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**Different views on El Dorado**

**A discourse analysis of the Conga mining conflict in Cajamarca, Peru**

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## **Preface and Acknowledgements**

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I have always been fascinated by concepts as ecology, development, sustainability, transitional movements and solidarity and themes were these aspects collide with politics, economy and the organization of society. The construction of this paper has been a wonderful experience of almost one year where I could explore the power balances between these aspects within the case study of a mining conflict in the beautiful country of Peru. To analyze the discourses going from a tourist guide that states that the region Cajamarca flourishes since the 18<sup>th</sup> century due to the mining industry; over active protestors, who want to defend mother earth but at the same time throw their plastic bags all around; to the careless attitude from others, has meant a great enrichment in the way I look onto resource extractions. I hope that also for the reader this paper gives a enriching view on mining conflicts.

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## Abstract

Deze thesis maakt deel uit van het overkoepelende VLIR project: 'De impact van openpit mijnbouw in Cajamarca (Peru) op oppervlaktewaterbronnen en aquatische biodiversiteit'. Binnen deze voornamelijk technische studie, focust deze thesis zich op het sociaal politieke aspect van de impact van mijnactiviteiten. Rond de extractie-industrie worden door verschillende groepen uiteenlopende verhalen of 'discoursen' opgehangen. Voortbouwend op de inzichten van Foucault wil deze thesis contrasterende discoursen analyseren met als doel een beter inzicht te verwerven in de spelende machtsrelaties rond het conflict. Als casestudy werd het actuele Conga conflict in Cajamarca, Peru gekozen. Het Conga project is een voorgestelde uitbreiding van de bestaande goud- en kopermijn Minera Yanacocha, eigendom van het Noord-Amerikaanse Newmount (51,35%), het Peruviaanse Buenavontura (44,65%) en het IFC (5%). Voor de nationale overheid betekent Conga een investering van 4,8 biljoen; ze promoot Conga als een uitgelezen kans voor de verdere ontwikkeling van de regio en geheel Peru. De exploitatie van de Conga mijn houdt echter ook de vernietiging van 4 bergmeren in. Voor de lokale bevolking betekent deze uitbreiding een bedreiging van hun waterbronnen en agrarische activiteiten. Vanwege vroegere contaminatie-incidenten en sociale strubbelingen met het bedrijf is de bevolking fel gekant tegen het Congaproject. Yanacocha zelf propageert zichzelf als een verantwoordelijke onderneming, die zich zowel op sociaal als ecologisch vlak inzet voor een duurzame ontwikkeling van de regio. Aan de hand van academische literatuur, interviews, observaties, kranten artikels en onofficiële informatiebronnen werden de discoursen rond dit conflict geanalyseerd en gekaderd. De dominantie van het ontwikkelingsdiscours kan hierbij worden gezien als een geforceerde uitkomst van geconstrueerde lock-ins binnen het huidige economische model.

## **1 Introduction**

### **1.1 Discourses around the Conga conflict**

This research is part of the VLIR project 'Impact on surface water resources and aquatic biodiversity by opencast mining activities in Cajamarca Peru', a partnership between the Catholic University of Leuven (Belgium), the University of Ghent (Belgium) and the National University of Cajamarca (Peru). Within the mainly technical VLIR project, this thesis focuses on socio-political side of the extractive industry in Cajamarca through the mapping of different perceptions and discourses on the impact of the mining activities.

The extractive industry is stated by various actors to fuel the global economy and provide major economic opportunities to developing countries (Wise and Sthylla 2007 and PCW 2013). The World Bank Group concluded in their extractive industry report of 2004 that the extractive industry can contribute to sustainable development (World Bank 2004), and presents the focus company of this research, Newmont Mining Corporation's Minera Yanacocha, as an example of good practices (IFC 2007). However these statements conflict strongly with an ecological vision who points out the depletion of earth's mineral resources and the increasing environmental costs at which the extractions take place (Bardi 2014). Also a social lens contradicts the claimed benefits of the extractive industry, stating the extraction of a country's resources by multinational companies does not benefit the local population in the extracting region and moreover reinforces the inequity gap (Martinez-Alier 2001). The extractive industry in emerging countries from this point of view is seen as extractive imperialism or neo-colonization, forcing neoliberal reforms in order to keep the capitalistic model alive (Veltmeyer 2012 and Galeano 1976). These contradictions can be situated within the shortcomings of the economic model or as Naomi Klein puts it: '*Our economic model is on war with life on earth*' (Debate 11.11.11 26/11/2014 Brussels).

It is important to keep in mind that statements are made from a certain perspective, defending particular interests (Dryzek 2005). Discourses are being build up, theories are constructed to frame these discourses and to provide them with legitimacy and finally these discourses are used to promote and empower a certain interest or point of view. The above listed social, environmental and economical contradictions between the claimed benefits and stated

negative outcomes of the extractive industry should be seen within this context of defending certain discourses. Once one detected the different stories held up about a topic, it is possible to take a step back and unravel the flaws in a discourse or the strengths of another, instead of taking a certain discourse for granted. It is the purpose of this research to analyze the discourses build up around the Conga conflict in which the local population opposes an expansion of an existing gold and copper mine in Cajamarca in northern Peru. This thesis will only take into account the current situation and discourse positions of the conflict. The complete history of the conflict is beyond the scope of this research, also evolutions occurred later than February 2015 are not included.

### **1.2 Contextual framework: mining as a motor of economy and conflicts**

Today Peru is the seventh largest mineral extractor in the world. Mining is Peru's primary export industry, responsible for 57 percent of the total export in 2012 (PCW 2013), it contributed 5 percent to the Peru's gross domestic product (GDP) in 2013 ([www.enei.gob.pe](http://www.enei.gob.pe)), generated 210.000 direct jobs in 2012 and is claimed to generate indirect jobs by a rate of 1 to 9 (PCW 2013). Mining is considered the motor of the Peruvian economy (SNMPE 2013). The mining GDP in the country grew between 2003 and 2012 with an annual average of 2.7% (PCW 2013) and the IMF presents Peru as a success story among the emerging market countries (IMF 2013). The rapid expansion of the mining activity since the early nineties has been facilitated by neoliberal reforms by the government (Bury 2005). The succeeding governments since the nineties (under presidents Alberto Fujimori, Alejandro Toledo, Alan Garcia and Ollanta Humala) have all been supporting the same developmental idea and have opened the market to attract foreign (mining) investments in the country (Bury 2005, 2007).

Peru also has a long history of local ecological distribution conflicts (for example in La Oroya, Cerro de Pasco, Ilo, Huarmey, Yanacocha, Tintaya) associated with mining activities. In the past, there have been several cases of heavy pollution and human intoxication due to accidents or mismanagement of private or state mining enterprises (Muridian 2003). More recently the Peruvian Ombudsman's office recorded that, 'from January 2006 to September 2011, social conflicts increased from 73 to 215 per month; over the same time period, conflicts saw 2312

injured and 195 lives claimed' (Defensoria del Pueblo 2012, p. 53). According to the Observatorio de Conflictos Mineros (Cooperacion, Grufides and Fedepas 2013) they were 192 latent and active conflicts in Peru in July 2014, 48 percent of those were linked to mining operations. An estimated 195 activists were killed in Peru between 2006 and 2011 for resisting extractivism (Zibechi 2013). 56% of the persons killed in mining related conflicts between 2002 and 2015 were by the hand of the police and 17% were by a jointure of the police, special forces and armed private security forces (Gran Angular 2015). The protestors in these mining related conflicts are mainly the local communities in the area where the mining takes place and their worries are concentrated to environmental issues with the quality and quantity of water as their main concern, as well as not seen their rights, with regards to consultation and participation, respected (Veltmeyer 2012). Mines are environmentally risky locations and belong to the category of 'locally unwanted land uses' (LULUs). LULUs typically produce opposition between the national interest and local populations (Muridian 2003). The Peruvian state has been accused of either being absent or having failed to help parties reach mutual agreements in most cases of resistance against mining projects with a low level of violence; as a consequence, 'many of the affected populations started to perceive the State as a biased mediator that backs corporations and criminalizes social protests' (Triscritti 2013). This complex social situation finds itself wrenched between the interests of the state, the extractive industry and the population occupying the land on which the extractions ought to take place. Currently more than 40% of Peru's territory is under concession (including mining, logging and oil and gas drilling); next to the environmental damage these projects imply, there is also an overlap of these concessional lands: 96 percent of this land is occupied by indigenous peoples and local communities (Alforte et al. 2014). The current president Ollanta Humala won the elections based on the votes of this rural population, promising a change in the distribution of the mining benefits and a voice in the implementation of mining projects (Poole and Renique 2012). At the start of his term in 2011 Humala enacted the prior consultation law in compliance with the ILO convention, which orders that indigenous people should be consulted at the start of any extracting project, but so far no prior consultation has been performed (Sanborn and Paredes 2014). Humala declared in April 2013 that '*there are no native communities ... in the [Andean]*

*highlands; the majority are agrarian communities. For the most part,' he continued, 'native communities are [only] found in the [Amazonian] jungle'* (Renique 2013). The Ministry of Culture announced in the days following this speech that its "Database of Indigenous Peoples"- which provides information on Peru's approximately 6,000 indigenous communities-would not be made publicly available; and Jorge Merino, Peru's Minister of Energy and Mines, announced that the consultation law would not be applied to 14 new mining projects in the Andean highlands (Renique 2013).

The population of Peru consists of 45% Amerindians, 37% mestizos (a mix of Spanish and Indigenous heritage), 15% white and 3% black, Japanese, Chinese and other (www.cia.gov). The inhabitants in the highlands and Amazonian region have strong indigenous traditions, while the population at the Peruvian coast has a stronger connection to the Western culture (Moller and Nordin 2014). The problem is however that there is no national consensus about the determination of who is indigenous and who is not. With the land reform of the seventies by president Velasco the category indigenous was changed to peasant communities for cases in the coast and the mountains (Green 2006). With this reform, people from the Andes and the Peruvian coast which have the characteristics, identity, cultural and ancestral history of being indigenous, they are convinced themselves to not to be indigenous, but peasant communities (Albo 2008 and Hoetmer et al. 2013). The Andean communities of Peru would never call themselves indigenous out of fear of discrimination (Banchon 2014). However the ILO convention considers self-identification as a fundamental criterion for the identification of being indigenous (www.ilo.org) and as so having the right to determine their own way of development.

Apart from the conflicts with legal mining projects, also illegal mining troubles the government. The rising price of gold (a 360% increase in the last decade, ref) has prompted 40.000 Peruvians to search a living in informal mining, directly and indirectly involving another 300.000 people (Rey-Mallen 2013). In 2012 the state announced a ban against illegal mining in order to stop the vast environmental destruction this brings to the country. However the issue of illegal mining lies beyond the scope of this research. On the other hand there is an inconsistency between the



environmental statements made by the Peruvian government about illegal mining and the fact that Peru declared legal mining a principal state interest for the wellbeing of the country, knowing the environmental damage this legal mining implies.

As already been mentioned the chosen case study is the proposed expansion of the existing gold mine Yanacocha in the district of Cajamarca, named Conga –see figure 1-. Conga became a symbolic case for the Peruvian government and is nowadays an ongoing conflict, in which all kind of different stakeholders are involved. Minera Yanacocha is a private company which is owned by the North American Newmont Mining Corporation (51.35%), the Peruvian Company Buenaventura Mines (44.65%) and the World Bank's International Finance Corporation (IFC) (5%). Peru has been the largest gold producer in Latin America since 1996



Figure 1: geographical situation of the Conga mine in Peru. Source: USGS

and Yanacocha is the biggest gold mine company in South America. Eighty percent of the gold extraction takes place in large- and medium-sized open cast mines, as is Yanacocha and is ought to be the extracting method for Conga. Opencast mining is an extractive method which removes the surface soil, thereby leaving an open pit in the landscape and is highly contesting for its destructive nature (Bardi 2014). This kind of mining is estimated to replace 1 ton of ground in order to extract 1 gram of gold, uses tons of chemicals in order to bind the metal in order to make it extractable and consumes vast amounts of fresh water (Earthworks and Oxfam America 2004). To prevent the open pits from flooding the mine has to lower the water table in the whole surrounding area (Earthworks and Oxfam America 2004). The Conga project would destroy 4 lakes which are the headwater basins of several rivers. Two of these (lake Perol and lake Mala) would be transferred in an open pit, the two other lakes (lake Azul and lake Chica) would be used as waste pits. For a more detailed description on the gold extraction process and details about the proposed Conga project see Yanacocha SRL 2010.

The country Peru is subsequently subdivided in regions, provinces and districts. The department of Cajamarca is situated in the northern Andean part of Peru and is listed the poorest region in

the country in 2014, with a poverty incidence of 51.9% (INEI 2015). The nowadays economic activity of the region is based on mining (mainly by the Yanacocha mining company), agriculture, cheese production and handcrafting (www.inei.gob.pe). The distribution of the population in the region is growing and becoming more urbanized over time: the urban population went from 24.7% in 1993 to 32.7% in 2007; the rural population diminished from 75.3% in 1993 to 67.3% in 2007 (www.inei.gob.pe, data from 2009). The province of Cajamarca has 48.5% of its territory under mining concessions (Coperaccion, Grufides and Fedepas 2013) and as indicated earlier these concessions conflict with the farming lands of local Andean communities. Having the Yanacocha Company operating for more than 20 years in the region and seeing the local economic situation not receiving many benefits from this industry (Bury 2004), as well as environmental incidents linked to Yanacocha (Hallman and Olivera 2015), the people of the region Cajamarca are opposing to the implementation of the Conga project. Due to these protests the project is officially on hold since 2011. For the national government however this project represents a 4.8 billion dollar investment and as a consequence the government is urging the push through of the project.

### **1.3 Research questions**

A mentioned before this research is part of the VLIR project 'Impact on surface water resources and aquatic biodiversity by opencast mining activities in Cajamarca, Peru'. The project started off in September 2013 and is a partnership between the Catholic University of Leuven, the University of Ghent and the National University of Cajamarca. This thesis research addresses the social part of the project.

The relevance of this research can be found in the necessity to understand the why and how language is being used to promote a point of view, and the rationality behind or the flaws within these discourses in order to be able to build towards a constructive dialog or solution for the conflict. Or as Hajer (2006 p. 68) puts it: 'Illuminating discourse allows for a better understanding of controversies not in terms of rational analytical argumentation but in terms of argumentative rationality that people bring to a discussion'.

The research questions of this thesis:

‘Which are the main discourses promoted by which actors, regarding to the Conga Conflict?’; ‘what are the arguments used to build up these discourses?’, ‘which different perceptions on the Conga conflict can be found behind these discourses?’, ‘what are the flaws in the used arguments?’ and ‘which is the dominant discourse and how does it maintain its power?’

In a following research –planned in 2016- the stakeholders would be confronted with the results from the research on water quantity and quality, which will either confirm or oppose their arguments. It will be examined if and how the disposition of this information affects the discourses.

