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Mining in Peru: Indigenous and Peasant Communities vs. The State and Mining Capital

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Mining in Peru: Indigenous and Peasant Communities vs. The State and Mining Capital

Abstract

The Peruvian economy depends for its growth on the export of natural resources and investment in the mining and hydrocarbon sectors. Peruvian governments and mining corporations have confronted anti-mining protests in different ways. While the current government has introduced policies of social inclusion to soften the negative effects of the operations of mining capital and policies of dialogue to engage social actors with the essence of governmental policies, mining companies use corporate social responsibility programs as a cover for the devastating effects of their operations on the environment and the livelihoods and habitats of the indigenous and peasant communities. Curiously, in the current context of the declining commodity prices and export volumes the Peruvian government strengthens its extractivist model of development. This article argues that whatever government that follows the rules of capital cannot but favor the corporations. It points out the main adversaries of the indigenous and peasant communities and the problems to transform the locally and/or regionally struggle into a nationwide battle for another development model.

Keywords

Peruvian economic structure, Peruvian State, mining corporations, corporate social responsibility, indigenous and peasant communities

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Introduction

The Peruvian economy depends for its growth on the export of primary products and investments in the mining and hydrocarbon sectors. It is a known fact that in the period 2002-2012 the size of Peru's economy almost doubled (International Monetary Fund, 2013: 5). Less well known is the spectacular growth of basic social expenditures. These expenditures have to do with education, social and community assistance, and health. While in 2003 these expenses amounted to around US\$ 2302 million, in the first two years of the Humala government (2011-2012) it had grown too respectively US\$ 6 billion and US\$ 7.5 billion.¹ In about 10 years basic social expenditures have increased by more than 300 percent.

The two governments that preceded the current regime of Ollanta Humala, i.e. those led by Alejandro Toledo (2001-2006) and Alan García (2006-2011), elaborated and implemented their policies on the basis of the neoliberal economic model constructed by the government of Alberto Fujimori (1990-2000). On the one hand these governments institutionalized Fujimori's policies; on the other hand they deepened and broadened the scope of neoliberal policies.

The social protests that emerged in the last decade in Peru were the consequence of the operations of mining companies and the mining concessions granted to these corporations. The increase of social expenditures by the Peruvian State failed to quell the protests.

The policies of the government of Ollanta Humala are not merely a continuation of those of his predecessors but they personify a regime that seeks to combine an extractivist development model and free market policies with social inclusion projects and infrastructural improvements. In this regard the policy regime can be likened to that of the Bolivian and Ecuadorian governments, both of which can be regarded as different forms of an emerging post-neoliberal state (Veltmeyer & Petras, 2014: 222-249). As in the case of Ecuador, where President Rafael Correa has branded protestors of his policies in favour of extractive capital (i.e. natural resource development), the Humala regime has pursued a policy of suppressing the protests through the well-known social democratic mechanism of consensus-building, but where this approach failed he brought the repressive apparatus of the state into play.

In this article we describe the struggle of the indigenous and peasant communities against mining capital and point out their main adversaries and weaknesses. We also discuss the governmental policies of the Humala government in relation to the mining sector and the population affected by the operations of mining capital. The objective is to sustain the argument that whatever government that follows the rules of capital cannot but favor the corporations. In the literature on mining in Peru much talk is about governance, or hope is set on a change of governmental policies within the boundaries set by international capital. The social democratic orientation of most of these intellectuals makes it impossible to overcome the distinction between appearance and reality. In discarding a Marxist class analysis they are not able to connect the political and ideological superstructure to its economic base. Furthermore, we raise the question of corporate social responsibility, which in the economic development literature is generally presented as key factor in the process of 'inclusive economic growth', or 'sustainable resource development'. We see it rather differently: as a tool for advancing extractive capital via corporate self-regulation (in opposition to the 'inclusionary state activism' or what is called the post-neoliberal state).

This article is organized into six parts. In Part 1 key data on the Latin American and Peruvian mining boom are presented. In Part 2 we analyze data on the Peruvian export structure in the context of the current international division of labor. In Part 3 we delve into the struggle of the communities against mining capital. We not only look into the struggle itself, but we also define the

¹ Source: <http://www.inei.gob.pe/estadisticas/indice-tematico/sociales/> (consulted 29/09/2014). The US dollar values are calculated on the basis of the average exchange rate in the mentioned years. Data on this can be found at: <http://www.bcrp.gob.pe/estadisticas/cuadros-anales-historicos.html> (consulted 01/08/2014).

class enemies of the indigenous and peasant communities and provide a brief description of the main corporations in the mining sector. In Part 4 we assess Peruvian governmental policies with regard to the mining corporations and the indigenous and peasant communities that are affected by the operations of these companies. In Part 5 we turn to the issue of corporate social responsibility. Today, many scholars that study the effects of mining on indigenous and peasant communities and the environment in general are focused on this question. In addition, the World Bank in its various publications as well as the International Council on Mining and Metals, an association of the major mining companies in the world, intend to ‘sell’ corporate social responsibility as a cover for the destruction of the environment by the companies and the negative effects of mining operations on the livelihoods and habitats of the indigenous and peasant communities. This section, however, begins with a brief assessment of the devastating effects of mining on the communities and the water supply. In Part 6 we present our conclusions.

1. The Latin American and Peruvian mining boom: some relevant data

Over the last twenty years, South America has been the object of large investments by international mining capital. According to the World Bank (2005: 20), in the period 1990-1997 worldwide investment in mining exploration and exploitation grew by 90 percent. However, for Latin America this percentage was 400 percent and for Peru 2000 percent.

Since 1994, Latin America has been the largest recipient in the region of investments in mining exploration. In 2003 it received about ten percent of worldwide exploration investments.² Five years later this grew to 28 percent and in 2009 it increased to approximately 30 percent (Bebbington, 2009a: 15; De Echave, 2009a: 105).³ In 2010, of all Latin-American countries, Peru received the most investments in mining exploration and was third worldwide, after Canada and Australia (Panfichi & Coronel, 2011: 395).⁴

In 2006 Peru occupied second place in Latin America regarding the production of copper (fifth in the world) and was first in the production of gold and zinc, occupying respectively the sixth and third place in the world (De Echave, 2008: 323). According to the Department of Foreign Affairs and International Trade of Canada (2012: 5), in 2012 worldwide Peru led in the production of silver; it was second in zinc and copper, third in tin and fourth in lead, mercury and molybdenum. Data of the pro-business magazine *Mining Journal* show that in 2012 Peru became the largest producer of gold, zinc, tin and lead in Latin America and the second largest producer of silver, zinc and copper in the world.⁵ In 2014, Peru became the third largest producer of copper, behind Chile and China. The country’s mining sector has an investment portfolio of US\$ 61.5 billion, the second largest in Latin America, behind Chile.⁶

² “América Latina la mayor inversión minera”, in <http://www.hoy.com.ec/noticias-ecuador/america-latina-tiene-la-mayor-inversion-minera-368938.html> (consulted 23/06/2012).

