexts collaborate and act together to address these issues. Hence our final recommended action is:

3. Creating a network of actors involved in the support of community engagement processes in Peru to include ICMM, IM4DC (UWA and UQ), academic scholars and representatives of NGOs, local businesses and community support groups.

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APPENDIX A

Part I: structured to get a sense of expectations about the mine, and what interaction, if any, existed between the company and the community in the early days of mining.

Guiding questions:

Tell me a little bit about yourself, where you live and your relationship with the mine; do you live close by or far away? How long has the mine been part of your life? Do you work for the mine? If not why not? Did you own the land which was being mined and if, did you receive compensation for that?)

When was the first time you knew that a mine was going to operate in our region - how did news reach you? *We were interested to learn whether announcements were made through a local government office, through a mining official, or both - ie was the government seen as a partner of the mining company? Was communication in a language that everyone understood?*

What kind of interaction did the company have with the community in the early days of mining? *Did they visit villages and towns and which ones did they choose to visit? Who represented the mining company – a local person or someone from elsewhere? If there were public meetings, who attended and who didn't and why? Did they set up an office in the nearest town?*

What were these interactions about? *Were these opportunities for people to ask questions and if so what kind of questions did local people want answered. How effectively did the company answer those questions? In those days, how would you describe the relationship between the government and the mining company?*

Part 2: structured to get a sense of what has changed since then.

Guiding questions:

Looking back on the relationship between the company and the community since operations began, how would you describe this relationship – as better or worse, or the same?

If it is same/worse/better, how do you explain that?

How has the point of negotiation changed? Who is talking to whom? Are there more face to face meetings, more paperwork, more confrontation?

Who has helped you most in negotiation with mining companies? *mining company personnel? local ngos? International ngos? Local government - The mayor? The priest?) Are there some people in the mining company that are more approachable than others – who are these people?*

Part 3 an open conversation structured to gauge how local people think relations can be improved