

Gold Mining and Indigenous Conflicts in Madre de Dios, Peru

In Peru, the Madre de Dios gold-mining conflicts (see Figure 6.1) have been seen as a recurring, uncontrollable socioenvironmental problem (Cannon, 2017). In addition to creating major local socioecological problems and conflicts, illegal gold mining also impacts people far outside the mining areas, as mercury is carried upriver to Indigenous villages by fish and downriver to Brazil and Bolivia. While forests can usually regrow on pasturelands, the poisoned and ravaged post-mining landscapes will remain as barren wasteland strewn with rubble. Shedding light on Peru's mining capitalism is an essential step in starting to solve the problem, as Peruvian powerholders continue to lay highways into the Amazon. The Interoceanic Highway was just the first of a series of planned new roads on both sides of the border (van Eerten, 2017). If extractivist expansion in these areas continues unabated, there will be very little left of the primary rainforests, landscapes, and lived environments.

In Peru's Madre de Dios, gold mining has been studied related to pollution, health, and environmental harms (e.g. Diringer et al., 2019; Martinez et al., 2018), local socioeconomic developmental and livelihood impacts (e.g. Chavez Michaelson et al., 2020; Perz et al., 2016), and lack of governance and difficulties of regulation (Damonte, 2016; 2018; 2021; Dargent & Urteaga, 2016; Durand, 2015; 2016; Rodriguez-Ward et al., 2018; Salo et al., 2016). In addition, contributions like Duff and Downs (2019) discuss gold-mining stakeholder and social actor dynamics. The severe negative impacts on biodiversity and nearby large conservation areas have also been studied (e.g. Mathez-Stiefel et al., 2020; Sánchez-Cuervo et al., 2020). Some studies offer formalization as a solution (Salo et al., 2016). However, in the current institutional context formalization would most likely increase deforestation, a finding supported by the RDPE theory. In Madre de Dios, even formalized artisanal and small-scale gold mining (ASGM) has been found by green criminology to produce "lawful but awful" environmental harms (Espín, 2023).

The reason why this deforesting mining has not been curbed is largely explainable by the failure of the Peruvian state, argues Damonte (2021). This failure is

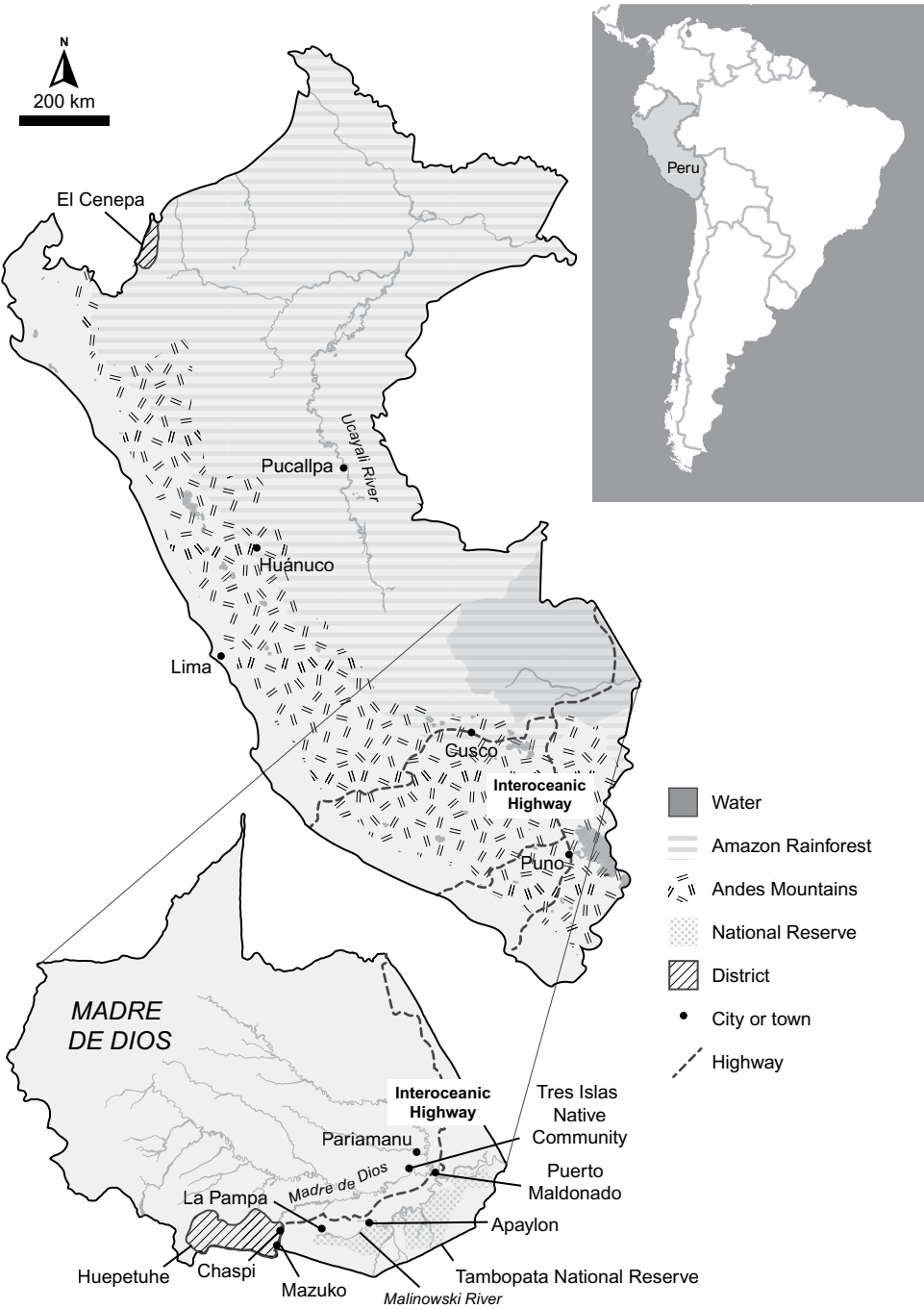


Figure 6.1 Map showing the most significant places in Peru discussed in this book. Basemap data from openstreetmap.org.

caused by the power of the Peruvian elites, who, tied to the extractivist model, control the political process and “use the capture of key institutions to prevent the emergence of alternative development paradigms” (Crabtree & Durand, 2017: 178). The Fujimori regime closed the Congress in 1992 and wrote a new constitution in 1993 that is still active. This action laid the groundwork for the chaotic setting where informal and illegal Amazon mining now thrives. The informality continues to be maintained as it advances the interests of the gold-mining RDPE.

