

My project was focused on social conflict that is occurring around large-scale mining projects in Peru with a specific focus on developments in the requirements on international mining companies and government to consult with indigenous people.

My internship was hosted by GRADE (*Grupo de Analisis para el Desarrollo* or Development Analysis Group), a Peruvian public-policy research centre focused on economic development. Under the guidance of Principal Investigator Dr. Manuel Glave, I spent my time with GRADE tracing the legal development of a new Peruvian law on consultation with indigenous peoples with a specific focus on the Conga Mine as a case study.

Mining is a major economic force on Peru. Representing close to 60% of the export economy, investment in mining development and continued high demand for raw materials have sheltered Peru from the worst effects of the global economic slowdown. However, along with major mining investment has come increasing scrutiny and sometimes resistance to projects that threaten major environmental or social impacts. The governmental response to this polarizing issue continues to develop with the law on consultation as the latest initiative. Over the past 20 years, this evolution has resulted in the requirement for Environmental Impact Assessments, the creation of a national Ministry of the Environment, and the ratification of international treaties such as the ILO Convention on Indigenous and Tribal Peoples. It is rare for a new mining project in Peru to start production without experiencing social conflict; some major mines that have been in operation for years are still subject to sometimes-violent opposition.

Resource exploitation in Peru recalls Peru's colonial past, ratcheting up tension between international mining companies, government, and indigenous people. The place of Peru's indigenous people within the society, and even the definition of indigenous, remains contentious. International investment, including by countries who have less traditional relationships with recipient states, presents a range of issues for managing social conflict. Growing awareness and organization by groups opposed to these kinds of projects is resulting in different resistance strategies, including wider use of legal recourses. Judgments at the Inter-American Court of Human Rights and at Peru's Constitutional Court have upheld the obligations states have to consult, as required by the ILO Convention, with indigenous people when major projects are occurring on indigenous land. Implementing a public policy response has been slow, but following a close election in 2011, the law on consultation was passed.

My research concentrated on tracing the salient state obligations under the ILO Convention through different rulings by influential courts and different domestic laws and regulations. This study included a focus on the mine approval process and the requirements foreseen in the new law on consultation and its corresponding implementation regulations. The situation in Peru remains quite fluid, all things considered, and there is insufficient capacity within the state to deliver more services. In light of these constraints, it is unlikely the new law on consultation will have any meaningful impact on current social conflicts. Despite this, it is an important step insofar as having national acknowledgement of this obligation for future projects as well as confirming that consultation is necessary to satisfy the different stakeholders in resource exploitation.

Through a series of workshops, meetings, and field research, I was able to collect and analyze materials in order to prepare a written document that summarizes the duty to consult targeting international mining companies working in areas inhabited by indigenous peoples in Peru. This

work drew on the expertise of Peruvian and foreign NGOs, academics, journalists, as well as the vast knowledge base available within GRADE. While the final paper is not yet complete, I hope it will be publishable.

The Conga Mine is a US\$4.8 billion gold/copper mine owned by American Newmont Mining, Peruvian Buenaventura, and the World Bank Group's International Finance Corporation. The project is an extension of this consortium's Yanacocha Mine, already Peru's largest mine, located in the same region. Building the mine would impact local water resources, and this coupled with the existing history of the mining company in the region has fuelled a "water yes, gold no" campaign. The original 17,000-page environmental impact assessment (EIA; commissioned by the mining company) was called into question and a second government-commissioned review was done. The release of this second review coincided with a renewed round of protests led by local politicians and NGOs. The consortium accepted the recommendations in the government review and a high-level roundtable has been formed to facilitate dialogue and seek ways to resolve the conflict. As a consequence of this process, development of the project has been on hold since November 2011. So far five deaths have been attributed to this social conflict. The delay costs the company approximately \$1,000,000 per day.

A project of this scale involves significant environmental, social, and economic issues, all of which have human rights implications. The population in the impact zone of the mine may not be defined as indigenous. The determination of the impact zone can be different depending on who is responsible for it. The roles of different levels of government have not been sufficiently well delineated so as to ensure that authority is not without dispute. While there may be legal developments that seek to address these issues, such as the law on consultation, the effects are mitigated by the disparity between the experience of affected-populations today and the anticipated changes any new measures will produce in the future. So far there has not been a measurable decrease in social conflict since the passage of the new law on consultation one-year on.

Parallel to this, I was also involved in other initiatives underway at GRADE. The main one is an online knowledge sharing and learning platform (ELLA – Evidence and Lessons from Latin America) where GRADE is responsible for facilitating a learning alliance with participants from the Global South on extractive industries. For this project, I support GRADE's moderation role. This involves summarizing and analyzing contributions from the participants and ensuring a concise wrap up is published at the conclusion of each weekly unit. I was also part of producing the background materials for the resource library. The three modules in the extractive industries learning alliance (each comprised of 4-6 units) have been land use planning and access, environmental protection and mitigation, and preventing and addressing social conflicts. This project is DFID-funded and involves a consortium of three think-tanks in Latin America.

Through this internship, I sought to learn about Latin America, mining, and to improve my Spanish through a human rights lens. At the conclusion of my internship, I consider that I have a much stronger understanding of each of these areas. I am grateful to have been able to participate.

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