³ Bebbington refers for this figure to a paper, titled “Mining in Peru: Between the transformation of conflicts and the programmatic challenge”, and presented by José De Echave in October 2008.

⁴ Panfichi and Coronel refer for these data to a document of the Metals Economics Group of 2010, titled “World Exploration Trends. A special report from Metals Economics Group for the PDAC International Convention 2010”.

⁵ *Mining Journal* (2012), “Mining sector critical to Peru’s economic growth”, in https://www.mining-journal.com/_data/assets/supplement_file_attachment/0005/349304/Peru2012_scr.pdf (consulted 21/09/2014).

⁶ “Minería peruana tiene la segunda mayor cartera de inversiones en América Latina”, in <http://www.americaeconomia.com/negocios-industrias/mineria-peruana-tiene-la-segunda-mayor-cartera-de-inversiones-en-america-latina> (consulted 21/09/2014).

2. The integration of Peru into the world market

In the period 2000-2013, Peru became an attractive destination for foreign capital. According to the Peruvian Agency for the Promotion of Private Investment, while in 2000 foreign direct investments (FDI) mounted to about US\$ 12 billion, in December 2013 it had grown to US\$ 22 billion (Proinversión, 2014). As might be obvious from the data on mining in part 1, FDI in the mining sector was the most important contributor to this development. In table 1 we present data on the participation of mining FDI in total FDI for the period 2000-2013.

Table 1: Contribution of the mining sector to total FDI: 2000-2013 (in percentages)

Year	Contribution to total FDI
2000	13.9
2001	13.1
2002	12.2
2003	12.5
2004	14.4
2005	15.0
2006	17.4
2007	17.6
2008	18.3
2009	21.4
2010	23.7
2011	24.6
2012	24.3
2013	24

Source: Proinversión (2014), "Inversión extranjera", in <http://www.investinperu.pe/default.aspx> (consulted 30/07/2014).

Data on the Peruvian export structure in the period 2000-2013 are presented in table 2. The percentages represent their contribution to total exports at current prices. Rounding differences mean that the percentages do not add up to 100 percent or exceed 100 percent.

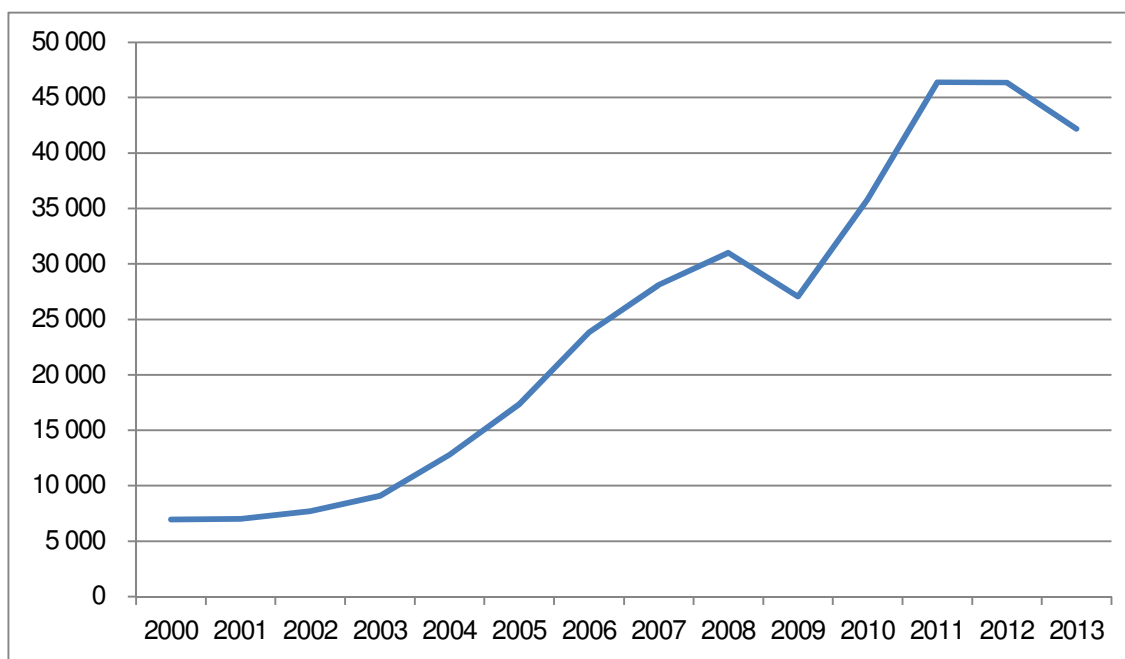
Table 2: Peruvian export structure: 2000-2013 (in percentages of value of total exports)

		2000	2004	2008	2012	2013
Traditional products	Fishing	13.7%	8.6%	5.8%	5.0%	4.0%
	Agriculture	3.6%	2.5%	2.2%	2.4%	1.9%
	Mining	46.3%	55.6%	58.4%	57.0%	55.1%
	Petroleum and byproducts	5.5%	5.0%	8.6%	10.8%	12.3%
Non-traditional products		29.4%	27.2%	24.4%	24.1%	26.0%
Others		1.5%	1.0%	0.6%	0.7%	0.6%

Source: <http://www.bcrp.gob.pe/estadisticas/cuadros-anuales-historicos.html> (consulted 30/07/2014).

Data in table 2 show that in regard to the world market Peru is primarily a supplier of natural resources. In this sense it is understandable, according to the theory of comparative advantage, that the current government, as well as those of Toledo and Garcia, is pushing investments in the mining and hydrocarbon sectors. In addition, it would be detrimental to the balance of payments, external debt payments and the exchange rate if the government were to put the brake on these sectors. All this fits into conventional bourgeois economic theory. In graph 1 we present the evolution of the value of total exports in the period 2000-2013.

Graph 1: The evolution of total exports: 2000-2013 (in millions of US\$)



Source: <http://www.bcrp.gob.pe/estadisticas/cuadros-anuales-historicos.html> (consulted 30/07/2014).

The fact that Peru is a supplier of raw materials is not the result of nature but the consequence of a historical process of imperialist domination and hegemony of the comprador bourgeoisie. According to Poulantzas (2008: 200), the interests of this bourgeoisie “are constitutively associated with foreign imperialist capital (capital belonging to the principal foreign imperialist power) and, therefore, closely linked, politically and ideologically, to foreign capital”. In a way, writes Poulantzas (2008: 243), this bourgeoisie acts as a simple ‘broker’ for foreign imperialist capital.