There is ample discursive and developmental narrative support for mining in Peru, making the sector not only dominant but hegemonic to a very large degree, especially among the powerful decision makers. As Benites and Bebbington (2020: 216) write, “Peru’s political settlement both builds and is supported by the idea that Peru is ‘a mining country.’” In this setting, the state and governments do not have incentives to create mining policies that curb deforestation. If this were to be attempted, there is sure to be political backlash. Crabtree and Durand (2017) argue the elites have retained and consolidated their dominance by state capture, meaning the economic elites can make laws for their own benefit, which in turn allows them to capture the political process more broadly. This means key state and society actors have created a hegemony and “cognitive capture” where extractivist neoliberal growth is seen as the only developmental option. Mining-related elites manage to capture the parts of the government and the state that are of interest to their continued dominance and hegemony. Even with political support, the rampant informality and the widespread regional power of the RDPE make it hard to put in place effective measures against the RDPE. In this setting, the RDPE expands by various means of extractivist means into social, physical, and symbolic spaces to subsume and/or corrupt even those communities that want to resist.

Currently, the key actors of this RDPE obstruct the possibilities to regulate and effectively govern in a positive way; for example, by funding corruption or being in power themselves. When they are not personally in political power, it is not uncommon for them to work as powerful political lobbyists vis-à-vis Puerto Maldonado and Lima decision-makers. According to Cortés-McPherson (2019), what best explains the interest and power of mining elites in the Amazon gold mining in Peru are the capital interests of a heterogeneous class of mining financiers. These lead to what I call the establishment of a RDPE, in this case the capital interests for accumulation are via deforesting gold extractivism. Some of the components of this establishment are listed by Cortés-McPherson (2019), these include the appearance of regional (formal/informal/illegal) finance, the creation of a local mining bank and regional government, the interoceanic road, the commodity boom with its high gold prices, and the regulatory failures of the Peruvian state regarding gold trade. Malu, from the Comissão Pró-Índio (CPI) in Acre, who also acts on the Peruvian side with Indigenous communities to curb the deforestation and

degradation perpetuated by various sectors, shared with me in Acre in 2022 that the paving of the highway was the main explanation for the rapid increase in deforestation along the roadsides:

It has to do with the paving, with gold mining, by facilitating for example the lotting in a deorganized manner ... the migrant workers come from Cusco strongly, so that you hardly see native there anymore ... you see this transformation also in the families, habits, foods ... the use of territory at a deorganized form, the gold mining got worse, if you look at the satellite images it is really very detonated. I think that after ranching, gold mining detonates a lot, ends with the soil, forest ... it is terrible by the estuaries of Ucayali, Mazuko, Conibo [rivers], in that region there is gold mining.

The continued gold-mining boom in the Peruvian Amazon needs to be understood as an Andean–Amazonian phenomenon, as the regions are highly connected, even more so with new roads such as the Interoceanic Highway. The Peruvian state formed a national mining bank in the 1940s, and since then artisanal gold mining has expanded, especially in Cusco, Puno, and Madre de Dios (Sanborn et al., 2017). In the 1990s, this artisanal mining turned extractivist, with the arrival of aggressive companies, such as Volvo, offering heavy machinery and financing (Peyronnin, 2019). As with other sectors that were created and then later turned into RDPEs, initial state credit was crucial and later, especially since the 1990s, international financialization, mechanization, and globalization have resulted in the original extractive operations becoming ever more extractivist in scale and scope. This has turned Amazon governments into widely polluting and deforesting sectors, which can be characterized as globally extractivist due to their linkages and exports. The state birthed the sector, by initially providing a tax exemption for the “artisanal” gold miners in the Amazon in 1968. This was followed by concessions being granted at a fast pace and, in 1978, the Law to Promote Gold Mining was passed (Damonte, 2016; Sanborn et al., 2017). This marked a turning point where hereafter the hierarchization and ecological damage typical of capitalist developments, which are especially visible in these kinds of resource frontiers, took place in earnest. The worst deforesting mining expansion took place during the neoliberalization of the 1980s–1990s, which is when the state lost control and international and irregular local finance displaced the state-regulated artisanal mining (Damonte, 2021). Large privatized, corporate, and internationalized mining operations started to dominate Peru’s politics during the 1990s Fujimori era, which led to substantial socioenvironmental conflicts and impacts, as the mining sector became dominant. Amazon gold mining is situated under the umbrella of this wider capture by the mining elite of large parts of Peru, its state, and governments. However, it should be emphasized that while the corporate, large-scale, and formal mines also pollute and cause deforestation (Smith et al., 2020), the Amazon gold problems extend beyond the alluvial mining and rainforest pits.

Local and nearby societies are deeply affected, including in the areas of labor regimes, class formation, and interregional justice. Most miners come from Cusco and Puno and other nearby Andean regions, while, in the lowlands, the Amazonian Indigenous people see their forests, rivers, livelihoods, and communities destroyed, divided, and polluted. Sometimes they do partake in the gold plunder themselves in a bid to at least have some of the spoils stay in their communities, instead of seeing them all flowing upriver.

It is the mining workers and others affected by mining sites who suffer. Ulmer (2020: 325) emphasizes the cruciality of “disposability of life,” as workers’ lives and health are not considered in the push for extraction and its violent environments. In this moral economy, which is a key enabling factor for the RDPE, damage and killing are not abstained from, but, in addition, human and other-than-human lives, including those in the forests, are ontologically transformed, lessened in value. This is not just a commoditizing resource frontier (Kröger & Nygren, 2020), but also a frontier of existences (Kröger, 2022), radically dividing who can exist and how in the forest. These existences, and their radical redistribution, are defended by new kinds of moralities and moral discourses on rights. For example, a new narrative has grown that emphasizes the right to extract gold (Cortés-McPherson, 2019). This narrative is dominant in Madre de Dios, but also nationally, as other local-level politicians adopt this rights discourse. This new moral economy, which justifies and prioritizes gold livelihoods in this context, is a key enabling factor of the RDPE.

The gold-mining boom in Madre de Dios, based on high rents extracted as the environmental licenses for operating inside or outside concession areas were not required in practice, and an absence of inspection, had by 2016 resulted in the hierarchization of the supposed small-scale or artisanal sector. In this irregular or illegal gold sector, “a group of power” consolidated itself as regionally dominant. This group included former small-scale miners who had become extraordinarily rich, owners of mechanized plants where gold is separated, and “capitalists immersed in highly profitable crimes (drug and human trafficking, smuggling) and corrupt officials at all levels and powers of the State” (Dourojeanni et al., 2016: 170). Due to the influx of people from elsewhere, most inhabitants in Madre de Dios are not Amazon Indigenous and are pro-extractivist. This group is so extractivist that they elected a regional president for the 2015–2018 term who was a figurehead for the miners’ roadblocks, which were in protest of campaigns since 2010 by the police to eradicate illegal mining areas (Ráez Luna, 2023).

