

Land Grabbing: Peruvian farmer wins David-and-Goliath battle against US mining giant

Sunday 24 April 2016, by [ACUÑA de CHAUPE Máxima](#), [BALCH Oliver](#), [COLLYNS Dan](#) (Date first published: 21 April 2016).

The story of Acuña - a subsistence farmer from Peru - is a lesson that even the world's largest companies can be held to account by activists.

As owner of some of the largest and most lucrative gold mines in the world, Newmont Mining Corporation is used to getting its own way. Not in Peru though. In a David-and-Goliath battle, community activists have, so far, succeeded in seeing off the creation of a \$5bn (£3.8bn) open-caste mine next to a pristine lake.

At the centre of that battle is Máxima Acuña de Chaupe, a 47 year-old subsistence farmer who owns an 60-acre plot of land precisely where Newmont's local joint-venture, Yanacocha, wants to dig. Acuña's refusal to sell up, despite huge pressure and persistent threats, has effectively stalled the proposed Conga mine. A spokesperson for Newmont has said that it does not anticipate developing the mine in the foreseeable future [1].

As Newmont's shareholders gather at the corporation's Denver, US, headquarters, mother-of-four Acuña has been in San Francisco to receive the prestigious Goldman Environment prize. Of the prize's six winners this year, she is among three involved in resisting land grabs by private companies - a stark indication of the rise in land-related conflicts around the world [2].

Acuña's resistance is testimony to her own resilience. Her refusal to sell up has resulted in claims of physical assault, surveillance and being taken to court multiple times. Despite judicial support for her land claim, Newmont's joint venture has "peacefully" destroyed all her crops twice in the last few months [3].

But, with all due respect to Acuña's dogged determination, responsibility for stopping a multibillion-dollar mine does not fall to her efforts alone. Credit must also be given to the network of national and international campaign groups that have mobilised in support of her cause over recent years.

"Solidarity is essential. It's the only way of bringing a counterweight to the power of economic might and the power of corruption," says Mirtha Vasquez, a lawyer with Peru-based charity Grufides, which offers legal assistance to landholders threatened by extractive projects.

Such solidarity expresses itself in a variety of ways. A human rights observer working for the Belgian charity Catapa recently spent a month at Acuña's family home working as a human rights observer. The charity also ran a successful crowdfunding campaign [4] late last year to raise money to buy Acuña's some cows to supplement her income.

Another charity coming to the aid of small landowners such as Acuña is Front Line Defenders. This Dublin-based campaign group offers grants of up to €7,500 (£5,907) to cover the cost of satellite phones, CCTV, temporary rehousing and other measures required for landowner's personal security.

It also offers training to build up the campaigning and communications' capacities of local non-profits.

"One of the tactics that they [corporations] use is to divide and conquer by pitting communities against one another. And because a lot of these communities aren't plugged in technologically, it's very easy for misinformation and disinformation to spread," says Adam Shapiro, head of campaigns at Front Line Defenders.

Direct advocacy is another way international non-profit groups can have influence. This time last year, Acuña's lawyer Vasquez attended Newmont's annual shareholder meeting at the invitation of the charities Earthworks and EarthRights International. Similarly, Frontline Defenders has brought Acuña's case to the attention of institutions such as the Inter-American Commission for Human Rights.

Raising international awareness and public support is arguably where the impact of global solidarity networks really kicks in. In the age of the internet and social media, the ability for marginalised voices to be quickly amplified is vast. In February last year, for example, Acuña's story was tweeted, shared on Facebook and emailed as part of a World Day of Action dedicated to her [5].

Social media has revolutionised the reach of campaign groups, says Hannibal Rhoades, European co-ordinator for Yes to Life, No to Mining, a global coalition of 55 charities and non-profit networks. "A good newspaper article could be shared maybe 10,000 times, say, but if you get a video out there [online] that touches a cord and is used at the right time you can get millions of views," he says.

Global corporations are litigious beasts, however, and can be quick to sue land rights activists for defamation. Getting your facts right is therefore essential. Leng Ouch, another winner of this year's Goldman Environment prize [6], has dedicated most of his adult life to precisely that end: digging up hard data on corporate collusion that is leading to the destruction of Cambodia's rainforest.

Information revealed through the investigative efforts of Ouch and his colleagues at the Cambodia Human Rights Task Force contributed to a national moratorium on new land concessions in forest areas. It also helped mobilise international campaign groups such as Global Witness to launch investigations of their own [7].

The law can be used in support of land rights activists as well as against them. Acuña's ability to prove the legality of her land claim in court is what's fundamentally prevented her eviction. All too often marginalised groups lack secure land rights, however, leaving them vulnerable to counterclaims by companies.

Oliver Balch

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<http://www.theguardian.com/sustainable-business/2016/apr/21/peru-farmer-wins-battle-newmont-mining-corporation>

Goldman prize winner: 'I will never be defeated by the mining companies'

Maxima Acuña de Chaupe has won a major environmental prize for defending her land from the biggest gold-mining project in South America.

A subsistence farmer in Peru's northern highlands, Maxima Acuña de Chaupe stood up for her right to peacefully live off her own land, a property sought by Newmont and Buenaventura Mining to develop the Conga gold and copper mine.

Environmental activism may not have been what Maxima Acuña de Chaupe had in mind when in 2011 she refused to sell her 60-acre plot of land to the biggest gold-mining project in South America.