Peru’s role in the international division of labor has meant that its development is conditioned by the political and economic requirements of the countries of what might be denominated as the global ‘North’.⁷ The relationship between the Peruvian State and transnational corporations is, in the end, a relation of domination. However, while it is true that there are mutual benefits, the

⁷ On reading the *7 Ensayos de Interpretación de la Realidad Peruana*, written some 90 years ago by the Peruvian Marxist Mariátegui, it would seem that the world has not changed much. Mariátegui (1977: 99): “The economy of Peru is a colonial economy. Its movement, its development, is subordinated to the interests and needs of the markets in London and New York. These markets look at Peru as a deposit of raw materials and a place for their commodities.”

Peruvian State is not the determining factor in this relationship. Furthermore, for any government on the periphery of the world capitalist system it is structurally impossible to change the course of national development when based on the rules of the capitalist world order and the logic of capital accumulation. Hence, the electoral program of Humala, called 'The Great Transformation', was put aside once Humala took office. In this program the following was announced: "[the aim is to] recover our natural resources such as water and land, the forests and biodiversity, gas and minerals in order that these contribute to the elimination of poverty and inequality that affect millions of Peruvians. Its exploitation, generally used by foreign economic minorities, cannot continue" (Gana Perú, 2010: 8).

It is true that the Peruvian State has the right to reverse all the laws in favor of mining and to nationalize all mining corporations. However, the interests and investments of transnational mining capital with their base in the capitalist 'North' are defended by means of multilateral institutions such as the World Trade Organization, the International Monetary Fund, the World Bank, the United Nations and the North Atlantic Treaty Organization. As experience has shown—Zelaya, Honduras 2009; Lugo, Paraguay 2012—in the case governments think of changing the rules of the game imposed by imperialism they face the possibility of being overthrown.

3. The struggle of the communities against mining capital

In Peru, the first decade of the 21st century can be considered as the start of an offensive of the indigenous and peasant communities against mining capital. However, this struggle should not be viewed as a simple continuation of the struggles and battles of the 1980s and the 1990s, in that the national political and social context is completely different. In recent years, the fight of the communities has literally gotten bloody. In 2010, the struggle of communities in the Amazon region against the privatization and parceling out of their land was choked in blood. The repression of the protests in the city of Bagua caused the death of 23 policemen and 10 civilians. During the current government of Humala already more than 20 people died as a consequence of the repression of the protests against the operations of extractive capital. The capitalist state has taken off its mask and is showing its real character.

The battle of the indigenous and peasant communities is about the defense of their land against the invasion of mining capital. The communities do not fight because they want to strengthen their negotiation position with the corporations at the moment of selling their land; nor do they fight because they want to be employed in the mine or want a bigger part of the pie of mining royalties. The struggle is about the survival of the communities. This is the prime reason why the government is not able to put down the fight. In fact, it is precisely this characteristic that has made it possible that the fight in the department of Cajamarca against what is called the Conga Project of the Yanacocha Company has been able to continue. In November 2014 the struggle will enter its fourth year.

The struggle of the indigenous and peasant communities faces a broad range of class enemies. Principally it is a battle against the Peruvian and international bourgeoisie. The Peruvian mining business is historically principally a "foreign affair". The production of the country's main minerals that determine the dynamics of the mining sector, copper and gold, is in the hands of just a few companies. In 1965 three companies in the metallic mining sector, owned by US capital, dominated the market: the Cerro de Pasco Mining Corporation had a market share of 30 percent; Southern Peru Copper's share was 28 percent; and, Marcona Mining Company had 14 percent of the market (FitzGerald, 1981: 154, 157). In 1970, during the progressive military government of General Velasco Alvarado, the Cerro de Pasco Mining Corporation controlled 32 percent of Peruvian mining exports (Torres Cuzcano, 2013: 38). In 1981, Southern Peru Copper controlled respectively 70 percent and 75 percent of the production and export of copper (Torres Cuzcano,

2013: 39). Finally, according to data of the Non-Governmental Organization (NGO) Grupo Propuesta Ciudadana (2014: 10), in 2013 almost 80 percent of the production of copper was concentrated in the mining units Antamina (owned by BHP Billiton, Glencore, Teck and Mitsubishi Corporation), Southern Copper Corporation (a majority-owned, indirect subsidiary of Grupo Mexico S.A.B.) and Cerro Verde, property of Freeport-McMoRan Copper & Gold Inc., SMM Cerro Verde Netherlands B.V. (a subsidiary of Sumitomo Metal Mining Company Ltd.) and the Peruvian Compañía de Minas Buenaventura S.A.A.. Similarly, Yanacocha and Barrick Gold controlled about 42 percent of domestic gold production (Grupo Propuesta Ciudadana, 2014: 10). Through the International Finance Corporation (IFC) the World Bank has a direct stake in Yanacocha.

Transnational and Peruvian mining capital is not only defended by the multilateral institutions of imperialism as described in part 2, but they also have their representatives within the Peruvian State. Indeed, one might argue that mining capital is, in the sense described by Poulantzas (1980), the hegemonic class fraction within the bourgeoisie. The importance of mining for capital and state-led economic development is reflected in the capacity of the mining companies to avoid an extra tax on its super profits and, as described below, in the implementation of new tax stability pacts to protect the corporations against changes in the tax regime.

The indigenous and peasant communities not only face the international and national bourgeoisie in their struggle for survival, but also classes, which, although oppressed and exploited by international and national capital, have chosen to side with capital. We view this as primarily the result of the political and ideological hegemony of 24 years of neoliberalism in Peru.

The regime of Alberto Fujimori in the 1990s and the worldwide spread of the neoliberal ideology impacted heavily on the social movements. By following the dictates of the Washington Consensus and by using its instruments of state terror, the government was able to eradicate whatever popular or class-based social force was mounted against neoliberalism. These ‘policies’ were combined with an ideological attack on ideas related to collectivism, state-intervention in the economy and regulation.

The ‘economic legacy’ of Fujimori can be considered, in general, as the foundation of the actual social consciousness—the de-ideologization—of the Peruvian population. As a matter of fact, 72 percent of the Peruvian population in 1991 considered the free market as a good thing for the country. Although by 1998 this percentage had decreased to 58 percent (McClintock & Vallas, 2005: 179). It could be argued that the Peruvian population welcomed the neoliberal proposals because it had its back against the wall. It was willing to accept whatever economic program that could solve the economic crisis and reduce skyrocketing inflation to ‘normal’ proportions.⁸ In addition, according to Balbi Scarneo and Arámbulo Quiroz (2009: 302), in the context of a state that could no longer be considered a guarantee of social inclusion— and ‘given the accelerated diffusion of individualistic utilitarian values’—the market seemed to be the only way out. Collective action was no longer an option. With the expansion of micro-credit programs the ideology of capitalism was spread to all corners of society. The unemployed and the marginalized sectors of the rural and urban poor found a way out of their miserable existence: micro-enterprise development.

