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*Published in:*  
Focaal

*DOI:*  
[10.3167/fcl.2016.740102](https://doi.org/10.3167/fcl.2016.740102)

*Publication date:*  
2016

*Document version*  
Peer reviewed version

*Citation for published version (APA):*  
Rasmussen, M. B. (2016). Reclaiming the lake: citizenship and environment-as-common-property in highland Peru. *Focaal*, 74, 13–27 . <https://doi.org/10.3167/fcl.2016.740102>

This is the author's postprint version of an article in *Focaal*, vol. 74, pp. 13–27. The authoritative version can be found here: <https://doi.org/10.3167/fcl.2016.740102>

The present research benefitted from funding from the European Research Council (ERC). ERC Grant: State Formation Through the Local Production of Property and Citizenship (Ares (2015)2785650 – ERC-2014-AdG – 662770-Local State).

## **Reclaiming the lake**

Citizenship and environment-as-common-property in highland Peru

*Mattias Borg Rasmussen*

*Abstract:* Since the early 1990s Peru has experienced an expansion in mining activities and an expansion in what the Peruvian ombudsman defines as socio-environmental conflicts. This article examines the dynamics through which an environmental issue is transformed into a matter of citizenship and social belonging during a weeklong uprising in defense of Lake Conococha. Highlighting the collective actions and personal narratives from participants in the region-wide blockade, the article therefore seeks to understand how dispossessions of environmental resources perceived as common property are cast in terms of individual rights that move well beyond the site of conflict. It is therefore argued that the actions to reclaim Lake Conococha were not only a battle for natural resources and clean water, but more fundamentally an attempt to repossess a citizenship that may be constitutionally secured but all too often fails to be a lived reality in the high Andes of Peru.

*Keywords:* citizenship, environmental struggles, mining, Peru, property

## **Defending what?**

“Who would not defend his rights?” the old man asked.

We were sitting in his cobbler's store in the small highland town of Recuay in the northern Peruvian Andes. Old shoes were stacked on the shelves on the wall, its blue paint cracking, and peeking out from behind the curtain that hid his bed I could see his old watchdog, Bobby. A week prior to our meeting, I had tried to call this man, Don Lucas. The roads were then blocked by angry peasants, and I was unable to reach the town that was the site of my fieldwork. “Recuay has gotten to its feet!” he had yelled to me, trying to make his voice heard through the noise of shouting,

whistles, and the intensity of a large crowd in movement. “¡Ya basta!” he ended our conversation.

“Enough is enough!” The protests of the highland region Ancash that culminated in eight days of *paro*, or blockade, in December 2010 were directed against a proposed mining exploration in the headwaters of the Santa River, near the shores of a lake known as Conococha. Organized by the Conococha Defense Front created in response to the mine, peasants from the *comunidades campesinas* Cátac and San Miguel de Utcuyacu blocked the Parco Bridge with wooden poles and rocks, thus preventing the transport of people and goods to and from the regional capital of Huaraz. Other groups did the same on the bridges Bedoya and Ucushchaca, and later Velasco. What was initially meant to be a twenty-four-hour preventive blockade to call attention to the lack of transparency regarding the mining concession exploded with the death of Muñante, a young peasant leader from Utcuyacu. The authorities claimed that the cause must have been bullets fired from the protesters, while the organizers of the blockade insisted that the bullets had been fired by the police. Four days of blockade culminated in two days of violent encounters in the city center of Huaraz, led by an alliance of student and peasant organizations. Large amounts of teargas were used. The protesters shattered the windows of all state and financial institutions, thus attacking the physical sites of what in their interpretation was an unholy alliance between state and capital.

The blockade was called to an end after a week when the mining company decided to withdraw from the site, and the Peruvian Ministry of Energy and Mines annulled the rights granted. I was then trying to make sense of the dynamics of the protest and the involvement of the people that I had been working with who were living 60 kilometers downstream from Conococha Lake. Don Lucas’s question to me on that day is intriguing, for all its apparent simplicity. What kind of rights was it necessary to defend? How are these rights constitutive of citizenship? What are the dynamics of deprivation and dispossession that make a mining exploration not only a matter of environmental sustainability but also an issue of rights and citizenship? In other words, how does a transformation from environmental matters into a question of citizenship occur? And what is being repossessed as the peasants of Recuay and elsewhere take to the streets in defense of their water and life?