## **2 Methodology**

### **2.1 Case study research and qualitative techniques**

To reach the objectives of this research, a qualitative research method was chosen to gather as many perspectives as possible in order to distract the main discourses and the arguments used to build them up. According to Cooper & Schindler (2011) this method is to prefer in studies based on people’s feelings and thoughts. By focusing on behavior and people’s ideas that cause their actions through a qualitative method, it is also possible to find thoughts and ideas that are “hidden” and do not appear in a quantitative research (Fraser 2004). To perform the qualitative research method newsflashes, reports, newspaper articles, leaflets, posters, art, weblogs, lectures, scants and advertising material were analyzed. Also informal meetings, semi-structured interviews and participatory observations were conducted, which gives a more holistic description of the situation (Mikkelsen 2005). A semi-structured interview means that it consists out of a prepared interview guideline with themes and key questions which however leaves space for an individual to express his or her thoughts and ideas (Saunders et al. 2009). I modified my pre structured questions depending on the person I was talking to.

The research was carried out during a 3 months field research in Peru from December 2014 till the end of February 2015. I chose to stay the first month in Lima, since at that the time the

COP20 took place in Lima and there were a lot of side events taking place at the same time, which also involved the anti-mine protestors from the region Cajamarca. Though some encounters were accidental and the snowball effect was used to get into contact with new informants, it was being made sure that qualitative information was gathered from all stakeholders that were considered relevant to the conflict, direct if possible, indirect if not. In January I travelled to the region of Cajamarca, more specifically to Celendin, where the coordinating resistance organization the PIC (Plataforma Interinstitucional Celendina) is located, to the city of Cajamarca, the main urban center in the region where I stayed for three weeks; and had the opportunity to make a swift visit to the Conga extracting area.

Most of the information provided and talks were in Spanish, which I don't master fluently, so this certainly could have affected the passing on of information and some nuances might have been overlooked, though most of the times I had the dispossession over a translator. Sometimes the conversations were recorded, but mainly the information I used for this research was based on notes or memory, which as well might have affected my interpretation. Since the focus of the study is an on-going conflict an extra dimension in terms of safety for the informants was added, with the option to be anonymous for all informants; in some cases I withheld the person's last name. In table 1, I listed all the interviewees and (informal) conversation partners; in table 2 one can find the lectures, speeches or debates I attended. When further on I will quote information obtained in this way, I will refer back to these tables. I translated all Spanish quotes and citations to English, only in case of the scants, I added for esthetical purposes the Spanish version between brackets.

<b>Interviews and (informal) conversations about the Conga conflict</b>				
<b>Number</b>	<b>Date</b>	<b>Interviewee</b>	<b>Function</b>	<b>Location</b>
1	13/10/2014	Guido Wyseure	Professor at the Catholic University of Leuven and head of the VLIR-project	Leuven
2	29/11/2014	Kethy and Juan	Professor at the National	Lima

			Agrarian University La Molina (Lima) and husband	
3	5/12/2014	Fredy	Student engineer at La Molina (Lima)	Lima
4	26/12/2014	Rocio Meza	Lawyer for the ONG Fedepas	Lima
5	6/01/2015	Edwin W.	Member of the PIC	Celendin
6	6/01/2015	Hanne Cottyn	South volunteer of the ONG Catapa	Celendin
7	7/01/2015	Wilbert	Student in Celendin	Celendin
8	7/01/2015	Ivaque	Secretary of the PIC	Celendin
9	8/01/2015	Mirtha Villanueva	Grufides	Cajamarca
10	8/01/2015	Augusto	Student in Cajamarca	Cajamarca
11	9/01/2015	Jorge Alvarado	Funder Grufides and civil engineer contracted by Yanacocha	Cajamarca
12	9/01/2015	Elmer	General Coordinator of the rondas of the district Sorochuco	on the road, district Sorochuco
13	9/01/2015	Anonymous 1	Inhabitant El Tingo	El Tingo
14	11/01/2015	Anonymous 2	Touropoperator Cajamarca	Cajamarca
15	11/01/2015	Anonymous 3	Owner cheese shop in Cajamarca	Cajamarca
16	13/01/2015	Flavio Flores Acevedo	Project and program coordinator for ALAC – the ONG of Yanacocha-	Cajamarca
17	13/01/2015	Saoul Vigil Barreda	Head of development of productive capacities and	Cajamarca

			Business for ALAC	
18	13/01/2015	Anonymous 4	Ex-contractor Yanacocha	Cajamarca
19	16 and 19/01/2015	Jose Perez Mundaca	Dean of the Social Science faculty at the National University of Cajamarca	Cajamarca
20	19/01/2015	Gaspar Virilo Mendez Cruz	Professor at the National University of Cajamarca and hydrological engineer	Cajamarca
21	21/01/2015	Nancy Fuentes Leon	Working at the regional government of Cajamarca	Cajamarca
22	20/02/2015	Anonymous 5	Inhabitant Taquile	Taquile

Table 1: interviewees and (informal) conversation partners

<b>Lectures, events, speeches and debates attended</b>		
<b>Date</b>	<b>What</b>	<b>Location</b>
13/10/2014	Documentary Goldfever + debate with Eric Guloos	Ghent
20/10/2014	Presentation of the 2015 campaign of the ONG Broederlijk Delen with a.o. Alma De Walsche	Ghent
26/11/2014	Debate 11.11.11 with Naomi Klein	Brussels
6/12/2014	Global Landscape forum	Lima
9/12/2014	Foro Publico	Lima
12/2014	<u>Cumbre de los pueblos</u> - 8/12 Post extractivism - 9/12 The price of Gold - 10/12 Women versus Extractivism	Lima

12/2014	<u>Voices for the climate (COP20)</u> - 02/12 Documentary Amazon Gold + debate - 08/12 Debate Consulta Previa - 11/12 Lecture postextractivism	Lima
10/12/2014	International march for the climate	Lima
6/01/2015	Speeches of the anti Conga movement at the lagoon Perol	Conga
Table 2: speeches, lectures and interviews		

**2.2 Discourse analysis**

The processing of the gathered information was carried out in function of the discourse analysis. According to Dryzek (2005) each discourse constructs stories from the following four elements: agents, basic entities, assumptions and the agents their motives and key metaphors. In the context of the Conga conflict main actors or agents were identified and classified according to their stated positions or discourses towards the project and conflict. The division in discourses clearly is an artificial division, by choosing a certain scale of dividing the visions on the conflict into different main discourses, as a consequence not all perceptions will be covered. However as Hajer (2006) states the opposition between detail and relevance is a false one, cause this is a matter of research design; the focus should lay on emblematic issues. Basic entities are the ontology of the story or narrative, whose existence is recognized or constructed. Story lines are the medium through which actors try to impose their view of reality on others, suggest certain social positions and practices and criticize alternative social arrangements. By assembling the written and oral information the actors provided about the conflict, it was possible to reconstruct the main story line that made up their discourse. A narrative or story line however has no fixed identity, but is a human construction which is being produced and reproduced. People are mainly using short cues if they tell their story line, assuming the other knows the used cues, but the listener can however give them a different meaning, which Hajer (2006 p. 69) refers to as the ‘false assumption of mutual understanding’.

Communication is based on interpretative readings and because of this a narrative can change while passing it on. In order to get an idea of the different perceptions behind the main discourse, I made use of the above mentioned interviews. A narrative is also capable of constructing a particular problem: a certain phenomenon might signify a problem for the discourse in which it is discussed; the creating of this new understanding is facilitated by the use of a metaphor. Metaphors are used to convince listeners or readers by putting a situation in a particular light. Metaphors simplify and reduce more complex phenomena and so fulfill a central role in facilitating seeing the phenomenon as an indicator, a piece of evidence of a broader structural problem. The strategy of metaphor can be used in two directions: in favor of the own discourse and in disadvantage of another discourse by marking actors of another discourse with a metaphor that has a negative connotation. Within the oral and written information I encountered about the Conga conflict, I searched for these metaphors or keywords that always returned in their declarations and took into account the critics on other actors or discourses. According to Dryzek (2005) attention to the arguments of critics will facilitate identification of flaws in the discourses, which is one of the purposes of this research. Discourses do not need stand separately from one another, they can form temporarily discourse coalitions. A discourse coalition can be defined as the ensemble of a set of story lines, the actors that make use of these story lines, and the practices through which these story lines get expressed. Discourse coalition is not connected to a person but to these practices in the context of which actors employ story lines and reproduce and transform particular discourses. With the mentioned concept of practices is meant: embedded routines and mutually understood rules and norms that provide coherence to social life. So within the information I gathered I searched for the practices the actors made use of, for similarities or connections between discourses and for inconsistencies between these practices and the declarations. In order to verify the information the actors provided, I compared different sources and together with the critics and perceptions I was able to detect flaws within this discourses. So concluding each analyzed discourse will be accompanied by the actors that make use of it, their story line, the used metaphors or key symbols, their practices, the critics of the other discourses, the



different perceptions behind the narrative by its adherents, as well as possible discourses coalitions and finally the flaws that can be found in the discourse.

### **3. Theoretical framework: discourses, politics and power**

In this chapter I will briefly outline some theoretical background information on discourses and discourse analysis by using the insights of Foucault (Foucault in Rabinow 1991) and Hajer (2006). To answer the research question about the dominance of a discourse, I will apply these insights later on in the discourse analysis onto the case of extractive industry in Peru.

As stated before a discourse is an ensemble of ideas and concepts which enables a shared way of looking to the world, a way to give meaning to events (Hajer 2006). The adherents of a discourse use a particular kind of language when talking about events, which is based upon on common definitions, judgments, assumptions, and opinions. This enables them to interpret information in a specific way. A discourse analysis is the examination of the used argumentative structure and practices, in which language profoundly shapes our view of the world and reality, instead of just being a neutral medium reflecting it (Hajer 2006). Hajer (2006) states that language has the capacity to make politics, to create signs and symbols that can shift power balances and that can impact on institutions and policy making. 'Language is the universal medium in which understanding occurs, which at its turn occurs in interpreting' (Gadamar in Laverly 2003 p. 25). Interpretation in its turn, is an infinite evolving process (Gadamer in Laverly 2003) and a political discourse depends in its power on the social interpretation of the discourse. Interpretations are a result of historical and cultural backgrounds as well as corresponding prejudices and expectations. Interpretations and explanations can be said to be ideology if they can be shown not just to be inadequate but also necessary to establish and keep in place particular relations of power (Fairclough 2010). Discoursal practices are ideologically invested in so far as they contribute to sustaining or undermining power relations (Fairclough 2010).

Politics is a process in which different actors from various backgrounds form specific coalitions around specific story lines, which influence the way a certain phenomenon is interpreted so as

to make it manageable for the structures of society. In politics there exist often various discourses, but there is mainly one with a particular claim of power: 'Each society has its regime of truth, its "general politics" of truth: that is, the types of discourse which it accepts and makes function as true; the mechanisms and instances which enable one to distinguish true and false statements, the means by which each is sanctioned; the techniques and procedures accorded value in the acquisition of truth; the status of those who are charged with saying what counts as true' (Foucault in Goswami 2014 p. 10). According to Hajer (2006) there are two terms which help to access the power influence and dominance of this discourse: discourse structuration, this occurs when a discourse starts to dominate the way a social unit conceptualizes the world; and discourse institutionalization, this happens if a discourse solidifies in a particular institutional arrangement. As a consequence the institutionalized discourse becomes the dominant one. This institutionalization should not necessarily be seen as manifested strictly within concrete institutions –though this is possible–, but rather as a kind of invisible institute that structures decisions in the debate and shapes social behavior in such a way it focuses on one discourse, which you could call hegemonic thinking. It does this by constructing lock-ins in society in such a way the interests of the dominant discourse always have the advantage; for example these interests are reinforced by existing systems of law, education and the media. This makes it very hard to move outside of this dominant discourse. 'Discourses can also themselves embody power in the way they condition the perceptions and values of those subject to them, such that some interests are advanced and others suppressed' (Foucault in Dryzek 2005 p. 9). Sometimes the effects of discourses are not directly on policies institutions or government, but elsewhere (Dryzek 2005), for example directly on society and culture without having to pass through formal institutions or public policies. Foucault's focus is upon 'questions of how some discourses have shaped and created meaning systems that have gained the status and currency of 'truth', and dominate how we define and organize both ourselves and our social world, whilst other alternative discourses are marginalized and subjugated, yet potentially 'offer' sites where hegemonic practices can be contested, challenged and 'resisted'' (Goswami 2014 p. 11). Discourse can be a site of both power and resistance, with scope to 'evade, subvert or contest strategies of power' (Gaventa 2003 p. 4). So there is a struggle

between discourses to become the dominant institutionalized one; this can be done by detecting these sites of weaknesses or internal divisions within the dominant discourse and contest these by also using language as a form of resistance to those in power. To challenge power is not a matter of seeking some 'absolute truth' (which is in any case a socially produced power), but 'of detaching the power of truth from the forms of hegemony, social, economic, and cultural, within which it operates at the present time' (Foucault in Rabinow 1991 p. 75); hence, a discourse could be an "instrument of power or an effect of power," as well as "a point of resistance and a starting point for an opposing strategy". Society's discourse mediates its power and control through institutions and elites "who are charged with saying what counts as true". A regime uses political, economic, and social apparatuses to control and dominate (Talbani 1996). In addition, truth is established through the discourse of power that is relayed, preserved, and legitimized. In this sense, the 'battle for truth' is not for some absolute truth that can be discovered and accepted, but is a battle about 'the rules according to which the true and false are separated and specific effects of power are attached to the true'... a battle about 'the status of truth and the economic and political role it plays' (Foucault in Rabinow 1991 p. 317).

The added value of performing a discourse analysis in this case of the Conga conflict within the context of the mainly technical VLIR project, should be seen as adding an extra dimension to the use of 'exact science language' one can find in the project proposal. This dimension challenges the claimed neutrality of the project and puts it into the perspective of being a medium through which a discourse can seek legitimacy within the context of different discourses battling for the truth. Also, doing a research, the researcher is an interpreter influenced by interactions with multiple realities that are constructed and can be altered by the knower (Latour 2005). The point is not the construction on itself but how one makes sense of it and to do so there are many possible realities. 'Reality is not something out there, but rather something that is local and specifically constructed' (Laverly 2003 p. 26).

## 4 Discourse analysis of the Conga conflict

### 4.1 Schematic overview of the Conga discourses

In the following section I will give an overview of the encountered discourses linked to the Conga conflict. Table 3 gives a brief summary of the analysis.