The continuation of the neoliberal model since its implementation in 1990—albeit under the Humala regime in the modified form of projects of social inclusion—is a powerful indication of what we term the de-ideologization of the Peruvian population. In addition, according to Lynch (2014: 167), the defeat of the social movements in the 1990s coincided “with the change of the productive model” and led to the erosion of the “traditional bases of the left” and the popular movement. As Saad-Filho (2005: 228) observes, neoliberal reforms “have acquired a material basis in the transformations that they have wrought on the economic fabric of Latin America”.

⁸ During the first government of Alan García (1985-1990) inflation increased to incredible proportions. While in 1988 inflation amounted to 1722.3 percent, two years later it stood at 7649.6 percent (Parodi, 2010: 259).

Since the return of 'democracy' in 2001, social struggles show an upward trend. The monthly bulletins of the governmental agency *Defensoria del Pueblo* on social conflicts show the predominance of conflicts related to the operations of extractive capital.⁹ The protests against the mining corporations are generally being organized and led by local and/or regional organizations around environmental issues and life threatening situations caused by mining capital. This definitively assures a popular base. The organizations that are leading the struggle are not necessarily class-based; everybody who, in a certain way, is affected by mining forms a part of the organization/group/network. In some cases these organizations are getting help from national NGOs that provide information about mining activities and contribute in raising the social awareness of the population (Hinojosa & Bebbington, 2008: 11).

The protests against the mining corporations are mainly organized in the form of demonstrations, strikes, and local referenda regarding the presence of mining corporations such as in Tambogrande (department of Piura) in 2002, in Ayabaca (department of Piura) in 2007, the district of Cañaris (department of Lambayeque) in 2012 and 2013, and in 2013 in Palca (department of Tacna). Frequently, international NGOs help the protesters give the struggle international coverage. These international relations are fundamental to obtain the financial means to organize, for instance, the aforementioned local referenda (Bebbington, 2009b: 146-148; Hinojosa & Bebbington, 2008: 11).

Until recently, the strength of the struggle was also its major weakness. The locally and/ or regionally organized struggle was not able to cross the regional borders towards a nationwide battle for another development model. In recent months, the indigenous and peasant communities in the highlands of Cajamarca and communities in the Amazon region have united in their struggle against extractive capital.¹⁰ These alliances are crucial in order to stop it from destroying the environment, the habitats and the livelihoods of the communities, and life as we know it.

4. An assessment of Peruvian governmental policies on mining and the communities

In the 1970s, there was a major debate in Marxist circles regarding the role of the state in capitalist society. Here is not the place to review this debate, but rather to apply two key concepts of these debates to a state on the periphery of the world capitalist system. The discussion in those days was focused on the question as to whether the capitalist state is an instrument of the ruling class (instrumentalist theory) or if the state is the result of the contradictions between classes and among class fractions (the structuralist conception).

In the literature on the problems of the Peruvian State regarding the social conflicts generated by the operations of mining capital in the territories of the indigenous and peasant communities, much is made about the weakness of the Peruvian State (Triscritti, 2013). Poor governance and feeble governmental institutions are considered as factors thwarting any efforts towards a solution of the social conflicts or to make sustainable resource extraction possible (Bebbington and Bury, 2010; 2009). We do not reject this idea that states in the periphery might be weak or debilitated, but it has no relevance in the debate regarding these social conflicts. Indeed, it seems that the discussion is aimed at improving the state's management of the regulative framework of the extraction of natural resources by mining capital, instead of seeking 'formulas' for natural resource management by a sovereign state.

⁹ See for the bulletin of June 2014: <http://www.defensoria.gob.pe/blog/la-defensoria-del-pueblo-registro-214-conflictos-sociales-durante-el-mes-de-junio/> (consulted 21/09/2014).

¹⁰ "Perú: Ronderos y comunidades nativas del norte exigen anular permisos a minera Águila Dorada", in <http://servindi.org/actualidad/113609> (consulted 21/09/2014).

The introduction of a rather 'radical' form of neoliberalism in the 1990s under Fujimori can be considered a point of departure in the analysis of the mining policies of the current government. The economic and anti-regulatory measures taken by the Fujimori regime included legal stability pacts with the corporations and special legal mechanisms such as accelerated depreciation, the possibility of deducting investment in public infrastructure of tax payments, the exemption from taxation until the initial investment had been recovered or if income generated was used to do reinvestments in order to increase production with more than 10 percent, and the deduction of the costs of research and mining exploration of tax payments (Campodónico, 1999: 17 -24). Over the next 10 to 15 years, it was forbidden to change the laws that protected the interests of capital.

In 1992 the government implemented a new law: the General Mining Law. This law made the reassignment or the forced displacement of communities and populations for mining purposes possible and legal (Dominguez, 2010: 24). On the other hand, the Land Law of 1995 liberalized the land market (Castillo, 2009: 72).¹¹ Fujimori's neoliberalism also included the privatization of state enterprises, many of them dedicated to mining.

On reviewing Fujimori's neoliberal policies, and taking into consideration the policies of the governments that came after him, we think that in the case of mining the liberalization of the land market should be considered as Fujimori's most important 'achievement'. It not only created the possibility for mining capital to acquire the land of the indigenous and peasant communities, but it also initiated the spread of the market ideology in these communities. It was thought that it was time that capitalism would reach into all corners of the country (Harvey, 2007: 64-65).

The liberalization of the land market was a very smart policy of the government of Fujimori because it established an institutional framework in which mining concessions could flourish and, in addition, it could be used as an efficient mechanism to divide and destroy the indigenous and peasant communities. The land titling process, i.e. the division of the lands of the indigenous and peasant communities in individual plots or the privatization of land, is part of this law. While Toledo created Proinversión, the body entrusted with the task to orderly sell the wealth and the property of the country, Garcia tried to accelerate the process of allotment of indigenous and peasant lands and to provide individual ownership of these lands.

At the beginning of the 1990s, mining concessions occupied 1.8 percent of the Peruvian territory (RWI, 2012: 38). In 2004, 13 percent of the territory of the indigenous communities had been given in concession to oil and gas companies. In late 2008, during the García administration, this percentage increased to 70 percent (Pinto, 2009: 86; Bebbington, 2009a: 14). In 2010, over 70 percent of the Amazon was parceled out (Huertas, 2011: 217) and 21 million acres were given as concession to the companies, approximately 16 percent of the country (Urteaga, 2011: 40; De Echave, 2012: 72).

