
Mining, militarization and criminalization of social protests in Latin America

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It's no news that extractive projects throughout Latin America have imposed a model of extraction and export that reaches ever deeper. The race for attracting investments from the mining, oil, forestry and fishery industries is a feature of most countries in the region. However, the extractive industry sparks increasingly strong criticism and resistance from several sectors of society, including academia, human rights organizations and social movements.

Among major criticisms is the fact that extractivism will not only not lift countries out of poverty or economic dependence, but will keep them in the same condition -affecting mainly indigenous and rural populations-, a situation known as "the curse of abundance" (1).

This "curse of abundance" has become the curse of extractivism. The imposition of mining, oil, gas, forestry and other projects, seriously affects the health of the territories and their populations. Mining, for example, has resulted in a growing number of conflicts with local communities, so that today in Latin America new mining projects are not conceived without social and environmental conflicts and community resistance.

It is said that the mining sector faces three major diseases: the difficulty of finding new deposits; an increase in production costs; and the growing lack of social license and community rejection (2).

The first two have possible technical solutions. The third, however, has been addressed with different approaches - all without success to date. Initially, mining companies promoted the idea of "Corporate Social Responsibility" (CSR) by creating foundations and providing gifts to local communities conveniently neglected by States. Then, they used the policies of "good neighbour", which were accompanied by co-optation, corruption, division and social breakdown. The failure of these strategies ultimately led companies and governments to impose their projects and dealing with social opposition through criminalizing protests.

Nowadays, constant allegations against women and men who lead resistance against mining projects are very common, like the case of Javier Ramirez, leader of the local movement against the mine in the community of Íntag, north of Quito in Ecuador. The ground below Íntag's contains around 318 million tons of copper that the "National Mining Company" plans to extract (3). After Javier was unjustly arrested, the community was militarized, spreading fear through arms. Even though, as in many cases, it was not possible to neutralize the community rejection to the mine, the repression of the company and the state managed to implement self-censorship and fear to openly express opinions against the extractive model.

In Chile, a police contingent has virtually kidnapped the Caimanes community, east of Los Vilos port, while it mobilized and took the access roads to the facilities of the "Minera Los Pelambres" of

“Antofagasta Minerals”. The community demanded the compliance with the court ruling, which determined the restitution of the waters used by the mining company for construction and operation of the El Mauro tailings pond. In the last stage of the conflict, the people of Caimanes has mobilized for more than three months demanding what the Supreme Court granted them, but the company refuses to comply.

Security forces have militarized the area moving special forces into the region to prevent the community, through social pressure, to finally apply the right confirmed by the sentence of the Supreme Court. The spokesman of the Defense Committee of Caimanes, Cristian Flores, said in an April 2015 interview, “Before Pelambres got here, El Mauro was a jungle in the desert: we had a 70 hectares forest with abundant myrtle species but that was buried beneath millions of tons of tailings. There were peumos [*cryptocarya alba*], myrtle and thousands of other native trees of different species. There was quietness, clean air, no pollution at all. We had our own culture ... and all of that was lost.” And he added: “Now there is a huge division: fights between parents and children, between brothers and sisters, between friends of a lifetime.” (4)

Infamous is also the case of Máxima Acuña, inhabitant of the town of Celendin, Cajamarca, Peru, where Yanacocha mining company, known worldwide for its violation of human rights and the use of force with its private guards “Forza”, has managed to circumvent court rulings that have been granted repeatedly to Maxima’s family regarding the ownership of their lands. Yanacocha (owned by Newmont Mining Corporation, the Peruvian national group Cia. Nacional Buenaventura and the International Finance Corporation of the World Bank) plans to expand its mining activities in Cajamarca to extract gold and which will affect lakes and watershed areas essential for the survival of local populations. Even though the rights of the family to the lands claimed by Yanacocha were recognized, to develop its mining project Conga, harassment and abuses continue as if the voice of justice is simply blown away.

Máxima was criminalized by the prosecution at the request of Yanacocha, and sentenced in first instance to prison and payment of compensation to the mining company. Then, on appeal, she was acquitted of all charges and her land rights were recognized. Apparently, in Peru, this is not enough and, as the trend has marked, criminalization is one of the resources used once the other strategies to dissuade and persuade have failed.

In Peru, several recent laws have indiscriminately increased penalties for offenses against public order, have relaxed the requirements for military intervention in social conflicts and have facilitated impunity for officials who commit excesses. Only around the conflict over the Conga mining project, more than 50 criminal and/or investigative proceedings have been opened against approximately 250 participants of protests by accusing them in the most extreme cases of sedition, punishable by up to 25 years in prison (5).

In these and many others cases, criminalization by prosecution has been an on-going practice in countries like Peru and Ecuador. In Peru, most cases of criminalization are dismissed at higher court levels, reflecting complicity between government, business and some of the local judges, in cases that do not have any legal support.

In Ecuador by contrast, political dependence and fear to the judiciary powers spread by the central government has managed to unjustly imprison leaders and militarize several areas to impose extractive projects. The lack of independence of the judiciary in Ecuador has achieved a high degree of self-censorship and an increase of risks to oppose extractivism, generating uncertainty and fear in the population.

Meanwhile, in Honduras, the granting of territories and natural resources is a phenomenon that has deepened over the past 5 years due to the development of extractivism by the Honduran government. This situation means that environmental conflicts in communities have multiplied, since they have suffered the social costs of extractivism and its people have had to face the violation of their human rights by transnational corporations and a state that plays a permissive role. With a total of 837 mining concessions, 411 granted and 426 in application, a possible concession area of 6,630 km² has been calculated (6).

Mining has expanded territorially and more and more diverse ecosystems are nowadays under pressure from expansion of this activity: in Latin America we can name the case of the páramos or moors, highland lakes systems, basin headwaters, the Amazon, glaciers, among many others. The fact is that no mining is possible without the control of large tracts of land, water resources and other natural resources, which, before the mining arrived, were managed by the people who are threatened by this activity.

These examples show that extractivism has been installed in Latin America as an act of faith by the leaders of the region. And, as in other times, it is imposed by blood and fire, sometimes costing the life, freedom and democracy of our peoples. The criminalization of those who oppose the imposition of extractive activities is a problem at the continental level that harms community leaders, activists, authorities and religious, regardless of the political orientation of the governments. However, this has not diminished the increasingly massive resistance for the defense and recovery of vital rights to sustain political projects of justice and equity in the region. The defense of the territories has been and remains a central component that characterizes this stage of mining expansion.

More information (in Spanish) in: "[Conflictos Mineros en América Latina: Extracción, Saqueo y Agresión. Estado de la situación en 2014](#)", OCMAL, April 2015.

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1. <http://www.extractivismo.com/documentos/AcostaMmaldicionAbundancia09.pdf>
2. http://www.visualcapitalist.com/new-vision-mining-company-of-the-future/?utm_source=Visual+Capitalist+Infographics+%28All%29&utm_campaign=84ad817df0-Most_Valuable_Cash_Crop&utm_medium=email&utm_term=0_31b4d09e8a-84ad817df0-43798153
3. <http://www.elcomercio.com/actualidad/intag-javier-ramirez-mineria-detencion.html>
4. <http://www.proceso.com.mx/?p=400835>
5. <http://www.parthenon.pe/columnistas/jose-saldana-cuba/criminalizacion-de-la-protesta-y-el-consenso-represivo/>

<http://www.conflictosmineros.net/agregar-documento/publicaciones-ocmal/conflictos-mineros-en-america-latina-extraccion-saqueo-y-agresion-estado-de-situacion-en-2014/detail>