Discourse	Actors	Narrative	Coalition	Flaws
Develop- mental	National Government of Peru, IFC	Peru needs the extractive industry to ensure economic growth. This growing of the economy will bring development to whole of Peru. Anti-mine protestors represent therefore a threat to the development of the nation.	Responsible Mining	- the used definition of development - uneven distributed benefits - ambiguous roll of the WB
Responsi- ble Mining	Minera Yanacocha, ALAC	Yanacocha operates in a environmental and social responsible manner, combining profitable production with sustainable development in an harmonious way. Anti-mine protestors reduce the profits and as a consequence also damage the prosperity the company brings to the region.	Develop- mental	Deceiving responsible profilation as visible in pollution events, poor local job providing, nontransparent finances and use of armed forces
United Resistance	Regional Governments ,rondas	Extractive industry destroys our nature, does not respect our rights and is not a sustainable	/	- very fragmented movement

	campesinos, ONG's and other related anti-mine protestants	option to create development. Since the government takes the side of the big companies, it is to the people to stand up and form (inter)national alliances to defend mother earth and create an alternative economic and development model.		- no sustainable alternatives ready
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Table 3: Overview of the encountered discourses in the Conga conflict

**4.2 Introduction: battling for 'the truth'**

All encountered actors in the Conga conflict try to reach out to and convince people of their version of the truth. To do this they make use of specific ways of communication or they perform or influence certain practices. These ways of communication or practices mainly belong to instruments that have an implicit or explicit status of being neutral, objective and independent. This provides these instruments of an authority status by which the messages they give are generally presumed to be correct, true and uninfluenced by discourses, cause they are supposed to be obtained by using objective standards. As a consequence these messages or practices ought to represent 'the true version' of the story and stand apart from all the perceptions that exist about the conflict, which are created by a lack of reliable information. This legitimizes their practices and as a consequence also certain practices of the discourse agents, who might have ordered the practices in the first place. However, despite the fact these instruments represent their information and actions as being independent and objective, this does not mean that how the information is perceived also follows this statement. On the contrary the information or practices provided by these instruments are often seen as the promotion of deceiving and false information. To make this mechanism of promoting certain discourses by using these instruments more concrete, I will give an outlet of the most important used mechanisms in the Conga conflict, namely scientific research, the press, the juridical and police system and alternative sources of authority.

## Scientific research

A first strategy is the use of academic knowledge to legitimize the arguments of a discourse; this knowledge however often already is constructed within the view of the discourse. This strategy is used mainly by the Responsible Mining and the United Resistance discourse. A lot of scientific researchers like to think of themselves they are neutral and uninfluenced by certain perspectives. This is specially the case with exact science, since they ought to work with objective standards, which contrast to 'points of view' which are biased by a lack of information. Also in the proposal for the VLIR project this is the case: e.g. 'Special attention is given to the indigenous perception' (VLIR 2013). These researchers believe strongly in the power of their objective information; e.g. again in the proposal for this VLIR project: 'More neutral scientific information (e.g. our indicator set) is able to influence perceptions. It can affect risk awareness; reinforce the overall debate, objective negotiations with the multinational companies, change strategic processes on different policy levels.' However this type of research is as much a construction by which the results depend on the design of the study and are interpreted according to the researcher performing the study. Researchers often take their own academic background for granted and tend to stay within their own research field, which leaves them operating from a certain perspective and ignoring the linkage of different sectors in the conflict.

Besides of not being aware of one's own perspective, another common problem with scientific research and published reports is the funding. Concerning our case Minera Yanacocha finances for example PhD's of engineers at the National University of Cajamarca, but after the finalization of the research, Yanacocha decides whether the research is to be published or not (Mendez-Cruz 19/01/2015 Cajamarca). A major example in this context of Yanacocha funding research is the Environmental Impact Assessment of the Conga project. Before receiving the concession to exploit resources, a company is obliged to hand in an EIA to the Ministry of Environment, which will take the decision about granting a concession based on this report. The first EIA, financed by Yanacocha, received severe critics from other academics for being biased towards business interests (Moran 2012). In surplus a technical EIA report also neglects cultural and social aspects of the future extractive area. Though it is also the EIA which is considered the

kind of academic research most relevant to the conflict, on the condition it is performed by an *independent* research team (Freddy 5/12/2014 Lima and Rocio Meza 26/12/2014 Lima). In a conflict with contrasting views, Goodland (2012) stated, 3th party independent reviewers are able to act as a powerful negotiator. However this independent research has to be financed by someone, which leaves it, in absence of a general fund, dependent of the financier.

Apart from technical research, many qualitative studies performed by social scientists, tend to show mixed or negative results on mining's contribution to local development. The discrepancy between in this case social scientists and economists can as a consequence be regarded as influenced by the way development is defined; equated to economic growth or encompassing more social, environmental and equality factors (Donback 2014), which leaves the researchers operating from a certain point of view despite their rhetoric of operating in a neutral way. Triscitti (2013 p. 443, 445) for example states that 'Yanacocha reached out to local communities' but 'Despite these efforts, local communities rejected the new conditions and became involved in clashes with the police and the army of Peru' and as a consequence 'mining projects located at headwaters are now unlikely to receive a social license from local communities, hence jeopardizing the viability of a project in Peru'. The deceiving use of words as despite, efforts, involved, jeopardizing and viability unmask the position of the researcher as condemning the protests as they affect economic investments, hereby neglecting the social and environmental impacts of the Conga project.

### Press

The most obvious way of distributing information is by use of the press, which in general tries to hold up the view to provide information about what is happening in reality, without withholding information out of interests. The official Peruvian news providers however are said to be bought by either the government or the private companies and as a consequence promoting the interests of the private business sector, which can be noticed in the following statements: '*the press is suppressed*' (a campesino at the lagoon Perol 6/01/2015 Conga) and '*una pena*' (Edwin W. 6/01/2015 Conga) and in a facebook comment (Facebookcomment 7/11/2014 on the page of Otra Prensa) one can read: '*Another lie from the newspaper*

*Panorama Cajamarquino*'. The Peruvian press is monopolized by the Grupo El Comercio, which by several sources is referred to as *'el brazo desinformativo de Yanacocha'* (Sanchez-Cubas 2014); *'El Comercio is from the government'* (Rocio Meza 30/12/2014 Lima) and it is stated to be mangled with state and business interference: *'they favor their economic interests above informing people about the truth'* (Sanchez-Cubas 2014) and *'the informational channels are too much on the side of the officials'* (Facebookcomment 25/06/2014 on the page of SPDA Actualidad Ambiental). The view often upheld by national media is that the anti-Conga protestors are violent extremists, who are being accused of terrorism, rebellion or violence (FDL 2014). The main official Peruvian news providers clearly do not give all information on the conflict, but only information from a specific perspective. *'The Peruvian press and a high percentage of Cajamarcan media are linked to the Yanacocha mine and are corrupt. They collect money while blatantly lying about everything that is happening in Cajamarca. And worse, they practice defamation and slander against their opponents, who do not want anything but a serious and meaningful discussion on the benefits of mining'* (Seifert 2015); there is a Peruvian saying: "They want to kill the messenger of bad news and not those who create bad news." The television channels are criticized only to emit pulp news to keep people (and in specially the population of Lima) numb: *'the people with the money – referring to inhabitants of the capital-only watch garbage programs on television'* (Nancy Fuentes Leon 21/01/2015 Cajamarca), not to show much international news, and for being biased in the information they provide (Ivaque 7/01/2015 Celendin). Peruvians who participated in Amazon Gold, a documentary about illegal mining in the Amazonian forests, stated that's it was impossible to get the documentary on the national television, though it is needed to raise awareness (Voices of the climate: Amazon gold 02/12/2014 Lima). Also international press reporting about the Conga conflict is not free from criticism (Cumbre de los Pueblos: the price of gold 9/12/2014 Lima). Unofficial canals of information (e.g. webblogs, sites of NGO's and facebook posts) are perceived as being more independent and critically than the official providers. The freedom of press in Peru is, with a score of 47% on 100 in 2014, according to Freedom House 'partly free' (Dunham et al. 2015), which confirms the perceived mangled interests in providing information. Unofficial sources are desirable to double-check the content of what is presented as a fact. Alma De Walsche for



example is a well-respected reporter on Latin America and mentioned that the project of Conga did not start yet (Alma De Walsche on Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent) and so follows the official statement that the project is on hold, in reality Yanacocha company is executing all the necessary preparation works to ensure the start of the project.

### Juridical system and police

Other authorities being used to legitimize ones discourse are the Peruvian juridical system and the National Police of Peru. The juridical system ought to judge on an independent and equal basis, using objective criteria, hereby a conviction is generally perceived as being 'just'. The state police is ought to protect citizens according to the law, uninfluenced by other actors. Corruption however is perceived a major problem in the Conga Conflict. There is no general confidence in the juridical and police system. *'There are trials but it are the strongest ones that win'* (Alma De Walsche on Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent); *'una serie de vicios procesales intentarón favorecer a la empresa'* (Facebookcomment 19/11/2014 on the page of Conga Patrimonio Ecologico de la Humanidad); *'there exists a tremendous corruption in the court houses'* (Ivaque 7/01/2015 Celendin). Gomer Vargas from the Frente de Defensa de Cajamarca, announced that there exists a persecution and threatening of the social leaders by the mining companies: *'in this context there are orders of prison by de prosecutors and juridical power of hundreds of leaders with the goal to weaken the lucha of the people* (Limay 2014). *'The lawsuits that have been filed regarding water pollution in Cajamarca were archived and forgotten despite an abundance of scientific evidence. Why? Because of the notorious corruption among Cajamarcian judges and prosecutors. Most of them don't confront the mine and in exchange they receive some perks. In these cases, all claims end up falling on deaf ears and, therefore, they are not investigated as they should be'* (Cupolo 2015). The outcomes of a trial are considered very uncertain and relatively (Rocio Meza 26/12/2014). Even if there is a clearing of charges, there is a huge difference between the rhetorical outcome and the implementation of the verdict in practice, as is visible in the case of Maxima Chaupe (see further on in box 1). The whole process also takes a huge amount of time

and resources, which usually the affected people are short in. The judicial independence level in Peru scores 2.6 on 7 ([www.transparency.org](http://www.transparency.org), data from 2012), which represents the lack of liability and the corruption in the Peruvian juridical system perceived by the population. It can state as an example that the mentioned case of Maxima Chaupe –see casebox- was the first case lost in the history of Yanacocha. Not only is the juridical system perceived corrupt by the population as spectators, but also by lawyers operating within the system. *‘In the case of Maxima Chaupe it was a joke the judge accepted the excuse of the Yanacocha lawyer as needing more time to prepare, either he was bought or he was scared’* (Rocio Meza 26/12/2014 Lima).

By organic Law of the Peruvian National Police of 1999, the Peruvian Police officers—referred to by a campesino from the Conga region as *‘la policia es una puteria’* (a campesino at the Perol lake 6/01/2015 Conga) - can be directly contracted by private companies for the provision of security services. They are able to do this either in conjunction with, or apart from their state duties, and are allowed to wear police uniforms and use state-provided weapons in either event. This implies they can have conflicting orders and causes confusion under the population. For example the march from the lakes to Lima in December 2014 in the context of the universal march for the climate had state police permission to pass on a pre-agreed road, but they were often stopped by Yanacocha paid police who tried to prevent their passage (Hanne Cottyn 06/01/2015). Under the agreements the companies can “request a rapid large-scale deployment of police units if protests are suspected” and even establish a permanent police security presence.

### Alternative authorities

As the above mentioned authorities lose their legitimacy, people tend to construct their own authorities as the people of the highlands of Peru created the system of *‘rondas campesinos’*, originally as a voluntary protection system against (cattle)theft, but due to the absence of the state in the provinces during the terroristic period in the eighties, it evolved into a private justice/police system (Starn 1999). Within this context of the Conga conflict the rondas are granted an important authority status (Ivaque 7/01/2015 Celendin). *‘Operating according to*

Andean customs, the squads act as a de facto judicial system in places where public institutions are weak and policing is scant. They have become potent political players in remote provinces, weighing in on disputes over natural resources and causing headaches for the central government. ... Ronderos calling themselves "the guardians of the lakes" say they are camping out at Lake Perol to keep Newmont from eventually moving its water to a new reservoir' (TAY 2013).

### Dominance

All discourses try to promote their own vision as the true one, so they try to give their storyline an objective representation, but because the discourses are different in power and resources, they have unequal access to instruments to promote their discourse. In this way the official discourse has, because it is institutionalized, access to other institutionalized instruments. In our case this is the Developmental discourse. This access to vested authorities facilitates the distribution of biased information represented as objective information or the executing of certain practices, as is the case with the above outlined lawsuits, police operations, scientific reports and official press articles and is represented in the cartoon in figure 3. As a consequence this discourse is able to reach out to more people and in absence of other sources of information or critical minds, they will become the dominant discourse. The non-dominant discourse – the United Resistance discourse- makes use of not- or less institutionalized ways of communication and practices as in this case alternative press, NGO's and rondas campesinos, referring to corruption in institutions in a way to create an own authorization status that legitimizes the information and practices they provide.

Despite the claimed independence, the promotion of a certain discourse is visible in the conflict of interest that comes about when academic research is being financed by involved actors, as was the case with the EIA for the Conga project; in the way official news providers present their information and in the perceived levels of corruption at the political and juridical level. This proves that terms neutrality, objectivity and independence are being part of a strategy and composed of perceptions rather than representing the only truth. As stated before realities are not more or less true, rather they are simply more or less informed (Denzin and Lincoln 2000).

The point is not to give the information but to give all information, so people are able to make a funded decision about which discourse they prefer to follow. It is this battle for information that composes a big part of the power of a discourse.

‘With this it is once more demonstrated that this monopolium utilizes its mediums of communication to promote economic interests of its construction companies who hold contracts with distinct mining companies in Peru. The reporters and congressman who defend the investment of Yanacocha demand in an exited way, almost shouting ‘The government has to put a hard hand in Cajamarca’, ‘the state of right has to be reestablished’ (Sanchez-Cubas 2014).



Figure 2: a wall painting in Celendin, representing the intertwined relations between the National Government, the mining company Yanacocha and the media

Source: Johanna Breyne

### 4.3 Developmental discourse

#### *Actors*

The main actors of this discourse with regards to the Conga conflict are the National Government of Peru and the Yanacocha shareholder IFC (part of the World Bank group).

#### *Story line*

This discourse puts the Conga conflict in the light of a developmental pathway. Conga, as a 4 billion dollar project, means a huge taxation income for the national government. The government estimates the royalties will generate about US\$1 billion a year, which it states it will use to finance social development programs, intended to narrow both the social division and the economic distribution gap (Taft-Morales 2013). The Ministry of Energy and Mines has declared the mining agenda the agenda of national development (Arellano-Yanguas 2008). The protests that the Conga project evokes are by this discourse condemned to be anti-development and carried on by eco-terrorists or communists. Prime minister Oscar Valdes states in the newspaper La Republica (Valdes in La Republica 2014): *“Peruvians need more investment to create more jobs. What we don’t need is disorder.”*, *“The Peruvian states has to show more firmness and seriousness to stop this kind of manifestations. These anti miners are causing damage to the country and have slowed down inversions. We need the investments to happen.”* *“There is need to a valiant attitude from the government, investments in the country will have state protection”* affirms minister of mines and energy Merino (Merino in Andina 2014). IFC declares itself the ‘global development bank’ and states: ‘Yanaocha is the IFC’s largest investment in mining and has demonstrated the IFC can help to deliver sustainable development to host communities and to become a major employer in Peru’ (Chadwick 2012 p. 8).

#### *Metaphor/key symbols*

Development: development is here considered in the capitalistic way of foreign investment, granting income for the country, stimulating the national and local economy, creating higher wages and increasing the purchasing power in a virtuous cycle of attracting more capital. In

this context the actors of this discourse point out the job opportunities that mining investments bring along and the possible job loss that would be the consequence of a lack of mining investment. Development stands equal to the BNP growth of the country.

Eco-terrorists and communists: by using these terms the National government reminds the people of Peru the years of communistic terrorism – referring to the eighties in Peru with the war between the government and the communistic movement The Shining Path- and warns them that if the protestors gain power, this is exactly what will come back. This strategy of scaring the population reduces the alternative to mining investment down to terrorism. Also by causing a feeling of reluctance, it prevents people of searching more information about the topic.

