

PERU'S DEADLY ENVIRONMENT



global witness

THE RISE IN KILLINGS OF
ENVIRONMENTAL AND LAND DEFENDERS



Quant à la manière dont ils s'unissent

PERU’S DEADLY ENVIRONMENT

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EXECUTIVE SUMMARY

Below: Four indigenous leaders, including Edwin Chota, were recently killed by suspected illegal loggers. Their community of Alto Tamaya-Saweto continues to struggle for recognition of its land rights in the Peruvian Amazon. © Emory Richey.



The world’s attention will be on Peru this December, as governments from 195¹ countries convene in the capital Lima for the 2014 UN Climate Conference. As delegates negotiate a global deal aimed at averting catastrophic climate change, a parallel human rights crisis is unfolding in Peru and around the world. An increasing number of people on the frontline of the fight to protect the environment are being killed.

The recent murders of Peruvian indigenous leader Edwin Chota and three of his colleagues, who died trying to defend their land in the Amazon from illegal logging, are part of a global trend in violent crime against activists. Global Witness research, published earlier this year, shows that on average, two such ‘environmental and land’ defenders are being killed each week around the world,² a rate that has been increasing in recent years. Governments aren’t doing enough to stop it.

As global demand for natural resources intensifies, more and more ordinary people are having to defend their rights to land and the environment from corporate or state abuse. Many of the killings stem from conflicts over the ownership and use of land, particularly in the face of expanded mining and logging activities. An estimated 93% of extractive and agriculture projects happen on land that is already inhabited.³ Our research found that Peru is the world’s fourth deadliest country to be an environmental or land defender, behind Brazil, Honduras and the Philippines. Between 2002 and 2014, at least 57 such activists were killed in Peru.⁴ More than half died during the last four years.

In few countries is the critical role of leaders like Edwin Chota in the fight to prevent environmental destruction more apparent than in Peru. The country is home to an area of rainforest roughly the size of Germany and Norway combined.⁵ The destruction of tropical forests around the world is one of the largest sources of emissions contributing to climate change, and deforestation rates in Peru doubled in 2012 from the previous year,⁶ accounting for nearly half its annual greenhouse gas emissions.⁷

Peru’s forests are home to more than 300,000 indigenous peoples,⁸ such as Chota’s Ashéninka group, who claim rights to their

EXECUTIVE SUMMARY

Continued

traditional lands. The realisation of indig-
enous land rights has proven to be one of the
most effective ways to curb deforestation,⁹ but
communities are not receiving the support
and protections they need. There are current-
ly over 20 million hectares (ha) of indigenous
land claims in the Peruvian Amazon that the
government has failed to process.¹⁰

Although Peru has made commitments to
protect its rainforest, stating its intention to
reduce net deforestation to zero by 2021 and
recently signing a US\$300 million agreement
with the Government of Norway in support of
its ambitions,¹¹ progress will not be achieved
unless the underlying governance issues that
plague the forest sector are addressed. Major

challenges include lack of law enforcement,
unchecked illegal logging, insecure land
tenure and corruption. Illegal logging is worth
1.5 times the value of legal timber exports
in Peru,¹² whilst corruption among public
officials is endemic in the Amazon region.¹³
Other threats to forest protection from in-
frastructure and mining projects are marked
by secretive decision-making and a lack of
consultation with affected communities.¹⁴

Recent moves by Peru’s government to
weaken environmental and land rights
legislation¹⁵ have raised the stakes further
for activists. Before his death, Edwin Chota
repeatedly called for recognition of his
community’s land rights and for government

action to prevent illegal logging, but his calls
went unheard. Unless more is done to address
the underlying factors that led to Chota’s
death and the impunity enjoyed by those
behind his killing, environmental leaders like
him will continue to be at risk. Peru’s hosting
of the UN climate conference next month
presents an opportunity for the country to
demonstrate its commitment to protecting
human rights and the environment. The lives
of citizens protecting their land and environ-
ment may depend on it. Peru must seize this
opportunity; the government and its policies
will be in the international spotlight in
December, it must not return to the shadows
once that spotlight has moved.