The sector is highly hierarchical in Madre de Dios; for example, the power in the most important mining hub and town of Huepetuhe is consolidated in the hands of a single family who came to the region as pioneers and have been there since the 1970s. They are a “dominant commercial and political force” and control most gold-mining areas, trade directly with local and international buyers, and have deep ties to local and

national politics (Peyronnin, 2019). There are several emblematic factors here which show how extractivist deforesting RDPEs in the Amazon are often very hierarchical. This shows that their dominance is not only regional and in relation to forest-use decisions, but that RDPEs also have internal dominance within the system. In this case, the head of the family managed to lobby for the region to become an official administrative district and then became its mayor, while other family members have key political influence in regional and national legislatures. In addition to their direct political ties and many concessions, they own hotels, mining equipment companies, and other key service and trade companies in the region linked to mining (Peyronnin, 2019). This family, called Baca Casas, controls the routes of gold from the mine pit to foreign refineries, receiving millions from foreign banks. A series of gold-exporting companies, controlled by the family and related to cases of bribery and links to politicians, are listed by Peyronnin (2019), with the key buyers being companies from Switzerland, the United Arab Emirates, the United States of America, and India.

A key feature that drives this kind of deforesting open-pit mining in the forests is the ready availability of machinery and equipment provided by foreign companies. Key among these were Volvo and Ferreyros (a brand of Caterpillar), whose arrival in the region in 1992 strongly shaped the style of extraction. In particular, the flexible payment terms on purchased machinery turned mining into very industrial and heavily mechanized process (Peyronnin, 2019). This industrial mechanization has had such an intense impact on the landscape that one can see the signs of mining from space now. These machinery companies were crucial in getting early financing to the sector (Cortés-McPherson, 2019), which is really the point at which the area turned from small-scale mining to gold extractivism. This mechanization has led to a dramatic multifold increase in the amount of gold extracted per month, and has lessened the need for workers, but at the cost of “widespread deforestation, despoiling land, runoff of topsoil and stagnating pools of water, and damaging waterways and ecosystems” (Smith et al., 2020: 247). The gold buyers are key intermediaries in the process; for example, locals told me in 2017 that one role they play is providing security by buying the gold that is often stolen by corrupt police. In addition, these dealers arrange the machinery for the miners and pay for the large loans they receive using gold. It is not a surprise that these dealers are also being investigated for money laundering (Cortés-McPherson, 2019: 386).

Illegal trading of gold is even more profitable than drug trading. Peruvian mining and political elites export gold directly and through third countries to companies that, for example in the United States of America, could not be seen to be involved in this illegal and deforesting trade (Cortés-McPherson, 2019: 385). Some companies involved in this illegal importing from South America and Peru, which is worth billions of dollars, have been investigated and caught by the police in the USA. The involved exporting companies in Peru are owned by officials, such as a

director of the Ministry of Mines. The laundered gold and eager buying companies abroad provide ample financing for further expansion. It should be noted that it is not just importing/exporting companies that are involved, but refineries and gold exchanges in London, Canada, and other places. Formal gold buyers in Lima have bought a significant amount of gold from the Madre de Dios Basin, which then counts toward exports and state revenue to some extent (Damonte, 2018).

During the COVID-19 pandemic, with its record high gold prices, a dirty gold economy strengthened globally and Amazon mining and its deforesting impacts expanded uncontrollably and fast. This expansion is despite the state of emergency and raids by the Navy and Army that aimed to destroy mining sites (Damonte, 2021). Madre de Dios is an example of an RDPE of gold mining linked to global gold extractivism, which has captured the local political economy to a large degree. In addition, together with the national mining section it wields substantial power, for example in influencing the voting process for Peru's president. The pro-mining and anti-environmentalist conservative political parties dominate Peruvian politics, opposition is weak, and the civil society debilitated, which means necessary monitoring and regulatory rules, institutions, and resources have not been created. This situation explains the deforesting expansion by extractivist elites (Pereira & Viola, 2021: 128).

In 2022, Elsa Mendoza explained that since COVID-19 new methods of deforestation have arrived in Madre de Dios, caused by fruit and other types of agricultural plantations. This food is needed to supplement the tens of thousands of gold miners who do not produce food but pay very high prices to get it locally: "The value inflates since mining is dangerous," a "banana costing 1 peso elsewhere costing there 5 pesos." There has also been a surge of new speculation, lotting, and selling of unused land, especially by roadsides. "Mining is not cheap, it has a high cost," the influx of this capitalist tendency bringing an overall increase in the values of everything: "All is commercialized in these areas where mining is installed." Mendoza explained that the mines that are "floating," alluvial on the rivers, "do not require territories, but are starting to buy lands" in this general post-COVID land commercialization. People are also asked for payments to stay in roadside shantytowns that are rife with exploitation and insecurity, to the extent that locals must "pay for someone to protect them, or else they are invaded, robbed."

Counterattacking the Gold Expansion

Some government and state actors have tried to prevent mining from expanding in the direction of the Tambopata National Reserve, which is an important tourist destination. In 2018, the area around the city of Puerto Maldonado received over 200,000 foreign tourists, which brought a lot of money to forest lodge operators. However, most of these lodges are not locally owned, so much of the money spent

on accommodation flows outside the community. This results in the area being more of enclave economy, as there is too little local spending by the foreign tourists. Yet this link to global tourism does seem to have lessened the deforestation around the major conservation areas south of the Interoceanic Highway.

In February 2019, the Army and the police carried out Operation Mercury, which, according to some reports, resulted in a 92 percent decrease in deforestation in the area called La Pampa, which is between the Interoceanic Highway, Tampobata, and the Malinowski River. A substantial amount of Madre de Dios gold-mining expansion was taking place there (Villa & Finer, 2019). While this would appear to be a clear win for the authorities, the displaced miners seemed to have moved to other areas nearby, where deforestation subsequently increased, for example in Apaylon, Pariamanu, and Chasp. Chasp is a new gold-mining frontier that is located within the buffer zone of a national park. Yet, despite the increase in deforestation in some locations, the overall impact of Operation Mercury had positive effects on curbing deforesting. This suggests that, with a strong political will, it is possible to control the key deforestation locations. However, as of the mid-2020s, economic power has suppressed such will. Often these operations target the activities of the informal miners and not the root causes and political-economic drivers of the deforestation following gold mining, which suggests that mining will continue where the police and Army are not physically present. In contrast to prior police actions, Operation Mercury left a police force on site to prevent the return of miners and designated funds to help the miners' socioeconomic situation so they would not immediately return to mining (Ráez Luna, 2023). However, due to COVID-19, the police did not stay for long and miners retook the areas. In January 2024, Augusto Molanovich, a Peruvian state official, explained to me that by 2023 the situation had already become chaotic again. He argued that the "financing is too large" for the repression and destruction-based military operations to be effective, as gold miners have so much money that they can quickly replace the broken machines. The military operations and presence are also very expensive and do not consider that miners also are human beings. Therefore, he argued that the way to effectively curtail the mining is to "regulate and restore" the forest cover. However, this restoration would be expensive, technically challenging, or even impossible in places. Additionally, the restored areas constantly run the risk of the miners returning to tear them open again. At the end of this chapter, I will make a more detailed exploration of the possible solutions to curb these problems.