The conflict that erupted in confrontations between the peasants and the police across Ancash in December 2010 was born out of a proposed mining exploration around Conococha in the headwaters of the rivers Santa, Pativilca, and Fortaleza. This article takes as its starting point the question posed by Don Lucas and examines the dynamics through which an environmental

issue is transformed into a matter of citizenship and social belonging. Having direct impacts on water, land, and territory, mining raises questions about the management and property regimes of these resources and how they are negotiated (or violated) in the process. It thus concerns converging and colliding regimes of spatial control that are enacted in the context of mining. Here I stress the discrepancies between the state policies of concessions in which the Ministry of Energy and Mines acts as the legal proprietor of the underground, and the territoriality and moral economy of water of the rural populations. I argue that the struggle between, on the one hand, the state and the mining company and, on the other, the participants (first peasants and later other regional residents) in the region-wide strike against the exploration and resource extraction around Lake Conococha manifested itself partly as a discussion about citizenship. Having asserted its right to control and extract resources throughout the Peruvian territory, and the mandate to promote and define economic development, the Peruvian state links notions of “proper development” to notions of “proper citizens”: proper citizens are those who endorse proper development. However, the protesters claim that their citizenship is embedded in particular territories and environments, and, consequently, damage to their environment constitutes an attack on their rights as citizens. At the root of the disagreement regarding the mining activities are, therefore, different notions of citizenship and rights.

This article has four parts. First, I explore how the new geographies of mining (Bury et al. 2013) are strategically created through forms of state presence and absence. I focus particularly on the convergence and collision between mining policies, environmental property regimes, and citizenship formation. Second, I examine the relationship between mining and techniques of spatial control, highlighting how forms of collective property intersect with efforts of land acquisition and local-level political dynamics. Third, I turn to the question of the ownership of Lake Conococha in particular, and of the environment in general. And last, I examine the new idioms of rights and wrongs that emerge in the encounters between state and citizens in the context of mining. In the conclusion I argue that the actions to reclaim Lake Conococha were not only a battle for natural resources and clean water; more fundamentally, by claiming specific rights that the highland protesters believe are granted by the constitution, they attempt to repossess a citizenship that may be constitutionally secured but all too often fails to be a lived reality in the high Andes of Peru.

This article is based on interviews, newspaper articles, official documents, radio broadcasts, and observations related to the events that evolved around Conococha during my

fieldwork in Ancash in 2010–2011. I was working in the communities adjacent to Cátac on questions of water management, local politics, and environmental change. After the conflict withered (temporarily, as it is still classified as dormant by the Defensoría del Pueblo, the ombudsman dealing with human rights issues), I began exploring how and why people in the Recuay area had gotten involved in the confrontations. I conducted a series of interviews both with my own interlocutors, who had been active in blockading the bridges and roads, and with leading figures in the orchestration of the protest. Reflecting the political vernacular of the area, all interviews and documents were in Spanish, and excerpts reproduced here are my translations. By agreement and request, Don Lucas is the real name. Other names have been changed to protect the identity of the persons mentioned. The article focuses on the experience of a challenged and emergent citizenship among the peasants, and I do not include the perspectives of representatives from the Chancadora Centauro SAC, the mining company that had proposed the explorations, or representatives from the corresponding public authorities from the Ministry of Energy and Mines (MEM) or the National Water Authority (ANA).

### **Andean veins**

The basic equation I set out to explore is this: according to Don Lucas, the (alleged) dispossession of the lake prompted people to defend their rights. These rights, connected to a direct challenge to the perceived environmental property regimes with the attendant threat of pollution of the commons, were the sparks that ignited broader claims to citizenship. The exploration of the underground near Lake Conococha was seen as a violation of rights: a violation with future ramifications. I understand here “rights” as a recognition of a claim, and therefore as a sociopolitical rather than a legal category. Rights and property are closely related insofar as they both refer back to political institutions with the ability to sanction claims. Rights recognized by the state are particularly salient in this regard, but they are not the only rights people can acquire through claims. Since rights understood both as citizenship and as property rights depend on mutual recognition, any question of rights also implies a question of authority. Consequently, a protest against government violation of rights is simultaneously an acknowledgment of the rights-granting institution (e.g., the state) and a challenge of the policies and practices of the concrete government institution that carries them out (e.g., granting rights to explore the underground). I

elaborate on this point below.

Property entails a claim to something that is of value to somebody. It is a social relationship. That claim can be recognized by custom, convention, or law and the authorizing institution. It follows that different normative orders can be brought forward simultaneously to legitimize competing claims (Lund 2011: 72). In this understanding, where property is beyond the statutory legal realm, customary claims as well as legal claims to territory, resources, and water can be legitimate. Claims to property are therefore linked to particular political institutions. This relationship between people and authority invokes the notion of citizenship. It makes up the complex of who can have rights, and what rights they can have (Lund 2011).