RECOMMENDATIONS

Peru’s government should:

- Implement and respect all of the provisions
set out in the UN Declaration on Human
Rights Defenders,¹⁶ the Organisation of
American States’ resolution on human
rights defenders,¹⁷ and relevant domestic
laws to protect human rights and environ-
mental advocates like Edwin Chota, and
hold perpetrators of violence and intimidat-
ion to account.
- Revoke law 30151 that weakens protections
for peaceful protestors by extending immu-
nity to Peru’s security agencies for the use
of force in certain situations.
- Process pending indigenous land claims
that cover over 20 million ha of forest, and
realize the rights of Peru’s indigenous com-
munities as enshrined in the UN Declara-
tion on the Rights of Indigenous Peoples.
- Improve coordinated law enforcement
efforts to tackle illegal logging in the forest
sector, by assigning more resources to the
Multi-Sectoral Commission against Illegal
Logging (CMLTI) and the Regional Environ-
mental Prosecutor’s Offices.
- Investigate the alleged corrupt links be-
tween public officials and illegal loggers in
Ucayali and prosecute where corruption is
identified.
- Revoke law 30230¹⁸ that weakens Peru’s
environmental protection procedures and

institutions, and prioritises investments in
agriculture and the extractive sector over
land where there are pending indigenous
land claims; strengthen and apply adequate
resources to the National Service of En-
vironmental Certification for Sustainable
Investments (SENACE), the body entrust-
ed with improving Peru’s environmental
impact assessment framework.¹⁹

In light of these recommendations, the
international community should publicly
call on the Peruvian Government to ensure
the protection of environmental and land
defenders, bring perpetrators to account
and strengthen the country’s land rights and
environmental procedures and policies in the
build up to the 20th UN Climate Conference
in Lima.



Right: Recent killings of environmental and land defenders in Peru
are related to the struggle against illegal logging. © Getty.

GLOBAL KILLINGS ON THE RISE

As world leaders prepare to meet for the UN
climate convention in Lima this December
to discuss a global deal to reduce greenhouse
gas emissions, ordinary citizens are being at-
tacked and killed for defending their land and
environment from increasing threats. In April
2014, Global Witness’ report Deadly Environ-
ment showed that between 2002 and 2013,
there were 908 known killings of activists
around the world.²⁰ The number of killings
attributable to the protection of land and the
environment is subject to revision as data
improves, but the rate is clearly increasing,
with three times as many people killed in 2012
than in any of the 10 previous years. Latin
America and Asia Pacific are the worst-affected
regions, and indigenous groups particular-
ly hard-hit overall. In many cases indigenous
land rights are not recognised in law or

practice, leaving communities vulnerable to
exploitation by powerful economic interests
that brand them as ‘anti-development’.

This crisis is poorly understood, and efforts
to address it woefully inadequate. A lack of
systematic monitoring means that publicly
available information relating to violence
against environmental and land defenders is
hard to find and even harder to verify. Global
Witness’ attempt to quantify the global death
toll should be considered a conservative
estimate. This opacity is likely both a cause
and effect of the culture of impunity that
surrounds these deaths. Stunningly, only
one per-cent of documented cases saw a con-
viction. National governments and judicial
systems are routinely failing to protect their
citizens from harm.



Below: The UN Climate Conference in Lima will put Peru’s environmental and
human rights record under the spotlight. © Marcos González Valdés.

PERU IN THE SPOTLIGHT

Peru is the world’s fourth most dangerous
country to be an environmental and land
defender. According to Global Witness’s most
recent analysis, at least 57 of such activists
were killed between 2002 and the present day,
with 60% of them occurring in the last four
years*. The majority of these deaths stemmed
from conflicts over mining projects.²¹ Peru’s
failure to adequately address community

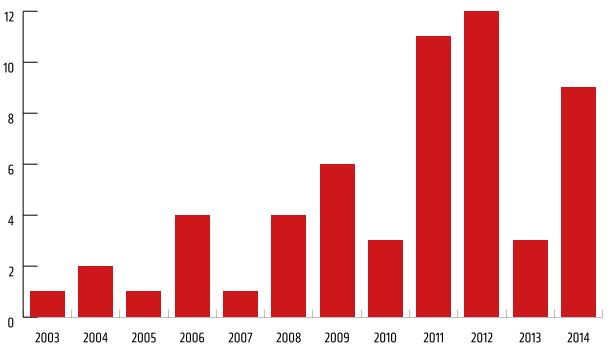
grievances around increasing pressures from
extractive industries has in many cases led to
violence against protestors. For example five
demonstrators were killed in the highlands
region of Cajamarca in 2012 in clashes with
police over concerns that a proposed mine
would harm the local water supply.²²

