

2-24-2012

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## Recommended Citation

Chanduví Jaña, Elsa. "National Mobilization in Defense of Water in Per." (2012). [https://digitalrepository.unm.edu/la\\_energy\\_notien/114](https://digitalrepository.unm.edu/la_energy_notien/114)

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# National Mobilization in Defense of Water in Peru

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By Elsa Chanduví Jaña

The Gran March Nacional por el Derecho al Agua y la Vida (Great National March for the Right to Water and Life) was interpreted as a demand for government coherence. Hundreds of people marched from the northern Andean department of Cajamarca to the capital to express their opposition to any extractive activity that threatens the ecosystems and water resources.

On Feb. 1, about 1,000 campesinos and representatives of groups defending water rights left from the area of the lakes that will be most affected by the Conga project (NotiSur, Dec. 16, 2011), a US \$4.8 billion undertaking to extract gold and copper, which will be developed by Minera Yanacocha, a subsidiary of the US-based company Newmont Mining, Peru's Buenaventura, and the World Bank's International Finance Corporation (IFC).

"The Peruvian state's current legislation does not recognize that potable water and sanitation are a human right; a right that is essential for all other human rights, since without water there is no life," read a manifesto to the nation released Jan. 20 by the march's organizing committee.

Four of every 10 children under five years of age in Peru lack access to clean water, with those four generally being from rural families, according to the World Bank's Human Opportunity Index (HOI), prepared by a group of World Bank researchers. The HOI indicates that Peru ranks 14th among the 18 Latin America countries analyzed in access to potable water and number 10 in sanitation.

After an 800-km, eight-day march, the protesters arrived in Lima where they were received by various organizations, including the Confederación General de Trabajadores del Perú (CGTP), the Sindicato Unitario de Trabajadores en la Educación del Perú (SUTEP), the Sindicato Nacional de Trabajadoras del Hogar, the Movimiento de los Sin Techo, and the Central Unitaria de Trabajadores del Perú (CUT).

After arriving in Lima, the marchers went to the Foro Hídrico: Agua, Minería y Desarrollo en el Perú de Hoy, where they participated in the main panel along with other delegations from various regions of the country and analyzed issues related to water use as a human right.

The march ended on Friday, Feb. 10, with a huge demonstration of solidarity with Cajamarca residents in Lima's downtown Plaza San Martín where there was music and singing to raise awareness of the importance of preserving the basin headwaters.

"What happened Friday was a call for governmental authority to be attuned to popular demand, for legislative initiatives to be attuned to the organizations' proposal," said Marco Arana, an environmentalist and former priest who headed the march, in an interview with the daily La Primera.

Cajamarca residents are calling on President Ollanta Humala to be consistent with his campaign promises to defend water before gold, while now he proposes what he calls "a sensible position: water and gold."

"The Conga project is important for Peru, because it is going to allow a great transformation to take place," said Humala in statements from the government palace last November. For Cajamarca regional president Gregorio Santos, the project is "unviable"—as was stated in the regional ordinance passed in December— and the president's statement "is not an answer for Cajamarca."

"We're talking about a US\$4.8 billion investment....However, when the US\$4.8 billion

figure is analyzed, we see that it would be spent on the mining company installation. Approximately US\$1.8 billion would go to company infrastructure and a pebble mill, and Odebrecht, the company that would install all the camps and carry out the earth-moving activities, would have the rest," said Santos in a recent interview with sociologist Mónica Bruckmann of the Agencia Latinoamericana de Información (ALAI).

As part of the ceremony marking the end of the march, protestors presented two bills to Congress, one regarding preserving the basin headwaters and the other related to declaring the country free from open-pit mining and prohibiting the use of mercury and cyanide in mining activities.

The protesters also set up the Tribunal Nacional de Justicia Hídrica (water-justice tribunal), which, they said, "would monitor water conflicts in the country, clarify the facts of the cases, create an agency for ethical sanctions against destroyers and contaminators of water, promote legislative initiatives regarding the right to water, and provide a space for ongoing debate on the issue of water."

The tribunal's first session was presided by José De Echave, former vice minister of environmental management, who said that the government's challenge must be to get ahead of the conflicts, with public policies that allow building a true environmental authority.