Recent studies on citizenship have sought to move beyond the rights/responsibilities package that has dominated much thinking since Marshall's tri-partition of citizenship into civil, political, and social rights (Marshall 1950). Instead, moving beyond a legal status (Lazar 2008: 23), citizenship is conceived as a bundle of practices between people and structures of power. It denotes the relationship between individuals (sometimes groups) and institutions of public authority that are not necessarily the state (cf. Holston 2011: 336). Looking broadly across a Latin American context, Dagnino (2003) argues that citizenship has been redefined, partly due to the emergence of social movements to include cultural dimensions and concerns with subjectivities, identities, and the right to difference. Moving beyond a legal definition, Dagnino argues that rights claims constitute active political subjects demanding recognition and involve a critique of the practices that reproduce inequalities and exclusion. More than legal rights, this conception of citizenship entails nested sovereignties, processes of mutual recognition, community adherence, and affect.

Citizenship is thus a matter of which political institution has the authority to grant rights of membership to a particular local and/or national community (Lund 2011: 73). Based on her historical analysis on how both perception and performance of citizenship have changed in the highland town of Tarma in the central Peruvian Andes, Wilson (2013) suggests two important characteristics of citizenship formation in Peru. First, citizenship evokes claims, rights, and feelings of belonging to town, province, and nation. To this I will add the peasant communities, which played a significant role in the blockade. Second, citizenship may instigate political action, especially in relation to state negligence or repression (Wilson 2013: 191). Furthermore, as Lund has explored, there is a tight relationship between what you have (property) and what you are

(citizenship). In understanding what Don Lucas was alluding to in our conversation, I therefore follow Lund (2011) in the basic linkage that is created between property and citizenship, suggesting that these are intimately linked, both empirically and theoretically. It entails a social and political field that produces certain kinds of institutionalized belongings. Defending rights therefore involves reaffirming and challenging institutional orders, legitimacies, and authorities. I return to the question of rights, citizenship, and property in the final discussion.

In 1979 the Peruvian constitution granted universal suffrage: women were granted the right to vote in 1955, and illiterates—that is, the rural poor—were included in the compulsory electoral systems with the new constitution that sought to erase the military-leftist revolutionary dictatorship of Velasco. Peru is a country marked by stark internal differences, and as in all of Latin America there is a wide gap between the richest and the poorest in the country. Wealth and rights have long been associated in the political economy of both colonial and postcolonial republican Peru (Turner 1997). The area in question was home to elaborate systems of forms of servitude that bordered on slavery. This is also an area that has historically been shaped by mining. Geographer Jeff Bury and others (Bebbington 2009, Bebbington et al. 2008; Bebbington and Bury 2009; Bury 2005, 2008) have shown how mining often has negative impact on people's livelihoods. What should have been a provider of jobs and a generator of economic activity locally comes to function as an economic and social enclave instead (cf. Gil 2009) that all too often fails to fulfill the expectations of development, modernity, and progress. Don Lucas is one of those who have heard that the country is doing well, but he has yet to see any significant improvements in his own life.

In a much-debated newspaper article in *El Comercio*, a Lima-based newspaper with strong adherence to the business elites, former president Alan García (1985–1990; 2006–2011) writes about the Peruvian version of Aesop's dog in the manger (*el perro del hortelano*) (García 2007). The idea expressed in this article is that the people of the so-called interior of the country are guarding the riches of the earth without putting them to use. They are “like the dog that neither eats nor lets others eat” (*que no come ni deja comer*). In this conception, those who live off the land in both highland and jungle are obstacles to national (economic) development. In García's musings on the dog in the manger, the rural populations of highland and jungle are represented not only as backward and lazy but also as deliberately obstructing national development. García thereby draws on popular images of the peoples of Peru's rural hinterlands. In addition to framing

them as inadequate citizens, this perspective puts the state in control of the physical environment, resources, and, ultimately, property. Property rights and citizenship rights are therefore tightly connected to conflicts over natural resources.

Examining the rhetoric and population politics of the García government, Drinot (2011: 187) wryly comments, “There is, for the most part, no attempt here to rule through extending freedom to these populations [referred to by García]; in fact it is their freedom that is perceived to be the problem.” Certain parts of the populations—those noted in the aforementioned newspaper article, such as those who were taking to the streets, bridges, and roads of Ancash—are therefore not perceived as proper citizens, incommensurable as they are with the market-driven construction of the Peruvian nation. In a clear instance of a political and social program that has been translated directly into policies, as Bebbington and Humphreys Bebbington (2011) observe, a series of legal decrees followed the *El Comercio* comment, aiming at easing the exploitation of Peru’s natural resources. Working with the idea that development and poverty eradication are driven primarily by “modern technology, private property, large-scale capital, and a combination of both foreign direct and domestic investment” (Bebbington and Humphreys Bebbington 2011: 135), the relationship between state, market, and citizens is articulated in a very particular way. Later, in the aftermath of the Bagua uprising in 2009, García stated that “enough is enough. These [the indigenous] are not first-class citizens” (cited in Bebbington 2012: 9). It is exactly this convergence between the governance of natural resources and the governance of people that is of interest in this article.