Recent trends in conflict over Peru’s natural
resources have pointed to the forest sector.
The lack of attention shown by Peru’s govern-
ment to resolve the twin problems of illegal
logging and insecure land tenure has given
rise to increased violence against indigenous
communities. In 2013 the high profile murder
of Mauro Pio Peña, an indigenous leader who
spoke out against illegal logging, shone the
spotlight firmly on these forest governance
issues.²³ This was followed in September
2014 by the murders of Edwin Chota and

three members of the Ashéninka community,
all indigenous environmental activists, by
suspected illegal loggers.²⁴ Chota and his col-
leagues were persistent denouncers of illegal
logging in their home region of Ucayali in Pe-
ru’s Amazon. Since 2002 their community has
been seeking legal recognition of the rights to
their ancestral lands, calling for the govern-
ment to deliver on its promise to formally title
indigenous territories.

These deaths paint a stark portrait of the
problems afflicting Peru’s forest and mining
sectors, calling into question the seriousness
of the government’s international human
rights and environmental commitments in
the run-up to its hosting of the December
2014 climate conference, and demanding
attention on Peru’s efforts to address these
problems once the conference is over.

Number of known killings of environmental and land defenders in Peru by year



*In April 2014 we reported 58 known killings of environmental and land defenders in Peru. The new figure of 57 includes killings up to this report’s pub-
lication date, and the change is due to the exclusion of certain cases that following further investigation did not meet our strict criteria. Due to low levels
of reporting of killings, and a lack of official data collection, new historic cases frequently come to light, and existing figures are also subject to revision in
light of emerging information. The historic trajectory of killings is clearly rising, but figures can vary in the short term subject to on-going scrutiny

INDIGENOUS RIGHTS TO THEIR LAND UNDERMINED

Across Latin America, secure land tenure for indigenous communities has proven to be one of the most effective ways to reduce deforestation.²⁵ But the Peruvian Government has been heavily criticized by the country’s largest indigenous network, AIDSEP, for its failure to prioritise the processing of over 20 million ha of pending indigenous land title applications in the Amazon.²⁶ While a US\$300 million ‘Declaration of Intent’ with the Government of Norway outlines measures to accelerate the titling process, it remains to be seen how committed the government of

Peru is to tackling this longstanding problem. Peru’s indigenous groups have warned that if the Norway deal is to be a success, Peru must first improve its “policy and practices on forests and indigenous peoples’ rights.”²⁷

The deaths of Chota and three other Ashéninka leaders showcase the dangers of fighting for recognition of indigenous land. Ensuring secure land tenure for indigenous territories would be a sign not only of Peru’s commitment to halt forest loss but also of its desire to confront the governance problems

that led to the killings of these activists. Unfortunately, the passing of law 30230 by Peru’s Congress in July 2014 raises serious doubts over the country’s willingness to do this. The law grants extended land use rights to investors for the expansion of large-scale agriculture, mining, logging and infrastructure projects.²⁸ Civil society groups have highlighted the potential threat to indigenous lands the law poses, given that 72 percent of indigenous communities still do not have legal recognition of their rights to their traditional territories.²⁹

THREATS TO FOREST PROTECTION

Peru’s vast forests face increasing threats from logging, extractive and infrastructure projects. Peru has 73 million ha of forest covering 57 percent of its land area,³⁰ the fourth largest area of tropical forest of any country.³¹ Deforestation in Peru accounts for almost half its greenhouse gas emissions,³² with the rate of destruction more than doubling between 2011 and 2012 to 246,000 ha annually.³³ Widespread illegality,³⁴ corruption³⁵ and institutional weaknesses across the forest sector³⁶ means Peru and its international partners face a daunting struggle to fulfil promises to improve outcomes for the country’s forests.

In response to these threats, at the 2009 Copenhagen climate conference, Peru announced its intention to reduce net deforestation to zero by 2020. The following year the government launched the National Program to Conserve Forests for the Mitigation of Climate Change, which aspires to conserve 54 million ha of forest.³⁷ The recent agreement with Norway aims to fulfil these commitments by providing US\$300 million to Peru to address forest loss in the Amazon as well as to formalize indigenous land rights.³⁸ However, for this support to be effective Peru must respect indigenous rights and reverse the recent weakening of legal protections for human rights and the environment. Implementation of measures designed to improve forest governance should be effective and properly resourced. Unfortunately, to date, law enforcement in Peru’s Amazon region has been woefully inadequate, exemplified by uncontrolled rates of illegal logging.

