

URGENT ACTION



0618UPER,
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Mining project "Río Blanco" threatens the human right to food and water of the population living in the northern part of Peru

In 2001, the mining company Minera Majaz, a subsidiary of the British company Monterrico Metals, obtained eight mining concessions in the northern part of Peru. One of these concessions is for the mining project "Río Blanco", of 6472 hectares, aimed at exploiting a copper and molybdenum site. The peasant communities of the area strongly oppose this project, since it is a major threat to the agriculture and thus to their human rights to food and water. The project would have a negative impact in the farming activities of the peasant communities living in the area and of the population living in the lower parts, since the mining activities and other adjacent mining projects waiting for the project "Río Blanco" to start are located at the source of the most important rivers in the region. The environmental degradation produced by the mining exploitation would affect thousands of people. Since the affected communities have not been properly informed, the mining activities do not comply with the requirements foreseen by the Peruvian legislation.

Please, write formal letters to the political authorities in Peru, in order to support the communities threatened by the mining activities in their resistance and struggle for the defense of their right to food, water and to an adequate environment.

Background

Five years ago, the mining company Minera Majaz obtained a mining concession from the Peruvian State to carry out mining activities in the Peruvian High Amazonia, in the Piura region. In the case of the project "Río Blanco", exploration works are currently taking place. Once these works are finished, copper will be exploited in opencast through a cut between 2,000 and 3,000 meters above sea level, in territories belonging to the peasant communities of Yanta (Ayabaca province) and Segunda and Cajas (Huancabamba province).

Thousands of men and women peasants, representatives of the communities, mayors of provinces and districts, as well as social and environmental organizations, demand the revocation of the environmental certification leased in order to start the exploration works for the project, since the inhabitants of the area have not been properly informed nor consulted on the planned mining activities. This implies a flagrant violation of the Act on Peasant and Native Communities (Act No. 24656) and of the Land's Act (Act No. 26505) and the Convention No. 169 of the ILO, signed by Peru. This demand counts on the support of the ombudsman and the answer of the Ministry of Energy and Mining, which accepts that the mining company does not have permission from the owners to carry out its activities, thus carrying out illegally its activities in this area. In spite of this, the Peruvian State has been providing security to the company through the police special forces, whose constant presence constantly provokes human rights violations, as proven by a commission presided by the Diocese of Chulucanas and made up of the National Coordinator on Human Rights, the Ministry of Energy and Mining, the Ministry of the Interior and the ombudsman.

The local population opts for its own development model based on organic agriculture (coffee, banana, etc.), farming activities and agro-exportation. Moreover, the mining activities will take place in an area that is environmentally very delicate (in the mist forests, affecting the moors) and very close to the National Sanctuary of Tabaconas Namballe. Thus, the mining activities threaten the existence of unique species, as the Andean Tapir and the spectacled bear (*tremarctos ornatus*).

The presence of the company Minera Majaz has led to an intense social conflict which has escalated due to the questionable methods used and the irresponsible and aggressive behaviour of the company, which terrifies peasant, journalist and religious leaders and authorities, even accusing them of being terrorists and drug-traffickers. Since 2003, the affected peasant communities live faced to problems of violence, repression and to human rights violations committed by the company. Moreover, in 2004 and 2005, the massive protests against the project put an end to the life of two peasant leaders, Reemberto Herrera Racho and Melanio García González. Several persons were moreover injured, some of them seriously. The mining company Minera Majaz and the Ministry of the Interior have not assumed until now their responsibility in the light of these facts. Currently, 140 men and women leaders are being processed at court as a result of the protests. In many cases, the leaders do not have access to legal defense. The special forces of the National Police in Peru keep the mining camp cordoned off, which affects the right to freedom of movement in the territory, as well as the right to property and physical integrity, the right to tranquility and public peace.

On 11 September 2006, the company published a statement to apologize for the mistakes made in the past, with the objective of obtaining the social permission from the communities. However, the local actors think that the company has to suspend its activities and abandon the area, and ask then the affected population for its permission, as establishes the Peruvian legislation.

FIAN – With human rights against hunger!

FIAN Mandate

Peru is State Party of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which enshrines the human right to food. Moreover, the Peruvian State has ratified the Convention 169 of the International Labor Organization on the Rights of Indigenous Peoples. The Peruvian State is therefore duty-bound to respect and protect these rights, especially the right to food and water, the right of the indigenous peoples of being duly consulted and the right to physical integrity.

Call to Action

It is very important to ask the Peruvian authorities to take all measures required to respect and protect the human rights of the local population, among others the right to food and water, the right to duly information and consultation on matters concerning mining in their territories. The protection of the human rights and environmental defendants, putting an end to the threats of violence arising from the presence of special police forces, which provides security to a company not respecting the law.

End of Action:

**10th of
December,
2006**

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Translation

Honorable Mr President, Honorable Ms Minister, Honorable Mr Minister,

I am writing to you to express my deep concern regarding the human rights violations related to the project "Río Blanco", operated by the mining company Minera Majaz in the northern part of Peru. Taking into account the high number of mining concessions given in this region, the case Minera Majaz is of extreme importance for the future of this area.

The mining company Minera Majaz, a subsidiary of the British company Monterrico Metals, obtained an environmental license from the Ministry of Energy and Mining for exploration works, even though the peasant communities have not been informed nor consulted on the intentions of the company. This implies a flagrant violation of the Act on Peasant and Native Communities (Act No. 24656) and of the Land's Act (Act No. 26505) and the Convention No. 169 of the ILO, signed by Peru. The communities are afraid that these mining activities may affect the water sources used for the culture of their lands. The mining exploitation will be a danger for the waters of the river Chinchipe and Marañon (affluents of the Amazon), and, if the concessions in adjacent parts are released, also the waters of the river Quiroz (Pacific Basin) will be in danger. This will seriously affect the agricultural activities in the area and thus the human right to food and water, enshrined in the International Covenant on Economic, Social and Cultural Rights, signed by the Peruvian State.

