

INDIGENOUS LAND RIGHTS VICTORY IN THE AMAZON OF PERU

SUMMARY

Source:theconversation.com

In 2006, the United States-Peru Free Trade Agreement required Peru to give broad access to foreign companies to drill, log, and mine in the Amazon rainforest. Some of the legal reforms implemented in order to comply undermined collective property rights of Indigenous communities and weakened environmental and other protections. Members of Indigenous communities across the country—including the Achuar, Awajún, and Wampis—mobilized against this erosion of their rights. In August 2008, a coalition issued a fourteen-point platform of demands while communities banded together in a massive campaign of civil disobedience. They simultaneously shut down navigation on the Urubamba and Ucayali Rivers and occupied important infrastructure points like a hydroelectric plant, pumping stations, heliports, and oil/gas installations. Protesters also shut down an oil pipeline, while thousands took to the streets in Bagua Province.



For the first week, the government ignored them, so protesters strategically extended their blockades to include bridges and highways connecting the Amazon to the rest of Peru. Now the government paid attention, at first sending increased police and military forces to the protest regions and declaring a state of emergency. But the Congress of Peru then repealed two of the four decrees that had eroded Indigenous rights—despite efforts by conservative politicians to block this move.

In March 2009, a new round of marches, blockades, and hunger strikes was launched in response to the government's failure to keep its promise of meaningful dialogue and review of the remaining decrees, even as it continued to sell off Indigenous land to foreign investors. A meeting between the President of the Interethnic Development Association of the Peruvian Jungle (AIDSESEP) and the Peruvian Prime Minister produced nothing but warrants for the arrest of movement leaders for inciting rebellion. After several months of protest, the government sent the military to aid police at a blockade in Bagua Province, using live ammunition and tear gas on 5,000 people. Police also raided a protest at a Petroperú oil facility. Over two days, more than fifty protesters and at least twenty-two police officers died, with hundreds more protesters injured. The brutality sparked dissent across the country. Unions, students, clergy, and others magnified the movement with nationwide marches, public statements, and protests. The mass mobilization helped push the government further into a lose-lose situation: it could continue to increase repression and risk a nationwide conflict that could bring down the government, or it could repeal more of the decrees. On June 18, 2009, Peru's Congress repealed the other two contested decrees in a huge victory for Indigenous sovereignty.

ISSUE

The Peruvian government had opened the Amazon rainforest to foreign investors for mining, logging, and oil and gas drilling. This violated a 1993 convention that protected the practices of Indigenous peoples in Peru, requiring direct consultation before extraction of resources from Indigenous lands.

WHO

Indigenous communities in the Peruvian Amazon, including a coalition of organizations with leadership from the Inter-ethnic Development Association of the Peruvian Jungle (AIDSEP). As the campaign escalated, many nonindigenous Peruvians joined, including students, teachers, union workers, clergy, miners, etc.

Photograph: STR New/Reuters



When Peruvian forest dwellers opposed to rainforest incursions by foreign companies protested near Bagua in 2009, violence ensued

WHERE

The Amazon rainforest, with actions along rivers, roadways, major infrastructure sites, and corporate installations, as well as in Peruvian cities.

GOALS

The primary goal was the cancellation of four legislative decrees threatening Indigenous territorial integrity and autonomy. (*See end for a list of all fourteen goals*)

STRATEGY

The campaign's strategy was to interfere with the flow of commerce across Peru at multiple locations, making it too costly economically and politically to violate Indigenous rights.

PLANNED OR SPONTANEOUS?

The campaign was well planned. In early 2008, Indigenous groups declared "a state of emergency" for Indigenous peoples of Peru. In August 2008, they released fourteen demands and began a series of protests, occupations, and blockades, at one point sustaining civil disobedience for sixty-five straight days. As the campaign escalated, they shifted tactics strategically, mobilizing communities across Peru.

ISSUE FRAMING

The campaign was framed in terms of the established legal rights of the Indigenous peoples of Peru with respect to land and resource extraction. Under Peruvian law, the federal government could not sell off land held by Indigenous communities without prior consultation.

LEADERS, PARTICIPANTS, ALLIES INCLUDING ELITES

Leaders:

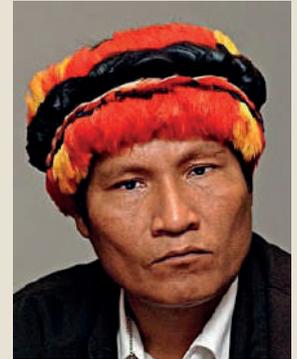
- Coalition of organizations including the Interethnic Development Association of the Peruvian Jungle (AIDSESEP), the Campesina Confederation of Peru (CCP), the National Agrarian Confederation (CNA), and the National Confederation of Peruvian Communities Affected by Mining (CONACAMI)
- Alberto Pizango, leader of AIDSESEP, representing hundreds of thousands of Indigenous peoples from 1,350 Amazonian communities

Participants:

- People from across Peru, including miners, Andean campesinos (small-scale farmers), workers, teachers, and students (university and high school)

Allies, including Elites

- Unions: including the General Confederation of Workers of Peru (CGTP) and Sutep (the teacher's union)
- Catholic Clergy and the United Nations Commission on Indigenous Rights, speaking out to the Peruvian government to protect Indigenous rights
- Elected municipal and regional authorities across the country expressing their support
- Carmen Vildoso, Minister of Women and Social Development, resigning in protest after state violence in Bagua
- Newspapers and political opposition leaders
- Indigenous organizations from Mexico, Ecuador, and Bolivia, announcing their support



