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Indigenous Perspectives on Oil Exploration Concessions in the Peruvian Amazon

Lauren Baker, PhD candidate

“First we want you to leave our home, then we will invite you to talk”

Lauren Baker is a 2nd year doctoral student at F&ES focusing on indigenous rights and extractive industries. Lauren, a southern California native, also completed a Masters of Environmental Management at F&ES (2005) and worked for three years at the Center for International Environmental Law in Washington D.C. on indigenous and human rights issues.

In the above quote, an indigenous leader in the Madre de Dios region of Peru joined his voice with that of others in the Native Federation of the Río Madre de Dios (FENAMAD) to ask Hunt Oil to “definitely withdraw from the Amarakaeria Communal Reserve since you do not have the indigenous community’s consent” (Amazon Watch 2009). This is one variation of a perspective held by many indigenous leaders in the Peruvian Amazon in regards to oil exploration and exploitation concessions – namely, that communities should have greater say (and according to many, a definitive say) in whether and how oil exploration activities proceed in their communities. In this article, I intend to illuminate this perspective, along with several other common threads of concern held by many indigenous peoples regarding recent oil exploration concessions that have been established throughout the Peruvian Amazon.

Concerns about oil concessions in the Peruvian Amazon are not new, but have gained increasing prominence in recent years given the rapid and recent increase in oil exploration concessions. Over the past five years the Peruvian government has rapidly increased oil exploration concessions in the Peruvian Amazon, with concessions now covering around 75% of the Peruvian Amazon (Finer et al. 2008), up from around 15% in 2004 (Servindi 2009) (Fig. 1).

The promotion of oil has been linked to a vision of development at the national and regional level based upon the privatization and exportation of natural resources. This vision was made clear, for example, in the article “El Síndrome del Perro del Hortelano” written by the Peruvian President, Alan Garcia. In this article, President Garcia states that “any Peruvian can look around and see all the riches that exist and that are not being put to value... The reality is that we should put to use the resources that we are not utilizing... This is the best bet for the future, and the only way that we will achieve progress” (Garcia 2007). In this same article, Garcia also expressed an attitude that those that oppose concessions are also against national progress: that those that believe that “Peruvian petroleum should remain beneath the earth while the world pays $90 per barrel... prefer that Peru continues to import and continues getting poorer.”

Despite promises of progress and well-being, many people living in areas newly overlaid by concessions have expressed concerns or opposition to the concessions. A particularly important group of stakeholders, given their high presence and their claims of ancestral rights to large areas throughout the Peruvian Amazon, are the many indigenous communities and federations. AIDESEP (Asociación Interétnica de Desarrollo de la Selva Peruana), the primary indigenous federation for the Peruvian Amazon has repeatedly denounced the superposition of hydrocarbon blocks over indigenous territories, especially in territorial reserves for the protection of isolated (uncontacted) indigenous peoples (Servindi 2008; AIDESEP n.d.). Other regional federations have similarly objected to oil concessions. For example, ARPI (Asociación Regional de Pueblos Indígenas de la Selva Central) decreed the state’s “aggressive policies to approve... oil and gas concessions in the Amazon” in “violation of the right to prior informed consultation and consent of the ancestral owners of natural resources and territories” and declared that they “join the national Amazonian position of AIDESEP to not permit the entrance of petroleum companies in the territories of Amazonian indigenous communities” (ARPI 2007). The Shuar Organization of Morona (OSHDEM), the Shapra Federation of Morona (FESHAM), and the Indigenous Association of Morona (AIM) have similarly warned that “we will not permit any more oil activities in the zone” (AIDESEP 2008). This is not meant to imply that all communities or federations have opposed the concessions. Indeed,
some communities have been allured by the ample promises made by the government and companies of benefits for local communities, which generally are negotiated between local communities and companies in an ad hoc fashion, with the possibility of including short-term employment and/or material benefits. Rather, the above references to denunciations are meant to illustrate that many communities and federations have raised concerns or opposed oil concessions in their communities.