While the state has historically arrogated to itself the right to permit mining, the current neoliberal climate fosters an extremely close relationship between capitalist mining companies and the state, to the extent that people are no longer able to distinguish between them. In the Peruvian case, market-oriented reforms and restructuring of the state apparatus have become entangled with an authoritarian political tradition that is highly centralized geographically as well as racially. The penetration of business into the state apparatus changes the way in which, for example, mining is conceived, and hence the presence and/or absence of the state in sites of government intervention. Here capital takes over the task of governance from the state (Crabtree and Condor-Crabtree 2012: 50). While the Peruvian economy continues to rely to a large extent on extraction, the relationship between state, market, and citizens has been challenged. Thus Arellano-Yanguas (2012: 95) highlights the transference of state capacities to the mines such as infrastructural enhancement and



planning of local development. It is important to note that while the current policies may be termed neoliberal, the practices with regard to mining do not represent a radical break with the past. Commenting on the Bagua incident and other recent events in which protesters have been met with state repression, Bebbington and Humphreys Bebbington (2011: 142) note that it is “a pattern that translates into replays of long histories of colonialism, of violent incorporations of peripheries, and of resource dependence.”

This “clear asymmetry of power,” Arellano-Yanguas further contends, in which the power to decide is openly connected to the power to invest, means that “in the eyes of most community members, the government has no credibility as the arbitrator of conflicts” (2012: 100). In this concrete case, this means that the grievances held locally toward local and central governments became central to the conflict, thus moving beyond the structural arguments of the resource curse and into the field of very subjective reason to participate in such mobilizations. The question therefore is, how does this form of market-oriented resource governance infiltrate the governance of people? How can we understand the relationship between state and citizen through the lens of extractive industries?

[insert figure 1 here]

1 Map of the drilling project at Lake Conococha. From the Constancia de Aprobación Automática No. 068-2010-MEM-AAM, Ministry of Energy and Mines

### **Mining and territorial management**

The week of insurgency was preceded by more than a year of frustrated communications between peasant organizations, the mine, and the ministry. The actions were coordinated by the Conococha Defense Front, formed in September 2010 to protect the lake, and encompassed different actors with stakes in water and territory: irrigation committees, peasant communities, peasant unions, urban water users, and so on. According to Peruvian law, the state is the rightful and sole owner of all subsoil resources. It means that while new and old forms of regimes of territorial rights exist on the surface, the state possesses the authority to grant permissions of exploitation (Arellano-Yanguas 2012). The Chancadora Centauro SAC had set its eyes on 800 hectares of land belonging to the Huambo peasant community, upon which they wished to perform initial drillings. While I

did not myself take part in the negotiations between the enterprise and the peasant community and therefore lack precise knowledge of the process, the comments and thoughts regarding the negotiation process among people in Cátac and Recuay are instructive for understanding how the territoriality and politics of the peasant communities may influence the process.

From the point of view of the peasants of Cátac and elsewhere, the landscape looks different from the legal version of the territory constructed in Lima. They perceive themselves as the rightful stewards of the land, with rights going far back in history. Much of the Peruvian highlands is controlled by a particular sociopolitical form of organization known as *comunidades campesinas*—literally, peasant communities. These are territorially based polities based on collective control of land and resources. The peasant communities are granted the legal titles to the land by the state, but in practice the relationship between state and peasant communities has been laden with tensions, especially since the 1990s. While legislation has eased the dissolution of the communities and removed the institutional support of these, local municipalities have simultaneously been strengthened (Cameron 2009). The municipality is based on the administration of private property within its boundaries. In the process and subsequent evaluation of negotiation, these differences in how one engages with state authorities—one individually, the other collectively—were nurtured by the understandings of political engagement embedded in the peasant communities. Notions of citizenship are informed by experiences with collective practices and property ownership.

Whenever a mining operation wishes to initiate a project that affects partially or fully the territory of a peasant community, it must deal with a complicated political institution led by a presidency but whose highest authority is the general assembly. Every decision must be approved by consensus or vote. And in questions of territory, two-thirds of all members must approve. In this case, that community is called Huambo. In the days during the conflict, I would listen to radio broadcasts reporting from the different frontlines of the conflict. One of these was the question of the role of the presidency of this community upon whose territory the explorations were to take place. The compliancy was a contested issue, but officially necessary for the operations to become a reality. However, “[it] is *not* true that the Huambo Peasant Community, as the owner of the terrain, has negotiated the use of its surface,” wrote the mayor of Pampas Chico and the president of the Regional Agrarian Federation in a letter to the general director of mining affairs in Lima.