Corruption

The presence of military forces might also not be enough as there is too much corruption and the involvement of state and political powers in the business is too

high, Elsa Mendoza told me in 2022. She continued, “Those involved in mining unfortunately come from the high up from president to politicians. For this [reason] it is hard to eradicate” mining, which is not done “simply by outsiders or companies.” At the crucial moment of expansion, the Ministry of Environment could not curb the mining, as “the military personnel was commanding there, and the military people were involved also, so they received a certain percentage and the politicians received a certain percentage, and the government, Ministers also received a percentage, for this it is very difficult to deter the entrance to new areas ... as the dynamics is decontrolled in this way.”

The worst-hit area, the core of the RDPE, is La Pampa. In 2016, there were over 60,000 people living in what is widely considered Peru’s worst context of illegalities; thus, constituting a *de facto* free zone outside of state control (Reaño, 2019: 245). Arriarán (2019), based on 20 years of ethnography, gives a detailed analysis of the transformation of Madre de Dios, and especially La Pampa, into what he calls a “pirate frontier.” He compares Madre de Dios gold mines – considered Peru’s greatest environmental disaster – to a lunar landscape where nothing lives and what is living disappears constantly. This includes the multitudes of human beings who have lost their lives. Yet, the people living in Lima do not want to know and do not care what is happening on these frontiers. Mendoza shared that most money goes to Lima and Cusco, by helicopters or airplanes, never by land. When asked who was running this, she said that already in 2001 a high-level politician and the armed forces were involved: “The whole system is channeled to Lima, the center was in Lima, so to say.” However, to obtain current knowledge on this system is very hard, as “if you go there, no one will give you this information, as there are cartels.” However, in 2018 she and her colleagues found cartels, including one run by a very powerful lady and others that “were really powerful, commercializing all there,” with whom they were even afraid to talk to, since “all is possible there.” Now the organized crime of drug trafficking has also entered the area, which makes things even worse. The system has changed since 2001, when it was more dominated by politicians. The current system is much more complicated, with organized crime taking also now “a slice” and “providing security” with armed retaliation, in what Mendoza called a “terrorist” fashion. Mendoza told me that “the system is out of control.” New, heavier machines are used to reopen old mines, as there is still gold, which makes any attempts of slow reforestation impossible. There is even slavery, “It is a misery there, all that is worst in a human being you find there.” The human trafficking in the mines has been studied, for example, by Goldstein (2015), Mujica (2014), and Tuesta (2018), and involves the forced prostitution of minors and Indigenous women from distant lands by mafias in localities known as *prostibares*.

In 2018, gold mining accounted for an estimated 41 percent of the Madre de Dios province gross domestic product (GDP) and, if all the related activities were

counted, that figure rises to over 70 percent (Reaño, 2019), which clearly shows the economic dominance of this sector. Mendoza shared with me how the economic impacts of illegal gold mining are very bad nationally and regionally, “The profits that remain there are from commerce,” which is just a fleeting phenomenon during the mining booms. She continued explaining that mining “leaving no returns, a percentage for the community, the city, the state, it does not leave anything.” Life is hard for the locals, who do not have a good quality of life; for example they “have to fight for clean, not contaminated water.” The mercury pollution is the worst impact. There is hardly any resistance; as almost all people involved in the mining and the supporting activities come from other places, the locals are just a minority.

Tres Islas: Gold Extractivism Dynamics within Indigenous Lands

In Madre de Dios, most of the Indigenous people belong to Native Communities, which were forcibly formed in the twentieth century by the Church, state, and missionaries to gather various Indigenous people in towns to be converted by force. This took place during the disastrous rubber boom (1900–1940), which was promoted by the state. Prior to the 1900s, the region had remained largely protected from colonialism due to difficult access. The slavery and violence of the rubber boom led to genocides against several of the Indigenous communities; for example, the population of the Ese Eja was devastated, with those remaining now forming a part of the Tres Islas community. The rubber barons forcibly dragged the Shipibo ancestors of the current Tres Islas Indigenous people from Pucallpa (Merediz Durant, 2017). Even those communities who escaped from slavery now live in voluntary isolation as nomads, for example the Harakmbut. According to Gray (1996), the worst reduction in their numbers happened during the rubber boom of 1894–1914, during which time some subgroups lost 95 percent due to use of machine guns in massacres by rubber barons, as well as slavery, disease, and related causes. They numbered around 30,000 in 1940, when missionaries encountered them, bringing with them diseases. After that, the road was built, which further spread epidemics which wiped out most of the Harakmbut who were left. In the year 2000, there were only around 300 of the Harakmbut left (Reaño, 2019; Tuesta, 2018). The first gold boom in Madre de Dios took place in the 1960s–1970s, as previously President Benavides had promoted the building of major highways without any consideration for the environment, including the road to Puerto Maldonado (Reaño, 2019). However, during this period, until 1978, there were no concessions, and mining was mostly artisanal. The state was buying the gold and paying a global market price and generally supporting the establishment of gold frontier in Madre de Dios, which included subsidizing the

colonization of the region by Andean migrants (Moore, 2019: 209). In 1978 the government passed the Law to Promote Gold Mining (Decree 22178), which did not give concessions to local Indigenous groups, or to the existing state-controlled artisanal miners, but instead opened the region on a first come first serve basis (Moore, 2019). This can be considered a capture of these lands by Peru's internationally linked and Lima-led mining elites, as this law opened the possibility for their companies to grab the existing gold-mining lands from the existing users. Since then, there has been social chaos around mining in Madre de Dios, argues Moore (2019). Therefore, the second boom started in the 1980s as a more rampant process and intensified after 1993 as the neoliberal Fujimori government's 1993 constitution decreased protection of communal lands (Reaño, 2019). Until 1991, some Indigenous communities had successfully used a tactic of filing for and holding gold-mining concessions themselves, without operating them, to avoid a situation where outsiders got concessions and started mining. However, this tactic became ineffective after the 1991 General Mining Law required payments to maintain the concessions (Moore, 2019). Even though it was established in a top-down manner by Fujimori and hastily pushed through to favor capital, the 1991 law still applies. Since its start it has caused conflict and broken many other laws, such as the General Environmental Law. These political moves were part of the Fujimori government's economism policy, where neoliberal reforms were used as a tool to quell political dissidents and enforce a steeper elite control of politics (Teivainen, 2002). This sequence of developmentalists first building infrastructure and then neoliberals radically decreasing community land rights, has repeated itself since, as the Interoceanic Highway was paved between 2005 and 2011, followed by waves of liberalizations.