The rampant illegality in Peru’s logging industry illustrates the scale of the country’s

forest governance problems. In 2003 the International Tropical Timber Organisation (ITTO) estimated Illegal logging to account for between 70 and 90 percent of trade.³⁹ Recent evidence indicates little has changed. For example, a recent independent analysis of Peru’s logging sector found that more than two-thirds of logging concessions inspected by the government between 2005 and 2012 were suspected of major violations of the law.⁴⁰ The research concluded that “logging permits based on falsified annual plans are widely used to harvest trees in unauthorized areas.”⁴¹

A 2012 report by the Environmental Investigation Agency went further in its claims, suggesting that corruption and illegality is the norm, not the exception, in Peru’s logging industry.⁴² The report tellingly highlighted the dangers faced by those attempting to change the system, emphasising the risk of physical attack.⁴³ Despite these failures in forest governance, Peru recently announced plans for an additional 5 million ha of logging concessions,⁴⁴ potentially exacerbating an already unmanageable situation. Peru must undertake systemic measures to improve law enforcement efforts in the forest sector, for example by assigning more resources to the Multi-Sectoral Commission against Illegal Logging (CMLTI) and to the Regional Environmental Prosecutors Offices.

Other major threats to forest protection in Peru, like large-scale infrastructure and extractive projects, have been dogged by poor decision-making, lack of consultation, and conflict. Global Witness’ research in 2012 uncovered suspected corruption at the local government level around plans for the

Purús highway, a road project that would have violated Peru’s laws on national parks and protected areas for ‘uncontacted’ indigenous peoples.⁴⁵ In Bagua, also in the Peruvian Amazon, at least 32 people were killed in June 2009 during clashes between the police and protestors opposed to proposed laws that would have facilitated mining companies’ access to indigenous land⁴⁶ and which indigenous communities were never consulted on.⁴⁷

Unless Peru’s government acts to address these underlying governance problems, its commitments to forest preservation and climate change mitigation will remain unfulfilled, and communities trying to protect their land and forests will continue to face lethal consequences.

Below: Despite government commitments to halt forest loss, Peru’s deforestation rate doubled between 2011 and 2012. © Getty/National Geographic.



REGRESSIVE LAWS MAY PROVOKE FURTHER CONFLICT AND VIOLENCE

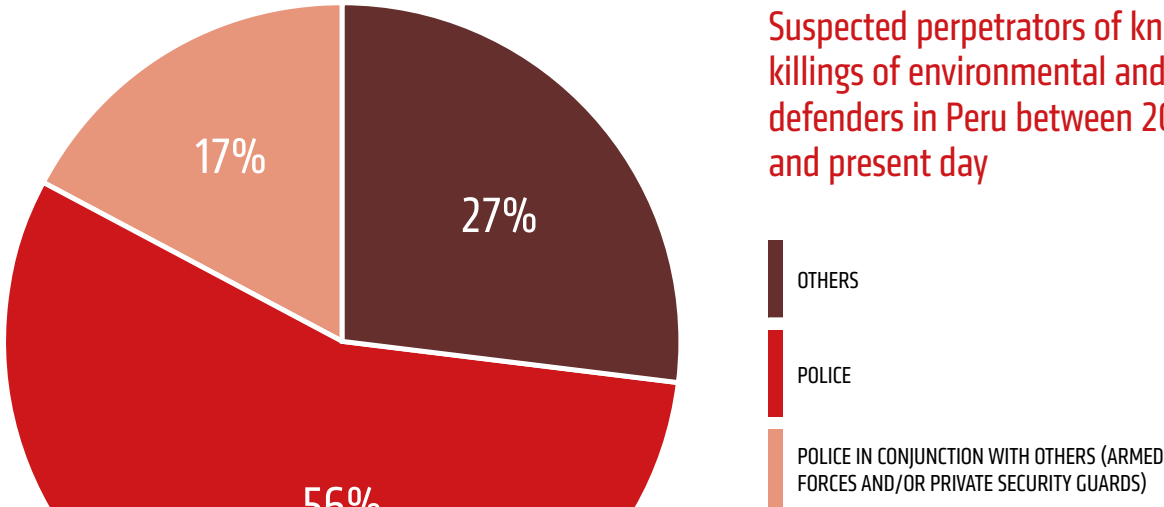
With the passing of law 30230, the Ministry of Environment’s authority to designate protected lands exempt from industrial activity has been revoked.⁴⁸ This has severe implications for 20 million ha of indigenous land in the Amazon that is still pending official titling, as the law is likely to allow extractive activities to encroach further into indigenous territories. Further, the law reduces the time designated for the evaluation of Environmental Impact Assessments of extractive projects. International NGOs have highlighted that this represents a contravention of the US/Peru Free Trade Agreement (FTA). The FTA prohibits both parties from “weakening or reducing the protections afforded in their respective environmental laws”.⁴⁹