When a mine wishes to enter new ground, it undertakes negotiations with a variety of

institutions, among them local and regional governments, the Ministry of Energy and Mines, the National Water Authority and, central to our concerns, occasionally the local peasant communities upon whose territories the industrial complex wishes to operate. In the above-mentioned letter, the authorities representing local government and the peasant confederation to which the individual peasant communities—including Huambo, upon whose premises the explorations were to take place, and Cátac, leading the protests—addressed the lack of transparency in the process and the mandatory official hearings. During and after the protest, rumors of deliberate fraud circulated in both local media and everyday conversation. This undermined the legitimacy of the concession in itself but was also used to critique local leadership, which has all too often been guided by personal self-interest. Thus the outcome of the negotiations was seen as the result of the unclear entanglements of peoples and their interests, and of state institutions with the mine (this is a familiar story, see Arellano-Yanguas 2011, 2012; Gil 2009). On one level, the display of patronage, corruption, and uneven means of negotiation was seen as an expression not only of the dirty tricks of “buying out” the peasants of Huambo with a number of trucks and the promise of salaried labor in return for permission to perform the exploration. However, this was challenged by evoking a different vocabulary to describe the relationship between the peasants and those in power: that of citizenship and rights. Here local demands are given universal values. Thus the peasants show how this type of mining is conceived by those affected to be eroding livelihoods at large and benefiting only a few privileged people.

As noted by Humberto Campodónico (2010) in a comment in the newspaper *La República*, it is indeed curious that permission to carry out the twenty drillings was granted automatically by the Ministry of Energy and Mines. Without a complete Environmental Impact Assessment (EIA) report—only a promise of one—and with the allegedly fraudulent negotiations with the Huambo peasant community upon whose premises the drillings were to take place, the Chancadora Centauro SAC was granted automatic permission to initiate its work. Fabiana Li (2011) has shown in the case of Chile that EIAs may depoliticize matters by rendering them subject to technological and problem-solving solutions. The automatic permission seems to be an expression of the attempts to depoliticize the process by which mines are allowed to operate. Gil (2009), in his study of the Antamina Mine in the neighboring valley of Conchucos, similarly highlights how company engineers and lawyers sought recourse to technological, “scientific” reasoning in their justification for the mine. Casting the protest in terms of citizenship, as Don

Lucas did, is an effective way of repoliticizing what has been represented as a process of technicalities. By crafting the fight against the mine as a defense of rights, Don Lucas effectively questioned the natural order of extractive activities.

Peasants depend on land as a source of livelihood. People in this area live in mixed economies, with produce from the fields and animals providing a subsistence basis for the often erratic income opportunities on the labor market. As the outcome of centuries of social struggles, land is connected to dynamics of identity politics and resource control, organized as corporate, associative enterprises that operate as partial sovereigns with different degrees of enforcement of law and order. When mining enters such a social landscape backed by the concession policies of the state, it introduces a different notion of property—inalienable landscapes that become plots to be purchased—which is, nonetheless, negotiable and sanctioned by law. This is the transformation of an environment that signifies identity, livelihood, and history into a commodified property (Castree 2003). The uncertainties with regard to the legitimacy of the mine and the challenges to the property regimes of territory as commodification intensifies point toward a link between authority and property (Lund 2011; Sikor and Lund 2009). To the governed, the intentions of relevant authorities become opaque when these institutions fail to secure the property rights of their citizens. And mutual recognition and citizenship as social belonging are unsettled.

There is an obvious tension here between individual and collective rights, or what constitutes “the rights subject.” But more important, I wish to highlight the friction between two different notions of collective property. First, the state and the mining company rely upon an understanding of resources as being collectively owned by the Peruvian people and administered by the state. In practice this means that the government is the subject of rights. In administering the resources to which it maintains ownership, however, it may infringe on a different notion of collective property where the rights-bearing subjects are the *comunidades campesinas*, which can then, in turn, transfer more or less temporary rights to its members under certain conditions. The transfer of use rights from the state to the mining companies is effectively experienced as a privatization of collective property, which undermines the property regimes, and hence the rights and authority, of the *comunidades campesinas*. In addition to this, as hinted at above, the way in which the negotiations with the peasant communities dealt more with individuals (promising high salaries and other benefits; forging signatures) than the collectivity (an open and transparent process of prior consent) further serves as a way of effectively dismantling the political

community. I am unable to document this further in the case of Huambo because I was not present during these exchanges. This process in which different collectivities, different rights, and therefore different notions of authority and the legitimacy of claims points back to contradictory ideas of what constitutes citizenship. There is a great friction between the linkage of individual rights and national growth, on the one hand, and the entanglement of individual, collectivity, territory, and environment on the other. This dynamic was further exacerbated by a different claim to property: water.