Rampant mining expanded in Peru as the 2008 financial crisis led to booming gold prices, there was a domestic economic crisis, and the highway was being built. Several governments tried to establish some laws from Lima, without understanding the local setting. They tried to use the military to crack down on the miners, but these top-down and noncontextually aligned policies just added violence to the problems and caused the mines to spread to other places according to Moore (2019: 212). Moore (2019) also made the observation that by 2018 all the mines were still illegal as it was too difficult and expensive for the miners to try to meet the required environmental standards set by the government. Recently the expansion has got worse, starting with invasion of forest lands by mafias focused on illegal logging, who then sell the land to miners after they have removed the valuable wood, details the Regional Strategy for Low Emission Rural Development of Madre de Dios (*Estrategia Regional de Desarrollo Rural Bajo en Emisiones*) (Governors' Climate and Forests (GCF) Task Force, 2021: 40; Alarcón et al., 2016). The state policy document also details the rapid expansion of coca

plantations close to gold-mining sites, as both mining and logging are increasingly financed and controlled by drug-trafficking mafias. Importantly, none of this chain of deforestation would have started without the developmentalist idea of building the road to Madre de Dios. While this infrastructural driver is a crucial cause, there are also multiple causal factors that explain why deforesting gold mining continues. The GCF Task Force (2021: 44) listed the following: perception of impunity, idea of “available land,” low productivity, demand for gold, availability of cheap labor, existence of an informal land market, high corruption, access to new areas, readiness of property owners to rent lands, lack of capital to improve low-producing lands, lack of new markets for biodiversity-protecting produce, and lack of technical help for Amazonian diversity. These factors illustrate how local, alternative development should be supported alongside measures to control and curb mining.

Many of Peru’s Native Communities have received legal status since the 1990s as Indigenous peoples, but several are still waiting to get formal titles conferring land and legal rights. Most of these Native Communities resist gold mining, but the state has granted mining concessions on top of much of the Indigenous land, which has created major conflicts and pushed some community members to also start mining; for example, in the Tres Islas Native Community, which received its title already in 1994, after a long struggle (Ráez Luna, 2023; Reaño, 2019). However, Tres Islas is the only Native Community that has obtained a positive court decision on its appeal in the Constitutional Court of Peru, against the illegal decisions of miners and the regional state, which forced them to open the roads giving access to their titled Indigenous lands for the holders of 137 state-granted mining concessions over their land. Of these, 123 are held by outsiders, while 18 are in the name of Tres Islas community members (Merediz Durant, 2017); the latter are primarily to block the outsiders. The miners officially pay the state a small sum for the mining concessions, which makes them think they have rights. A local court ruled that the Indigenous people do have the right to block the miners’ entrance to the land, which is an action the Tres Islas community needed to take as the state was not protecting their rights. The mining licenses granted by the Ministry of Mines and Energy are unconstitutional as they did not respect the constitutionally granted autonomy or seek free and prior consultation with the native community members, which is also demanded by the ILO (International Labour Organization) 169 Convention signed by Peru (Movimiento Regional Por la Tierra y Territorio, 2017). ILO 169 grants primary land rights to Indigenous peoples even in cases where state laws or, in this case concessions, would violate these rights.

Augusto Molanovich, from Peru’s Forest Service (SERFOR), told me in January 2024 that the majority of Amazon Indigenous people, and especially their organizations, are resisting extractivisms and gold mining. He had been writing the

policy plan for alternative development for Madre de Dios in an attempt to resolve the gold conflicts; however, the plan had not been executed. While the majority resist, due to the pressure, Indigenous people are simultaneously “involved” with mining, Molanovich shared. In 2022, policy consultant Elsa Mendoza told me that it is common for the local Amazon Indigenous communities to cede their lands in Madre de Dios for gold miners to get a part of the proceeds. They are typically not involved themselves in the mining. However, when I visited Tres Islas in 2017, some of the people there were involved with the mining and that has created major polarization in the community. Tres Islas – which has 30,000 forested hectares out of a total of 32,212 – has over 100 families and is a mix composed of several Indigenous groups, including Shipibo, Ese Eja, some Ashaninkas, and mestizos (Movimiento Regional Por la Tierra y Territorio, 2017).

One part of the community tried to promote tourism and nonwood forest products (NWFP) such as nut production, but, as Mendoza explained, these ventures are hard as “no other economic activity can be compared” with gold. While many Indigenous leaders do succumb to the temptation of bribes by gold miners, argued Juana Payaba, a renowned ex-president of the community whose actions were central in gaining the court and other victories against miners, the resistance has also been strong (Movimiento Regional Por la Tierra y Territorio, 2017). The actions, starting in 2008, included denouncing the miners’ illegal actions and demanding that the miners leave. If the miners did not leave, after prior notification, they “burned their machines, their camp, their food.” The Indigenous people slept on beaches and installed radios, and little by little expelled the miners in 2008. However, in 2010, as gold prices soared, there was a larger wave of miners entering the area, with 30 to 40 motors. Again, the community decided to evict them and entered the “war that we are living now,” explained Payaba in 2017 (Movimiento Regional Por la Tierra y Territorio, 2017: 10). According to her, they planned and organized the actions well, including setting watch posts and burning tubes and other things if the miners did not leave. In addition, they threatened to shoot the miners with poisoned arrows, which brought them into close encounters with the armed miners who were unwilling to leave. Thus, they managed to evict all the miners in 2010. However, soon after this, a local court in Puerto Maldonado ordered the watch posts to be taken down, after which the miners reentered and the resistance became disorganized. Payaba claimed that it was the bribes paid by miners to local officials that explained the court decision that was fatal to local resistance.

The local officials also tried to imprison the community leaders, which prompted them to seek help from an outside human rights organization and their lawyers, who filed a Constitutional Court case. In September 2017, they won victories in the Constitutional Court (Exp. 1126-2011-PHC/TC), and in the Inter-American Court of Human Rights of the Organization of American States (Medida Cautelar



Figure 6.2 Traveling upstream on the Madre de Dios River with the Tres Islas Native Community watch patrol, with illegal barges sucking gold from the river-bed in the background. May 2017. Photo by author.

N° 113-2016). At the same time, the Peruvian Judicial Power also decreed the mining licenses to be null (Chumpitaz, 2020). The Human Rights Court had been approached by Payaba and another leader, because of the threats to their life by violent miners, and of mercury and other pollution. The Human Rights Court found that their situation was “grave and urgent,” and their lives at risk, which promoted the court to solicitate the state of Peru to take action to ensure their safety (Resolución 38/172017). However, by March 2017, the miners had not paid the ordered fines and costs to the Indigenous community members and the state was still allowing the miners to enter their lands, which I witnessed myself in May 2017 while visiting the area (see Figure 6.2). Being there in person, I could observe the things that are left out of most accounts, such as the dynamics involved when a part of the community participates in the mining.