Many of the killings of environmental and land defenders in Peru are attributed to conflicts between local communities and extractive projects, with opposition to mining the principle locus for violence against activists. This problem will only intensify with the weakening of environmental legislation, embodied by law 30230, in the face of efforts to increase investment in the extractive sector.⁵⁰

Other legal measures have contributed to the erosion of protections for activists. The recent passing of law 30151⁵¹ impacts on the right to peaceful protest by granting members of the armed forces and the national police certain exemptions from criminal responsibility if they cause injury or death while

on duty.⁵² The law has been denounced by Amnesty International as a dangerous setback in the struggle against impunity and human rights violations.⁵³

Rather than strengthening legal protections for indigenous land rights and the environment, Peru appears to be moving in the opposite direction. The government must take immediate action to revoke regressive laws such as 30230 and 30151 if it is to make real progress in improving its human rights situation and halting deforestation.



Suspected perpetrators of known killings of environmental and land defenders in Peru between 2002 and present day

- OTHERS
- POLICE
- POLICE IN CONJUNCTION WITH OTHERS (ARMED FORCES AND/OR PRIVATE SECURITY GUARDS)

CASE STUDIES

The murder of four indigenous leaders by suspected illegal loggers

In September 2014, in Peru’s remote Amazon region of Ucayali, four Ashéninka leaders - Edwin Chota Valera, Leoncio Quincima Meléndez, Jorge Ríos Pérez and Francisco Pinedo – went missing while travelling to neighbouring Brazil for a meeting on how to address the region’s illegal logging crisis.⁵⁴ Days later their bodies were found, shot dead by suspected loggers.⁵⁵ Their murders are symptomatic of wider governance issues in

the Ucayali region: the government’s failure to recognise indigenous claims to their traditional lands, an issue Chota and other indigenous leaders campaigned on for more than a decade; poor law enforcement and pervasive corruption that is allowing illegal logging to thrive in the Peruvian Amazon; and the gaps in institutional capacity and resources to adequately address these problems.



The struggle of the Alto Tamaya-Saweto community

Against the backdrop of government inaction and corruption, Edwin Chota and other Ashéninka leaders have fought to protect the ancestral lands of their community of Alto Tamaya-Saweto, a group of 33 Ashéninka families living in the Ucayali region near the Brazilian border. For decades, the Ashéninka people of the Alto Tamaya River have lived in their traditional way dedicated to hunting, fishing and small-scale farming and logging.⁷¹ Yet the community has long been a target for illegal loggers seeking high-value species like mahogany.⁷² In a 2013 interview with National Geographic, Edwin Chota remarked on the dangers posed by illegal loggers, pointing to the conditions that would ultimately lead to his death: “They threaten us. They intimidate us. They have the guns.”⁷³

The struggle of Chota’s community is emblematic of long-standing problems that beset Peru’s Amazon region. In 2002 Peru’s government handed out much of the country’s

Above: Indigenous communities in Peru’s Amazon, like Alto Tamaya-Saweto, are still waiting for over 20 million hectares of their land to be officially recognised. Photo: © Emory Richey.

Amazon forest to companies as logging concessions without recognizing the people who already lived there.⁷⁴ The Alto Tamaya-Saweto community saw 66,000 ha of their forest handed out as logging concessions.⁷⁵ In an effort to protect their forests, in July 2002 the community formally requested for their land to be recognized by the government and titled.⁷⁶

In 2003, Alto Tamaya-Saweto was formally recognized as an indigenous community⁷⁷ and began legal proceedings to claim rights over 80,000 ha of their ancestral forest.⁷⁸ The same year, a task team created by the Director of Peru’s National Institute of Natural Resources (INRENA) recommended Saweto’s titling but reported that the titling agency Special Project for Land Titling and Rural Cadastration (PETT) and INRENA did not have sufficient financial resources to complete the titling process.⁷⁹ One decade later the community has still not received its land title.