Over June and July 2009, I went to Peru with two objectives in mind: 1) to gain a clear idea about indigenous perspectives on oil exploration concessions, including considerations about possible impacts or benefits; and 2) to make contacts and lay the groundwork for my doctoral dissertation research. This built upon roughly three years of following or otherwise engaging with this issue as a doctoral student and during my work at the Center for International Environmental Law in Washington DC. During the two months of preliminary research in 2009, I conducted extended semi-structured interviews with indigenous leaders in two regional federations in the northeast Amazonian province of Loreto, anthropologists or lawyers who had worked extensively with indigenous peoples in five non-governmental organizations (all of whom are key players at the national or regional level working on indigenous and environmental issues), a well-known Peruvian anthropologist who works in the Amazon, and a lawyer in the Peruvian Ombudsman’s office who focuses on complaints having to do with indigenous peoples and oil exploration concessions. I also conducted supplemental or shorter interviews with staff in an additional four NGOs or research institutes (see Table 1 for list of institutional contacts). Finally, during this time I participated in several site visits, including a several day meeting of five Cocama indigenous communities that had been affected by oil exploitation.

Based upon this preliminary research, as well as literature reviews, I was able to identify four recurring themes, namely indigenous concerns regarding: (1) the concessioning process; (2) possible impacts from oil exploration and extraction (and failure to account for the range of indigenous values toward the land); (3) the legitimacy of the concessions, more generally, given indigenous prior claims to territories; and (4) possible violence or repression. In the sections that follow, I will touch upon each of these themes in turn, drawing upon interview data (all informants are kept anonymous to ensure their safety and confidentiality).

A first major driver of indigenous concerns was related to the concessioning process. In all of my semi-structured interviews, informants described a high frequency of dissatisfaction with the concessioning process – both the lack of consultation when the concessions were made to oil companies and what
was frequently described as a weak or inadequate consultation at later points in the process, such as during environmental impact assessments (EIAs).

One issue that is interesting in regard to concerns about inadequate process was that calls for better consultation by many indigenous leaders and federations often involved invoking the state’s obligations to respect indigenous right to consultation detailed in Convention 169 (the “Indigenous and Tribal Peoples Convention”) of the International Labor Organization (“ILO 169”) (which has the “objective of achieving agreement or consent”; Article 6), and in some cases the right to prior informed consent, as has been endorsed, for example, in the UN Declaration on the Rights of Indigenous Peoples. This indicated that at least some discontent about consultation processes was related to or supported by ideas about indigenous rights.

In addition, the concessioning process also seemed to violate expectations about respect and fairness. One problem appeared to be grounded in differently held expectations and interpretations by the state and indigenous communities about what adequate consultation consists of or leads to, as was described by the following key informant:

“Here in Peru, consultation has two interpretations – the interpretation of the government and the interpretation of the communities...The government says consultation occurs when: “I’ve decided to do something, so I will go and inform you. I will tell you that I am going to build a road, take the petroleum, [etc.] – there, I’ve consulted you.” ...The implementing legislation for the law on consultation requires that they carry out public hearings, invite communities and organizations, explain the project, and receive their comments. End of story; nothing more. This is how the state understands consultation. In contrast, what do the communities say? They say that for them, consultation is when you ask us what we think and we try to reach an agreement on what to do. If we are in agreement, then we go forward. If we say no, then it’s no.”

