




Aggression against Máxima Acuña-Atalaya de Chaupe and violent repression of protests

 **Minera Yanacocha**

 Peru

 Gold mine

 IFC

Máxima Acuña-Atalaya de Chaupe and her family are indigenous subsistence farmers who live in the highlands of Cajamarca, Peru. For years, they have suffered harassment and surveillance. Minera Yanacocha, a company controlled by the U.S.-based Newmont Mining Corporation, operates large-scale mining projects across the region. Newmont had plans to expand its gold mining operations in Cajamarca and acquired most of the land that it needed for the project, except for the Chaupes' farm.

A land dispute between the company and the family, which began in 2011, has escalated over the years. According to Máxima, Newmont agents have repeatedly used extrajudicial measures in an attempt to forcefully evict the family. In August 2011, for example, Máxima reported that company agents—accompanied by local police—destroyed the family's home, set fire to their huts, destroyed their crops, and physically assaulted her and her family.¹ Both the Chaupes and Newmont have brought the dispute to courts in Peru and the United States. Newmont did not respond to a request for comment.

Máxima on her land.



Goldman Prize


From the start, the World Bank's International Finance Corporation (IFC) has been an active partner in Newmont's mining operations in Peru.² From 1993 to 1999, the IFC provided a series of loans to help build, and later expand, the Yanacocha gold mine.³ The IFC also bought a 5% equity stake in Minera Yanacocha, which it maintained for over 20 years.⁴

Well before the Chaupe conflict started, relations between the company and the local communities grew tense. Local residents began to protest the Yanacocha mine for its perceived effect on local water sources including concerns that discharge from the mine was polluting drinking water. In 2000, a tanker truck from the mine spilled 330 pounds of mercury, poisoning around 1,000 people in the watershed.⁵

Throughout the 2000s, protests shut down Yanacocha's mining operations for days or weeks at a time.⁶ On multiple occasions, security forces acting on behalf of the company responded with violence. In 2006, two people—a farmer and an environmental activist who had both expressed opposition to Minera Yanacocha—were killed under suspicious circumstances.⁷

In July 2011, Newmont's board approved funding for the US\$4.8 billion expansion of the Conga mine in Cajamarca, on the lands near the Chaupes' home.⁸ Máxima alleges that the company's harassment of her family began around this time.

In November 2011, an estimated 10,000 people flooded the streets of Cajamarca to protest the Conga project, which many believed would have devastating impacts on local water supplies.⁹ The protesters blocked roads and shut down the airport, while military forces converged on the area. At least one peaceful protester was shot and left paralyzed.¹⁰ The President of Peru declared a months-long state of emergency and on August 2012, the government suspended the Conga expansion.¹¹



Maxima Acuña-Atalaya de Chaupe

In July 2012, a large protest took place in the city of Celendín against mining activities in Cajamarca. Police and military forces fired on the protesters during violent confrontations. Four civilians were killed, and 16 were wounded by gunfire. An investigation by Human Rights Watch concluded that the security forces were not facing an imminent threat when the fatal shots were fired.¹²

Since 2001, Minera Yanacocha workers and community members in the region have filed eleven separate complaints to the IFC's Compliance Advisor Ombudsman (CAO) related to impacts on worker health and safety, land rights and water quality.¹³ The CAO has played an active role in efforts to resolve company-community tensions, including setting up a stakeholder dialogue between the company and communities.¹⁴ Three of the complaints remain open and are pending appraisal or investigation.¹⁵

Even though Newmont suspended the project, the company's land dispute with the Chaupes has continued. Both parties claim to have rights to the land. The Chaupes allege that security forces have continued to harass and attack them during this time, keeping them under constant surveillance, while destroying property, killing livestock, digging up crops, and stopping family members at checkpoints.¹⁶ Newmont argues that it is engaging in lawful "defense of possession" against squatters, which it cannot cease without losing its claim to the land. In 2016, Maxima was awarded the Goldman Environmental Prize in recognition of her resistance to the Conga project.

In September 2016, a third party fact-finding mission commissioned by Newmont found that the information needed to resolve the land rights question between the Chaupes and the company was "contradictory and incomplete." It also concluded that "the human

rights of the Chaupes have been at risk when they are on [the disputed land]," and that Newmont had not conducted appropriate human rights due diligence on the situation.¹⁷

In October 2015, Elmer Campos, who was left paralyzed after being shot by police during the protests against the Conga expansion, joined Maxima to address members of the World Bank's Board of Directors.

*"They keep shooting us, leaving dead, leaving orphans, spilling so much blood," said Elmer. "They keep fooling our country saying there is economic progress, while Cajamarca is one of the poorest departments. We want the project declared inviable."*¹⁸

In response, a World Bank Director argued that to stay away from socially conflictive environments would be the "easy" approach and that instead, "the issue is the Bank's commitment to improve things and to face conflicts and violence responsibly and find solutions."¹⁹ At the time that IFC purchased part ownership in the company in 1993, the IFC's Environmental and Social Performance Standards were not applied to Yanacocha or any other equity agreements.²⁰ At the same time, local activists find no evidence that IFC utilized its shareholding to influence Yanacocha's behavior or made any public pronouncements in support of the rights of local communities.²¹

In December 2017, the IFC sold its stake in the Yanacocha mining project, citing the benefits of its 24-year investment for Peru and local communities.²²

Today, the Conga expansion project remains suspended. The land dispute between Newmont and the Chaupes continues.²³