UCAYALI’S TIMBER “MAFIA”

Illegal logging plagues the Ucayali region, which is the second largest producer of timber⁵⁶ and the largest processing centre for forest products in Peru.⁵⁷ Logging concessions in the region cover 2.5 million ha of Amazon rainforest.⁵⁸ In a 2012 interview with Global Witness, the Environmental Prosecutor’s Office estimated that 80-90 percent of logging in Ucayali was illegal.⁵⁹ Of the 151 logging concessions in Ucayali, 40 percent were cancelled by the Supervisory Body for Forest Resources and Wildlife (OSINFOR) between 2005 and 2012, for breaches of the forest law.⁶⁰

Links have also been made between Ucayali officials and illegal logging – a situation that threatens to undermine efforts to address the issue and strengthen protections for environmental defenders in the region. For example, a logging company run by the current Vice President of the Ucayali Regional Government, Carlos Henderson, stands accused of illegal logging. Henderson is the General Manager of a logging company called Maderera Marañón⁶¹ that operates in the Amazon.⁶² In 2013 OSINFOR, a supervisory body of the national government, filed an administrative process against Maderera Marañón alleging that it falsely declared 4,491 cubic meters of timber cut outside its legal concession area as having originated from inside its concession.⁶³ An appeal was launched by the company, but in October 2014 the judiciary in Ucayali ruled in favour of OSINFOR, opening the way for the company to be fined and stripped of the right to operate in the concession.⁶⁴

In a separate case, the President of the Ucayali Auditing Commission, Javier Bonilla, accused the Ucayali Regional Department for Forest and Fauna (DEFFSU) – the institution responsible for issuing timber licences – of facilitating illegal logging through the forgery of signatures on harvesting permits from 2008 to 2011.⁶⁵ Rampant illegal logging has also taken place in Ucayali’s Alto Purús National Park (the largest in Peru)⁶⁶ with timber transported by planes chartered from Peru’s Army, Police and Navy, who were suspected of collusion.⁶⁷ More recently, in 2013 the Environmental Prosecutor of Ucayali, Francisco Berropsi, was suddenly replaced – a move he told local media was due to the timber “mafia”, which he alleged included the Director of DEFFSU.⁶⁸ Berropsi has claimed that the Director allowed the flow of illegal timber.⁶⁹ In a response to Global Witness, the Director of DEFFSU said the claims of Berropsi were completely false, and that it was in fact Berropsi that facilitated the flow of illegal timber due to dereliction of duty, for which the DEFFSU Director placed a complaint with the Public Prosecutors Office and the Coordinator of Environmental Prosecutors that resulted in Berropsi’s dismissal.

Ucayali is not the only region in Peru suffering from weak or corrupt institutions and severe gaps in the rule of law. Earlier this year Peru’s ‘anti-corruption czar’ stated that the regions of Loreto, Peru’s largest timber producer, and Amazonas suffer from “institutionalised corruption”.⁷⁰

It is imperative that Peru take immediate and strong steps to address corruption and lawlessness in the forest sector to prevent further harm to activists and the forests they seek to protect. In Chota’s home region of Ucayali, action must be taken to bring perpetrators to account and deter future attacks on activists by illegal loggers. The Peruvian government should fully investigate the links between illegal logging and the public officials and institutions that are meant to prevent it.

Edwin Chota’s fight against illegal logging

As far back as 1996, illegal logging along the Tamaya River, home to Chota’s community of Alto Tamaya-Saweto, was so rampant that the Peruvian government banned timber extraction across the entire watershed.⁸⁰ However, illegal logging continued and his community’s repeated complaints were not followed up on by the authorities.⁸¹ By 2004, Peruvian illegal loggers had entered the neighbouring indigenous territory of Apiwtxa in Brazil, where some were apprehended by the Brazilian army and the environmental protection agency IBAMA.⁸² A young Ashéninka member from Alto Tamaya-Saweto, who had warned his Brazilian indigenous relatives of the loggers’ incursions, was shot dead in the forest by unknown assailants.⁸³ The same loggers were alleged to have tried to bribe Edwin Chota with US\$10,000 to dissuade him and his community from their efforts to stop illegal logging.⁸⁴