Already in 1978, Tres Islas community members had registered at the Mining Bank, and by 2002, Shipibo in Tres Islas were engaged in artisanal gold mining (Merediz Durant, 2017). In 2017, there were at least two outsider mining concessions within Tres Islas with whom the community had made an agreement and from whom they were receiving considerable fees that went to the communal fund

(Merediz Durant, 2017: 172). There were also some families that were mining, but, in line with Merediz Durant's (2017: 180) experiences, I also found that when asked these community members did not want to reveal that some members of their own community were involved in mining. Merediz Durant (2017: 206) argues that Tres Islas was among the 10 Native Communities in Madre de Dios for whom gold mining was the principal or the most profitable economic activity. When I landed with them on a mining spot upriver in Madre de Dios, we encountered some community members with mining tubes coming from the forest. Yet, there was no conflict or speech, as the tourism-focused and mining-focused community members maintained their silence and the meeting was cordial. No one explained to me at the time that these miners were also community members. I only learned this afterwards when an NGO coordinator traveling with us in the boat revealed it to me. However, when observing these dynamics, in line with Merediz Durant's (2017) notes based on her participant observation, it is important not to participate in the general framing where locals involved in extractivism are chastised in popular media. Often this framing has the effect that all the focus is placed on these small-scale participants, while the roles and responsibilities of big businesses and finance in global cores are downplayed or invisibilized.

Within these more complex dynamics, mining and conflicts have continued in Tres Islas since 2020, when the COVID-19 price boom aggravated the temptation to participate in mining. Criminal groups extracted an average of 600 grams of gold daily from Tres Islas, which in 2020 fetched a price of at least 45,000 dollars on the black market (Radio Madre De Dios, 2020). Therefore, the community members continued their resistance and had to use their own force to evict miners, also calling on the military to intervene. At their behest, in February 2020, the Navy, Army, and special environmental officers' taskforce found and destroyed two miner camps, six rafts with implements, eight engines, a gold-smelting center, and 1 kilo of mercury. However, this was only a fraction of the over 40 motors in Tres Islas in February 2020, each extracting about 15 grams of gold per day (Chumpitaz, 2020). Between 2019 and 2022, over 500 hectares were deforested in Tres Islas, as illegalities by and related to mining, such as logging, continued amid the COVID-19 pandemic and political crises in Peru (Praeli, 2022). However, in comparative terms, mining has been held at bay by the resistance in Tres Islas, while those Native Communities that made deals with heavy machinery miners, such as Barranco Chico, which has one of the richest gold deposits, have lost their land and lived environments, existing now in misery (Merediz Durant, 2017).

Since 2019, under the guise of formalization, the parliament has been approving new measures that support further mining expansion. The miners from Madre de Dios were also spreading to new, intact areas of Indigenous peoples located in

very distant parts of the Peruvian Amazon and Andean–Amazon forests, such as Huánuco and Ceneba in 2022 (Praeli, 2022). This spread shows how RDPEs may leapfrog to new deforesting frontiers in distant places.

Resistance and Ontological Conflicts

There are many people, such as environmentalists, human rights activists, and especially local Amazonian Indigenous community members, who resist gold mining at a more fundamental, ontological political level. I witnessed this during my visit to the Tres Islas Indigenous community by the Madre de Dios River in May 2017. During this visit I took a boat upriver with them to see the ravages of barge and onshore gold mining on their lands. While walking with the leaders in the forests I talked to them about their ontological, cosmological views on the matter and the conflict with the miners.

These conflicts, where Indigenous people increasingly challenge not only the right-wing and neoliberal corporate resource extraction, but also the left-wing or progressive, neodevelopmentalist, neoextractivist policies, signal a key change in their relations. These fractures are visible across Latin America, for example in the Ecuador presidential elections, where a significant part of the Indigenous movement sided with the Indigenous movement's Yaku Pérez, against the Rafael Correa-led leftist candidates, who were backed by leftist intellectuals such as Boaventura de Sousa Santos. De Sousa Santos claimed the Indigenous-candidate supporters were driving right-wing power by not supporting Correa. Atawallpa Freire, an Andean philosopher, criticized de Sousa Santos for this stance:

Ultimately, progressivism is part of the postmodern expression of the media and academic sectors that seek to displace the social movements (especially the Indigenous movement) or co-opt them to be under their social-democratic or even Christian Democrat tutelage, under the heading of “New Left.” For that reason, we’ve been clashing, because we are no longer following the Eurocentric path of “Socialism of the 21st Century,” but are contesting its conceptions and horizons. Because they want to keep having us only as a mass base or Indigenist or feminist or environmentalist or popular arm. And because we have taken up a struggle which is no longer only about class or morality (as they want it to be) but is an ontological and trans-civilizational struggle. This is what is behind one position and the other. (Alteridad, 2021, author’s translation from Spanish)

A new kind of thinking is behind these clashes, ontological politics (de la Cadena & Blaser, 2018), which revolve very much around Indigenous challenge to the extractivist, modern worldviews. The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Report is among the many recent studies which have recognized this need and have called for greater attention and a larger role to be given to Indigenous populations. “Regional and global

scenarios currently lack and would benefit from an explicit consideration of the views, perspectives and rights of Indigenous Peoples and Local Communities, their knowledge and understanding,” argues the UN Report’s summary (United Nations, 2019). Yet, the reality is quite different. Indigenous peoples have been facing ever greater pressure, threats, and killings as extractivisms have expanded since 2005. Modern states have failed to safeguard the right of Indigenous populations to live in peace when they have allowed and/or participated in extractivist expansions such as gold mining.

The COVID-19 pandemic worsened the situation around the world for Indigenous peoples, as during this time the expansion of legal mining (Vitor Santos, 2020), and especially the unchecked actions of illegal miners, destroyed enormous areas in South America, including in Venezuela (SOS Orinoco, 2021), Peru, and Brazil.

While forests can usually regrow on pasturelands, the poisoned and ravaged post-mining landscapes will remain barren wasteland. The Indigenous people, and an NGO individual, who showed me in 2017 the ravages of gold mining in Peru’s Madre de Dios, shared with me the conflict dynamics when an Indigenous community starts to be divided due to pressure coming from outsiders who enter their territories with an extractivist mindset and practices. This situation started to divide the community into two, some people moved to the city of Puerto Maldonado, bought houses there, and then came to mine in Tres Islas. Another kind of logic, that of “our gold,” had started to grow among some community members, while others were frantically resisting this approach, and called those community members “outsiders.” I ran into some of these so-called outsiders while participating in a pilot tourism tour, which was being developed by community members not participating in mining as an alternative and antidote to the expansion of extractivism. When these two groups met each other, they were silent. When I asked who the other group was, the pro-tourism group did not respond to me and the feeling of the entire interaction was odd. Later, after leaving the community, an NGO coordinator told me those we had run into on the shore with the mining equipment were also Indigenous people and community members. I asked questions of the Indigenous leaders in Spanish (translated by me into English). We saw many mining barges on the river, and I asked a middle-aged Indigenous leader, whose name I will not reproduce for informant safety, “And the miners we saw mining, where are they from? Are they from Cusco?” He answered, “Exactly. – They are outsiders, from Cusco, mostly, who come to work here. Mining. They are outsiders. Or ... People from Maldonado. They are not from here.”