The image is created that 'Peru is, and will always be a mining country' (SNMP 2013 p. 43). This statement is legitimized by referring to the gold use of the Inca's, the gold extraction during the colonial time and the latest boom of extractivism since the nineties. This image is constructed in coalition with the Responsible Mining discourse and serves the perspective that Peru needs the mining to survive and stimulates the fear of people for an economic crisis in the country.

### *Practices*

In the name of development a reform packet has been pushed through by the Peruvian government in July 2014: 'ley 30230'. Environmental rules are weakened to ensure the investment of foreign capital (ANC et al. 2014). Government officials state the reforms are important to ensure economic growth. "*We believe that these regulations are going to help our economy to continue to grow and to create employment,*" Finance Minister Luis Miguel Castilla said (DUBE 2014).

To mask the worries of the protestors, media has been used to put up the image of the protestors being anti-investment, antidevelopment, and opposed to the national interest. Walter Alban, minister of internal business confirms that the '*vandalism in Conga won't remain unpunished*' (Alban in El Comercio 2014. Critics of Giesicke (nature scientist and previous

minister of environment) on the first EIA have been called 'widely exaggerated' by the minister of mining and energy (Poole and Renique 2012).

Within the same discourse Juan MBR, minister of agriculture (Global landscape forum 6/12/2014 Lima), declares that water the source of life and that economic production should be promoted, but that also environmental and social aspects should be considered and that the participation of native people is indispensable for a sustainable development. In September 2011 Humala enacted the law for the Consulta Previa and called it '*a sign of more social inclusion*' and a way to forge '*a Peru for everyone*' (Humala in El Comercio 2011). '*Environmental measurements should not be voluntary, but mandatory to support green growth. Within this context the water is a central theme and there is need to an adequate strategy and an efficient use of water to ensure the access to enough water for everybody*' (Peru's Minister of Agriculture JM Benites Ramos at the Global landscape forum 6/12/2014 Lima). By these statements the national government promotes itself as a social and environmental responsible actor, while at the same time assuring economic investment and growth as if these elements combine into the perfect pathway to development.

Another practice to ensure the interests of the national government, which in rhetoric represents the interest of whole Peru, is to minimize the power of local political instruments. For example the municipality of Celendín passed a law that declared all watersheds, wetlands, and lakes within the Conga project area as protected. However, in 2007, then-President Alan Garcia signed a decree revoking municipal protection. Thereafter, only regional governments had the authority to do so. After a period of decentralization the national government seems to recentralize political power (Arellano-Yanguas 2008, 2011).

For the protection of the interests of the country as a whole, also the use of military force is enabled. The Prime Minister Oscar Valdes said in January 2012 that the stalled Conga project would be developed as the government could end up with a "huge" compensation payment if the \$4.8 billion mine does not go ahead (Valdes 2011), after which huge protests started. The entire region was militarized in March 2012 by 1000 national police and 500 army troops occupying strategic positions in the town centers. In July 2012 the National government ordered the state of emergency in three provinces of the Cajamarca region where Newmont

plans to build the copper and gold mine, after 5 people were shot dead by the police. This was the third state of emergency in the region under the government of president Humala. (KIM 2012).

Within this context of militarization, in July 2014 the national government modified the law 30151 by exempting soldiers and police from criminal responsibility if they cause injuries or deaths. Vice minister of Mines, Guillermo Shinno defends the militarization of the region of Cajamarca as follows: *'as a response against these theories of complot, the government announced its will to create police bases in the zones of de big mining projects, to guarantee de mining investment en to protect the population'* (Cooperaccion, Grufides and Fedepas 2013 p. 19). The militarization is seen as a preventive measurement to avoid that the anti-Conga protests would get out of control (La Republica 2014).

The IFC declares mining an important sector as it can provide jobs, economic opportunities, infrastructure, revenues to government, energy and other benefits for local communities. 'Our mission is to help developing countries realize long term economic benefits from natural resources' ([www.ifc.org](http://www.ifc.org)). In order to reach this purpose they invest in projects they consider as having a great developmental potential.

### *Critics of other discourses*

The reforms of the government are criticized as being only beneficiary for the companies, with no respect for environmental or social issues. The Ley 30151 is called a 'license to kill' as it grants impunity to state officials to harm protestors. This law is seen as *'a desperate failure of justice'* (Rocio Meza 26/12/2014 Lima). The measure has been condemned in statements issued by the Public Ombudsman's office as well as the UN High Commissioner for Human Rights (OHCHR) and the Inter-American Commission on Human Rights (IACHR) (Holland 2014).

Under the General Law of Expropriation passed in 1999, the government was given the power to expropriate privately owned land by paying the landholder the appraised value of the land. Originally intended to support public works projects, the law is being utilized to facilitate mining and other private investments (Holland 2014). To deal with the difficulty of communally owned land, mining companies have urged that the land be converted into smaller private holdings to



facilitate negotiation. Yanacocha itself initiated a series of rapid land-titling initiatives in 44 different communities in the Cajamarca region (Holland 2014).

With the new law 30230 OEFA (agency for environmental assessment and enforcement) *'no longer has the power to paralyze that project'* (De Echave in Bayak 2014). Also the Consulta Previa receives a lot of critics, mainly because since the signing of the resolution, not a single consultation has been performed. *'It are prestigious words and declarations, but they write it with one hand, erase with the other'* (Voices of the climate: Consulta Previa 08/12/2014 Lima). But as well the resolution itself is questionable: *'Mining concessions don't need a consultation, so the opinion of the local population is not implemented in the EIA. Only if the mining project has the approval of the government, a consultation should be performed. This seems more like a posterior consultation instead of a previous one'* and *'The consultation insults us, it is just another legalism, they want to folklorise us'* (Voices of the climate: Consulta Previa 08/12/2014 Lima).

*'Growth of the BNP is easy with mining industries operating, but this does not stand for development, at least not for whole the country. Off course, even with the weakened measurements, the tax income represents a huge sum of money, but 20 years of Yanacocha operating in the region of Cajamarca and it is still the poorest region of the country, what kind of information do you need more?'* (Rocio Meza 26/12/2014 Lima). *'The government tricks us with economic growth that is development, it is true there is economic growth, but it focuses on the mine and others don't have enough food to eat'* (Foro Publico 9/12/2014 Lima), *'money is no development'* (Augusto 8/01/2015 Cajamarca). *'Gold only helps the money. If we try to protect our homelands, the government says we are not in favor of development, but the government uses another view on development than we have.'* (Voices of the climate: postextractivism 11/12/2014 Lima)

Another critic is that this so called developmental pathway is nothing more than a mask for neocolonial practices foreign companies, who extract the richness of Peru and don't bring benefits to the country itself. The national government is accused of playing a double roll: *'for one side the authorities line up with a reunion like the COP 20 and on the other side they allow*

*that interests of big consortiums put the conservation of our natural resources in danger'* (Ivaque 07/01/2015 Celendin).

The IFC is criticized for its participation in the Yanacocha Mining Company (Hallman and Olivera 2015). As a member of the World Bank Group, its goal is to relieve world poverty in a sustainable and respectful way. In the view of the World Bank, a sense of mistrust among all stakeholders based on historical roots made dialogue concerning the Conga project difficult, given the high expectations and the low negotiating capacities. It recommended that both the government and industry assume their respective responsibilities in contributing to the promotion of environmentally and socially responsible mining in Peru (World Bank 2006). However one could ask where their own responsibility is in this conflict as being a shareholder in the extractive project that causes social and environmental conflict.

#### *Perceptions behind the discourse*

Some adherents of this discourse admit there is something wrong with the distribution of benefits from the mining companies, since Cajamarca is the poorest region of Peru. Nevertheless they see Conga as an opportunity to use the profits to stimulate local development and as the necessary starting money to develop an industry that is not based on the extraction of resources. As mining accounts for 60 % of the export it is perceived there are no other resources available to make this transition (Fredy 5/12/2014 Lima).

Others buy the development story of providing work opportunities, *'if Conga is cancelled, a lot of people won't have a job'*, though worry about possible contamination problems but *'what can we do against the monster of the State? We can't do anything or they will crush us'* (ref Elmer 9/01/2015 Sorochuco).

#### *Coalition*

The Developmental discourse goes hand in hand with the Responsible Mining discourse, since development is obtained by the profits coming from the mining industry. The perception of government representing the interests of the companies is very strong. *'The companies rule the country'* (Rocio Meza 26/12/2014). 'Peru has become a classic example of state capture: the

government makes policy at the behest of a small group of corporate interests, arguing that such policies are – in the long run at least – identical with the interests of the nation as a whole. Since the 1990s, and largely as a consequence of the Fujimori government's privatization strategy, private sector interests have become enormously powerful in Peru, capable of making and breaking elected governments' (PSG 2014). On the packet of reforms Rocio Meza (26/12/2014 Lima) commended: *'it is as if the company wrote the law and passed it on to the government to make it official'*. *'Yanacocha in its attempt to impose the Conga project has established an alliance with the government and they want to show the legitimate manifestations as delinquent and terroristic and the group of El Comercio is its way to obtain this'* (Sanchez-Cubas 2014). *'If Yanacocha cannot buy you, she suppresses you, if that does not work, she damages your image and if that does not work, she lobbies so the state criminalizes social protest, that's where we are now'* (ref Nancy Fuentes Leon 29/01/2015 Cajamarca); figure 3 gives an illustration of this power triangle between the state, the mine and the protestors. *'The Minister of environment, Manuel Pulgar Vidal, does not doubt to declare that an agreement between the local communities and Newmont is on sight. But which communities is Mr Minister talking about?'* (Facebookcomment 07/11/2014 on the page of Conga Patrimonio Ecologico de la Humanidad). *'The supported "new extractivism" boils down to nothing more than the state striking a better deal with global capital regarding its share of the plundered resources—ground and resource rents in the form of royalty payments and taxes on the extraction and export of the country's wealth. But in reality the government's aim in issuing this license (to extract resources), and in demanding an environmental review or impact study, is to find a way to advance projects in which they have a vital interest, while somehow eluding the social conflicts and opposition that they invariably generate'* (Veltmeyer 2012 p. 72).

### *Flaws*

This whole discourse is built upon the idea of development, as if there exists only one interpretation of this concept. Its adherents are made to believe development is something that will improve the lives of everyone and is achieved mainly by mining investments, so as a consequence it is impossible to be against a mining project as Conga. However this idea of

development, dominated by the World Bank, is still based on the growth of the GDP. This standard is an obsolete one since it –among others- externalizes environmental and social issues and neglects informal services (Clarck 2012). The impacts of MYSA in the region have dramatically transformed the economic, human, natural and social context of the region (Bury 2005). But there exists an urban and metropolitan indifference to the implications of the mine for rural livelihoods (Bebbington 2008). The main flaw in this discourse is that the promoted development does not bring what it promises, namely improved living conditions for everyone, since this is impossible when the original designed way to get there (economic growth) became the goal and equal of development.

The trouble with the BNP as a measurement puts itself in several ways. 'Though the Peruvian economy has been growing at almost unprecedented rates in recent years, the UN report indicates that this has come at a high cost to the environment. The IBT reports that two of the activities that have helped push Peru's GDP growth, construction and mining, are both generally highly environmentally damaging, whether done legally or illegally. Peru being its own worst enemy as Peru is especially vulnerable to climate change' (Chase 2013). This contradiction undermines the economy on a longer time span. Because of the boom in the mining industry, there is less interest in investing in other sectors, which leaves the economy based on export of primary products and dependent of the import of final products (Alma De Walsche on Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/20/2014 Ghent). Since the mine will be closed once resources become depleted, this is not a sustainable scenario.

But even within the language of the Developmental discourse there are flaws. One of this is the excuse the Conga project is needed, because there is no other source of income to stimulate other economic sectors. The mining sector is an important source of FDI in the Peruvian economy, however it does not account for a large percentage of the overall economic activity within the country (Bury 2005). By the first quarter of 2014, the mining sector accounted for roughly 5% of overall GDP ([www.inei.gob.pe](http://www.inei.gob.pe)). Also the critic that there is no even redistribution of the benefits received from mining industries is, since Cajamarca is the poorest region in the country, evident. In the last years, several studies have shown that the

extraordinary amount of transfers to mining regions has failed to improve social indicators (Arellano-Yanguas 2011). The mining revenues keep accumulating in the educational institutions bank accounts, which still face difficulties to use the funds for these purposes (Espantoso-Bedoya 2012).

It is possible to identify some inconsistencies in the discourse of the World Bank Group. The World Bank Group declares they state Indigenous Peoples reserves one of the five main types of areas off limits to mining (Goodland 2012) and states that projects should be moved and the Indigenous Peoples left in peace. Also conflict zones, fragile watersheds and all water catchments above or feeding into irrigation systems need conservation, as well as special biodiversity habitats and cultural properties. But the World Bank Group, through the IFC, is also shareholder of the mining company, which wants to implement the project in indigenous lands –even though in this case local people were not recognized as indigenous peoples, they clearly are- and watersheds. This raises questions about the IFC as a development institution, the rationale for its involvement in certain projects and its capacity to ensure that the local people benefit from the projects it supports. Its participation seems to be based on the assumption that investment will lead to growth which will then reduce poverty that the IFC's assumption that economic growth equals poverty alleviation is fundamentally flawed.



Figure 3: The protest movement on their way to an inspection of the lagoon Perol. On the background the National police is blocking the road to the Lagoon Azul.  
Source: Johanna Breyne

#### **4.4 Responsible Mining discourse**

##### *Actors*

The principal actor building up this discourse within the Conga conflict is the Yanacocha Mining Company; this together with their ONG spin-off ALAC (Asociacion Los Andes de Cajamarca).

##### *Story line*

The term responsible refers to social and environmental responsibility. Yanacocha states it respects systematically the national and international laws and regulations in the themes of environmental care, establishing an adequate closing of the mine and creating environmental incentives; with regards to social responsibility it states that they act with integrity, trust and respect, searching a profitable production, but at the same time responsible and that they generate a sustainable development in the region ([www.yanacocha.com](http://www.yanacocha.com)). The company presents the participation of the International Financial Corporation (IFC) as a guarantee of good practice (Argellano-Yanguas 2008).

In line with the Developmental discourse of the national government Yanacocha claims to bring development to the country. Mining investment claims to create 'a virtuous cycle of development' in three ways (SNMPE 2013 p. 15-16): socially ('because a continuous improvement of the living conditions and mechanisms for social participation ... *may* entail'), economically and ecologically ('updating standards, taking advantage of Peru's resources to achieve progress for the people'). The mining industry equalizes the development of the company with the development of Peru (SNMP 2013). As a consequence each activity contra mining is seen as damaging the national development. They link the presence of the anti-Conga protests to 'an absence of trust between two parties who must cooperate, because of difference in culture, language and education which hinders communication', 'the negative image of mining is due to the lack of knowledge of its activities economic importance and benefits' and because it fears for environmental impact 'due to the dependence on agricultural activities, whereas mining could instead be seen as an opportunity' (SNMPE 2013 p. 40). Yanacocha understands local resistance as the result of a stigmatization of mining activities due

to past mismanagement, lack of information, and manipulation of the public opinion by regional and international groups with political interests: 'there is a lack of quantitative data which is replaced by qualitative arguments leaving room for manipulation', 'claims are politicized, sometimes involving preconceived ideas and few objective arguments'(SNMPE 2013); *'it is an emotional strategy of the left by using the image of the backing up the poor small farmer against the giant company'* (Flavio Flores 13/01/2015 Cajamarca).

