

CAJAMARCA, COLOMBIA

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- *An example of dignity and hope for social and environmental movements in Colombia and Latin America*

ABSTRACT

This case study narrates the victory of a popular referendum against mining in Cajamarca – a small Colombian town that demonstrated its capacity to mobilise to defend the environment in March 2017. In addition to discussing the impacts of this initiative, the case study highlights the obstacles that the region must still tackle to ensure that the will of the people will prevail over the interests of extractivism.

KEYWORDS

Cajamarca | Popular referendum | Mining | Environmental movement

On 26 March 2017 (after over 10 years of debate, hearings, forums, workshops, peaceful demonstrations and deplorable incidences of human rights violations), the citizens of the municipality of Cajamarca-Tolima – a small Colombian village specialised in peasant farming – organised the first popular consultation on mining as a citizens' initiative in Colombia. Residents categorically rejected the La Colosa mining project and other mining operations in their territory. To the question, "Do you agree with mining projects and activities being carried out in the municipality of Cajamarca?", 6,165 people responded by voting "no", and only 76 voted "yes".

This was clearly a victory for the communities of Cajamarca. The defence of the collective right to a healthy environment, the area's vocation for agriculture and the peasant way of life and culture were the winners of the vote. The triumph of the promoters of the "no" campaign has undoubtedly strengthened the hope and dignity of the Colombian people.

The residents of Cajamarca invoked this constitutional mechanism to oppose the attempts of the AngloGold Ashanti transnational corporation to execute a large-scale open-pit, cyanide leaching, gold mine called La Colosa. Technical studies carried out by various researchers and state institutions in Colombia¹ noted that the environmental damage would be much greater than the economic benefits it would generate. The mine would be established in an agricultural region in the Central Forest Reserve that is home to fragile ecosystems, cloud forests, alpine tundra and the headwaters of a water basin that supplies water to over 800,000 residents in seven municipalities of the department of Tolima.

Despite the peaceful, democratic and constitutional actions of the people of Cajamarca, the national government intends to ignore the results of the popular referendum and the legal framework that sustains it. In relation to this, it is important to note that the popular referendum is a mechanism for citizen participation recognised by the Political Constitution of Colombia, article 33 of Law no. 136 of 1994, statutory laws no. 134 of 1994 and 1757 of 2015 and ruling T-445/16 of the Constitutional Court.

According to the Minister of Mining and Energy, Germán Arce, (in declarations to the press on 27 March 2017)

The referendum on mining in Cajamarca cannot change the law. It cannot be applied retroactively – that is, invalidate decisions made on an earlier date. This decision, which is political in nature, does not have the capacity to affect an administrative procedure.²

The declarations of the minister and other high-level government officials are reasons for concern, as they disregard citizens' rights and the country's legal system. The minister intentionally forgets that the La Colosa Regional project does not have the permits it needs to operate, which, in the Colombian case, is the environmental licence. Without this licence, the corporation has no entitlements. The democratic process of the popular referendum

cannot be ignored, since – as was clearly indicated in the ballot boxes on 26 March 2017 - the mining project has not obtained a social licence from the people of Cajamarca

We are equally concerned with paramilitary groups' systematic threats against members of the Environmental Committee and other social and media organisations that have supported the popular referendum process and the defence of the people of Cajamarca and Tolima's collective right to a healthy environment. Even though denunciations of these incidents have already been brought before the Attorney General's Office and other national bodies, we are worried by the fact that even today, there are still no guarantees for the right to life of those who promote and participate in these democratic and constitutional processes.

We also denounce that some employees of the AngloGold Ashanti corporation have stigmatised the opponents of the La Colosa Regional project as guerrilla members and "environmental Jihadists". This type of act shows that the company and its employees ignore and violate the human and fundamental rights of the communities.

By using the popular referendum mechanism, the communities embodied the fundamental right of citizens to participate in defining the future we want to build in our territories. Instead of calling for violent actions, the *Comité Ambiental en Defensa de la Vida* (Environmental Committee in Defence of Life) and the *Comité Ambiental y Campesino de Anaime y Cajamarca* (Environmental and Peasant Committee of Anaime and Cajamarca) have been organising peaceful, non-violent and inclusive mobilisation processes, which have helped strengthen democracy and the prevalence of human rights in society in general. This process can undoubtedly be classified as an example of peace for Colombia, as it is an emblematic case that shows how a socio-environmental conflict can be resolved within a democratic framework.

Unfortunately, the national government, under the leadership of the president and the minister of mining, intends to disregard the popular referendum and, with it, democracy, the Political Constitution and the will of the people of Cajamarca. It is regrettable that these high-level government officials defend extractivism at all costs and try to impose a development model that is alien to the territories' vocation for production, the local culture and the will of the people. The Nobel Peace Prize Winner³ talks about the need to advance the peace process, but imposes, at the same time, the violence of extractivism, making it impossible for the communities to exercise their fundamental right to citizen participation. By ignoring the popular referendums, democracy and the Colombian constitution, the president is declaring war on the territories, social leaders and the current and future generations who reclaim their collective right to a healthy environment. We hope that the strength of the social movement will continue to grow and succeed in defeating greed and the mining dictatorship imposed by the presidency and mining and energy corporations.

NOTES

1 • See: <https://comiteambiental.com/libros/>.

2 • See: <http://www.elespectador.com/noticias/nacional/consulta-minera-en-cajamarca-no-tiene-la-capacidad-de-cambiar-la-ley-gobierno-articulo-686515>.

3 • Editor's note: In 2016, Colombian President

Juan Manuel Santos received the Nobel Peace Prize for the agreement reached between the government and the FARC (*Fuerzas Armadas Revolucionarias de Colombia*, or Revolutionary Armed Forces of Colombia) to put an end to the armed conflict.



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