The Humala government has not repealed the law that liberalized the land market. Nor has it eliminated the Law of Mining Obligation (*Ley de Servidumbre Minera*) implemented in 1990. This law provides the possibility to expropriate the lands of peasant families and communities in the case they were not able to reach an agreement on compensation with the companies that obtained the concession to exploit the sub-soil of their land. In other words, this law gave the Peruvian government the power to expropriate small landholders in favor of big capital.

The Law of Mining Obligation, as well as Article 66 of the Peruvian Constitution that states that all natural, renewable and non-renewable resources are the property of the Peruvian nation, seem to be in contradiction with the Law on the Right to Prior Consultation to Indigenous or Native Peoples as recognized by Convention 169 of the International Labour Organisation which Humala signed in August 2011. A review of the law, however, shows that it is not inconsistent with the Constitution of Peru. Indigenous or native peoples will be consulted but do not have the right to

¹¹ As for natural resources, the neoliberal Constitution implemented in 1993 eliminated the inalienability of the land of the indigenous communities and paved the way for its division and sale.

veto. The Peruvian nation, i.e. the Peruvian State, keeps the power to hand over natural resources to capital, although the owners of these lands may have declared themselves against it (Presidencia de la República del Perú, 2011). In order to reduce the number of communities that can request the application of this law, the government has published a list of 50 communities that are to be considered indigenous communities (mostly in the jungle).¹² As a result, a lot of Andean communities where most of the mining companies are located are not considered indigenous but peasant communities. The prior consultation law is not applied to peasant communities.

The Law on the Right to Prior Consultation to Indigenous or Native Peoples is a useful mechanism to legally bind communities to their own dissolution through their integration into the market and the promotion of the ideology of private property. This law allows to incorporate the communities in the extractivist development model and to engage them with this model. As was noted in the introduction Humala's government has attempted to advance its extractivist model of development by means of the social democratic mechanism of consensus-building. The Law on the Right to Prior Consultation to Indigenous or Native Peoples is a key tool in this regard. In addition, the government has installed roundtables with communities affected by mining and has created the National Dialogue and Sustainability Office to try to convince the indigenous and peasant communities and families to cede their territorial rights to the sub-soil resources sought by the mining companies without stirring up problems.

Humala's government has not initiated a process that could lead the country towards a different role in the international division of labor. Changes in how the neoliberal model is applied does not contribute to the 'Great Transformation' that Humala proposed during the presidential elections of 2011. Somehow, this confirms the thesis that the relation of dependency between the 'advanced' countries and the countries at the periphery is expressed in the state's role in maintaining this relationship. On the one hand, the political situation of an 'underdeveloped' country reflected in the power of the hegemonic fraction of the bourgeoisie in the state apparatus or its dominant influence on the governing bodies, is conditioned by actions taken in countries of the 'North'. On the other hand, the relative autonomy of the national bourgeoisie in the ideological and political structure depends on the type and level of its contradictions with imperialist foreign capital (Poulantzas, 1976: 67). Dos Santos (1986: 307-308) argues that domination is only possible if it has the support of the national sectors that benefit from domination. In the context of global capitalism, the capitalist state in peripheral countries first of all executes the economic and ideological functions that are indispensable for the expanded reproduction of transnational capital. Ruy Mauro (1969: 36) writes that "in fact, the development of the main exporting sectors tends, in these countries, to be secured by foreign capital through direct investment, leaving the national ruling classes the control of secondary export activities or exploitation of the internal market". González Casanova (2006: 225) explains that the role of national capital in the capitalist countries of the periphery is reduced to exporting mainly raw materials, occupying a place as intermediates in the metropolis of the countries of the 'South'.

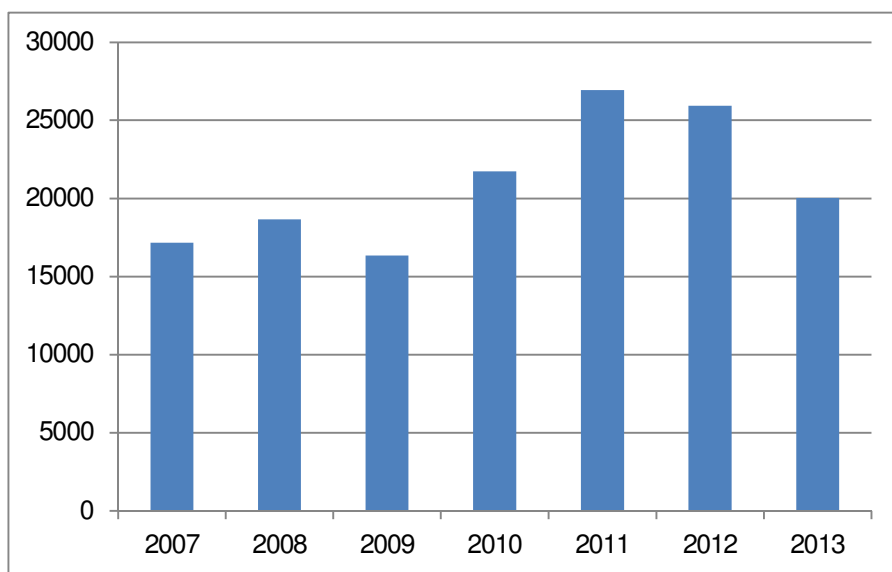
The true character of the Humala government is starting to unfold in this period of declining commodity prices and export volumes. The government is accelerating mining concessions and exploration permits by removing of what is been called "bureaucratic obstacles that are delaying investment projects". This confirms the focus of the regime on extractivist capital as, according to the government, the only way to keep growing is to have more foreign capital investment. Projects of mining exploration that point to expansion no longer will require a new environmental impact study.¹³

¹² This list can be found at: <http://bdpi.cultura.gob.pe/lista-de-pueblos-indigenas> (consulted 24/09/2014).

¹³ "Perú se concentrará en exploración minera", in <http://www.bnamericas.com/news/mineria/peru-se-concentrara-en-exploracion-minera> (consulted 03/10/2013). Already in July 2013, the Minister of Energy and Mines announced that Peru was accelerating its processes of handing over new mineral exploration permits.

In 2013, Peru had its first trade deficit since 2001. The deficit was caused, among other things, by the decline of the commodity prices and export volumes.¹⁴ According to the National Society of Mining, Petroleum and Energy, in 2013 mining exports fell by 12.5 percent compared with 2012. In addition, a study of the Gerens Research Center, an organization that provides training and consulting services in the areas of management for public and private organizations, pointed out that in 2013 mining explorations fell 26 percent compared with 2012.¹⁵ In graph 2 we present data on the evolution of mining exports for the period 2007-2013.