In the report of SNMPE (2013 p. 15) Conga protestors are blamed for damaging Peru's development: 'among the most emblematic projects suspended and delayed, due to having received significant press coverage, we can mention Conga, which was delayed at least 2 years due to social conflicts' 'producing a negative impact on the national economy in many ways: loss of GDP, failure to create 60-80000 direct jobs and around 500 000 indirect and induced jobs, reduced growth of indirect industries, aura of mistrust among investors'. The protests are considered a 'social problem that, in and of itself, is causing the greatest delays and uncertainty in investments, and in economic and human development in Peru'. They point out to the importance of FDI in Peru's macroeconomic and fiscal success story, arguing that the conflicts around mining projects and their domestic political consequences could also threaten the prospects for the non-mining sector as a side effect.

About laws and regulation the mining industry supports the mining policy of the Peruvian government: 'the process of granting concessions is one of the most modern and practical of the world. Mining companies can find the political and socio-economic environment of the country very attractive' (PCW 2013 p. 3). The PCW (2013) report warns for the possible negative outcomes of protective measurements. *'Every time that a kind of hidden tax - like this contribution to OEFA - is imposed, our company's sustainability is affected,'* said Javier Velarde, Yanacocha's general manager (Velarde in Bayak 2014). About prior consultation the mining industry hopes 'that it does not become a manipulative mechanism for special interests ... guarantees must be in place to ensure that Peru's economic development structures are not weakened' '...not known if SENACE will request an additional process for EIA, which would make things worse' (SNMPE 2013 p. 32). Yanacocha manifested their interests in continuing to

invest in Peru and specially in the region of Cajamarca and promised they will keep working to obtain social acceptance, while generating more jobs and prosperity in the region (Taj 2014).

### *Metaphor/key symbols*

Responsible Mining: as mentioned before the term responsible refers to social and environmental responsibility. In the same way the government uses the term development to align foreign private investment with local benefits, Yanacocha uses responsible to give her extractive activities a positive connotation as taking care for the people and nature related to the Conga project. In this way the company follows the latest trend of companies not only being a profitable organization, but also financing social and environmental programs through their ONG in a way of trying to clean the bad image they got during the exploitation of the Yanacocha mine. Also the term sustainability fits in this strategy; also being used by the opponents of the mine, Yanacocha copies the terms in order to create a positive image.

Eco-terrorists and radical left: together with the National government the company uses the media to blame protestors, referring to the terroristic and communistic époque.

Mining country: see keywords under Developmental discourse.

### *Practices*

In line with their environmental and social responsible program, Yanacocha takes part in programs such as reforestation, financing infrastructure, investment in education and food security through funding the NGO ALAC (IFC 2009, [www.losandes.org.pe](http://www.losandes.org.pe)). On their website you can find several promotion videos, using local voices to explain their received benefits, and examples in which ways they improve the lives of local people. Yanacocha claims to have some 8,000 signatures from local people, proving their support to the Conga project (Bourke 2011). The ONG ALAC does not have a conflict management but only works with the communities who want to cooperate (Saoul Vigil Barreda 13/01/2015 Cajamarca).



Another way to promote their discourse is publishing reports. Yanacocha is part of the SNMPE and main shareholder Newmont is member of the ICCM. Both institutions publish reports on the mining field, which they represent as independent third party performed research (SNMPE 2013, ICCM 2013). In this reports the roll of the mining industry in the economy of Peru is accentuated, as well as the threat of the protests to development and recommendations are made on how to secure (future) investment in the country. In the latest ICCM report (2013 p. 23) one can read: 'Labor productivity has increased (by roughly 5 per cent per annum), but much of this came from the mining sector, while other sectors lagged behind (with average growth four times lower than the mining sector). There is general acceptance that mining is essential to Peru's economic well-being. ...The risk looming in the background is a more extreme political ideology that rejects the notion of resource-based development altogether. In light of these ideas resonating with marginalized segments of Peruvian society, there is at least some fear of the potential loss of government control over certain territories that are increasingly penetrated by the organized drug and illegal minerals trade. The ideology of post extractivismo – rejecting the notion of resource-based development – has been used to gain political support among marginalized citizens'. The SNMPE report (2013) states: 'the country clearly needs mining and it is undoubtedly Peru's engine for growth' and prudence is recommended with regulations such as the prior consultation, senace and ZEE 'so as not to hinder continued development' as well as to 'reduce the approval time and simplify permit approvals'; also 'involvement is needed from the central government and private sector to ensure that regions with economic potential are safeguarded'.

Yanacocha also has its own team of researchers, who performed the first EIA, and after the destructive commentating report of Moran (2012) on this EIA, Yanacocha published a reply, which aimed to counter and discredit the criticism contained in Moran's report (Minera Yanacocha S.R.L 2012). On the basis of their own water quality research Yanacocha denies contamination incidents as in Caserio San Jose (Arribasplata and Cholan 2014) and in general denies any (water) contamination, hereby referring to international quality standards and the approval of the EIA (Bury 2004).

The company hires private security services to ensure the safety of their workers and their operations. In this light it is legitimized to expel people from their lands and to destroy stated illegal construction work on their grounds, often with the help of the national police (Newmount 2015). Yanacocha went to court in trying to obtain their right in land property issues. In the case of Maxima Chaupe, Rodolfo Antonio Sobero, lawyer of Yanacocha, stated that the family victimized themselves and presented themselves as poor campesinos, but they have influences to take the case to the Supreme Court (Silva 2014).

### *Critics of other discourses*

The critics on this discourse are that the responsible image that Yanacocha uses is no more than a mask. People were hopeful when Yanacocha arrived in the region of Cajamarca 20 years ago, with the expectation that the company would bring the promised development (Rocio Meza 26/12/2014 Lima). However after 20 years of operation and several contamination incidents (Catapa 2012), shortage of water supplies (Bury 2004) and the perception of increased criminality in the city (IFC 2009), there is a strong reluctance against the new Conga project. *'The multinationals show up and try to trick us with their talks and gifts, but then they take everything and the place becomes a desert'* (Foro Publico 9/12/2014 Lima). It is possible for the company to negotiate directly with the population, without interference of the State; *'they take advantage of the uninformed population and state afterwards that they can't complain, because it was a legal deal'* (Voices of the climate: Consulta Previa 08/12/2014 Lima), *'where is the responsibility they speak of?'* *'The companies offer to build a highway but it only goes till the extraction point, they build a new city to relocate the population, but this is far from the populations fields and cattle, they promise more jobs, but these are for specialists of other countries. There have been intimidations, murders and kidnaps, by whom? They break up social organizations by offering the social leaders a well-paid job; they break the unity in families by taking advantage of the youth'* (Foro Publico 9/12/2014 Lima). *'Here (Cajamarca) lives no one directly of the mine, they depend on the services or third level connections, the economy of the mine does not reach the people, at least not to all'* (Jorge Alvarado 9/01/2015 Cajamarca). *'Why would it be any different now?'* (Rocio Meza 26/12/2014) *'In some cases, I have been sentenced*

*for defending the water, for example, when I write and publish critical articles on the matter. In this way, Newmont uses judicial power in their favor, especially, to silence those who protest against them'* (Seifert in Cupolo 2015). The mining company instead of being responsible is said of 'buying your conscious' and with their money intrude in all pores of the society, as the National Government, the juridical system, the police, the inhabitants of the region, scientific researchers and press companies (JP Mundaca 16/01/2015 Cajamarca). *'Yanacocha lies without any shame; like only an all might full company can do, that, when it snores, all reporters who know the theme, shudder'* (Facebookcomment 29/10/2014 on the page of Ciudadanos por el Cambio). *'the influence of Newmont is very strong in the courts and the idea of 'justice' always leans in favor of the mines* (Seifert in Cupolo 2015).

The story to make use of newer techniques which will diminish the pollution in the Conga project is perceived as a narrative (Rocio Meza 26/12/2014 Lima). The company denies (water) pollution by hiding behind the statement that their values are situated within the international standards, which implicitly confirms pollution (ref Anonymous 3 13/01/2015 Cajamarca). The vice president of Bambamarca and previous congressman declared that Yanacocha always makes promises but never keeps them (Foro Publico 9/12/2014 Lima). Officially the Conga project is on hold and did not start yet, but in reality the preparation works are going on (ref). Under the pretext of opening highways, Yanacocha is extracting minerals in the Conga zone (Foro Publico 9/12/2014 Lima). Next to the official extraction of gold and copper, also other not officially registered metals are said to be extracted out of the soil (Guido Wyseure 13/10/2014 Leuven and Alma De Walsche on the presentation of the 2015 campaign of Broederlijk Delen 20/10/2014 Ghent), on which the company is not being taxed.

The efforts of the mining company in social and environmental projects through meanings of their ONG are criticized in many ways: 'small presents to shush the local population, so they won't cause any trouble' (Foro Publico 9/12/2014 Lima); 'fake ONG's as Los Andes and the hospital Los Fresnos, which is beneficiary for the people working for Yanacocha (Facebookpost 18/11/2014 on the page of Grufides); 'A social program is not development' (Ivaque 7/01/2015 Celendin); 'They have their programs, but this implies a division between the people by the money of the mine, it is not development for all' (Mirtha Villaneuva 8/01/2015 Cajamarca).

Mining companies regularly used foundations and other NGOs as a tactic to secure the local population's consent for projects and operations and to manipulate them (Veltmeyer 2012). Sustainable mining is perceived as 'a fallacy of imperialistic transnationals and servile governments, to mask the harmful geopolitical control and especially of the semi-colonies' (Frente de Mujeres 2014). On the blog of Yanacocha about the Conga project, Yanacocha claims the support of the local community ([www.elaguaprimeroblogspot.com](http://www.elaguaprimeroblogspot.com)) but critics wonder who these people are. *'It must be a small number of persons, directly benefited by the Project'* (Facebookcomment 05/11/2014 on the page of Conga No Va and 'the people in favor of Conga take this position by a lack of reliable information' (Edwin W. 6/01/2015). Also they testify it is Yanacocha who decides who attends the hearings and pretends it was a consultation (In the heart of Conga 2012). In contrast to Yanacocha's statement the company is said not to obtain any social license. *'Newmont believes achieving social license is simply a matter of communicating all the "good" they have done so far. They do not realize or do not want to accept that pollution and destruction aren't fixed with cheap propaganda'* (Seifert in Cupolo 2015). The protestors state that engineers do not live near the mine, because they know the pollution that the company so firmly denies (ref interv). For example above 3000 meters, the engineers only drink water from bottles (Anonymous 3 13/01/2015 Cajamarca).

The obliged EIA is perceived as pro forma, since to date, only one major mining project at the EIA stage has ever been halted due to public opposition: the Tambogrande project in Northern Peru, in 2004 (Li 2009). Usually in an EIA different alternatives are presented, including the zero alternative, however the zero alternative is not presented in the Conga EIA (Tarras-Wahlberg 2012). The EIA considers the Conga lakes as separate water reservoirs, though in reality they are part of a whole ecosystem, which leaves it impossible to replace by artificial reservoirs (De Echave in 'In the heart of conga' 2012).

Another discussion is in to what extent a gold mining company can claim to be 'responsible' since from all the gold currently available 50% is stored in banks under the ground as reserves or safety investments, 40% is used to make jewelry and only 10% is used for technology purposes (Cumbre de los Pueblos: lecture the price of gold 12/2014 Lima). Gold, more than any other resource, is a symbol of capitalism and the economic model. It is also a symbol of

richness, but in the extraction places it is rather a symbol of destruction and pollution. This way of looking to gold contests the responsible image the gold mining company tries to obtain.

### *Perceptions behind the discourse*

Some adherents state that the protests handle mainly about environmental pollution, but believe the studies who state the pollution is either not there or not coming from Yanacocha. Others acknowledge there are some troubles with environmental issues in the past, but believe the money from the Conga extraction will be used to fund research, which will generate new techniques that will minimize the pollution. To the question why Yanacocha would effort now to pollute less in comparison with the last 20 years, it is stated that Peru did not have environmental policies, but now they do. When mentioned the environmental laws are recently being weakened, the interviewee refers to international standards. Another level occupations about contamination is the acknowledgement that there will be pollution, but that this is compensated by seeing Conga as a chance to change and improve people's livelihoods.

ALAC admits during the interview (Saoul Vigil Barreda 13/01/2015 Cajamarca) there have been made some management mistakes in the past, as a school only meant for the children of employees, but assures those practices are past tense. Adherents of this discourse, however acknowledging that sociability is still somehow lacking, follow the company in its stated change to responsibility; *'during the Fujimori time, companies did what they want, but now there have been a change'* (Anonymous 4 13/01/2015 Cajamarca), Yanacocha nowadays is believed to bring the benefits, which in the past they did not. ALAC nuances the Responsible Mining discourse by stating that *'as a company the goal is to gain profits, but to be able to operate, you need the (voluntary) social programs, however because it is a business strategy, it does not mean the social programs have no positive effects'* (Saoul Vigil Barreda 13/01/2015 Cajamarca). Referring to the poverty in the region of Cajamarca, the ONG states that *'the social part actually is not the job of the mining company, but of the state, who should take its responsibility. It is easy to blame a multinational, but the company pays taxes and it is not the fault of Yanacocha if the government does not spend this income in an adequate way'*. Roque Benavides, the director of Buenaventura states that the *'cajamarquino'* wants progress, opportunities and

wellbeing and that they want to contribute to this. He hopes Conga will continue, *'once the authorities will notice it is hard to develop the zone without the canon minero'* (Benavides in Samardzich and Roca 2014). A social license is *'just a term'* according to Benavides; *'It is a very ambiguous term: who signs me a paper telling me that one has a social license. There exists no such a thing. Conga needs the acceptance of whole the country? No. Everything has a limit. Here is where we have to work for a shared social responsibility: the State and the regional governments have to support, and the communities have to understand that this is a private company'* (Benavides in Manrique-Torres 2013).

In the CSRI report (Rees, Kemp and Davis 2012 p. 12) the pure business side is more explicit expressed: *'How does all of this create value for the project and for [the company]? We are not a foundation, that is not our purpose, and we do not pretend to do that through the social project. This social project creates value by creating security of tenure by creating social peace. It will give you land access, it will provide the conditions for this technical project to be realized.'*

The mining company also has struggles with the political reality in the context of the Andean highlands: *'You go to the top of a mountain and ask yourself: who should I talk to - the democratically elected mayor or the head of the peasant squad?'* Benavides (Benavides in Tay 2013) said. *'And often it is the peasant squad that holds the real power.'* *'We are trying to teach them what their role is and how to respect human rights.'* said Luis Alberto Pacheco, an official in the attorney general's office who handles training. *'This is not the Middle Ages when people run around solving their problems with torches and lynchings,'* he said (Tay 2013). A spokesman from Yanacocha also states that *'if people only had primary school education, you can only talk with them about primary school material'* (In the heart of Conga 2012).