By correcting the answer in relation to where the people are from, the quote reveals this thorny issue. I asked if the concession is easy to obtain: “If you have money. You pay. Monthly or annually, you pay. Per concession.” I then asked



Figure 6.3 Tres Islas Native Community member in Madre de Dios, Peru, watching over a sacred lake that has suffered due to illegal gold mining. May 2017. Photo by author.

if the government also grants concessions on native community lands, which revealed the active resistance to this, based on a valuation of the existence of trees and forest:

Yes, they do. They have been granted. That is why sometimes we fight them because there are miners who want to enter [the forest] right, and we depend on that. We even go there, we stand our ground so they can't work, so they don't cut down the trees. Because when they bring the machinery in, they destroy the whole tree, they kill the tree. A tree that sometimes has stood tall for many years, they kill them and sometimes that we do not want.

The resistance is active, vigilant to protect especially the key places, such as the beautiful lake, which according to him had over 15 *lobos de río* (giant otters), a species in danger of extinction. He explained that the site was also the sacred dwelling ground of other other-than-human beings (see Figure 6.3). He pointed to the areas along the Madre de Dios River we passed:

There are places for example in here with others, we take good care of them. We always keep watch there. We don't let anyone in. For example, how has it been that all of our territory is there? Over back there, about a thousand meters from here, more or less, they

wanted to invest some money in there, but we have not let them. Like here, excavators dig and then leave, we do not let them. Here, if another, we throw away. We have repeated. Everything, from here to a thousand meters away, belongs to us, everything.

The leader lamented that part of the community had been participating in mining, “they have won over us [a part of the community], like that, for money. They had money, they could pay everything, right? That is how. They paid.” However, they have also had victories, some by litigation, to defend their areas against mining, “we have won a trial and it is still known nationally.”

An NGO expert, whose name I will not reveal for safety reasons, working for years on the topic and trying to help the affected Indigenous communities, explained the resistance to me in more detail: “There was a time, a few years back, when Tres Islas was very heavily mined, right? That is why many community members, community members who live in the area, took a stand to defend their territory. They sought this protection, under the constitution, to defend their territory” (translated from Spanish, May 2017, Puerto Maldonado). However, since this struggle, the resistance side partly lost control of the community and some of them started mining themselves, the expert explained. This shift had to do especially with the migration of outsiders into the community. Due to in-migration, they changed the community rules: “so that not just anyone can be a community member.” However, the turn to mining left many arguing the group should not be classified as a Native Community anymore, with its special rights and privileges:

[T]hat bad perception that exists [of the Indigenous people mining], there is truth in how they have exploited the territory, but it is not correct to say they are not natives. It is no longer true that there is a group that actually descend from the natives, that is, in the end, these new generations will no longer be pure natives ... but they do have a history, a cultural past.

These moves to try to bar mining expansion revolve deeply around political ontology. They are ontological conflicts that challenge the modernist understanding of value imbued in modern gold markets. The Tres Islas people told me that the miners are “terminating with the spirit of our land.” I asked them if they told this to the miners coming to their lands, what their activities do to the spirits. The following replies are interesting because they show the kind of discussions around existence that seemed to take place in the daily encounters between miners and those critical of mining. I asked, “And you tell the miners about this? About the spirits?”:

We tell them. There are miners who react, you know. Jeez! we are doing wrong, you know? Jeez! You know? And we sit them down ... I, I have friends that are miners. And I tell them. Jeez, you know? Not to destroy – well that is how we make a living [the miners reply]. [To which they respond:] But there are many ways to make a living without destroying the environment like that, you know? There are many ways. Look at us. I am a farmer – life is cleaning [referring to the Indigenous agroforestry practices of farming and

care at *chagras*, the forest home gardens,¹ right, – I do not need to go to the mine, to make a lot of money. For us here in the community, what we have is enough. To eat, – something for our family, nothing more. We do not need what money buys. Jeez! – a luxurious life, you know? We live here as, as a community – with what we have. If we have agriculture, it is like our little farm, to survive – cassava, banana ... that we have. The spirits are grateful to us because it is a quiet place. There aren't even any evil spirits.... [The spirits] protect us. But before, when there was mining, yes, there was plenty [of crime], you know? Jeez! Theft, robbery and you would hear about muggings and people that were killed. But not now. We are just starting out, trying to fight for tourism, fighting [through tourism] against illegal mining as well.

The Indigenous leader explained to me that by 2017 they had been successful in slowing down the activities, barring the mining entrance, driving the miners away:

[B]efore, it was full of miners. Here, there, everywhere. But not now. With all this, — our support, you know, trying to get rid of the miners that harm the forest, the environment, we have fought as well [for them]. And, therefore, there is a difference.... They are leaving ... we told the miners not to come work here. And as you say, mining is polluting the environment, mostly the river, right? with the mercury. We don't want that. We want a better life for our children, a better community, a clean one. That is what we want. As I said, we are starting to bring tourism here, we are just at the beginning. We are trying to improve so that you can see and appreciate what we have in our community.

During the time of the mining invasion, crime and violence also increased, which the community's anti-extractivism actions helped to quell; for example, by not allowing the excavators to enter, "There was plenty ... because, as you know, miners dig for gold here. It brings crime, right? Now that there aren't so many miners around here, we don't have that problem anymore with criminals coming to the area. It is a quiet community. It is safe." Those locals not partaking in mining were engaged in traditional or new, alternative livelihoods, with the support of projects, such as Brazil nut-packaging facilities. Most were resisting mining, among these were some cattle-breeders, but mostly they were involved with activities that did not deforest, such as caretakers in households, nut collectors, and other non- and anti-extractivist work, "here we are *castañeros* [Brazil nut collectors]. We bring our product here. This is the port to the world. In forest – hours from here, on foot – that is where we the *castañeros* work. Where we work with the Brazil nuts ... it isn't agriculture."

Their current livelihood prospects are narrowed by the destruction of the river and river-based livelihoods due to mining pollution. For example, there used to be cane growing amply in the river that they used for many things, but it is not there anymore, and they also cannot consume the fish, "Illegal mining has corrupted everything, the river, as you can see.... Unfortunately, we have yet to see what else the mining will bring."