Graph 2: Value mining exports: 2007-2013 (in millions of US\$)



Source: Cooperación (2014), “Actualidad Minera del Perú”, June 2014, no.181, in http://www.cooperacion.org.pe/BoletinAMP/181_AMP_Junio_2014.pdf (consulted 30/07/2014).

In March 2014, the government began to discuss the possibility of eliminating the request to submit an environmental impact report for oil companies in the case of exploration through seismic testing. Finally, in June new measures were announced that should help to increase investment in the mining sector. For example, new tax stability pacts to protect mining companies to changes in the tax regime were approved. These pacts are signed for a period of 10 to 15 years. Also measures that should accelerate the process of approval of mining concessions were introduced. In addition, the new measures stripped the Ministry of Environment of jurisdiction over air, soil and water quality standards, as well as its ability to set limits for harmful substances and eliminated its power to establish nature reserves exempt from mining and oil-drilling. In this sense, the observation of

While previously these processes lasted about 300 to 500 days, the Humala government’s aim is to complete these processes within 200 days, in “Peru to welcome US\$15bn in copper mining projects from 2013-2015”, in <http://www.mineweb.com/mineweb/content/en/mineweb-base-metals?oid=201707&sn=Detail> (consulted 20/08/2013).

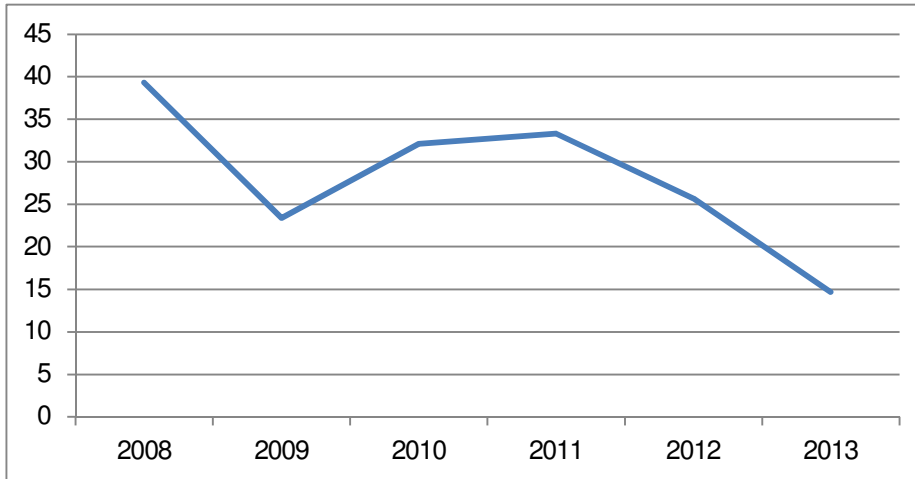
¹⁴ “¿Cómo revertir la balanza comercial negativa de Perú”, in <http://gestion.pe/economia/como-revertir-balanza-comercial-negativa-peru-2091412> (consulted 24/09/2014).

¹⁵ “Minería en Perú: Inversión en exploración cayó 26% en 2013”, in <http://peru21.pe/economia/mineria-inversion-exploracion-cayo-26-2013-2174611> (consulted 17/03/2014).

Seoane (2012: 12) was very appropriate when he wrote that economic problems could lead to a “new justification for deepening the extractivist export model”.

The measures taken by the Humala government are understandable given that mining corporations are the main contributors to tax income. These companies, however, do not have urgent problems as they only need to maintain their obtained concessions. They can wait for better times. The real problem at stake is the fact that the government is ‘losing’ money. In graph 3 we present the evolution of the contribution of the mining companies to total tax income.

Graph 3: Contribution to total tax income by mining corporations: 2008-2013 (in percentages)



Source: Cooperación (2014), “Actualidad Minera del Perú”, June 2014, no.181, in http://www.cooperacion.org.pe/BoletinAMP/181_AMP_Junio_2014.pdf (consulted 30/07/2014).

5. The mask of corporate social responsibility

The problem of the corporate social responsibility of the mining corporations is a topic that is beginning to be widely discussed within the literature (Rees, Kemp & Davis, 2012; Orlitzky, Siegel & Waldman, 2011).¹⁶ However, instead of investigating the political significance of corporate social responsibility for advancing the interests of mining capital, the literature discusses the issue of corporate social responsibility as the contribution of the mining corporations to sustainable development. Before delving into the question of corporate social responsibility a few words on the devastating effects of the operations of the mining corporations.

Mining activities in or nearby territories that pertain to indigenous and peasant communities disrupt and degrade existing social relations, and erode communal property (Bebbington & Hinojosa, 2011: 329); the development models of the communities conflict with those of the mining corporations (Alayza, 2009: 162-163). Mining companies tend to transform the means and livelihoods of the communities, the forms of governance of the natural environment (Bebbington, 2011: 65) and the social fabric (Panfichi & Coronel, 2011: 404). They are likely to reorient the economic activity of the community in the functioning of the mine (Svampa, 2009: 49) and to bring

¹⁶ In 2011, in Chile, the First International Seminar on Social Responsibility in Mining was organized. In November 2013, the second international seminar took place, in <http://www.srmining.com/english/> (consulted 01/08/2014).

'big city problems' such as delinquency, criminal behavior and prostitution, to the community (Panfichi & Coronel, 2011: 404).

The ecological impact of mining is acknowledged by all social actors in society, including mining, gas and petroleum corporations. Nevertheless, the activities of extractive capital are determined exclusively by the possibility and prospects of 'capital accumulation' or extracting surplus value (profits and resource rent) from production and labor, and to maintain as well as increase the rate of return on their invested capital. The relationship of the mining corporations to 'nature' or the natural environment is reduced to a cost-benefit analysis. For instance, it is a habit for mining capital to drain complete water basins to extract the minerals, to use the basins for consumption by their work force or as toxic waste bins (for instance in the case of the Conga project in the department of Cajamarca). This waste, however, affects, on its turn, the land and the quality of the groundwater (Urteaga, 2011: 41-42).

The impact of mining on the water supply goes beyond the figures that Peruvian authorities are working with and managing. Mining affects the quality of the groundwater reservoirs and modifies its circuits. The hydrological cycle is changed, which affects the system of water generation. The population living in the mining area is confronted by a change in the location of the sources and the quality and volume of the water flows (Urteaga, 2011: 41). The extraction of groundwater, which generally represents an obstacle for mining (Tovar Pacheco, 2012: 356), decreases its volume (decreasing of the water table) as natural reservoir and diminishes its recharging rate (Preciado Jerónimo, 2011: 191). In addition, the extraction of groundwater alters the flows of rivers and creeks and, according to Sosa and Zwartveen (2012: 364), even makes entire upstream lakes disappear.¹⁷ Tovar Pacheco (2012: 356) observes that many wetlands located near underground mines have disappeared because of the decrease in the water table.