### *Coalition*

As already pointed out, the development discourse has a strong discourse coalition with the Responsible Mining discourse, our put in another way: the national government and the mining companies, in this case Yanacocha, are at the same side in the conflict. In 2010 Peru's Ministry of the Environment awarded the Yanacocha with its Business Eco-efficiency Prize for 2010 in the water eco-efficiency category. *'I am sure that the government will focus its attention in*

reducing the problem of bureaucratic paperwork, in encouraging investments in the mining sector and alleviate the tax conditions, which is something very important. Conga and other megaprojects will go in any way' declares Juan Jose Cordova from KPMG (Cordova 2014).

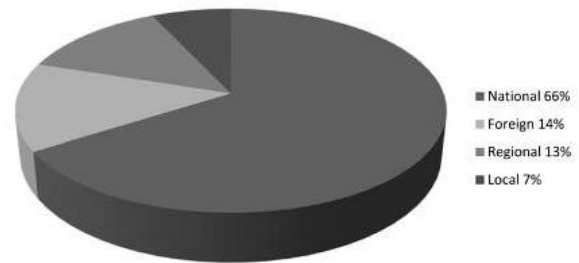
To promote their discourse Yanacocha makes use of the neutral discourse. As seen under practices, the company tries to use as well the juridical system, the press and science researchers to gain legitimacy for their discourse.

### *Flaws*

The existence of huge protests against the Conga project is on itself already a proof there is something wrong with the social responsibility discourse of the Yanacocha Company. As a company the main goal is making profits and even if a corporation wished to act with a primary commitment to social responsibility, 'this would entail ignoring the very rationale of the corporation and the nature of the existing economic system' (Pearce and Tombs 1990 p. 425). The claimed social responsibility seems rather a corporate form of self-regulation within the discourse of good social behavior. According to Bebbinton (et al. 2008) mining companies swing between two paradoxical positions and corresponding strategies. On one hand, they complain about the local communities asking them for services that the state should provide as mentioned under perceptions. This approach is a useful way of downplaying company responsibility for resolving local conflicts. On the other hand, when the companies decide to play a more active role in local development, they position themselves as the recipients of and respondents to local demand, by using their resources to gain popularity and transform their support of local development into a marketing strategy .

Chadwick (2011) declares Yanacocha 'a global leader in social responsibility', however one has to mention John Chawick is the Publisher and Editor of 'International Mining' and Chairman of Team Publishing, the company that owns the magazine. The claim that every job created in mining, through a multiplier effect, creates nine other jobs in other sectors of the economy (ICCM 2013), contrasts strongly with 'studies that have found the distributional impact of mining to be less positive than would be desirable, and could not confirm positive correlations between regional growth in mining GDP and improvements in social inclusion' (ICCM 2013 p.

28). Moreover the most job opportunities for local people are in the construction phase; afterwards the processes are mainly automatically and need special experts (Alma De Walsche on Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent). Direct employment provided by the mining industry would only provide 1% on a national level (Crabtree 2011). About indirect employment it is worth to mention that generally 65% of the purchase of a mining company happens in Peru, but mostly outside the extraction region and mainly in Lima; 13 % is purchased regionally, but only 7% locally –see figure 4-. Moreover Public investment is concentrated in certain regions and – within these regions – in the communities that are closest to the mines. This concentration in a limited area does not generate sustainable economic growth and in the long-term will generate horizontal inequalities (Bebbington et al. 2008).



Source: Ministerio de Energía y Minas and Instituto de Ingenieros de Minas del Perú

Figure 4: Distribution of acquisitions by mining companies (2008)  
Source: www.minem.gob.pe

Pike (2012 p. 4) argues that ‘from Newmont’s perspective ... it is clearly challenging to guarantee that taxes and rents which are paid to the central government will be redistributed regionally, or that even if money makes it to the regional level it will be invested in a manner consistent with the desires of local stakeholders’. However contrasting this clearing of culpability one can mention that there exists indistinctness about whether Yanacocha did or did not pay the taxes on their profits for 2013 (Justo 2014). Journalist Raoul Wiener (Wiener and Torres 2014) who investigated the topic, states Yanacocha reported losses for 2013 -based on unusually high productions costs- and as a consequence did not pay it taxes, which the company qualifies as ‘false information’ (Wiener and Torres 2014 p. 84). According to Pedro Francke (Justo 2014), professor in the economy Yanacocha plays a word game, cause taxes are usually paid in advance, if afterwards the company reports a loss, the sum is refunded; however this kind of information can only be made public voluntarily by the company, which they don’t



do, which confirms the general perception that the mining sector is little transparent (publishwhatyoupay.org) and damages the responsible image, as does the use of one sided information in the official media.

Another example of simplification can be found in the use of deceiving representations on their website as can be noticed in figure 5.

## ¿EN QUÉ ETAPA DEL PROYECTO NOS ENCONTRAMOS?



Figure 5 An illustration taken from the Yanacocha web site that illustrates the various stages in the mining process. Especially notable is the predicted success of the post closure rehabilitation measures, and the apparent bleakness of the pre mining situation.

Source: [www.yanacocha.com](http://www.yanacocha.com)

Environmentally it is hard to proof with exact numbers that the pollution and the lack of water are due to the Yanacocha mine, but just because something is socially interpreted does not mean it is unreal (Dryzek 2005). According to a study of 2014, 57% of the Peruvians considers mining companies are not contributing in taking care about the environment (La Nueva Prensa 2014). It has been estimated that every year mining and metallurgy release over 13 billion m<sup>3</sup> of effluents into Peru's water courses (Argellano-Yanguas 2008). Newmount was fined five times, the most recently in August 2013, for over US\$350,000 for the environmental destruction it caused as a result of its operations in Cajamarca (Ortiz 2013, Sullivan 2014). Recently OEFA confirmed that Yanacocha contaminates water streams in the community of San Jose and in the river Rio Grande, with acid levels two hundred times the permitted value (Muqui 2015). A

synthesis of several years of water chemistry findings from environmental impact and water monitoring studies in Cajamarca show water quality downstream of the largest gold mine in Peru often failed to meet company, MEM or Ministry of Health standards (Bebbington and Bury 2009). Moreover Peru is the third most vulnerable country to climate change and is the country with the most water stress of Latin America (Bebbington and Williams 2008).

The use of armed forces and the juridical system against local inhabitants conflicts strongly with their own Responsible Mining discourse as is illustrated in box I.

#### **4.5 United Resistance Discourse**

##### *Actors*

The main actors within this discourse are the Regional Government of Cajamarca, the - predominantly indigenous- communities that populate the areas of conflict (mainly organized in the rondas campesinos of the districts of Celendin, Bambamarca and Huasmin) and a variety of civil society groups and nongovernmental organizations (among others Grufides, Catapa and Cedepas). Some of the key agents are Marco Arana -the Peruvian National Human Rights Coordinator's Ángel Escobar Jurado award was given to Father Marco Arana in December 2004, in recognition of his work as the mediator of dialogue between the local community of Cajamarca and mining company Minera Yanacocha-; Milton Sanchez, leader of the PIC resistance organization in Celendin; Eddy Benavides, rondero and mayor of the district of Bambamarca; Maxima Cuna Chaupe -see box I- and her lawyer Mirtha Vaquez; and Gregorio Sanchez 'Goyo', the elected governor of the region, currently in prison for fraud.

##### *Story line*

The story of this discourse is one of international unity and solidarity against the imperial incursions of capital in the exploitation of natural resources. The focus within this specific conflict lays on the Conga project, but it contains more than just another local conflict with an extractive company. Conga became an emblematic case of the resistance of local communities against global capital. *'The extractive machine goes around the globe, but we will resist. There*

*are thousands of hearts that I hear ... the only way is resistance or resignation'* (Voices for the climate: Consulta Previa 08/12/2014 Lima). One can notice several storylines or sub-discourses within this discourse, approaching the conflict from various viewpoints. However they all claim to connect to one another and line up in order to strengthen their movement by using this factor of unity, which lead to the title of this discourse: United Resistance. A first track within this discourse is the ecological one, with water as the key element. This sub discourse is the most pronounced or obvious one when the movement is advertising itself. The fact that Conga would destroy four lagoons located in the headwaters, by which the area is provided by water, is seen as a murderous act: *'these mining genocides finish off with our water and our life'* (Facebookcomment 6/11/2014 on the page of Conga Patrimonio Ecologico de la Humanidad). The destructive nature of the extractive industry is contrasted against the claimed local harmonious way of living together with nature, personalized as Pacha Mama (mother earth), who provides life for everyone and is attacked by the extractive industry: *'we have to show that Cajamarca can live well without mining, without destroying our water sources and in harmony with nature'* (Resistencia Celendina 2014). In the light of this crime it is the duty of every campesino to defend her: *'Cajamarca I love you, that's why I defend you'* (*'Cajamarca te quiero, por eso te defiendo'*) (scant in the March for the climate 10/12/2014 Lima). The destination of the economic benefits, which are unfairly distributed between the mining corporation, the central government, and of the local population, is questioned as well. However self-determination concerns seem to overcome revenue increase considerations (Muridian 2003). The second social sub-discourse is connected to human rights issues. Not only the mine is accused to *'bring along bad things'* as alcohol, drugs and prostitution (Whilbert 7/01/2015 Celendin); an important aspect of the conflict is the notion of "right" to decide local development strategies: *'our rights are not respected by the government'* (Cumbre de los Pueblos: women versus extractivism 10/12/2014 Lima); *'Nor Conga, nor Chadin, so says Celendin'* (*'No Conga, no Chadin, lo dicen Celendin'*) (scant in the March for the climate 10/12/2014). The project of Conga is seen as an imposition, hindering local empowerment. The central government in *'La gran Lima'* (Cumbre de los Pueblos: lecture the price of gold 09/12/2014 Lima) is stated to discriminate the provinces and destroy their resources in function

of their own interests; which leaves again the campesinos no choice than to stand up and



Figure 6 Campaign poster of Ollanta Humala for the presidential elections in 2010  
Source: Facebook page of Conga No Va

defend their rights: *'our lucha, the defense of our leaders and the defense of our resources'* (Facebookcomment 24/10/2014 on the page of Cumbre de los Pueblos). *'Humala went from 'water yes, gold no' to 'Conga goes' (see figure 6), but today it is the population who rebels and protests for this homicide that without doubt will end up in the Baguazo de Ollanta or something worse'* (Cisneros 2014).

The increasing criminalization of the protests is seen as a conspiracy of the government and Yanacocha. *'The company Yanacocha-Newmount, who with the help of the government of Ollanta Humala, the CONFIEP (Confederación Nacional de Instituciones Empresariales Privadas) and the North American empire, are still leaving wounds and deaths on their way'* (Morales 2014). The protestors warn for the so called social reforms by the government as the prior consultation *'we have to fight for prior consultation to be able to face the extractive industry, but let's not get trapped by own rope, the goal is not prior consultation, but an alternative economic model'* (Voices for the climate: Consulta Previa 08/12/2014 Lima). This quote brings us to the third track, which seeks to transcend the protest against Conga and attacks the economic model. The idea is to create a new economic model instead of the current neoliberal capitalism (Foro Publico 9/12/2014 Lima), as promoted by the movement of *'el buen vivir'* – the good life. This will be obtained through alliances of solidarity: *'we are collective, we will decide'* (Voices for the climate: Consulta Previa 8/12/2014 Lima), *'a net of fighters in the defense of our mother earth'* (Facebookcomment 24/10/2014 on the page of Cumbre de los Pueblos), *'we need solidarity, we have to fight and with resistance we can change the model'* (Voices for the climate: Consulta Previa 8/12/2014 Lima). Unity is the key strategy and this solidarity is sought on all kind of scales: *'Violations against nature and local populations are made in all regions, we need answers, lawyers should intervene, they can'* (Voices for the climate: Consulta Previa

8/12/2014 Lima); *'Livestock production represents not only the livelihoods of those in rural areas but has implications in the urban centers through consumption and market activities'* (Facebookcomment 10/11/2014 on the page of Patrimonio Ecologico de la Humanidad). The EU nations are asked to take up their responsibility as consumers and investors and they should do more effort for a greater transparency and traceability of minerals (Banchon 2014); *'everyone united, mining effects the whole country and everyone, we should ask ngo's for help'* (Foro Publico 9/12/2014 Lima). The promoted common battle represents the strength of the movement. People are not alone in their worries and concerns, it is a shared burden and only together there is a chance to make progress in the lucha against the biased national government and the big companies: *'The people already have united, Ollanta is screwed', 'el pueblo ya se unió, Ollanta se jodio'* (scant in the March for the climate 10/12/2014).

#### *Metaphor/key symbols*

In the solidarity discourse the protestors make use of various metaphors and key symbols. The most important three are listed up below and provided with their connotation.

- La lucha: this term refers to the whole movement against the extractive industry, it is not only a protest: it is an everyday battle to defend their way of living. *'There is no other way than struggle and resist, people get tired sometimes, but we will keep up the resistance'* (Voices for the climate: Consulta Previa 8/12/2014 Lima). In the research of Moller and Nordin (2014) about the local attitude of youth towards the conflict, it is mentioned that the youth that was not a part of the struggle referred to it as a conflict instead of using the term la lucha.

- Water: water is a central theme in the protests. The protest handles about much more than water alone, but by the symbol of water can reduce the lucha to this simple statement: *'Conga destroys our water sources, as visible in figure 7. This theme affects people, because everyone acknowledges its importance (versus for example species protection). 'The water that we defend, you are also drinking' ('el agua que defiende también la tomas tu')* (scant in the March for the climate 10/12/2014), *'Water is not to sell, but to defend'* (scant in the March for the

climate 10/12/2014). It simplifies the Conga protests into one question: water or gold; or since water is the source of all life, this question is the same as 'life or gold'. '*Life is a treasure and is more worth than gold*' (*'la vida es un tesoro y vale mas que el oro'*) (scant in the March for the climate 10/12/2014). Water is something innocent and pure: '*we need a consultation as clear and transparent as water*' (Voices for the climate: Consulta Previa 8/12/2014 Lima). The movement 'We are a river, not just drops' ('Somos Un Rio No Solo Gotas') also uses the symbol of water to represent a unity in motion.



Figure 7: A wall painting in Celendin illustrating the concerns of the protestors about their water resources

Source: Johanna Breyne

- 'Mining company Yanacocha, corrupt and a killer': by the use of these negative terms, the mining company is personalized as the enemy of the common lucha. It is this enemy that threatens their way of living and takes the water that is needed for agricultural practices. Yanacocha is a symbol for the capitalistic system, to beat this multinational would mean a huge victory in the lucha contra capitalism. '*we want chicha, we want corn, multinationals leave the country*' (*'queremos chicha queremos maiz, multinacionales fuera del país'*) (scant in the March for the climate 10/12/2014).