She did not belong to any movement or organisation but she doggedly held on to her land in spite of her claims of beatings, death threats, intimidation and court proceedings, becoming a symbol of resistance in her native Peru and above all its northern region of Cajamarca which rejected the \$4.8bn Conga gold mine after five demonstrators were killed in clashes with the police in 2012.

In 2011, the Peruvian government granted a 7,400-acre mining concession for the Conga Mine to US-firm Newmont Mining, the majority shareholder, and Peruvian mining company Buenaventura. The plan was to mine two freshwater lakes for gold and copper while draining two more to use as dumps for toxic mining tailings.

But Maxima Acuña - and the farm where she grows potatoes and rears guinea pigs - stood in the way.

The Goldman prize - the world's most prestigious environmental award - is in recognition of the courage she has shown in so far preventing the mine from destroying the two highland lagoons, her farm, and the supply of fresh water for thousands more people.

"In Cajamarca, we know what mines can do. In no time it would have poisoned the trout and the livestock. If we don't have water we don't have a life or a future," she told the Guardian. Since refusing to sell her home she claims she has been constantly spied on by Peruvian police working as security contractors for the mine; she and her daughter have twice been beaten unconscious and her home twice demolished.

She recalls the first time: "I was grabbed by six police men, three on each arm grabbed me from behind and they beat with their batons, they threw me to the ground then beat my son, who was taking photos, on the arms and chest and took away his cell phone.

"The special forces police hit my daughter in the head with the butt of the machine gun. Four of them cornered my youngest son and pointed their machine guns at him, warning him not to shout, not to call out, not to try and run," she said.

In a bid to evict her, Newmont took Acuña to court in 2012 accusing her of illegally squatting on the land which it claims to have bought. The local court ruled in Newmont's favour, giving Acuña and her family a suspended prison sentence of almost three years and a fine of nearly \$2,000 - a large sum for a subsistence farmer in Peru.

Acuña appealed the decision in 2014, arguing that they had owned the land since 1994. A higher court lifted the criminal charges against Acuña and Newmont was ordered to stop its eviction proceedings.

But, the issue of land ownership was not settled and Acuña continues to be summoned to a local court accused of illegally squatting on the mine's land, says her lawyer Mirtha Vasquez, of local NGO Grufides. Mine security personnel intimidate bus drivers not to allow her or any of her family onto their buses, forcing them to walk for up to eight hours to nearest town, she claimed.

As recently as February this year she says thugs raided her home, destroying her crops and slitting her dog's throat. It survived after emergency veterinary treatment. She says that after living with intimidation and harassment for more than five years she says she feel "energised and encouraged to know there are people standing beside me".

"I never had the chance to go the school, I never had to chance to learn even a letter but I know how to resist, to fight and that's why I will never be defeated by the mining companies," she said.

A spokesperson for Newmont said that it no longer anticipates developing the mine in the foreseeable future, and that several of the allegations made against it are "just factually incorrect and unsubstantiated."

In a series of documents, it said that the dog appeared to have been injured by barbed wire and not by company personnel, the company had removed potatoes from its property but not the family's land, and it says it has acted lawfully, in the presence of Peruvian police, removing illegal structures from its land.

It said it was not monitoring the family with a video camera it had installed as it was not facing their building, but it was monitoring company property following a number of incidents of vandalism and theft. Newmont said that it had acted in good faith showing respect to neighbouring communities and there is no evidence of violence having been used against the Chaupe family.

"Regretfully, despite repeated direct and indirect attempts, we have not succeeded in securing agreement from the Chaupe family or civil society organisations to establish a dialogue to reach a resolution. However, we will continue to seek ways to establish good-faith dialogue," the company says in the documents.

At least 61 activists have been killed in Peru over the last decade, with almost 80% of deaths related to mining, according to human rights NGO Global Witness, making the country the fifth most dangerous place to be an environmental activist.

Peru recently weakened its environmental laws in order to boost mining investment. It also made it easier for the police and army to get away with killings by reducing their criminal responsibility if they cause injury or death on duty.

"The miners are taking the gold from Cajamarca but that gold is bathed in blood, so many tears have been shed by poor people here, people have been killed for defending the water and the land. The miners don't assume their responsibility for that," Acuña said.

Dan Collyns in Lima

* The Guardian. Tuesday 19 April 2016 14.23 BST:

<http://www.theguardian.com/environment/2016/apr/19/goldman-prize-winner-i-will-never-be-defeated-by-the-mining-companies>

Footnotes

- [1] <http://www.thestreet.com/story/13464462/2/newmont-mining-nem-earnings-report-q4-2015-conference-call-transcript.html>
- [2] <http://www.theguardian.com/sustainable-business/2015/aug/06/land-disputes-conflict-nestle-coca-cola-unilever>
- [3] <http://www.newmont.com/newsroom/newsroom-details/2016/Yanacocha-Exercised-New-Peaceful-Defense-of-Possession/default.aspx>
- [4] <http://www.worldofcrowdfunding.com/en/cowfund-acuña-chaupe-family-their-struggle-protect-lagoons#project-content-placeholder>
- [5] https://www.earthworksaction.org/earthblog/detail/stand_with_maxima_acuna_de_chaupe#.Vxv8YWMUz4e
- [6] <http://www.theguardian.com/environment/2016/apr/18/cambodia-environmental-activist-wins-goldman-prize-ouch-leng>
- [7] <https://www.globalwitness.org/en/campaigns/forests/cost-of-luxury/>