¹ See González and Kröger (2020) for more about Indigenous agroforestry practices.

The Tres Islas journey of resistance revolved around finding ways to combat the power of money: “[W]e have a vision earned by us, us as a community, with the miners we say [in the struggles with the miners]. At first, they beat us, because of money. They had money and could pay everything, right. That is how it is. They would pay. But now ... we have even won at trial, which is nationally known.”

The resistance had earned respect inside and outside the community, even among the miners, “they respect us, we are there, we are fighting. The whole community is heard, we make a stand that nobody” is going to get paid by the miners. “We don’t let them work. That is ours, it is our duty, ours as a child of Tres Islas, of the Tres Islas community. Of all this.” As he explained, he showed me the forests, rivers, lands, and community buildings. They showed to me their traditional dances, practiced by youngsters, and crafts, which they would be showing and selling to future tourist groups.

The resistance of the community is not so hardcore as, for example, by the IBAMA in Brazil, or Navy in Peru, which destroy everything they find linked to illegal mining, including the accompanying family goods and food, burning them. The Tres Islas patrols negotiate with those miners who are poor. They do this also since they own the concessions, which they gained in the process of making concession claims to forbid outsider entrance. The NGO expert explained:

Sometimes the community is not very, let’s say, radical, when they confront people because they see a family, you now? You see, miners are not just destroyers ... they are families that work. – Sometimes you go on an intervention, and you find an older lady, or children, or entire families that work, so.... They understand that this family has needs and sometimes they give them a deadline to finish their work. And, well, sometimes the families do not comply. They come to some kind of agreement. They [the mining family] pay them a little more and postpone the deadline. But, in theory, there is a limit to that income. There is also a problem there because there is a community concession there, so they can’t get rid of them completely.

This kind of mining problem is not won overnight, but time is needed, as the miners have accumulated a lot of money and resources at some point in time. The mining people in the Tres Islas community have houses in Puerto Maldonado, where their children go to school and have “more opportunities to go to college.” This mining part of the community is from another area, not the village headquarters, but from “an area they call Palmichal, and who [we] are always in conflict with.” I was visiting the part of the community that was promoting tourism and nonmining stances. Yet, these Palmichal people are also “part of the community,” although of them, “almost nobody is a native,” according to the NGO expert. They then went on to explain why they have not wanted to raise this issue of there being nonnatives within the community who are mining, “That subject is more sensitive, you know,

because it has to do with the image of the community.” Losing the image of this being an Indigenous community with “ancestral knowledge” would be perilous considering the defense against outside threats, as the community would be judged for mining themselves.

In this sense, the physical and social damage mining causes within Indigenous communities carries an even higher price in the symbolic space, on which depend both the valuation of the communities’ ways of life and the discourse on special rights. The situation of extractivist pushes is therefore much more complicated for Indigenous communities. This is the reason that Bolsonaro and his allies, evangelical missionaries (often involved in mining), would like to see their understanding proven right – that all are as sinful as others, “naturally” participating in extractivisms. However, the NGO expert explained that if the Indigenous people start mining, they lose support from all sides and “they only attract problems. They attract policemen who want to intervene,” taking bribes, using extortion, and destroying the mining equipment. However, if they do not mine, “all of them sympathize with that territory if they work [with] Brazil nuts.”

The NGO expert recognized that the community that he had worked with for many years was going through a transition:

I think there is a conflict [within the community]. But, maybe even more than just a conflict, there is a transition. At least in the way they were working, which can no longer be sustained. And this is accepted by the community members, even those who have mined or who continue to mine, you know? Because they know what is happening to the environment and how the community has been affected. [The change is] cultural, and of identity itself with the territory. It is seen in their impact, how they intervene and in the vision of development that each one [of them has themselves].

However, this transition to post-extractivism was hard to oversee, given the lack of state support for controlling the vast territory, “That is the hard part, managing or controlling problems over such a vast territory, to know, also, that you are monitoring the entire territory without the support of the authorities.”

Recently, especially since 2022, development cooperation projects have created positive results; for example, one project by Rainforest Foundation aims to build communal inspection capacity by training Forest Oversight personnel among native community members (Ráez Luna, 2023). The use of new satellite, drone, and mobile technologies where locals are given better tools to denounce deforesters have had positive effects in Tres Islas and elsewhere in the Peruvian and Brazilian Amazon (González & Kröger, 2023). The key is to raise the role of regional Indigenous peoples’ representative organizations for monitoring deforestation, such as the Madre de Dios Native Federation (FENAMAD – Federación Nativa del Río Madre de Dios y Afluentes) as it is far less susceptible to corruption than state officials. FENAMAD lobbies for the Forest Oversight personnel to be

paid a proper salary from the Ministry of Foreign Affairs for their monitoring work, which would ensure longevity after external project funding ends.

There are several studies that propose mining formalization as a solution to the problem. However, the local environmental officers of national parks and research institutions experts, whose interviews are presented in Reaño (2019), argue that what would be needed to ensure a safe place to live is to attempt to recreate ecological corridors and reforest the destroyed areas. Nowadays conventional plantation agriculture is often suggested as a mining alternative, but realistically any production intended for human consumption will be problematic due to the poisoned terrain. When this is proposed, the change in economic activity, a kind of “just transition” for miners away from mining, is not actually a return to forest-based livelihoods in the region, but rather a shift to monocultural production, which is also highly problematic. Therefore, any reconversion should be based on agroforestry, but mostly on reforestation, as any produce from agroforestry efforts would be contaminated for a long while. To make this happen in practice would require extensive use of machinery to remold the destroyed areas in several stages. The local experts and directors know the names of those local peasants and Indigenous people who actually own the lands and forest concessions that outsiders, illegal miners invaded by force, and they also know which of them aided the illegal access. The rights of those locals who try to still live in the area should be restored in any “just transition,” instead of legitimizing the illegal arrival of outsiders, who also destroyed the others’ lived environments. In this sense, the transition away from an extractivist RDPE should not signify a payday for the deforesting RDPE members.

The accumulated economic power is a problem, as those with the most money can use their extensive power and networks to bar transitions. Despite these problems, the case of Tres Islas – amid Peru’s mining RDPE pressure – shows how even Indigenous communities, divided by the power of RDPEs, can start a transition into post-extractivism through struggle. They can create a transformative resistance to extractivisms by their new livelihoods, patrolling practices, and grounding in nonmodernist cosmologies and ontologies.

I will next turn to the analysis of Brazil, in Chapter 7, where there have also been cases of Indigenous resistance to mining amid the rise of Bolsonaro and the new type of *narcogarimpo* (the linking of organized drug traffickers and criminal networks with gold-mining activities), against which resistance is harder than against nondrug-trafficking-linked gold mining.