A final type of frustration over inadequate consultation included instances where companies either “divide and conquer” or “buy-off” some communities or community leaders, without consulting the wider community. This type of situation was described by informants in several interviews. For example, an indigenous leader in the Federation of Native Communities of the Corrientes River (FECONACO) described the position of the federation, that:

“...There needs to be prior consultation before concessions are made in their territories... The tendency of the government is to look for and convince 3 or 4 communities, those that are easiest or closest, but the indigenous perspective recognizes that our rights are collective; all of us need to

Table 1. Institutional Contacts for Interviews

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<tr>
<th>Indigenous Federations</th>
<th>Institutional Contacts for Extended Semi-Structured Interviews</th>
<th>Institutional Contacts for Supplemental or Shorter Interviews</th>
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<tr>
<td>- Asociación Cocama de Desarrollo y Conservación San Pablo de Tipishca (ACODECOSPAT)</td>
<td>- Centro Amazónico de Antropología y Aplicación Práctica (CAAAP)</td>
<td>- Instituto del Bien Común</td>
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<td>- Federación de Comunidades Nativas del Río Corrientes (FECONACO)</td>
<td>- Centro para el Desarrollo del Indígena Amazonico (CEDIA)</td>
<td>- Racimos de Ungurahui</td>
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<td></td>
<td>- Derechos Ambiente y Recursos Naturales (DAR)</td>
<td>- Instituto de Investigaciones de la Amazonía Peruana (IIAP)</td>
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<td>- Ñeñú regional office of Defensoría del Pueblo (the Peruvian Ombudsman’s office)</td>
<td>- Sociedad Peruana de Derecho Ambiental (SPDA)</td>
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<td>- Anthropologist, Alberto Chirif</td>
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participate. In the Corrientes river there are more than 35 communities. You need to consult all, but this doesn’t happen.”

In another example, an informant described the anger and frustration of indigenous people in the Federation of Aguarunas Communities of the Dominguza River (FAD) and the Federation of Native Aguarunas Communities of the Nieva River (FECONARIN) once the oil company, Hocol, showed up in their communities with a contract signed by a few indigenous leaders over a year earlier. When the rest of the federation and the communities “found out that an agreement had been signed without any type of consultation...the people became furious and insulted them [the company, government officials, and the leaders that had signed the agreement]...and finally they threw them all out.”

A second major theme raised in many of my interviews was related to concerns about impacts from oil exploration and extraction. By way of context, it is worth mentioning that there has been an effort by the Peruvian government and the companies themselves to create a “conceptual break” between new and old oil exploration and extraction, by distinguishing current oil exploration from previous oil extraction in the country. For example, in regards to mineral resources, generally, Peruvian President Alan Garcia has stated that “only a tenth of these resources are currently being exploited, because we are still discussing if mineral development destroys the environment, which is a theme from the last century… environmental problems today are basically from... yesterday” (Garcia 2007; emphasis added). Companies have also highlighted their plans to use lower impact exploration and extraction techniques, compared to those used in the past in Peru, such as reinjection of formation waters and the use of a new type of seismic testing that has smaller explosions, as a way to signal that current operations will have minimal impacts.

Despite assurances of minimal impacts from “new” oil exploration and extraction, informants in my interviews consistently cited that indigenous peoples were both knowledgeable about the previous contamination and lack of benefit sharing, and were concerned that they would similarly be harmed in this manner (Fig. 2). During my site visit to this area I heard many accounts of past and current contamination and minimal benefit sharing.

Concerns about impacts were not only limited to direct impacts from contamination or lack of benefit sharing, but also extended to concerns related to indigenous values toward the land that are not captured by the state or companies. For example, one indigenous leader and key informant stressed that:

“For us, the subsoil...is not only about petroleum, gold, silver…but it also is where there is the mother of the land. Our mother is also there, and the spirits are there in the subsoil…the bones of our ancestors…”

**Figure 2.** Oil tanker outside of San José de Saramuro, Marañón River, Peruvian Amazon. [Photograph by Lauren Baker.]
the umbilical cords of our children...the place for future generations. This spiritual relationship that unites us with our territory, with our subsoil – they don’t consider.”