It is important mentioning that recently a report from the ombudsman, as well as the answer of the Ministry of Energy and Mining to this report, indicate that the mining company Minera Majaz did not fulfill the principles of legality and did not respect the operating requirements for the mining exploration, starting the works without the authorization of the local population. The presence of the company Minera Majaz has led to an intense social conflict which has escalated due to the questionable methods used and the irresponsible and aggressive behaviour of the company, which terrifies peasant, journalist and religious leaders and authorities, even accusing them of being terrorists and drug-traffickers. Since 2003, the affected peasant communities of Ayabaca and Huancabamba live faced to problems of violence, repression and to human rights violations committed by the company. The massive protests against the project have already resulted in the death of two peasant leaders. Several persons were moreover injured. This is the result of the repression from the special forces of the national police, which provide security to a company not respecting the law. On 11 September 2006, the company published a statement to apologize for the mistakes made in the past. However, the company is still operating illegally in the region.

In the light of these violations and threats we demand:

1. The immediate stoppage of the operations in the project "Río Blanco" carried out by the company Minera Majaz, and the immediate consultation with the peasant communities' assemblies, as foreseen by the Peruvian legislation. The future operations of the company must be subjected to the authorization of the local population.
2. The withdrawal of the police forces –DINOES– from the territories of the peasant communities of Yanta and Segunda and Cajas.
3. The investigation of the human rights violations suffered by the affected population and the deaths of Reemberto Herrera Racho and Melanio García González. The indemnification of those affected by the repression practices coming from the company Minera Majaz.
4. The respect and protection of the human rights of the ancestral communities in the territories affected by the operations of Minera Majaz.

Yours Sincerely,

**Please inform FIAN International about any response
you receive to your faxes and letters.**



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FIAN – With human rights against hunger!

Excelentísimo Señor Presidente,
Excelentísima Señora Ministra, Excelentísimo Señor Ministro,

Me dirijo a Ustedes para expresarle mi profunda preocupación por las violaciones de derechos humanos en el contexto del proyecto Río Blanco operado por la empresa Minera Majaz en la zona norte del Perú. Se puede considerar el caso Majaz como emblemático para el futuro de la zona norte de Perú sabiendo que existe una gran cantidad de concesiones mineras en la región.

La empresa minera Majaz, subsidiaria de la empresa británica Monterrico Metals, obtuvo la licencia ambiental para la exploración a través del Ministerio de Energía y Minas, aunque las comunidades campesinas no han sido ni informadas ni consultadas sobre las pretensiones de la empresa. Esto implica una violación flagrante de la ley de Comunidades Campesinas y Nativas (Ley N° 24656) y de la Ley de Tierras (Ley N° 26505) y de varios acuerdos internacionales (Convenio N° 169 con la OIT, suscrito por el Perú). Las comunidades temen que la actividad minera afecte las fuentes de agua que permiten los cultivos. La explotación minera pondrá en peligro las aguas del río Chinchipe y Marañon (afluentes del Amazonas), y, de expandirse a las concesiones aledañas, afectaría también al río Quiroz (cuenca del Pacífico). Con eso se afectarán gravemente las actividades agrícolas de la zona y por ende el derecho humano a la alimentación y al agua, consagrados en el Pacto Internacional de Derechos Económicos, Sociales y Culturales, del cual Perú es Estado parte.

Es importante señalar que recientemente se ha comprobado por un informe preliminar de la Defensoría del Pueblo y, en respuesta al informe, por el propio Ministerio de Energía y Minas, que la empresa Minera Majaz incumplió con los principios de legalidad al no respetar los requisitos de funcionamiento para la exploración minera, iniciando operaciones sin contar con la autorización de la población local. La presencia y conducta agresiva de la empresa Minera Majaz ha generado un conflicto social muy intenso que se ha agudizado debido a métodos cuestionables como el amedrentamiento a dirigentes campesinos, periodistas, religiosos y autoridades. Desde el año 2003, las comunidades campesinas de Ayabaca y Huancabamba vienen padeciendo problemas de violencia y violación de sus derechos por parte de la empresa. Las protestas masivas contra la minera ya cobraron la vida de dos líderes campesinos y dejaron a varias personas heridas, fruto de la represión generada por las fuerzas especiales de la Policía Nacional que dan seguridad a una empresa que no respeta la ley. El 11 de septiembre del 2006, la empresa publicó un pronunciamiento pidiendo disculpas por los errores del pasado. No obstante, la empresa sigue operando ilegalmente en la zona.

Ante las violaciones y amenazas descritas exigimos:

1. El cese inmediato de las operaciones en el proyecto Río Blanco de Minera Majaz, y la consulta inmediata a las Asambleas de las Comunidades Campesinas, como esta previsto por la ley peruana. Las futuras operaciones de la empresa deben sujetarse a la autorización de la población local.
2. El retiro de las fuerzas policiales – DINOES – de los territorios de las Comunidades Campesinas de Yanta y Segunda y Cajas.
3. La investigación de las violaciones de derechos humanos de las poblaciones afectadas y de la muerte de Reemberto Herrera Racho y Melanio García González. La indemnización de aquellas/os comuneras/os afectadas/os por la represión generada por la empresa Minera Majaz.
4. El respeto y la protección de los derechos humanos de las comunidades históricamente asentadas en las zonas de influencia de las operaciones de Minera Majaz.

Atentamente,