Endnotes

- 1 Máxima Acuña-Atalaya, et. al. Vs. Newmont Mining Corporation, et. al. (United States District Court for the District of Delaware, 2017), https://earthrights.org/wp-content/uploads/acuna_v_newmont_complaint_-_final_0-1.pdf.
- 2 Ibid.
- 3 The IFC provided \$23 million to help Newmont build the project, as well as a \$60 million loan in 1999 to expand the project. Yanacocha III, No. 9502, International Finance Corporation, Approved: June 16, 1999, <https://disclosures.ifc.org/#/projectDetail/SPI/9502>.
- 4 Ibid.
- 5 “The IFC at fifty: All that glitters is too much gold,” Bretton Woods Project, September 11, 2006, <http://www.brettonwoodsproject.org/2006/09/art-542312/>.
- 6 This included, for example, protests against Minera Yanacocha’s proposed development of the Cerro Quilish mine near Cajamarca. The company halted the project due to public opposition.
- 7 “Conga No Va: An Assessment of the Conga Mining Project in Light of World Bank Standards,” Conga No Va Coalition of social organizations from the Provinces of Ccelendín and Hualgayoc in the Region of Cajamarca, Peru (2015), <http://www.conganova.com>.
- 8 Máxima Acuña-Atalaya, et. al. Vs. Newmont Mining Corporation, et. al. (United States District Court for the District of Delaware, 2017), https://earthrights.org/wp-content/uploads/acuna_v_newmont_complaint_-_final_0-1.pdf.
- 9 Teresa Cespedes, “Peru anti-mine roadblock lifted, government calls talks,” Reuters, December 3, 2011, <https://www.reuters.com/article/us-peru-newmont-conga-idUSTRE7B20Q520111203>.
- 10 During these events, the police were acting under contract with Minera Yanacocha for the provision of security services at the Conga concession site. Factsheet: Campos-Alvarez v. Newmont Mining Corp., Seeking Justice for Anti-Mining Protesters Injured by Police in Peru, December 2017, <https://earthrights.org/wp-content/uploads/Factsheet-Campos-Alvarez-v-Newmont-1.pdf>; “Campos-Alvarez v. Newmont Mining: Shooting Peaceful Mine Protesters in Peru,” EarthRights International, December 22, 2017, <https://earthrights.org/case/campos-alvarez-v-newmont-mining>.
- 11 “Newmont mine on ‘back burner’: Peru cabinet chief,” Reuters, August 23, 2012, <https://www.reuters.com/article/us-peru-mining-newmont-idUSBRE87M0MK20120823>.
- 12 “Peru: Prevent Unlawful Killings of Protesters: Uphold International Norms for Use of Force and Military Jurisdiction,” Human Rights Watch (2012), <https://www.hrw.org/news/2012/09/20/peru-prevent-unlawful-killings-protesters>.
- 13 “Region: Latin America & the Caribbean,” Compliance Advisor Ombudsman (CAO), http://www.cao-ombudsman.org/cases/default.aspx?region_id=3.
- 14 “Peru / Yanacocha-02 / Cajamarca,” Compliance Advisor Ombudsman (CAO), March 1, 2001, http://www.cao-ombudsman.org/cases/case_detail.aspx?id=111.
- 15 “Peru / Yanacocha-09/Cajamarca,” Compliance Advisor Ombudsman (CAO), January 27, 2017, http://www.cao-ombudsman.org/cases/case_detail.aspx?id=1257; “Peru / Yanacocha-10/Cajamarca,” Compliance Advisor Ombudsman (CAO), May 10, 2017, http://www.cao-ombudsman.org/cases/case_detail.aspx?id=1258; “Peru / Yanacocha-11/Cajamarca,” December 6, 2017, http://www.cao-ombudsman.org/cases/case_detail.aspx?id=1268.
- 16 Máxima Acuña-Atalaya, et. al. Vs. Newmont Mining Corporation, et. al. (United States District Court for the District of Delaware, 2017), https://earthrights.org/wp-content/uploads/acuna_v_newmont_complaint_-_final_0-1.pdf.
- 17 “Tragadero Grande: Land, human rights, and international standards in the conflict between the Chaupé family and Minera Yanacocha,” Resolve (2016), http://www.resolve.org/site-yiffm/files/2015/08/YIFFM-report_280916-Final.pdf.
- 18 “Proyecto Conga: Máxima Acuña y Elmer Campos llevaron su reclamo al Banco Mundial” [“Conga Project: Máxima Acuña and Elmer Campos presented their claim to the World Bank”], Servindi, October 13, 2015, <https://www.servindi.org/actualidad/141437>.
- 19 Ibid.
- 20 Protocols were updated in 1998 to cover equity agreements. “Extractive industries and sustainable development: an evaluation of world bank group experience” IFC sustainability fact sheet, World Bank, Vol 3 2003, p. 127, <https://openknowledge.worldbank.org/bitstream/handle/10986/7368/32671.pdf?sequence=1&isAllowed=y>
- 21 “Proyecto Conga: Máxima Acuña y Elmer Campos llevaron su reclamo al Banco Mundial” [“Conga Project: Máxima Acuña and Elmer Campos presented their claim to the World Bank”], Servindi, October 13, 2015, <https://www.servindi.org/actualidad/141437>.
- 22 “IFC Completes Engagement With Peru’s Yanacocha Gold Mine,” International Finance Corporation (IFC), http://www.ifc.org/wps/wcm/connect/industry_ext_content/ifc_external_corporate_site/ogm+home/priorities/mining/yanacocha-gold-mine_english.
- 23 “Peruvian Farming Family Wins Important Appeal in Case to Hold Mining Giant Accountable for Abuse” [Press Release], Earthrights International, March 21, 2019, <https://earthrights.org/media/peruvian-farming-family-wins-important-appeal-in-case-to-hold-mining-giant-accountable-for-abuse/>.