The session was public and consisted of presenting documentation to support demands for ethical sanctions against five companies responsible for the impact on water and people's

rights. These companies are Southern Copper Corporation for the Tía María project in Arequipa, Barrick Misquichilca SA for the Laguna Sur project in La Libertad, Yanacocha SRL for the Conga project in Cajamarca, Miski Mayo-VALE for the Mogol project in Cajamarca, and Grupo Zijin for the Río Blanco project in Piura and Cajamarca.

The tribunal will have to examine each case presented to reach conclusions and ethical resolutions regarding each complaint as well as to formulate recommendations so that the resolution is socially and ecologically just, democratic, and peaceful.

### ***Emblematic case?***

The Conga project has become an emblematic case because of the insistence on imposing an extractive activity without considering potential environmental damages to the fragile water ecosystems and the nearby communities.

The project's environmental impact study (Estudio de Impact Ambiental, EIA) has been seriously questioned, including by the former team from the Ministerio del Ambiente (MINAM), which said in a report that the Conga project "will significantly and irreversibly transform the basin headwaters, destroying various ecosystems, and fragment the rest in such a way that environmental processes, functions, interactions, and services will be irreversibly affected."

The report also said that the EIA does not consider "the microwatersheds integrally." Therefore, "the criteria and the analysis of effects on the hamlets and towns should be carried out for each microwatershed."

The conflict in Cajamarca is also emblematic in the way that it led to Cabinet changes and a clearer definition of the government's orientation that puts mining investment in the forefront. De Echave said that the two principal issues underlined in the MINAM report are the absence of a hydrogeological study, indispensable for understanding how the lakes function, and the failure to determine the value of the environmental services that those ecosystems provide. The approved EIA says that Yanacocha must present a hydrogeological study in 2013 to determine the impact of its operations.

The project is currently at a standstill until three foreign experts contracted by the state identify and propose measures to mitigate the environmental impacts raised in the EIA. The experts must submit their report at the end of March.

The job of the international experts—Spanish engineers Luis López García and Rafael Fernández Rubio and Portuguese geologist José Martins Carvalho—will be "to identify and propose measures to improve the mitigating actions for the environmental impacts of the Conga mining project." Their report will not evaluate the EIA as the citizens of Cajamarca are demanding.

Regional president Santos says the examination of the Conga project's EIA is only an attempt to justify the discourse of Prime Minister Óscar Valdés in the sense that "Conga is a go—regardless."

"Cajamarca never asked for an expert appraisal under the prime minister's terms," said Santos, who said that the appraisal is "discredited."

For the social leaders of Cajamarca, the appraisal lacks social validity because they were not consulted about the selection. Valdés refused to include the social leaders in the dialogue, saying that he only deals with elected authorities.

Arana said the government imposed the team of experts unilaterally and it is simply a pretext, since the political decision regarding the project's viability has already been made.

Prime Minister Valdés told the press that the selected experts will come to Peru to do their field work in late February, adding that, with their work, "the doubts of the people of Cajamarca, who say that they are not going to have water, that there will be serious environmental damages, will be resolved."

Meanwhile, Congress president Daniel Abugattás Majluf told the foreign press that the Cajamarca residents' resistance to the Conga project is because of the way the Yanacocha company has been operating. "Yanacocha has a 20-year history of noncompliance in Cajamarca and, moreover, for the last 20 years we have had a Ministerio de Energía y Minas that has represented neither the state nor the people," he said.

Abugattás also said that government authorities have not explained clearly the Humala administration's policy on this issue, which is to first resolve the water problem and then continue with gold exploitation.

The Conga project is decisive for the future of mining investment in the country under the Humala administration. As Hugo Cabieses, vice minister of strategic development of natural resources for the MAM, said, in the coming years most mining investment will be carried out in the basin headwaters, that is, in places with characteristics similar to those of Conga. "Of the US\$45 billion that is going to be invested in mining in the next five years, 70% will be in the Andean highlands, that is, in the basin headwaters, so that Conga is a foretaste, it is the tip of the iceberg," he said.