Alberto Pizango

TARGET

- 1) President Alan García
- 2) Prime Minister Yehude Simon
- 3) Congress of the Republic of Peru

OPPONENT(S)

- President Alan García, Prime Minister Yehude Simon, Congress of the Republic of Peru
- Foreign oil, gas, and mining companies like Pluspetrol
- Members of the United States Congress who wanted open trade between the U.S. and Peru

TACTICS

Initially: 1) Blockades (shutting down navigation of rivers, highways, roads), 2) Occupations (pumping stations, heliports, oil/gas/hydroelectric facilities), 3) Street marches, 4) Shutting off oil pipelines

With no response from the government, tactics escalated: 1) Blockades of bridges and highways connecting the Amazon with the rest of Peru, 2) Negotiation with Prime Minister Yehude Simon

When government didn't follow through with agreements, tactics escalated again:

1) Continued marches, including nationwide and international solidarity marches and a massive protest at the steps of Congress, 2) Oil pipeline shut downs and blockades (more than twenty-four blockades at one point), 3) Hunger strikes, 4) Letter-writing to United States government leaders, 5) Negotiations with Peruvian government officials, 6) Twenty-four hour strikes of schools/businesses

RESPONSE BY OPPONENT

At first, there was no response from the government. When protesters escalated tactics, though, the government declared a state of emergency. Days later, the Peruvian Congress's Constitutional Committee declared two of the presidential decrees unconstitutional. Even though right-wing political parties tried to block it, the Peruvian Congress voted to repeal the decrees in August of 2008.

Additional responses:

- The government did not keep its promises of meaningful dialogue and review of the remaining legislative decrees, continuing to sell Indigenous land to foreign investors.
- Arrest warrants were issued for movement leaders.
- At several points, police and military presence at protest sites increased.
- A two-day siege by military and police in Bagua and at a Petroperú oil facility left at least fifty protesters and twenty-two police officers dead, with many more protesters injured.
- The police union issued a statement placing blame for these deaths (police and indigenous) on President García.
- In the face of sustained and strategic protests, the government was eventually forced to repeal the other two contested legislative decrees threatening Indigenous communities.



MEDIA & MESSAGING

There was significant national and international media coverage, particularly after the crackdown. The campaign had a clear message of repealing key legislative decrees and requiring governments to consult Indigenous communities. From the beginning, they had a set of fourteen demands. Many marched to the slogan: "La Selva No Se Vende! La Selva Se Defiende!" (The Forest Is Not for Sale. The Forest Must be Defended!)



OUTCOMES

- 1) The campaign achieved its primary demand: the cancellation of four major legislative decrees that threatened Indigenous territorial integrity and autonomy. The majority of the other fourteen stated goals were not achieved, although the campaign demonstrated a cohesive and powerful movement and had numerous other positive impacts.
- 2) Peruvian President García admitted it was a mistake not to consult the affected people. Earlier, he had repeatedly insisted he did not need to consult anyone and made racist and derogatory comments about Peru's indigenous communities.
- 3) Prime Minister Yehude Simon was forced to resign following the repeal of the decrees (many protesters had called for his resignation, as well as that of President García).
- 4) Indigenous peoples elevated their status through the campaign as an influential and autonomous force in the politics of Peru. Indigenous groups across Latin America celebrated this recognition of their rights and political voice.
- 5) The protest helped spark a public realization that the defense of the Amazon is an issue of national importance and not just a regional or Indigenous issue. It also raised awareness of the predatory nature of free trade.
- 6) Indigenous peoples in Peru still face a battle for their rights and their land, with resource extraction a continuing and dire threat to communities in the Amazon.

On August 9th, 2008, the Interethnic Development Association of the Peruvian Jungle (AIDSESP) released the following fourteen demands:

- 1) *The cancellation of legislative decrees threatening Indigenous territorial integrity and autonomy, particularly decrees 1015, 1073, 1064, and 1090*
- 2) *The creation of a fund for the establishment of sustainable-development projects among Indigenous peoples*
- 3) *The evaluation of the environmental impact of extractive industries in the Amazon*
- 4) *The creation of a program for protecting Indigenous peoples in voluntary isolation*
- 5) *The creation of a congressional commission to oversee the implementation of the UN Declaration of Rights of Indigenous Peoples*
- 6) *The reorganization, with the rank of ministry, of the National Institute for the Development of Andean, Amazon, and Afro-Peruvian Peoples*
- 7) *The repeal of legislative decrees threatening Indigenous land and people, particularly decrees 1064 and 1090*
- 8) *The establishment of a genuine Mesa de Diálogo for dialogue*
- 9) *The creation of new branches of government charged with implementing "intercultural" solutions to Indigenous health and education problems*
- 10) *The recognition of Indigenous collective property rights*
- 11) *Guarantees for special territorial reserves of communities in voluntary isolation*
- 12) *The suspension of land concessions to oil, gas, mining, lumber, and tourism industries*
- 13) *A new constitution that incorporates the United Nation's Declaration on the Rights of Indigenous Peoples and the International Labor Organization's Convention 169, both of which guarantee Indigenous rights to territorial and cultural autonomy*
- 14) *The suspension of the government's free trade agreements with the United States, the European Union, Chile, and China*