## *Practices*

In order to defend and promote their own view on development and to halt the Conga project, the protesters make use of several practices. The most obvious way is protesting on (or blocking) the streets, trying to make their voice heard with scants and the largest banner of the world and at the same time delaying the mining operations, causing financial damage to the company in the hope they will cancel the operations. Another way is trying to raise awareness. This is done through social media: facebook, writing blogs, posting you tube videos or other informational ways as an own local radio channel, flyers, posters, graffiti and songs and by giving speeches, as well in Cajamarca as in other cities -*'we are promoting so the people of lima know what is happening and can show solidarity in an active way with the problem'* (Facebookcomment 4/12/2014 on the page of Caravana Climatica por America Latina)- and in other countries in collaboration with NGO's as Catapa and Fedepas. A third way is involving lawyers as Mirtha Vasquez to defend the positions of the protestors in trials, prosecuted by the government, the mining company or started on their own initiative. A fourth tactic is using regional politics to defend their case (as Gregorio Santos) and pass on municipal laws. Important to mention here is the influence of the rondas campesinos. As mentioned before these structures are granted an authority status and use this authority to influence regional and local politics. Also some ronderos are officially elected and combine this official power and their rondero background to deal with local concerns. Another way to influence regional politics is to start an own political party, as did for example Marco Arana with his 'Tierra y Libertad', which is part of the left coalition Frente Amplia. Fourth, to better articulate their demands to corporations and authorities, communities have created a national grass-roots association, the National Confederation of Peruvian Communities Affected by Mining: CONACAMI (Confederación Nacional de Comunidades del Perú Afectadas por la Minería). As well other organizations have been formed e.g. the PIC (Plataforma Interinstitucional de Celendin) and more recently they have been building guardian houses along the lakes of conflict to ensure their continuous monitoring by the lake guardians, since there is no trust in the official news providers. Another way in trying to provide their discourse with some more authority is

executing their own consultation and try to form a legal framework to strengthen the discourse.

### *Critics of other discourses*

The protests are often seen as an 'anti-mining complot', influenced by radical leaders of Cajamarca. *'This is clear; we cannot leave this aside and be naive. The leader of de 'Frente de Defense' (Wilfredo Saavedra) was in jail ten years convicted of terrorism'*, states Jorge Merino, the Minister of Energy and Mines (Cooperacion, Grufides and Fedepas 2013). The protest is *'fanaticism as in Paris (referring to the terroristic attacks of 7/01/2015) and the middle east'* (Anonymous 1 11/01/2015 Cajamarca). The motives of the protests are not interpreted as environmental –*'everything is about money, you won't find much real environmentalists here in Peru'* (Kethy 29/11/2014 Lima)- or social –*'some say they won't sell their land, but then they leave with their pockets full of money'* (Elmer 9/01/2015 Sorochuco)- but as purely political: *'with the anti-mining ecology they can at least be happy with screwing the system'* (Vivas 2014). The most obvious example is the case Gregorio Santos, who was prosecuted for fraud, but – being in jail- got elected as de mayor of the region Cajamarca in the elections of October 2014. It is said Santos is against the Conga project because he receives direct benefits from illegal mining in the region, with the Conga project the taxes are official and go to the central government. *'Never I believed that his anti-mining attitude was irreducible' 'the political hoopla around his imprisonment have made possible the electors see Santos as a victim of government conspiracy'* (Vivas 2014).

The protest is also criticized for being romanticized: *'the ex -priest Marco Arana embraces with mystics the idea of a bucolic region, free of mineral materialism'* (Vivas 2014). In this line it is also criticized that people are protesting but don't have any alternative ready and make protest without real arguments: *'they say no to Conga but have no answer to the question why; and what is it that they do want'* (Mirtha Villanueva 8/01/2015 Cajamarca). *'They promote an alternative development model, but they mainly search it in the current economic model'* (Alma De Walsche on the Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent). *'We say no to the companies and the capitalistic system, but at the same*



*time we wear jeans'* (Foro Publico 9/12/2014 Lima). *'Celendin is contra yes, but Celendin has nice roads and a market paid by the canon minero'* (Elmer 9/01/2015 Sorochuco). The proposed alternatives are perceived as unrealistic: *'his (arana's) compaÑeros, very academically, have theorized against the unsustainability of extractivism and in favor of the convenience of agricultural development with the bonus of eco-tourism. Bah'* (Vivas 2014). *'What works is a free market, the protest is harmful for the tourism, it does not bring any jobs and the protestors themselves are dependent of government incomes'* (Anonymous 1 11/01/2015 Cajamarca). Certain proposed alternatives as change the Peruvian export from mining to for example Eucalyptus by implementation of eucalyptus plantations can possibly imply future trouble as there exist nowadays with the palm oil industry (Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent). They ask responsibility from Europe, but first these are not the main buyers of gold (which are China and India) and second if Europe would answer its need to gold with more resource efficiency such as making use of urban mining and eco-design, this lowers the demand but as a consequence does not helps the Peruvian economy neither (Alma De Walsche on the Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent).

These statements or made through different channels, mainly using the official media. Miguel Santillana, a researcher associated to the university of San Martin, declared on the television channel RPP Noticias (16/01/2014) and to the newspaper El Comercio (Cruz 2014) that European NGO's and political parties support the anti-miners in Cajamarca. In further research he would prevail Marco Arana gets support from Europe. Also *'troublemakers Edy Benavides and Milton Sánchez have European links'*, he continues. The local population, according to Santillana, supports the Conga project. He declares the protest as nothing more than a European political fencing, supported by European organizations (Verstockt 2014).

The contamination claims of the protests are seen as false: *'they claim the mine pollutes, but there has been water quality research in the area and the water is naturally polluted because of all the minerals in the soil'* (Juan 29/11/2015 Lima). *'Yanacocha follows the environmental rules, because Porcon (a pine plantation) is situated just next to Yanacocha ad it works fine. The pollution is a fairy tale of the protest, everyone drinks the water and we don't die'* (Anonymous

1 11/01/2015 Cajamarca). Worries about a possible shortage of water as well are perceived false since *'Conga is a beautiful place with eternal water supplies'* (Elmer 9/01/2015 Sorochuco).

The proclaimed unity of the protest movement is not perceived as such by all inhabitants of the affected region. Some believed that the people nowadays are very united due to la lucha, but others meant that they have been divided in pro-Conga and anti-Conga because of the conflict. An interviewee stated *'it is a fairy tale everyone is against Conga, in the elections Goyo got 44%, which means 56% is in favor'* (Anonymous 1 11/01/2015 Cajamarca). The ones in favor of Conga follow the Developmental discourse and believe the Conga project would create jobs, both in the mine and services around the mine like hotels, restaurants and health services. These people feel also intimidated by the contra Conga movement. Unity as such is not the idealistic idea of one united soul against the capitalistic machine, but there is the threat to join the movement or to be a traitor: *'we have the same problems so we need to unite, we don't want traitors, we have to punish the traitors in the community so they don't betray us for money'* (Foro Publico 9/12/2014 Lima).

The discourse of some of the contra Conga protestors that the resources should be extracted by the local people is criticized as well: *'they don't have the knowledge and moreover do they have the right to pollute?'* (Cumbre de los pueblos: lecture the price of gold 09/12/2014 Lima). *'There does not exist such a thing as artisanal mining anymore, because for any extraction nowadays you need chemicals'* (Cumbre de los pueblos: lecture the price of gold 09/12/2014 Lima).

### *Perceptions behind the discourse*

Within this discourse it is able to find a whole range of interpretations. The main point of variation is the scale on which people focus their resistance on. The perceptions range from *'Peru has a big mining potential but it should be in a social and environmental friendly way'* (Marco Arana in Peru21 2015) or *'I am not in principal against a mine, it also brings progress, but this is not the right place and too many bad things come along'* (Whilbert 7/01/2015 Celendin); and *'we don't want a closed mine, we want a responsible mine'* (Foro Publico 9/12/2014 Lima), over no mining in headwaters (Santos declared to El Comercio that they will

oppose to every mining project in headwaters (Vivas 2014)) to *'we don't want any mining activity'* (Anonymous 3 11/01/2015) and *'no to all the multinationals'* (Zibechi 2014) and finally *'we want another economic model, because the main reason for this trouble is the capitalistic system'* (Cumbre de los Pueblos: women versus extractivism 10/12/2014 Lima).

The unity of the protest movement is perceived differently by adherents of this discourse. As stated before not everyone in the affected region is against the conga project, because they are adherents of the Development and/or Responsible Mining discourse. But also within the anti-Conga movement unity is not as strong as proclaimed, mainly due to the discussion about the aim of the protest. Some people have still doubts about the extractive industry, a student stated *it is necessary to fight the multinationals, but illegal mining also pollutes and so he wondered if there is no way for mining and ecology to exist together by the use of new techniques?* (Cumbre de los pueblos: lecture the price of gold 09/12/2014 Lima). On the other hand the scale of unity as well is a point of discussion among the adherents, some state *'we have to ask the NGO's for help'* (Foro Publico 9/12/2014 Lima), *'we need international alliances to strengthen our movement'* (Voices for the climate: Consulta Previa 8/12/2014 Lima) and *'European people need to take this message home and spread it'* (Foro Publico 9/12/2014) versus others who state that *'outsiders who claim to support us, only do so because they have some interests in the protest. We tell them clearly that the lucha is in the Andes, the lakes. The water is from Cajamarca, Celendin and Hualgayoc. The resistance is here. Down with traitors and the ones who take advantage of the lucha'* (Facebookcomment 7/12/2014 on the page of Conga Patrimonio Ecologico de la Humanidad). However this post immediately got following replies: *'if it were only the campesinos it would be an isolated lucha. ... the capitalism is a worldwide machine and lets thank the help of various organizations and parties. We have to be united'* (Facebookcomment 7/12/2014 on the page of Conga Patrimonio Ecologico de la Humanidad).

The faith in the strength of the united movement is often doubted. *'There have been some victories for the protestors (Lake Quilisch), but what will we do against the economic power of the multinationals'* (Rocio Meza 26/12/2014 Lima). Some point the finger to the national government: *'we need sanctions for the extractive industry because they privatize our water'*

(Voices for the climate: Consulta Previa 8/12/2014 Lima), *'the government has to make sure the students care for the environment'* (Foro Publico 9/12/2014 Lima). But others nuance: *'Even if the Peruvian government wanted to change some things, they are trapped with the free trade agreements and the organization of the world economy'* (Alma De Walsche on the Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent). *'The protest does change some things, people are getting more aware of their rights -'lucha for more rights, also internationally, because we have the rights'* (Voices for the climate: Consulta Previa 8/12/2014 Lima)-, *but with this criminalization of the protests (license to kill) the price to protest is much higher, I would think twice before participating in a march'* (Rocio Meza 26/12/2014 Lima). *'People get tired, it is a lot of work to keep the protest movement going on, days of marches are lost working days and the government and companies pay a lot more (referring to the lawyers needed to defend the protestors) and the protestors don't always have the resources. The population will keep fighting but is clear where the Humala government wants to go, so what is left to discuss about? The laws are in favor of the companies, I doubt this will change'* (Rocio Meza 26/12/2014 Lima). Others on the other hand do put their faith strongly in the power of the unity: *'I thought I was alone, but now I don't, we will keep up the resistance, we are with more who defend our rights than the ones who try to take them'* (Foro Publico 9/12/2014 Lima). *'Unity always brings progress'* (Foro Publico 9/12/2014 Lima). *'We had to learn a lot: aspects of politics, socio cultural issues, economics and diplomacy, but now we created a network that can hurt capitalism'* (Foro Publico 9/12/2014 Lima) and *'if they want to go on with Conga, they will have to kill all of us and the international world will not allow that'* (Edwin W. 6/01/2015 Celendin).

Another kind of perspective is that of the international organizations who are aligning with the resistance. For example the focus of the 2015 campaign of the ONG 'Broederlijk Delen' lays on Peru and the extraction of resources with the slogan 'Marco is a farmer and wishes to stay one'. In the declarations of the people who went on a vivencial trip to Peru however one could notice the coming forward of a misconception of the context and reality and a right-wrong judgment, with as their Christian mission the strong intention to 'help this people' (Presentation of the 2015 campaign of the ONG Broederlijk Delen 20/10/2014 Ghent).

### *Coalition*

This discourse in on its own a coalition between all the contra-Conga or in more general contra-(extractive) multinationals. It brings together the economical, social and ecological arguments with the factor of unity and solidarity and does this as well on a local, regional, national and international level. This is considered necessary since the economic and national power are lining up in favor of the extractive protests. In order to empower the opposition, international solidarity is seen as the only way to obtain this goal.

### *Flaws*

There are two main flaws to detect within this discourse. First the unity is not as united as it claims to be. The mainly environmental face of this conflicts hides a more complex set of reasons and grievances that according to Argellano-Yanguas (2008) are related to social unrest generated by the geographical coexistence of large mining operations with rampant poverty; the state's limited ability to enforce mining regulation; and the public perception of collusion between the government and the mining companies. The ecological façade is a rather new concept and still more or less easily downplayed in exchange for jobs or money (Nancy Fuentes Leon 21/01/2015 Cajamarca); in contrast to the right to decide, the concept of justice and the mistreatment of local populations by the government, these are themes the people have more clear. But because of wanting to include all critics linked to the Conga project within one movement, in order to strengthen the opposition, it also makes the movement weaker in some way, because this creates internal division about the importance of and commitment to certain aspects of the criticisms; also the different motivations to oppose the Conga project leaves the social movement divided by partisan, personal and other kinds of political reasons which minimizes the chance to succeed (Seifert in Cupolo 2015). However the flexibility of this environmental framework and its lack of hardline ideology also have made it possible for different groups to come together under the same banner without feeling that any particular group has hijacked the movement (Argellano-Yanguas 2008). In the process, the interaction of the particular agendas of these different groups transforms the original meaning of the concepts that they use. Thus, environment is no longer exclusively related to pollution,

management of natural resources or biodiversity. The term has been opened up to include dignity and justice, popular control over territory, respect for human rights and sustainable development as essential elements. This 'loose-fitting' environmental framework, in turn, facilitates a flexible form of organization based on pre-existing traditional structures, such as churches, rondas campesinas, NGOs, and peasants' committees, that interact according to the local context and the specific demands by indigenous forms of popular struggle. This organization's flexible structure has an advantage in mobilizing communities –cfr the protestations- but, at the same time, is very unsuited to coordinate public participation in constructive negotiations (Revesz and Diez 2006).

Second there is the question of sustainable alternatives. Nowadays people of Cajamarca don't have a clear post extractive agenda ready yet. The proposal the Cumbre of Celendin presented at the COP20 consists of vague commitments and of demands to the same government they convict, without presenting proper alternatives. The proposed alternative tracks for the extractive industry are agriculture and tourism; however these are not further specified, as if these tracks are sustainable on its own. This contrasts strongly to the reality. Touristic agencies do not necessarily bring benefits for the local populations, as testified an inhabitant of Taquile (Anonymous 5 20/02/2015), and can be involved in a disrespectful representation of local communities, as witnessed in the Sacred Valley. Agriculture already has some unsustainability issues in the region; for example diversified fields are turned into pastures for cattle grazing. The milk collection from this cattle is monopolized by the company Gloria and –to give one example- farmers who produce milk at 80 cents per liter are obliged to buy milk in can at 3.2 nuevos soles (Whilbert 7/01/2015 Celendin). Also GGO's have entered the country, which causes its own problematic. These issues, together with an inconsistency between the lifestyle and the reclamations of part of the protestors, makes the movement of 'El Buen vivir' rather seems to represent more a wish like future than a realistic proposal.