### **Owning water**

A very different materiality and property regime proved to be as important as territory. And that is water, high on the political agenda due to climate change, and a prime site of neoliberalization because of the commercialization of what used to be perceived as common property among Andean peasants (see Ostrom et al 1999). While water has not been privatized as in Chile, there is a growing sense among the peasants, reflected by articles in the 2009 Law of Hydrological Resources, that water is increasingly seen as a site for production and economic growth. Thus the call for the blockade by the Conococha Defense Front starts like this: “Brothers and Sisters: in a time ahead of now, in our entire Peruvian sierra the fresh water will be disappearing from the sources that previously existed, generously giving life to us, our animals, plants, and all living beings.”

Water connects scales. In water, climate change meets local pollution. Its distribution is affected by the global political economy of mining as well as local forms of governance. According to the 2009 water law, water is the patrimony of the state. It cannot be private property. It is the state that grants use rights to both peasants and mines, and it is the state that is the legal owner of Lake Conococha or any other lake. By granting the rights to water use to the mine, the state is asserting its right to control water against the claim of the communities.

Halfway to the regional capital of Huaraz and within sight of Cátac is the site of the old mining town Ticapampa, one of the most dramatic relics of past mining activities. The Anglo-French corporation left not only a substantial surplus to local mine owners and international stockholders but also a gigantic tailings pond known as the Relave de Ticapampa. Immediately downstream, people in nearby Recuay tell of the changes the river went through as the toxic

mixture of minerals, dirt, water, and stones, along with the high concentration of chemicals used to liberate the precious metals from earthly bonds, rose at the shores of the Santa River. Fish disappeared, and now people even fear the winds coming in from the south. They speak of high levels of cancer and attribute this to the tailings pond. To their thinking, a new mine—this time located in the very source of the river—would further threaten their existence, bringing harm to people and animals.

Uncertainty as to the precise impact of the mining activities at Lake Conococha was great. Surely it would affect rural livelihoods, but in an area of mines this could mean opportunities both gained and lost. That it would affect water quality seemed beyond doubt, but concerns for the very destruction of the lake loomed large. A persistent image of an empty, destroyed lake proved important. That had transpired in nearby Antamina but affected livelihoods on a much smaller scale (see Gil 2009). Emptying Lake Conococha, the source of the largest westward river of the country, would entail loss of livelihood on a very different scale. Concerns over the availability of water in the valley therefore connected trends of climate change to mining activities. Worries about the future of water in the area further exacerbated the assessment of the negative impacts of the Conococha explorations. And the actions of the authorities in the negotiations showed that the Lima government had already taken sides in favor of capital, putting little value on the lives of the rural residents.

In a recent study on corporate social responsibility practices in a Chilean mining project, Fabiana Li (2011) highlights how matters of commensuration and equivalence are central to the relationship between the mine and the people. Commensuration means that it is possible to translate—to compare and reconcile—different forms of value: for example, water pollution and economic compensation. Equivalence highlights that what may seem commensurable has limits, that the value of water availability may not stand in direct relation to the value of economic compensation. The legal terms for water contrast with the moral economy of water (Trawick 2001). As part of a social, cultural, and productive landscape, water cannot be reduced to a “resource” commensurable with a specific market value. Among irrigators and other water users, the distribution of water is embedded in complex systems of reciprocity and mutual labor obligations. That free access to water, and the increasing feeling of state encroachment, is a concern became clear to me when I attended a meeting with irrigators concerning the consequences of the new water law. One man stood up and asked the engineer in charge of the workshop: “What comes

next? Are you also going to charge us for the air that we breathe?”

While the land is increasingly leased out to concession, from the perspective of the peasants the movement of water management seems to be going the other way, with the state increasingly controlling the sources and monitoring the flows. Water has shifted jurisdictional domain and is itself subject to the control of a state that claims ownership of all water. In the conflict we saw two divergent, perhaps incommensurable systems of spatial control overlapping. The legislation covers the direct use of the land surface and includes compensation, but impacts on water are excluded. It is the state that is the owner of all water, and it has the capacity to grant permission for use. The EIA—which had not been carried out in Conocochoa—is meant to assess the negative impacts of the mines. As both Gil (2009) and Li (2009) have shown, the execution of these studies is often tied to the mine in question. And in the eyes of peasants, the mine is tied to the state. While the mine is forced to negotiate directly with the local population affected by its operations, the steps with regard to hydrological impacts seem much more muddled, and ultimately it is the Ministry of Energy and Mines, and not the Ministry of Environment, that has the capacity to judge whether a mining project is environmentally—and socially—sustainable.

