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## Peru

### The Indigenous Peoples of the Achuar, Quechua and Urarinas

1. The indigenous communities belong to the peoples of Achuar, Quechua and Urarinas who live in the basin of the Corrientes River, in Trompeteros district in the province of Loreto, in Peru. For 37 years they have suffered from oil exploitation as there are two oil lots in their territories. Every day more than 1,300,000 barrel production water are used from the main rivers. Besides that there are other serious problems of contamination and recently the state decided to license 4 new oil lots in the last healthy areas of that territory that have remained for the indigenous peoples and are crucial for their survival as well as their cultural and physical reproduction.
2. The Peruvian state did not fulfil its obligation to protect the rights of these indigenous peoples. It violated their rights of prior consultation and of participation in the decision making process. The model of development that the state is promoting for this area would have demanded these actions. Despite the fact that the state did not resolve the severe issues of contamination of the environment and the harm that has been done to their health and lives, it authorized new oil lots.
3. Peruvian officials have stated that the Achuar population living in the valley of the Corrientes River has reached alarming levels of lead and cadmium in their blood. The children are the ones most affected.
4. Peru signed the ILO Convention 169 concerning Indigenous and Tribal Peoples which establishes the protection of indigenous territories as ancestral and collective property as well as the obligation of the state to consult the indigenous people prior to any decision that refers to the exploitation or digging of resources that fall into their territories. Nevertheless the legislation of Peru neither implemented these mechanisms of prior consultation nor did it give special guarantees for indigenous property. This is due to the fact that the issues of the indigenous peoples have been completely left out of public politics and their rights have been subordinated to the political economy of the Peruvian government.
5. Since 2004 Peru has intensified the promotion of oil activities in the Amazon rainforest. From the 75 million hectares of the Peruvian Amazon forest more than 53 million hectares are covered with hydrocarbon lots. This is 70% of the total area and includes Protected Natural areas, territories of indigenous peoples living in voluntary isolation (who are especially vulnerable to any disease of the non-indigenous population, with fatal effects) and territories entitled to native communities. This situation reveals the compromises of the Peruvian state with the development of hydrocarbon activities in the country. The institutions that exist so far have

failed to ensure an adequate prevention of the social and environmental impacts that this activity can generate in an ecosystem as fragile as the Amazon.

6. The Peruvian state authorizes operations that are a risk to the life and health of the indigenous peoples in the above mentioned area. They cause irreparable environmental damages with severe consequences for the human health and continuation of these peoples. To avoid the continuing systematic violations a monitoring of the situation will be necessary.

7. The United Nations have already manifested their concern about the situation of the indigenous peoples in Peru. Ascertaining that there is only little information about their economic and social situation, they have recommended the Peruvian state to develop and distribute this information. However, the state did not implement this recommendation.

8. The Peruvian state is far from improving and deepening its intercultural politics and has rather chosen to expand the drilling for oil and mining. There are neither institutions nor norms to guarantee the collective rights of the indigenous peoples who are affected by the projects authorized by the central government.

9. Several organs of the international protection system for human rights have stressed the interdependence between acknowledgement and respect of indigenous peoples' rights to their lands and resources with their rights to cultural integrity and life. The UN Commission for Human Rights and the Inter-American Commission and Court have emphasized the importance of acknowledging and protecting the relationship that exists between the indigenous populations and their ancestral lands.

### **The indigenous people of the Achuar and oil exploitation**

10. In Peru there are approximately 13,600 Achuar living in more than 77 communities in the basin of the rivers Pastaza, Huitoyacu, Huasaga, Corrientes and smaller ones in the valley of the River Manchari and river Morona. This people has maintained its traditional organisation. The elders constitute an entity with political power. The community organisation is headed by the leadership of the Apu who is the principal authority to be contacted before realizing any activity on their territory.

11. Since the early 1970s, oil exploitation activities have taken place in the Northern Amazon of Peru. The lots 1 AB and 8 became the principal providers of the national consumption (approximately 60%). Lot 1 AB covers an area of approximately 500,000 hectares and is located in the high basins of the rivers Pastaza, Corrientes and Tigre. Between 1971 and 2000, Occidental Petroleum has been given a concession and since 2000 it has been in the hands of the Argentinean enterprise Plus Petrol. Lot 8 includes more than 182,000 hectares and is situated in the middle and low basins of the Corrientes and Chambira River. Some of its wells are in the National Reservation "Pacaya Samiria". This lot has been exploited by the state company Petroperú from 1969 to 1996. After that it was transferred to the companies Pluspetrol Norte S.A. (60%), Korea National Oil (20%), Daewoo International Corporation (11.66%) and SK Corporation (8.33%).

12. The Achuar people are the biggest people in the basin of the River Corrientes and most affected by the hydrocarbon. Official information up to the year 2004 showed that 98.5 million barrels of production water were poured into the River Corrientes and its affluents each year without being cleaned. This water is the principal source of the environmental pollution as it

contains highly toxic substances such as cements, sulphates and bicarbonates associated to sodium, calcium, magnesium and heavy metal. In addition to that, it has a high temperature and is rich in salt (The normal salt content of the rivers is about 10 parts per million. The water of the petrol production poured into the rivers has been measured with chloride contents of 40 to up to 60 thousand parts per million.).

