

¿With whom do you agree?

Prior consultation: fundamental basis for dialogue and responsible investment



“The consultational law is **stupid**. It is only an obstacle to mining investment.”

Carlos del Solar, former President of the National Society of Mining, Petroleum and Energy. La República, February 3, 2016



Maintaining and strengthening prior consultation legal frameworks is a guarantee for informed dialogue, conflict resolution and responsible investment. The approval of the Law of Prior Consultation (No. 29785) in 2012 – recognized in the Convention 169 of the International Labor Organization (ILO) – occurred as a response to the national pressure to decrease the number of socio-environmental conflicts resulting in serious confrontations like “El Baguazo”, in 2009, that killed 34 people.



The International Council on Mining and Metals took a very clear stance in favor of respecting the principles of free, prior and informed consent (FPIC) in its “Position Statement on Indigenous Peoples and Mining” (2013). ICMM acknowledges the importance of constructive relations between mining industry representatives and indigenous peoples. The International Finance Corporation-IFC states that “for projects with adverse impacts to Indigenous Peoples, the client is required to engage them in a process of ICP and in certain circumstances the client is required to obtain their consent.”



“[...] If in addition we impose prior consultation for mining activities, to **communities that don't have the right profile to be consulted**, and anyone who puts on a feather has the right to be consulted, things will be even more difficult.”

Carlos Gálvez, president of the National Society of Mining, Petroleum and Energy (SNMPE) and vice president and chief financial officer of the Buenaventura Mining Company. Semana Económica, May 26, 2014



The Economic Commission for Latin America and the Caribbean (ECLAC) identifies 85 indigenous peoples groups in Peru, while the Database of Indigenous or Native Peoples of Peru produced by the Vice-Ministry of Intercultural Affairs recognized 55 peoples, including populations of the Peruvian Amazon and Sierra.



The ICMM recognizes that the designation of ‘indigenous peoples’ is particular demographic category backed by international and national law, and the United Nations.

The Inter-American Development Bank (IDB) recognizes the unique role of indigenous peoples as participants in the development of the region, and it therefore seeks to enable them to develop in harmony with their environment.

The United Nations recognizes the rights of indigenous peoples and reinstates the obligation of the States to consult and cooperate in good faith with them.

¿With whom do you agree?

Socio-environmental institutions:
fundamental basis for
sustainable development



*“Until now, I haven’t seen the **Ministry of the Environment** propose anything. The only thing it knows how to do is **say no to investment.**”*

Carlos Gálvez, president of the National Society of Mining, Petroleum and Energy (SNMPE) and vice president and chief financial officer of the Buenaventura Mining Company.

El Comercio, February 5, 2015



The ICMM and various international agencies support reinforcements in socio-environmental governance in countries.



The IDB will support mainstreaming efforts through a transparent environmental action that strengthens institutions, and includes civil society participation, public access to information, and that complies with the law.

Peru is an attractive country for investors, and current environmental policies have not blocked them. According to the “2014 Ranking of Countries for Mining Investment” by Behre Dolbear Minerals Industry Advisors, Peru is ranked 7th out of 25 countries as having a positive environment to promote investment growth in the mining sector. Likewise, the Fraser Institute Annual Survey of Mining Companies 2014’s “Investment Attractiveness Index” ranks Peru 30th of the 122 analyzed jurisdictions for its attractiveness for mining investment.



*“The mercury [spilled in Choropampa in 2000] was in **Steel containers with sealed tops and was stolen. People thought that there was **gold in it.**”***

Carlos Gálvez, president of the National Society of Mining, Petroleum and Energy (SNMPE) and vice president and chief financial officer of the Buenaventura Mining Company.

El Comercio, October 5, 2015

In face of the spill in Choropampa (June 2, 2000), Yanacocha Mine began a campaign to recover the metal and offered community members between 100-300 soles per kg. of recovered mercury without informing the public that the material was toxic. The company recognized its responsibility.



The IFC states that each company should be prepared to respond to accidental and emergency situations associated with the project in a manner appropriate to prevent and mitigate any harm to people and/or the environment.

¿With whom do you agree?

Respectful dialogue: fundamental basis for a diverse society without conflicts

X *"In recent years, Peru has been negatively impacted by the problem of anti-mining activists, who don't exist in other countries."*

*Óscar Gonzalez Rocha, president of Southern Peru Copper
América Economía, June 18, 2013*



A form of disqualification does not contribute to dialogue. The ICMM states that "to be effective, ICMM must conduct its work with the collaboration and co-operation of its stakeholders. We want these relationships to be founded on mutual trust and respect, built on an open and honest exchange of ideas."



Southern Peru is part of the Multisectoral Commission of EITI-Peru, and is linked to the National Society of Mining, Petroleum and Energy.

X *"The cancelation of Tía María is due to two reasons: the outbreak of a new kind of terrorism: anti-mining terrorism, carried out by violent minority groups that has a large part of the population terrorized. The second reason is the paralysis of the state and its role in promoting investment and providing guarantees for it to move forward."*

*Julio Morriberón, director of institutional relations of Southern Peru Copper
RPP, March 27, 2015*



The Tía María project was paralyzed in 2011 due to the rejection of its environmental impact study by the Ministry of Energy and Mines; given that the United Nations Office for Project Services had submitted 138 critiques. Protests had already generated 3 deaths. In 2013, Southern presented a second study that was quickly approved. This situation caused more distrust, so Southern decided to temporarily suspend the mining project.



"In seeking solutions, we believe that all stakeholders have important and relevant contributions to make – including governments and their agencies, extractive industry companies, service companies, multilateral organizations, financial organizations, investors and non-governmental organizations", EITI, 12th principle.



Oxfam and partner institutions promotes environmental protection through campaign

A public campaign of collection of signatures has been launched to call on the presidential candidates and the Peruvian Congress to ensure and strengthen the Ministries of Environment and Culture, and strengthen free, prior and informed consultation. Since 2013, the government has adopted a number of laws that weaken social and environmental institutions, jeopardizing the right to consultation of more than 7 million indigenous people. These laws threaten greater social unrest in a country where almost 70% of them are due to socio-environmental issues.

Más información:

<https://act.oxfam.org/peru/>