Programs of corporate social responsibility reveal much about the nature of a capitalist enterprise. And while it is true that these programs may alleviate the problems of the population, these are not their objectives. Corporate social responsibility programs obscure the real issues at stake and are part, in the case of mining companies, of all those mechanisms that aim to establish and legitimate the extractive model (Svampa, 2009: 48) and to dismantle the conflicts that the presence and activities of extractivist capital cause (Bebbington, 2010: 8-9). These programs also play a strategic role in creating support for their business activities and are tools to divide the opposition against the company.

Corporate social responsibility disappears like snow before the sun when the corporations are in trouble. During the thirty-first Perumin Mining Convention in September 2013, for example, Joseph Picasso, president of the Mining Company Volcan, said that mining in Peru was going through a troubling situation. According to Picasso, production had been falling for years "because of social unrest, delays in the approval of environmental permits, the law of prior consultation and the heavy tax burden on mining, which is higher than Chile and Canada."¹⁸ And at the end of September 2013, the chief executive of the US mining company Newmont began to blackmail the Peruvian government by saying that the company, as of 2015, "would reconsider its delayed Conga gold project—located in the department of Cajamarca— of about US\$ 5,000 million in Peru, after a key local election".¹⁹

¹⁷ Sosa and Zwartveen refer for this information to P. Younger, C. Wolkersdorfer and The Ermite Consortium, "Mining impacts on the fresh water environment: Technical and managerial guidelines for catchment scale management", *Mine, Water and the Environment*, vol. 23, supplement 1, pp. 2-80.

¹⁸ "El Perú solo podrá ejecutar un tercio de los proyectos mineros en cartera", in http://elcomercio.pe/perumin/1633258/noticia-peru-solo-podra-ejecutar-tercio-proyectos-mineros-cartera_1 (consulted 20/09/2013).

¹⁹ "Newmont reconsideraría demorado plan oro Conga en Perú a partir 2015: presidente ejecutivo", in <http://lta.reuters.com/article/businessNews/idLTASIE98N09T20130924> (consulted 24/09/2013). In October

The hypocrisy of Newmont can clearly be demonstrated as the business is a signatory to the “Voluntary Principles on Security and Human Rights.”²⁰ These principles are signed by the governments of the US and the UK, along with extractivist and energy companies and some non-governmental organizations. The principles include, among others, the following statements: “Companies should communicate their policies regarding ethical conduct and human rights to public security providers, and express their desire that security be provided in a manner consistent with those policies by personnel with adequate and effective training”; and “Companies should record and report any credible allegations of human rights abuses by public security in their areas of operation to appropriate host government authorities. Where appropriate, Companies should urge investigation and that action be taken to prevent any recurrence”. That the reality of the people in Cajamarca is different can be shown in the document *Policía mercenaria al servicio de las Empresas Mineras* (2013), prepared by human rights organizations in Peru.

Corporate social responsibility projects of mining companies in Peru started to be developed when social protests against these businesses emerged. The increasing political consciousness of people affected by mining exposed the destructive nature of the mining corporations and forced them to take action. For example, in response to the formation of the Peruvian indigenous organization the National Confederation of Communities Affected by Mining in Peru (CONACAMI for its acronym in Spanish) in 1999, the National Society of Mining, Petroleum and Energy (SNMP for its acronym in Spanish), an association of companies with activities in mining, hydrocarbon and electricity in Peru, created a Committee on Social Affairs with the objective of dealing with these conflicts (De Echave, 2009b: 8).

Programs of corporate social responsibility of transnational companies are supported by the governments of the home countries of transnational mining capital and/or the multilateral institutions of imperialism. For example, in 2006 the European Union launched a 4-year program to support the Peruvian government in its ability to mediate conflicts. Since 2008, the project Poverty Reduction and Relief, sponsored by the US Agency for International Development and several mining companies, is looking to “ease the tensions in the vicinity of the mines” (Triscritti, 2013: 441). In 2009, the Canadian government adopted a corporate social responsibility strategy for the Canadian international extractive sector, with the aim of improving the competitive advantage of their extractive companies by enhancing their ability to manage social and environmental risks.²¹ In 2011, the United Nations Programme for Development (UNDP) began a project valued at US\$ four million, sponsored by the Canadian government, to promote mediation and dialogue between actors in mining conflicts (Triscritti, 2013: 441). In addition, in September 2011 the Minister of International Cooperation of Canada announced in the context of the Andean Regional Initiative²² a

2014, Peru will hold regional elections for new local authorities. The current president of the region of Cajamarca, actually imprisoned on corruption charges, rejects the Conga project.

²⁰ For these principles, see: http://www.voluntaryprinciples.org/wp-content/uploads/2013/03/principios_voluntarios_espanol.pdf (consulted 02/03/2014).

²¹ “Minister Oda announces initiatives to increase the benefits of natural resource management for people in Africa and South America”, in <http://www.acdi-cida.gc.ca/acdi-cida/acdi-cida.nsf/eng/CAR-929105317-KGD> (consulted 24/09/2014). This interest of the Canadian government is completely understandable since, for example, in 2007 50 per cent of all mining projects in Peru were of Canadian origin and were valued at US\$ 4 billion (Gordon and Webber, 2008: 82). According to a newspaper article, in 2013, 90 Canadian companies operated in Peru and the amount of their investments in the extractive sector was something in the order of US\$ 8 billion, in “Perú patrocinará por primera vez un congreso de exploración minera en Canadá”, in <http://www.aguasdigital.com/actualidad/leer.php?idnota=5688624&efenew=1> (consulted 29/10/2013).

²²The Andean Regional Initiative was launched in April 2001. At that time, the program was designed to provide economic support and assistance to the anti-narcotics struggle and had to serve as an extension of

project that “aims to provide access to resources and capacity building for regional and local governments and communities to identify, plan, and manage development projects that address the social and environmental dimensions of the extractive sector and create sustainable economic development. [...] The Initiative also aims to provide an opportunity to promote Effective Partnerships arrangement between extractive sector companies and other stakeholders aimed at socio-economic development and support to governance at the local and regional levels.”²³

Corporate social responsibility has its limits when corporate interests are at stake. For example, the International Council on Mining and Metals (2013:11), an organization of 21 metals and mining corporations, and 34 national and regional mining associations and associations of “global commodities”, wrote in 2013 the following in its document titled *Responsible Mining in Peru*: “The recent conflicts around specific mining projects are perceived to have become more violent. Resistance is well organized, is sometimes politicized and has become more focused on immediate blockages rather than more peaceful protests. Organized crime is also suspected to have become more involved in funding increasingly violent protesters.”²⁴

The cases of Doe Run and the Bear Creek Mining Corporation are other examples that demonstrate that corporate social responsibility programs are only meant to distract public attention from the real issues. In 1997, the US-owned Doe Run Company acquired the state metallurgical company Centromin Peru in the city of La Oroya. When purchasing the corporation, Doe Run also accepted to implement and comply with the Compliance and Environmental Management Programs (PAMA for its acronym in Spanish) of La Oroya.