Chota repeatedly warned regional and national authorities about the multiple threats he and the families in Alto Tamaya-Saweto received. He requested government protection for him and his family in 2005 due to continued threats by loggers, but received no response.⁸⁵ A year later, Chota denounced the illegal logger Manuel Ríos Pezo for threatening local indigenous leaders, but again no action was taken.⁸⁶

Over a period of several years, Chota joined together with Ashéninka groups across Peru and Brazil to expose illegal logging activities.⁸⁷ In 2012, he placed a formal complaint with the Environmental Prosecutor of Pucallpa,

Below: Before his murder Edwin Chota reported numerous threats from illegal loggers to the authorities. © Emory Richey.



Ucayali’s capital, but the file was shelved by the Prosecutor.⁸⁸ The following year, Chota submitted another police complaint containing the names and pictures of illegal loggers and geo-referenced locations of their activities.⁸⁹ Ucayali’s new Environmental Prosecutor, Francisco Berropsi, began taking the case seriously, but was then suddenly replaced by what he later denounced as the local timber “mafia”.⁹⁰ Two of the illegal loggers pictured in Edwin Chota’s 2013 police complaint are now in jail, accused of murdering him and his fellow activists.⁹¹

Following the murders, Peru’s President Ollanta Humala promised an exhaustive investigation into the killings.⁹² One recent media report suggests, however, that the investigation has been effectively paralyzed due to a lack of resources.⁹³ The people behind the

crimes remain at large, and the widows of the deceased have been unable to return to their community for fear of further retribution. Peru’s government has finally initiated the land titling of Alto-Tamaya-Saweto,⁹⁴ and promised to invest the equivalent of US\$300,000 in development projects for the community,⁹⁵ but serious questions need to be answered about why it took the deaths of four indigenous leaders to prompt the government to start the titling process and prosecute illegal loggers.

There are still over 20 million ha of pending indigenous land tenure applications in the Peruvian Amazon. Peru must prioritize the timely and effective titling of these remaining indigenous territories, and those behind the illegal timber trade must be held to account. Only when perpetrators realise the law is not on their side will attacks diminish.

Below: In September 2014 Jorge Ríos Pérez was killed, alongside Chota and two others, on their way to Brazil to discuss the region’s illegal logging crisis. © Emory Richey.



CASE STUDIES

Lives lost in Peru’s mining sector



The mining sector in Peru, like the forest sector, is beleaguered by poor governance. Peru is currently the world’s third-biggest producer of copper and 6th largest producer of gold,⁹⁶ with mining accounting for 15 percent of GDP overall⁹⁷ and 5.4 percent of Peru’s total greenhouse gas emissions.⁹⁸ The vast majority of mineral deposits are located near indigenous community lands⁹⁹ resulting in extensive conflicts over land and the environmental impacts of mining projects. Recent studies have shown that the gold mining industry, which is

prominent in the Amazon region,¹⁰⁰ is leading to dramatic increases in deforestation and mercury poisoning, affecting the health and livelihoods of local indigenous communities.¹⁰¹

Global Witness’ research found that 80 percent of all killings of environmental and land activists in Peru between 2002 and 2013 stemmed from local opposition to extractive projects.¹⁰² Peru’s Human Rights Ombudsman documented 1935 social conflicts generated by opposition to mining projects over the period

2006 to 2014.¹⁰³ Episodes like the protests at Bagua in 2009, which led to the deaths of at least 32 people, amongst them policemen and civilians, have left a dark cloud over government efforts to boost mining investment.¹⁰⁴ It is critical that Peru address the underlying grievances of environmental and land defenders that give rise to these sometimes fatal conflicts. The passage of Law 30230, aimed at boosting extractive industry activity and easing environmental requirements, threatens to worsen an already dire situation.

Above: Many of the killings of environmental and land defenders in Peru stem from conflicts between mining projects and communities. © Getty/Lonely Planet.