The frequency with which my informants highlighted these types of concerns indicate that many indigenous leaders and communities are unwilling to accept the “conceptual break” being promoted by the state and companies and are concerned about the myriad possible environmental and social impacts, and at least some are skeptical that the state or companies understand and respect indigenous values toward and connection to their lands and territories (values that are not captured in EIAs).

A third, notable trend was that for many indigenous peoples, the legitimacy of the concessions was questioned at a fundamental level given the claims of prior (and priority) control by indigenous peoples to their territories. For example, in one of my interviews with a well-respected Peruvian anthropologist, he stressed that a central point to understand about indigenous communities in Peru is that these peoples “have rights that are prior to those of the State” given that they are original to the area (“por el hecho de ser originarios”). The same idea was repeated in other interviews. For example, in one interview with an indigenous leader, she noted that “the state is recently created, as a state...we have lived here much before the state was created,” as justification for rights based upon ancestral claims. In another interview, with an NGO-based Amazonian indigenous expert, I was told about the struggles of the Matsés peoples to defend their territory from oil and forestry concessions. These 14 communities, represented by their indigenous federation, declared in 2000 that they would close their territory to any concessions from the government, a position to which they have held firm, despite the continuing state claims to their territory, including for oil exploration. My informant also noted that while the Matsés are knowledgeable about state claims to resources that they do not accept such claims given that they are firm that this is Matsés’ territory (“los Matsés tienen bien grabado en sus cabezas que todo

Figure 3. Post-Bagua conflict banner, indicating solidarity with national indigenous federation, AIDESEP, and former president of that federation Alberto Pizango, who fled the country and was granted political asylum in Nicaragua after being targeted for arrest under charges that included sedition and inciting rebellion. Banner text (excerpt): “Alberto Pizango: The people are with you. Long live peaceful struggles! For the defense of the rights of indigenous peoples and their territories.” [Photograph by Lauren Baker.]
Indigenous perspectives on oil exploration concessions in the Peruvian Amazon

esto es territorio Matsés”) that they continue to defend through monitoring crews (“ rondas de vigilancia”) and proclamations to close their territories to extraction.

A fourth and final issue that arose in many interviews related to concerns about violence and repression. This was particularly evident with the Bagua conflict from this summer. Within two days of my arrival in Peru there was a major confrontation between police and indigenous protesters in the north of the country, resulting in the deaths of over 30 police officers and indigenous people. This was followed by a rapid crackdown on leaders in the national indigenous federation, many of whom were targeted for arrest under charges of inciting riots/rebellion, conspiracy, sedition, and crimes against public peace and tranquility. The Bagua conflict also resonated with other situations in the northern Peruvian Amazon that I was told about in interviews, such as an incident in Andoas following an indigenous protest that resulted in the death of a police officer and community member. These types of conflicts and their aftermath certainly raised awareness about the volatility surrounding indigenous protest in Peru, and many of my informants described fears of additional militarization or future repression of indigenous communities or leaders.

My findings have confirmed that indigenous peoples in the Peruvian Amazon have many concerns about the recent oil exploration concessions in their territories, ranging from concerns regarding the concessioning process, possible direct and indirect impacts, the possibility of violence and repression, and for many, a questioning of the legitimacy of the concessions themselves. Rather than being accepted as a necessity for national progress, the concessions have both revealed and provoked tensions between the state and many indigenous communities. There are also early indications that oil exploration concessions in the Peruvian Amazon are feeding into what geographer Michael Watts has termed the “double-movement,” in which concessions for natural resources provide both a “centralizing force that makes the state more visible” but simultaneously “discredit the state and its forms of governance” (Watts 2004). The types of concerns identified above, especially those that call into question the state’s claims at a fundamental level, indicate that this is not a situation that will be easily resolved through technical fixes or nominal negotiation. What remains to be determined is how these tensions between state and indigenous claims to resources in the same territories can or will be addressed, and the role of national and regional indigenous movements in asserting claims – questions that are both pressing and ripe for further study.

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**References**


Lauren Baker