Although the Peruvian government granted several extensions to the company to comply with PAMA, the company failed to fulfill its obligations. Using the framework of the Free Trade Agreement (FTA) between the United States and Peru, in April 2011 Doe Run, whose majority owner is the Renco Group, formally initiated arbitration proceedings against the Peruvian State, making it the first case of a demand of an investor under this treaty. The arbitral tribunal of the United Nations Commission on International Trade Law (UNCITRAL) was chosen to initiate the process against the Peruvian government. The company claimed a compensation of US\$ 800 million (De Echave and Gomez, 2013: 5, 11-18, 39). In February 2014, Bear Creek Mining Corporation issued an ultimatum to the government. The Peruvian government was ‘granted’ six months to resolve “significant damage to the company”, caused by the cancelation of the mining concession in June 2011 of the Santa Ana project, located in the southern Andean region of Puno

trade preferences and other measures for Colombia, Peru, Bolivia, Ecuador, Brazil, Panama and Venezuela, in <http://fpc.state.gov/documents/organization/24044.pdf> (consulted 06/10/2013).

²³ Source:

http://www.merx.com/English/SUPPLIER_Menu.asp?WCE=Show&TAB=1&PORTAL=MERX&State=7&id=249806&src=osr&FED_ONLY=0&ACTION=&rowcount=&lastpage=&MoreResults=&PUBSORT=2&C_LOSESORT=0&IS_SME=Y&hcode=PhPdPKXD3W0as7m9aOTXMQ%3D%3D (consulted 06/10/2013).

²⁴ This opinion was echoed by the Peruvian government. In an interview Vladimiro Huaroc, Head of the National Dialogue and Sustainability Office, said the following about the anti-mining protests in the Cajamarca department: “There are districts in Celendín, San Ignacio, where you cannot enter. Of course the State can enter, but that means moving troops and we do not want that. We have information and evidence that in the whole area there is drug trade, the United Nations has shown this. These are the opium routes. Apparently there is a very strange mix between the *rondas* (peasant self-defense organizations) and drug sectors. That is why they are not interested in dialogue”, in “Vladimiro Huaroc: “Si no se restablece el estado de Derecho en Cajamarca, puede devenir el descontrol”, in <http://www.larepublica.pe/13-01-2014/vladimiro-huaroc-si-no-se-restablece-el-estado-de-derecho-en-cajamarca-puede-devenir-el-descontrol> (consulted 02/03/2014).

near the border with Bolivia.²⁵ The concession was cancelled “after more than two months of protests of the local population against the mining project and the need to meet local demands and to safeguard the governance of the region” (De Echave and Gomez, 2013: 38).

Finally, it is also interesting to note that corporate social responsibility is being commodified. Financial markets have created rankings and indices of various types to measure and reward the positive impact of effective strategies for corporate social responsibility in the valuation of a company. The Dow Jones Sustainability Indexes and FTSE4Good provide benchmarks and tradables for socially responsible investors (Laplanta and Spears, 2008: 85). In addition, the International Organization for Standardization (ISO) provides a certification for environmental management systems of companies and other organizations (ISO 14001). It is curious to find out that the Yanacocha mine in Cajamarca (Conga Project) was the first mining company to receive this certification in 2008 for all aspects of the mine, although the mine is known worldwide for the environmental damage it has caused.²⁶

6. Conclusion

The fight for a change of Peru’s development model is led by indigenous and peasant communities that currently struggle against mining capital and the state. This battle is a fight against the destructive operations of extractive capital and the dynamics of capitalist development. The struggle of the communities is not only against the cumulative effect of large-scale land grabbing and land privatization, the reduction of the role of the state in the economy, the dismantling of the nation by concentrating wealth in few hands, and the devastatingly negative effects of extractive capital and mining operations on the livelihoods and habitats of the indigenous and peasants communities, but it is also a struggle of resistance against capitalism as a mode of production.²⁷

A change of the economic and development model used by the government to make policy is complicated by the fact that the Peruvian economy is structured in such a way that its modification necessarily implies a revolutionary transformation. The Humala regime may seek to stimulate processes of social inclusion along the lines of the post-Washington consensus on the need for a more inclusive form of development but it is unable to eliminate the structural roots of social inequalities in the distribution of wealth and income, the conditions of which work against the inclusion of the poor in the government’s social programs. The coincidence of economic interest between the agencies of global capital and the Peruvian State, as well as the relation of dependence of the latter on the former (the dominance of capital and dependence of the government on FDI), and above all, the contradictions of extractive capitalism, all militate against the possibility of Peru moving towards a more inclusive, equitable and sustainable form of national development. This would require more than state regulation of extractive capital, or corporate self-regulation based on a regime of corporate social responsibility. It would require dismantling the political, economic and social foundations of the capitalist system. However, a capitalist state, can never remove the

²⁵ “Bear Creek anuncia arbitraje con Perú por Santa Ana si no hay acuerdo”, in http://www.rpp.com.pe/2014-02-07-bear-creek-anuncia-arbitraje-con-peru-por-santa-ana-si-no-hay-acuerdo-noticia_667935.html (consulted 07/02/2014).

²⁶ “Yanacocha receives ISO 14001 certification for mine in Peru”, in <http://www.mineweb.com/mineweb/content/en/mineweb-company-releases?oid=50250&sn=Detail> (consulted 25/07/2014).

²⁷ As Marx (1973) noted, “capital drives beyond national barriers and prejudices as much as beyond nature worship, as well as all traditional, confined, complacent, encrusted satisfactions of present needs, and reproductions of old ways of life. It is destructive towards all of this, and constantly revolutionizes it, tearing down all the barriers which hem in the development of the forces of production, the expansion of needs, the all-sided development of production, and the exploitation and exchange of natural and mental forces.”

foundations of its own existence, and Peru is undoubtedly a capitalist state, which is structured to advance the interests of global capital rather than the people.

The conclusion that we draw from this is that the social transformation of Peru is possible if not likely, but that it requires a change in the correlation of class forces, the mobilization of the forces of popular resistance against extractivism, neoliberalism and capitalism—and the institution of a revolutionary development strategy. But a discussion of the dynamics of this development and the struggle involved are beyond the scope of this paper.

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