

Pollution and violence around a Glencore copper mine in Peru



By **MultiWatch** (Switzerland)

The case

The Tintaya Antapaccay copper mine in Peru was acquired by Glencore, the Swiss mining and commodities giant with headquarters in Zug, when it absorbed the mine's previous owner, the British transnational corporation Xstrata, in 2013. As is always the case with large mining projects undertaken by transnational corporations (TNCs) in the Global South, the mine's operations have caused extensive pollution in the area and triggered social and environmental conflicts³. Important protests against the mine took place in 2012, mainly on the issue of water pollution. They were brutally repressed by the Peruvian police and two protestors died as a result.

After these events, Peruvian and international civil society organisations took several actions to hold the mining corporation accountable. The first one focused on the issue of water pollution. A coalition of NGOs investigated the matter and submitted a complaint to the UN Special Rapporteur on the Human Right to Water and Sanitation and the UN

Working Group on Business and Human Rights, which was created to supervise the implementation of the non-binding UN Guiding Principles. They also presented the complaint to the Swiss and Peruvian governments. To date, this complaint has not generated concrete results. No measures have been taken to resolve the problem of water pollution and Glencore denies having any responsibility in the matter⁴.

In October 2017, villagers from the area near the mine turned to the UK High Court to seek justice. In their claim, they argued that Xstrata Ltd. and its Peruvian subsidiary, Xstrata Tintaya S.A., should be held liable for the human rights violations perpetrated by the Peruvian National Police (PNP) during the 2012 protests. The claimants allege that Xstrata requested the PNP's presence at the mine and knew, or ought to have known from past experience, that the police had a propensity to use excessive force. While Xstrata claims the PNP operated independently and that the company cannot be held liable, the claimants contend that there are documents to prove that Xstrata controlled an intelligence-gathering network that shared information with the PNP and paid PNP intelligence officers to conduct surveillance on community members. Xstrata denies that there is any truth to this claim⁵.

About the corporation:

Name: Glencore¹

Sector: Producer and marketer of more than 90 commodities (metals, oil, coal, agricultural commodities)

Country of origin: Switzerland (Baar, canton of Zug)

Main ownership: Listed on the London Stock Exchange. The majority shareholder is Glencore's CEO Ivan Glasenberg².

Countries in which the transnational corporation has its operations: 150 sites in more than 50 countries around the world.

Number of employees and contractors: 146.000

Earnings before interest, taxes, depreciation, and amortization in 2017: \$ 14,8bn

Location of the case: Peru, province of Espinar (Cusco)

Name of subsidiaries involved in the case: Tintaya until 2014, expansion project Antapaccay since 2012, expansion project Coroccohuayco (planned)

This case is part of the report

THE EU AND THE CORPORATE IMPUNITY NEXUS
BUILDING THE UNBINDING TREATY ON TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS

The full report can be downloaded at:

<https://multinationales.org/The-EU-and-the-Corporate-Impunity-Nexus>



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Tintaya mine Photo: ELLA Programme
(https://www.flickr.com/photos/ella_programme/)

Repression of indigenous protesters in Alto Huarca (2018)
Photo: https://mapa.conflictosmineros.net/ocmal_db-v2/reports/view/177

A more recent incident in April 2018 shows that Glencore has not changed its practices. Around 40 police officers and members of Glencore's staff attacked the Alto Huarca indigenous community and tried to displace the families⁶. Many of the inhabitants, mostly women, were injured when they resisted. Glencore claims to be the legal owner of the land, but no prior consultation was carried out with the community, nor was financial compensation provided.

ENDNOTES

- 1 <https://www.glencore.com/>
- 2 <https://www.glencore.com/dam/jcr:62bed41c-1627-4bf5-bc43-cf5518ba1193/glen-2017-annual-report.pdf>
- 3 <http://www.convoca.pe/especiales/espinar/>, <https://larepublica.pe/politica/905263-pobladores-contaminados-de-espinar-esperan-desde-hace-cinco-anos-tratamiento-medico>; <https://www.ritimo.org/El-funcionamiento-de-la-mineria-en-el-Peru>; <http://cooperacion.org.pe/>
- 4 https://www.ecchr.eu/fileadmin/Juristische_Dokumente/Summary_Glencore_Water_contamination_May_2015.pdf
- 5 <https://www.leighday.co.uk/News/News-2017/October-2017/Glencore-subsiary-in-UK-High-Court-battle-over-h>
- 6 <http://derechosinfronteras.pe/espinar-pobladores-de-alto-huarca-denuncian-intervencion-violenta-y-abusiva-de-minera-antapaccay-y-de-la-pnp/>; <http://derechosinfronteras.pe/pronunciamento-exigimos-el-esclarecimiento-por-el-uso-desmedido-de-la-fuerza-y-la-violencia-en-contra-de-ciudadanas-os-de-alto-huarca-por-parte-de-la-pnp-y-la-empresa-minera-glencore-en-espinar/>; <http://derechosinfronteras.pe/espinar-victimas-de-abuso-y-violencia-de-pnp-y-glencore-en-espinar-denuncian-legalmente-a-los-responsables-de-los-hechos/>