### **The order of disorder**

“Enough with this order of disorder. We demand national dignity, honesty, and transparency,” wrote the Agrarian League of Recuay in an official statement on December 6, 2010. Although the contamination of water and the destruction of the environment served as an engine of protest, it would not be accurate to describe this as an account of peasant environmentalism. After all, many do participate in mining activities elsewhere, and the salaries of those working as topographers, drivers, or manual laborers in the mines constitute an important part of many household economies. The very same people fighting the Conocochoa project simultaneously endorsed a new mining operation in a small watershed above Recuay. The main problem is *the order of disorder*, where the interests of big capital and the individual pockets of decision makers come to decide the proper use of resources. I did not find any contesting claims for the potential mining deposits in Huambo, meaning that no other actors apparently intended to work the underground resources. Instead, I argue that the claims to repossess the lake were claims to be taken into account. These are claims that the state and government take seriously the social contract entailed by the mutual

recognition of authority, rights, and property and secure the land and water that are the foundation of rural livelihoods.

Since the early 1990s, Peru has experienced an expansion in mining activities, which further accelerated during the first decade of the new millennium. Simultaneously, according to the Peruvian ombudsman (Defensoría del Pueblo 2006, 2012), the number of social conflicts is on the rise: from 75 across the country in January 2006 to 243 in August 2012, of which 61 percent were due to socio-environmental issues. In Ancash, the number rose from one conflict to thirty-three. While the protest in defense of the waters of Conococha may not be the most prominent on the national level, the ongoing social conflict is part of a nationwide tendency toward discontent with the current forms of economic expansion. In a country of rapid economic growth, and where former President García could compare a vast proportion of the rural population to the dog in the manger that “neither eats nor lets others eat,” tensions are mounting between those—oftentimes—urban dwellers who gain from mining and those who have only little and seem to be left with even less.

The struggle for rights is accentuated when put into the context of the García government and its attempt to construct a particular version of development. As highlighted by Drinot, the discursive strategy was to construe parts of the population as obstacles to progress and development (2011: 191). In the case of Conococha, one can observe how themes of property relations and authority become entangled with particular forms of population control. On the roads and bridges of Ancash, mining politics of leasing territory and water to transnationals intersect with the ways in which the Peruvian law enforcement deals with unruly subjects. As with the case of the contaminated waters of the Santa River below the Ticapampa tailings pond, environment, politics, and the human body are entangled. The following excerpt from my conversation with Paulina shows how she also saw other nonmining factors influencing the decision to protest:

And then, when they killed Muñante, people turned bitter. It came on top of all the other stuff that comes to us, now they even kill us [*lo que es encima, nuestras cosas que vienen, todavía, encima nos matan*]. They kill our comrades, so we rose.

The statement “now they even kill us” points to an accumulation of injustices perceived by Paulina: the abandonment, the capriciousness of an unreliable state, the promises not kept, and now, the



killing. That was reason enough for the people in her village to rise up and join in the protests. In conversations and in the interviews I conducted in the weeks and months following the protest, I could still feel the resentment of injustice: in their opinion, the killing of the young Muñante was certainly no coincidence or accident but rather a symptom of the forms of governance to which they are subjected. The killing of Muñante was the ultimate manifestation of the indifference of those in power and of the little value the powerful seem to ascribe to the lives of the peasants. To the protesters, it came to stand as a tangible expression of the disregard for Andean lives that pervades state policies in relation to mines, natural resources, and human bodies.

The mining company misread the social as well as the physical terrain. They did not take into account the fluid nature of water and the symbolic importance of Lake Conococha, which in this case instigated a regional mobilization. So a number of issues emerged in the course of the protests: environmental degradation, state-led capitalist expansion, contested territorial sovereignty, dissolution of the commons, and outright repression. In Cátac, I spoke to the head of the local defense committee. “It was a just blockade,” he contended. They were not fighting against the government, but, seeing that the “patrimonies” were being sold out, they defended their country’s “sovereignty.” Therefore, “as nationalists, as first-class citizens, we cannot just give it away.” Toward the end of our conversation, and after having laid out his own empirical knowledge of the pollution that the mines bring with them, he returned to the theme of sovereignty:

Regarding sovereignty, I think that Alan García is selling away our motherland [*patria*]. He is giving it away. Who are the beneficiaries? Them. Here they have no concerns for agriculture. If we talk about sovereignty, there is no sovereignty when you sell that which is the nation. Here we are defending our lives ... Defending the lake we were defending our sovereignty.

The question of sovereignty here pinpoints the connection between property and citizenship: when the president and his government make concessions (to their own benefit at the expense of the rural residents), they sell (or give) away that (land and water) which should not be sold. That which is the nation is the environment as a kind of common property. In that way, in his analysis of the situation, both local sovereignties and national sovereignties are threatened by the mining policies,

as de jure and de facto property regimes are overruled by economic (self-)interest. The techniques of spatial control employed by peasant communities and unions as well as local, regional, and national governments under the influence of the mining companies compete over how to define territories. In the above statement, the legitimacy of the national government is undermined as it sells out what is perceived to be integral to local and national sovereignties; hence their authority to bestow and dissolve property rights is not recognized. It is the peasants as citizens who must challenge the current order of disorder. The systematized plunder must be dismantled by the citizens who are suffering the consequences of government's arrangements and its alignments with transnational interests.