The case of Rio Blanco

The ongoing conflict around the Rio Blanco mine in northern Peru is indicative of the country’s failure to address persistent and serious governance issues in its mining sector. Rio Blanco lies 50 kilometres from the border with Ecuador, in the high altitude forests of Huancabamba and Ayabac. The project has a concession area of 6,473 ha,¹⁰⁵ and through open pit mining aims to extract 191,000 tonnes of copper per year, making it one of the largest undeveloped copper resources in the world.¹⁰⁶ Since the beginning of the exploration phase in 2003, the local communities of Segunda and Cajas (in Huancabamba) and Yanta (in Ayabaca) have opposed the project and claimed that the company that owned the mining project, Minería Majaz, illegally occupied their lands.¹⁰⁷

Protests have been prevalent throughout the mine’s history. In 1994, the company Cyprus Antacori bid for the exploration concession but withdrew after huge protest rallies were held by local communities.¹⁰⁸ Monterrico Metals¹⁰⁹ founded the company Minería Majaz in 2001 and obtained an exploration concession for Rio Blanco.¹¹⁰ The government declared the project ‘of national interest’ in 2003, despite the communities of Segunda and Cajaz unanimously rejecting it.¹¹¹ In November of the same year, the Energy and Mines Ministry approved the project’s environmental impact assessment, which led to further protests during which a local community member, Herrera Racho, was killed after being struck by a teargas canister fired by police.¹¹²

Additional protests by the communities in July 2005 led to allegations that the police put hoods over demonstrators and beat them.¹¹³ Two female detainees also alleged that they were sexually assaulted.¹¹⁴ The police detained 28 protestors¹¹⁵ and another civilian, Melanio García, was killed during the police crackdown.¹¹⁶ The detained protestors claimed that their abuse under detention went on for three days and that they suffered serious injuries.¹¹⁷

In November 2006, the Human Rights Ombudsman’s office published a report detailing numerous illegalities in the process that authorized the exploration concession,¹¹⁸ including a failure to consult communities. Tensions reared up again in 2009, when attempts by the police to arrest suspects for damaging the mining site resulted in the deaths of two local residents, Cástulo Correa Huayama and Vicente Romero Ramírez, from the Cajas community.¹¹⁹ The same year eight Peruvians commenced legal proceedings in



Above: Protestors against the Rio Blanco mine have claimed maltreatment by the police. The recent passing of law 30230 threatens to increase impunity for abuses by Peru’s security forces. © Peru Support Group.

the English High Court against Monterrico Metals and its Peruvian subsidiary Rio Blanco Copper. A freezing injunction on mining activity was obtained and an out of court settlement reached in July 2011, with the company paying out compensation but not admitting liability.¹²⁰ Despite these problems, Monterrico Metals have announced that operations will begin in 2015,¹²¹ and have reopened local offices in Huancabamba. Commentators have claimed that this was in response to the passage of law 30230 that eased mining restrictions.¹²² The Rio Blanco case demonstrates Peru’s consistent prioritization of extractive industry investments over the rights of local communities.

CONCLUSION

PERU MUST DO MORE TO PROTECT ITS ENVIRONMENTAL DEFENDERS

Below: Peru must make good on its commitments to reduce deforestation for the sake of future generations of its indigenous peoples. © Emory Richey.



In recent years Peru’s government has announced a series of commitments to safeguard its rainforests and stands to receive substantial international financial support to bolster its efforts, most recently through a US\$300 million deal with Norway, illustrating that Peru accepts it has both a global and a national responsibility to protect its forests to mitigate climate change. But the increasing number of murders of environmental and land defenders such as Edwin Chota and his colleagues raise serious questions about the government’s real commitment to protecting the environment and those who fight to preserve it.

Peru’s forest and extractive sectors are both dogged by social conflicts, many involving indigenous communities, and exacerbated by

weak governance. The government’s recent legislative measures aimed at kick-starting investment in the extractives sector have weakened key environmental safeguards and threaten to stoke the fires of discontent yet further. Other laws admonishing responsibility for violent acts by Peru’s security forces will embolden would-be perpetrators of abuse against activists.

An unprecedented number of killings of environmental and land defenders have occurred over the last three years in Peru.¹²³ This report has highlighted just a handful of these cases, which are tragic reminders of Peru’s environmental governance challenges and lack of political will. These killings should compel Peru to take timely and firm steps, in the run up to the 2014 UN climate conference

and beyond, to address the underlying causes that give rise to the killings. If Peru wants to be a world leader in the fight against climate change, it should start by protecting the environmental defenders who are its best allies in achieving that aim.



Above: © David Salisbury.

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