13. Recently the state of Peru and the licensed company started to pay attention to this severe situation after pressure from the FECONACO had grown. In 2004, the Supervisor of the Energy Investment Corporation (Organismo Supervisor de la Inversión en Energía [OSINERG]) published a report on the high levels of pollutants in the River Corrientes.

In addition, OSINERG found that in Lot 8 "the presence of pollutants higher than the maximum permissible in the soil and the gulch has originated different grades of affection to the natural environment of the jungle....the tipped water contains a high concentration of chlorides, oil and grease and has a high temperature".

14. In August 2005, the National Directorate of Environmental Health (Dirección Nacional de Salud Ambiental [DIGESA]) visited the area in order to evaluate the sanitary quality, the hydrous resources and took biological samplings in the communities of the basin of the River Corrientes. The results of this survey were published in May 2007. The results document the bad state of health of the Achuar people who live close to the River Corrientes. The report shows that more than 98% of the Achuar people under 18 who live in the communities in the basin of the river have too high blood levels of cadmium. 59.56% have surpassed the limit of biological tolerance of cadmium in their blood and another 37.84% is at risk of surpassing it. 66.21% of the children were above the limit established for the lead level of children; and more than 20% of the adult population present levels of lead higher than the limit.

15. On October 22, 2006, a file of agreements was signed by the indigenous communities, the State of Peru and the licensed company. These agreements contain, among other things, the following:

- 1 The obligation to reinject 100% of the production water used in lot 1-AB by December 2007.
- 2 The obligation to reinject 100% of the production water used in lot 8 by July 2008.
- 3 The implementation of the Integral Health Plan of the River Corrientes (Plan Integral de Salud del río Corrientes) with funding of the company. For the implementation of this plan, an entity of equal representation between the state and the indigenous peoples is going to be created.
- 4 The implementation of an Integral Plan of Development (Plan Integral de Desarrollo), financed by the regional government of Loreto. This plan is going to be conceptualised considering the needs of the Achuar people and the communities Quechua and Urarina.
- 5 Creation and implementation of a plan of collaborative environmental monitoring (Plan de monitoreo ambiental comunitario) by the communities; the plan will be independent of any other plans established by Plus Petro or the state.
- 6 The organisation FECONACO has the right to supervise all the agreements and to defend the people by using its legal attributions.
- 7 In the same document, FECONACO, representing the indigenous communities that form it, proclaims that it will not accept petroleum concessions in the zone and declares its rejection of the concessions of the lots 104 and 106.

16. Although the environmental impacts have not been solved, in 2005 the state of Peru granted new concessions located on the territory of the indigenous peoples: lot 101 at disposal of the company Talismán, lot 102 at disposal of Ramshor, lot 104 at disposal of Burlington Resources Perú Limited (bought by the company CONOCO), lot 106 at disposal of Petrolifera Petroleum of Peru, affiliate of the Canadian company sharing the same name and lot 143 at disposal of Hunt Oil Consolidated.

(Look at the map: <http://www.perupetro.com.pe/exploracion01-s.asp> )

17. The relation between the activities of hydrocarbons and the effects on the health of the Achuar people has been documented by the Ministry of Health of Peru. In 2006, it published an analysis of the state of health of the Achuar people (Análisis de la Situación de la Salud del Pueblo Achuar [ASIS Achuar]) which finds amongst other things the following:

76. "One could say that the general profile of the scenario Corrientes does not differ a lot from other scenarios [...]. However, the base HIS reports a series of afflictions which show a profile of morbidity. Among the afflictions are poisoning and toxic effects; benign tumour of the pharynx; benign tumour in non-specified places and rheumatic fever..."

18. Within the same document, the Ministry of Health reports that:

13. "The damage that these toxic substances which have been poured into the environment do to the local resources and human health is considerable, first of all because they accumulate in the environment and in the organisms (humans and animals). As they are not biodegradable, they affect the resources which are the local food source, diminishing the subsistence and generating serious health problems. "

19. Furthermore, the analysis of the state of health of the Achuar people conducted by the state of Peru identifies the reasons why the population opposes the continuing activities of hydrocarbons in the zone:

15. Since the 1990s, the region has been the object of growing interest due to the offer of new concessions over lots which are located in the unique and non-contaminated areas in the basin of the River Corrientes. With the experience of three decades, the majority of the Achuar people reject the amplification of the areas exposed to contamination, where, in other respects, the communities lose the control over their territory and their resources.

20. The Peruvian Ministry of Energy and Mines has granted the license for hydrocarbons in the following lots which are in the territory of the Achuar people of the river Corrientes. Although only some of the companies have started their exploration, it is necessary that the state of Peru undertakes urgent action measures in order to avoid more violations of the rights of the Achuar, Quichua or Urarina people. These people have already been highly affected by the contamination of their territories and should not be put at the additional risk to lose their property rights.