As mining infringes on different and overlapping regimes of spatial control, it becomes part of the government of human bodies, being increasingly entangled with the state apparatus. The social organization of resources in the Andes, in which they are common rather than private, is hardly compatible with the new forms of market-based state building. The negotiations between the mining company and the peasant community as well as the nondialogue between the mine and the peasants and urban dwellers possibly affected by its water use show a different kind of interface between citizens and state authorities from that which the state would like to present in its programs of good governance, political representation, and citizen participation (McNulty 2011). In this regard, the local dynamics of territorial management and its intersections with the management of water raise questions about the spaces for participation available to marginalized populations. As sites of encounters between regimes of property and uneven economic and political capabilities, mining therefore highlights how environment-as-common-(or private)-property is not just a matter of access to resources but also about the very constitution of citizenship, legitimation of authority, and a continuous struggle for recognition.

There is a paradox in this narrative: framing the struggle as one of rights affirms the authority of the state, against which the highland dwellers are allegedly struggling. The ambiguity of state and government has been subject to a long-standing debate, highlighted by Abrams's (1988) piece on the difficulties of studying the state. Empirically, this case shows how people in the Andes are well aware of the differences between different state institutions and, more important, make crucial distinctions between the state as the guarantor of rights and recognition and those in government representing and administering that state function. In the eyes of the people, it is now the mining companies who decide and the government that has lost legitimacy as

a responsible administrator of collective Peruvian property. The relationship between property, rights, and citizenship highlights this ambiguity by pinpointing the tensions that arise when different ways of conceptualizing rights collide in livelihood struggles. This is an expression of an emergent understanding of citizenship where different notions of rights are at play and being mobilized simultaneously. Because rights do not exist in and of themselves but only in a relationship of mutual recognition, to frame the struggle for Conococha in terms of rights violations serves as an effective means of claiming both moral and actual high grounds.

### **Reclaiming the lake**

Returning to Don Lucas in the cobbler's store: would I not have defended my rights had they been violated? The analytical conundrum has been to understand how the environment stretches into the politics of belonging, how legal rights converge and collide with the social production of resources, landscapes, and human bodies.

As David Harvey (2005: 145–146) has famously pointed out, dispossession in itself is not new. Mining is a case in point for understanding how old forms of accumulation attain new shapes with neoliberal governance. The historical continuity in the forms of extraction in its classic and neoliberal forms was highlighted in the course of the protest as it moved beyond concerns just for water. As it encapsulated a history of exploitation of the local environment by outsiders, rooted in legacies of mining contamination and in asymmetrical relations of power and influence over political processes, we see how new political subjects emerge as the dispossession of people is tied to new forms of resource governance.

The story of the battle for Conococha shows how the people of highland Peru try to live with neoliberal governance while rejecting certain aspects of it. The current dispossession of resources is connected to a neoliberal logic of governance, showing a shifting relationship between state, capital, and rural dwellers of the highlands. This same logic of governance also provides the peasants with a particular vocabulary—a new repertoire in Tilly and Tarrow's (2007) sense—to confront these new configurations of dispossession. But while the Peruvian state has extended rights and decision-making capacity also to the more impoverished parts of the population in the form of participatory budgeting, institutions of transparency, and tools of good governance, it is increasingly acting with brute symbolic and actual force to implement the economic expansion of the extractive industries.

Political cultures die hard in the Andes as neoliberal policies merge with historically constituted forms of governance. In this rhetorical landscape poor peasants are represented as obstacles to development, as not-quite-perfect citizens. The peasants, who took to the streets in December 2010 as well as in many other times and places in Peru in recent years, insist on the plurality of the Peruvian nation. To claim rights, to attempt to seize a citizenship on equal terms, is to (re-)create a link between human bodies and their environment. Reclaiming the lake, the peasants of Ancash sought to redefine what it means to be Peruvian. This particular battle for voice was won, but the social struggles for citizenship on equal terms continue. At the heart of the struggle therefore lie conflicting notions of what constitutes rights and citizenship, and what it means to be a “proper” citizen.

### **Acknowledgments**

I am grateful to the people of Cátac and Recuay, who shared their ideas and struggles with me. Funding for fieldwork was provided by the European Research Council as part of the Waterworlds Project. I thank Oscar Salemink, Astrid Andersen, Birgitte Bruun, and Katrine Gotfredsen for their enthusiasm and ideas. I wrote this article as a postdoctoral fellow at the Department of Food and Resource Economics, funded by the Danish Research Council, and I am particularly thankful for the useful ideas and critical feedback provided by Jens Friis Lund, Martin Skrydstrup, and Christian Lund. Finally, I wish to thank the two anonymous reviewers for their very constructive feedback.

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