

Peru: Praying for Justice

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In Northern Peru, residents of Tambogrande are praying once and for all that a lawsuit newly reopened against anti-mining activists be shelved.

Nightly vigils began twelve days ago, shortly after locals learned that eight environmental defenders, including former mayor and past president of the Defense Front for San Lorenzo Valley and Tambogrande, Francisco Ojeda Riofrio, will be sentenced on Monday. The case pertains to property damage that took place in February 2001 against the now defunct Manhattan Minerals Corporation.

While past sentences have been suspended, activists fear this time that they could include jail terms. They believe that this is another attempt by industry and government interests to criminalize struggles against metal mining.

The evidence demonstrates that this is an all too common strategy to deter or silence activists. According to an August report published by the Peruvian Observatory of Mining Conflicts, around 300 people involved in such social-environmental disputes within the Department of Piura where Tambogrande is situated currently face charges.

A leader at the polls

The district of Tambogrande first gained international recognition in June 2002 when it held the first local vote as a means to peacefully and democratically express local opinion over potential metal mining activity. Around 75% of area residents voted and more than 98% said no to mining.

As part of northwestern Peru's dry tropical desert ecosystem, farmers in the lowland San Lorenzo Valley depend upon irrigation systems established through a World Bank sponsored initiative in the 60s. Today they produce 40% of the country's limes and mangos. And they have reason to believe that farming could be affected by large scale mining.

A 2001 analysis by Geologist Robert Moran of a preliminary Environmental Impact Assessment produced by the formerly Vancouver-based Manhattan Minerals concluded that the proposed mine could cause a drop in levels of surface and ground water and risk water contamination from acid run off. Moran also reported that the mine could lead to ecological disaster from El Niño events that affect the area every three to four years.

Local produce were symbols of the no campaign. Farmers demonstrated in defense of mangos and said that mining would jeopardize the future of *ceviche*, fresh seafood cooked in lime juice and one of Peru's star dishes on the coast.

While the Peruvian government has obstinately refused to recognize the vote in Tambogrande, Manhattan Minerals eventually left when it could no longer obtain

financing for its project. Its concessions have been transferred to the Peruvian owned company Buenaventura, a partner in the largest gold mine in the Americas, Yanacocha, located in the Department of Cajamarca to the south of Piura.

Tension

The Peruvian government originally granted Manhattan Minerals the license to explore on 10,000 hectares of mineral concessions in 1999. Overlapping in large part with the district capital of Tambogrande, Manhattan's projected gold, silver, copper and zinc mine would have displaced half of the municipality's 16,000 residents.

Mining is already a major source of foreign exchange in Peru, and the Department of Piura has been identified as a key area for anticipated mining expansion. Another roughly 80,000 hectares in mineral concessions have been granted to companies such as Montreal-based Plexmar in other parts of the region.

Before the local vote was thought of in Tambogrande and faced with the pending imposition of the mining project, tension was rising between the company and local residents.

On February 27th and 28th 2001, the Defense Front for San Lorenzo Valley and Tambogrande led a thousands strong demonstration. Heavy police repression resulted in various injuries to several dozen activists and police. As the situation boiled over, a small group of people destroyed and set fire to model homes, offices, and equipment belonging to or related to company activities.

A few weeks later, the mayor of Tambogrande rescinded his earlier decree which permitted Manhattan Minerals to carry out drilling within urban and urban expansion areas of the town. Then on March 31st 2001, a gunman assassinated the deeply loved environmentalist, fruit farmer and leader in the anti-mining struggle, Godofredo García Baca, while at home on his property.

The material author in this shooting has been convicted. No serious investigation, however, has taken place to identify the intellectual author of this murder.

García's death, however, did have creative outcomes. It became a central inspiration motivating the local vote and future demonstrations would be strictly peaceful.

Criminalization

While the García case has had limited traction with Peruvian courts, Monday will be the third time that Tambogrande activists are sentenced for allegedly having an instigating role in the property damage that took place in February 2001. In a brief statement from Lawyer Enrique Rodríguez part of the defense for activists, he writes that destructive reactions by certain people during the protest "were never foreseen by the leaders of the social organization."

Nelson Peñaherrera Castillo from the Piura-based Factortierra notes that the most important evidence of what actually took place was recorded in film footage taken by Ernesto Cabellos and Stephanie Boyd and included in the film Tambogrande: Mangos, Murder and Mining. He recalls the segment in which a group of people is

seen breaking off from the demonstration and points out that no one in particular can be identified as leader or instigator.

However, on April 28th 2001 criminal allegations were laid by the Provincial Attorney against 56 activists including various leaders. They were accused of being the intellectual authors of the property damage that took place.

Initial sentencing took place in December 2005. More than half were acquitted and the others were released with suspended sentences. Following an appeal by the attorney's office, a similar judgment was made another year and a half later.

Accepting local opinion

Today, more than seven years after the original allegations were laid and several years since Manhattan Minerals departed and its management moved on to other projects, it is anticipated that without significant outcry, environmental defenders could be sentenced to several years in jail on Monday.

The cycle of criminalization is also likely to continue until the Peruvian government accepts the legitimacy of the results from Tambogrande's local vote, as well as others that have since taken place.

Three remote rural districts in the eastern highlands of Piura, site of the headwaters serving the San Lorenzo Valley, went to the polls in September 2007 over potential copper mining. They expressed an emphatic no to mining. Now their leaders are counted amongst the 300 facing various charges in the department, including allegations of terrorism.

On Monday, a mass march is scheduled to depart from Tambogrande to arrive in the regional capital of Piura where sentencing will take place. Demonstrators will continue to demand and pray that the case be closed.