## **Casebox Maxima Cuña Chaupe**

### Situation of the problem

The family of Maxima Cuña Chaupe, a peasant family in the district of Sorochuco, owns 30 hectares of ground. This land is situated in the Conga area near the lake Azul and is essential to the Yanacocha company for the development of the Conga project. The family however refused to sell the ground to the mining company. Maxima Cuña testifies in several interviews how she and her family have been harassed, followed, and even attacked in the last three years (Holland 2014). Yanacocha started a law case against the family, stating that the mining company is the rightful owner of the land; the –free-defense of the Chaupe family is in hands of the ONG Grufides. After several convictions and revocations between in August 2012 and December 2014 the court confirmed that Maxima Cuña is the owner of the land, since she is in possession of the necessary documents which proof she bought the land in 1994 (Ojeda 2014). Nevertheless intimidations and violations continue to take place, as for example the third of February 2015 the security service of Yanacocha and national police officials –though the participation of these last ones are officially denied- destroyed the foundations of a new house the family was building (Ojeda 2015). The Yanacocha company claimed the family invaded their territory and is currently calling for an higher appeal at the Supreme court to revoke the latest decision (El Comercio 2015).

### Statements of the different discourses:

#### *The Developmental discourse*

The actors of this discourse so far have not made any statement about this case.

#### *The Responsible Mining discourse*

Yanacocha denies every accusation, stating: ‘There have been no acts of aggression or hostility by Yanacocha towards the Chaupe family while trying to resolve the issue through the appropriate legal channels.’ (Holland 2014) The destruction of the foundations is explained as a peaceful deed of property defense, since it was build on the lands of Yanacocha (Newmount 2015). The presence of the police is admitted, but as a monitoring actor (Newmount 2015). The company complains it is the subject of a smear campaign and they are the real victim of land robbery (El Comercio 2015). Newmont says it purchased the Acuña property and surrounding acreage from the local community in 1997.

“Yanacocha remains committed to demonstrating respect for human rights and host communities, and will continue to seek measures to minimize conflict,” Newmont spokesman Omar Jabara said in an email. ‘At the same time, the company will take respectful, lawful and prudent measures to manage its lands safely, and prevent future - and new - unauthorized occupation on company property’” (Hallman 2015).

#### *The United Resistance discourse*

The regional government of Cajamarca published a solidarity statement and expressed their concern about the situation (Ojeda 2015). Máxima Acuña de Chaupe is stated to represent hope, courage and a symbol for the global fight for indigenous and rural people in the face of rampant extractivism, represented in figure 8. Máxima’s struggle is also of Latin America who are being forced off their lands to give way to large-scale development projects, who fail to be heard by their government, despite the ongoing calls to protect Mother Earth and defend Human Rights’ and February 12th has been declared as the International Day of Solidarity for Máxima Acuña (LAMMP 2015).



Figure 8: Maxima as a symbol of victory in the lucha against the extractive industry, source: @alvaroportales

#### Battle for the ‘truth’

In this case outlet one can notice how the discourses are battling for ‘truth’ by using instruments as the juridical system and several media channels. While the national government is remaining careful to take a statement in this case, the mining company and the protestors are both proclaiming justice: the first one defends its statement that it has the right over the lands and acts in a responsible way; the second ones try to give as much visibility to this case as possible to promote their point of view and focus on purpose on Maxima, since she represents one of the most vulnerable groups in the society: female, rural and poor. ‘The incident –the destruction of the foundations- has dominated the news cycle, provoking condemnation even from some media outlets traditionally seen as business-friendly’,



there has even been a reportage on the Peruvian television channel Cuarto Poder on the case of Maxima. Also international press –in France, the United Kingdom and Belgium- reported on the topic. This media attention creates a challenge to the responsible image Yanacocha is defending.

Box I: brief outlet of the case of Maxima Cuna Chaupe, illustrative for the different approaches of the discourses

## 5. Discussion, reflections and conclusions

### 5.1 Dominance, lock – ins and resistance

‘Who’s perceptions should be used to make social decisions on risk?’ (Renn 1992 in Muridian 2003 p. 788). In El Tingo someone stated *‘the mine has abandoned us’* (Anonymous 1 9/01/2015 El Tingo); later the elected rondero of the district of Sorochuco (Elmer 9/01/2015) told us: *‘he is a member of the radical MAS (Movimiento de Afirmacion Social) party, here everyone is in favor of Conga’*; however the latest elected mayor of the district is also from the MAS party, which has an anti-mining program. *‘The protest movement says ‘don’t destroy the area’, but the mine states ‘there is nothing ecologically valuable out there anyway’* (Jorge Alvarado 9/11/2015 Cajamarca). *‘Mitigation is not a responsible solution’* (Edwin W. 6/01/2015 Celendin) versus *‘there is a solution (referring to a mitigation fund), but they don’t want them’* (Flavio Flores 13/01/2015 Cajamarca) and *‘if there will be pollution the mine will pay for it’* (Elmer 9/01/2015).

These quotes underline the importance of language and interpretations in the daily understanding of society and the powerful role of the truth as indicated by Hajer (2006) and Foucault (as in Rabinow 1991 and Goswami 2014). The discourse construction around this mining conflict represents a value-system contest, where diverse groups within society fight to impose their version of truth about access to natural resources and legitimate decision-making processes. Legitimization, states Muridian (2003), is a precondition for social stability. The

image war in the search for legitimacy is carried out by making use of the neutral and independent reputation of certain instruments as we demonstrated with the use of media, scientific research and the juridical system. However because of this manipulation, these instruments also lose some of their authority, as noticeable in the perceived levels of corruption, press liberty and contrasting scientific research results. The strategy 'battling for the truth' as formulated by Foucault (Foucault in Rabinow 1991) is used by all discourses in order to gain legitimacy for its narrative and practices, however the institutionalized Developmental discourse as formulated by the National Government of Peru controls most of the instruments to obtain this truth and is reinforced by existing systems of law, education and the media and economical lock-ins in the organization of society, which leaves it the dominant one, whilst other alternative discourses are marginalized and subjugated. Capitalistic economies have to perform a number of basic functions whether they want to or not, first and foremost ensuring continued economic growth (Dryzek 1992). The first task of government is to keep actual and potential corporate investors happy. If not (for example with extra environmental regulations) they are punished by disinvestments, which in turn means recession, unpopularity in the eye of voters and falling tax revenues. The legitimacy of the state basically runs on the supply of goods and services needed for government proceedings, highly depending on these tax revenues (Offe and Ronge 1982 in Kramer and Michalowski 2006). The odds are that the government will rally in support of mining capital and take action to create the conditions that will allow the project to proceed, be it cooptation or repression (Veltmeyer 2012). The importance of the mining sector within the Peruvian economy, as well as the specific importance of Yanacocha's gold as a source of tax income and foreign currency, has indeed meant that the state has rarely spoken out against MYSA or in support of social movements. The last two years in Peru have seen a clear hardening of its position against movements that question mining—a hardening in which state military and intelligence services have mobilized to resist and investigate such movements (Bebbington et al. 2008). The reason the national government take such actions is because they subscribe to a particular discourse that defines some government policies as right, others as wrong (Dryzek 2005) within the context of the above outlined dilemma. Because of the increasing global demand to extracted resources, this dominant discourse sees an economic

model in function of natural resources as an opportunity to develop the country based on the tax income of this industry, even though the environmental and social costs at which they are being extracted are becoming unbearable (Ugo Bardi 2014). Despite local protests, it is, at a higher geographical scale, more likely to obtain in-favor votes among people not (negatively) affected by the project but interested in its economic benefits. One position on the subject is that local empowerment should not be hampered for the sake of the 'national' interest (Muridian 2013). This economic model fits in the neoliberal ideology that dominates the country in a political and economical way since the nineties (Bury 2005). This neoliberal discourse is constantly reconfirmed by institutional rules and practices -which is noticeable by naming the Confederation of Private Institutions and Companies (CONFIEP) as the symbol of power (JP Mundaca 20/01/2015 Cajamarca)- which creates certain lock-ins that force political decisions into the same direction, even though economic research demonstrates Peru would be better off without extractivism (Giesecke in Debusschere 2014). Also so called left governments –as originally the government of Humala- deepen their dependency on extractive industry as source of tax income, export income and investment, as well as a source of political legitimacy under the discourse of neo-extractivism (Crabtree 2011). Veltmeyer (2012 p. 58) argues that the post neoliberal agenda of improving social outcomes through better governance as formulated in Collier and Venables (2011) focuses 'on the decision making process in the management of natural resources while ignoring the capitalist and imperialist dynamics that generate the distortion and dependence in the first place'. This 'new' extraction as part of the development program of the national government goes hand in hand with the responsible image the mining industry tries to promote, as was visible in the coalition outline of this discourse analysis between the Developmental and Responsible Mining discourses. Over the past ten years, mining companies have tried to present a new and more attractive face to their business (Arellano-Yanguas 2008). The discourse of the benevolent 'new mining' as opposed to the irresponsible 'old mining' is pervasive. The 'old mining' was characterized by its arrogance towards local people, negative environmental impacts and a lack of concern for the socio-political context in which it operated. In contrast, 'new mining' is considerate towards local people, is environmentally responsible and makes local development one of its main objectives.

However, the current relationship is so asymmetric that discourses on collaboration and partnership are frequently merely rhetorical devices that disguise mining companies' substantial power over local government (Arellano-Yanguas 2008). This holding over power comes fourth out of the alliance with the dominant discourse. *'Companies know there will be problems with local communities. Companies often gamble that any conflict will not get too high a profile and try to hide this risk from investors'* (Keen in Leahy 2015). According to Percival (1992 in Muridian 2003 p. 788) 'moral outrage against involuntary exposure to risk, particularly when the exposure is a result of actions that provide economic advantage to others, may explain why the general public's perceptions of the significance of environmental risks appears to differ systematically from those held by the political and technical elite'. The paradox of the existence of a high economical growth in combination with social protest, can be explained by the political apparatus representing and defending the interests of dominant groups, failing to integrate the demands and interests of the majority of the country. The benefits of the economic boom are shared inequitably between the rural population, the ones living on the coast, those living in Lima and those working for foreign companies. But also the (ecological) burdens are not equally divided. Extractive industries in the North rely on alliances with national elites to exploit natural resources of peoples and places historically marginalized from power politics (Lavinias-Piqo 2014). 'Countries do not have the governors they deserve, but the once their elites offer them' (Planas in Vergara 2014). According to Galeano (1976) this come down to mere neo-colonization. This has as a consequence part of the population lost its faith in politicians, government authorities and official entities (Muridian 2013). This loss of legitimacy also minimizes the capacity and interests of the State to act as a mediator in conflicts between companies and society (Bernstein 2000 and Cotler in Crabtree 2011). The uneven distribution of benefits and burdens together with the loss of legitimacy create point of resistance, as indicated by Foucault, where the dominant status of truth is challenged. The United Resistance discourse with the narrative of being a "the defense against ecological and social destruction caused by a conspiracy between national government and mining industries", is accused of being a façade, behind which political motivations are hiding. Environmental discourses indeed endorse social demands traditionally advocated by the radical left (Arellano-

Yanguas 2008), who see in ecology a way to regain some power; also ethnicity is becoming a way to express or seek power (JP Mundaca 19/01/2015 Cajamarca). Business people correctly identify this link, but their diagnosis neither hides the existence of environmental problems nor diminishes the severity of social problems. In this context, the 'environment' is as well a language tool in a value-system contest as a way of livelihood, which has to be defended as a primary necessity. To challenge the dominant discourse coalition, the United Resistance movement is searching to create an alternative source of authority. This is done by attacking the weaknesses of the dominant discourse, for example visible by the dominance of the Ministry for Energy and Mines over the Ministry of Environment; by using unofficial media channels to spread their version of the truth and by trying to institutionalize their movement in the search for legitimacy as for example by performing own consultations, by forming a political party –Tierra y Libertad- or introducing ronderos with a social authority in the elections to obtain official authority as well, by forming (international) alliances and creating organizations as the CONOCAMI and the Cumbre de los pueblos. By these practices they try to promote their own discourse, using language to construct an own narrative. In one way the narrative is more important than how much 'truth' it accounts, because the narrative is what the adherents see as the truth (Brass 1997) and what serves as a legitimization for political and economic practices. It is a struggle for power in which the status of dominancy is equal the capacity to present a certain discourse as the truth. The dominance of the Developmental discourse can as a consequence be seen as a forced outcome of constructed lock-ins within the current economic model.

## **5.2 Personal reflections**

This situation also represents a broader dilemma: how to sustainably develop a country in times of globalization and capitalism, when the institutional structure of society forces the use of locked-in money, in this case coming from the extractive industry. I started this research with this dilemma in mind and I end it with the same. My own position within this debate aligns with the resistance movement: based on my personal principles and ideas about ecology, sustainability and development in the context of a changing climate, I oppose to the idea of

economically developing a country based on the intensive exploitation of natural resources, which clearly results in unequal burden sharing. I realized however that underestimated the influence of the dominant discourse on the day to day life, as I was stunned by interpretation of and inconsistency within the concept of ecology by different actors, as well among adherents of the dominant coalitions, as among participants of the resistance movement; which also is an indication of my own vision being colored by assumptions and prejudgments. Conducting this research nuanced my version on the truth in the sense of being more aware of how power relations and lock-ins seriously hamper the decision to opt for alternatives. This does not imply the situation cannot be changed. Capitalism is not a law of nature, it is a human construction, a philosophy (Kiely 2009), it has been designed so it can also be replaced. *'Today, Peru's economy has more or less stabilized. We can afford to decide whether an investment is good or not for our resources and our people – not just for the economy'* (Aliaga Díaz in Cupolo and Bernard 2012). The rules of the society are as such constructed that they serve the economic model; it is my opinion it is time to change them. Or as the writer Geert van Istendael (2015) formulates it: *'All who dare to say there is no alternative, qualifies himself as an enemy of the democracy'*. The growing protest movement against mining capital and extractivism has engaged the forces of resistance not just against neo-liberalism and globalization, but against the underlying and operative capitalist system (Veltmeyer 2012).

### **5.3 Tensions in analyzing discourses**

While doing this research, I encountered some difficulties in defining the borderlines of a discourse. It is not a pre-constructed framework, but a complexity of relationships and perceptions in which one tries to draw some lines and as a consequence reduces the reality to certain extracted storylines. When are storylines different enough to split them up and when are they alike enough to align them? Which actors and narratives are sufficiently relevant and which are side agents or side stories? At what point do you start or stop the gathering of information about an ongoing conflict? The answers on these questions however depend on the choices made by the researcher on how to reconstruct the conflict by means of discourses. What is more important is to gain a deeper insight in the power relations build up around the

conflict and to understand why certain discourses are constructed and how they are organized and promoted. Do I, as an outsider, really got grip on the head narratives, the main information channels and the dominance relations; did I analyze the right sources and make nuanced conclusions? Did I take my own opinion enough into account while doing the analysis? There exists no clear answer to these questions and exactly this uncertain searching for paths and patters makes up the challenge of doing a discourse analysis.

#### **5.4 Value of a discourse analysis**

This analysis gives a first insight in the battle of discourses build up around the Conga conflict, it outlines how the discourses try to implement their version of the truth and how the institutional organization of society creates lock-ins that reinforce the dominant discourse, which makes it extra difficult for marginalized discourses to gain power or truth. An extra dimension in this research is the notification how the united discourse searches to align with the global debate over the definition of development and the contested sustainability of our capitalistic economic model in trying open the discussion inside the country. Further analysis of this ongoing conflict would reveal more crucial understanding on motivations and power relations behind discourse construction; how these will influence the evolution of the conflict and how these can be framed within a local as well as global perspective.

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