

## Peru's indigenous peoples assert land rights and offer a better approach to combat Amazon deforestation

### The Peruvian Amazon and its forest people

The Peruvian Amazon is one of the world's largest expanses of tropical rainforest, much of it still undisturbed. The country's [69 million ha of rainforest](#) cover approximately 54% of its land area and are home to more than 300,000 indigenous peoples belonging to numerous ethno-linguistic groups whose traditional livelihoods are based on hunting, gathering, fishing and shifting cultivation. Although deforestation in Peru has historically been at a relatively low level of less than 0.5% annually, today forest destruction is accelerating, having risen by a [reported 67% in 2012](#), resulting in Peru's largest ever annual forest loss.

With high economic growth, largely based on raw materials extraction and plantation commodities, Peru's rapid deforestation [is set to continue](#) with severe consequences for its biodiversity and indigenous forest peoples. Oil and gas concessions cover an estimated [70%](#) of the Peruvian Amazon – some sources say as much as [84%](#). One study predicts loss or degradation of [91%](#) of Peru's current tropical forests within 30 years if current development plans go ahead. Meanwhile benefits of growth are appropriated by the country's elite and have not reached the rural population, most of whom remain poor. Indigenous peoples' organizations believe that full and effective recognition of their customary land rights is long overdue, and that the country's vision of economic development must change to protect the forests and ensure forest peoples' survival.

### Combating forest degradation in northern Peru

Alfonso López is a leader of the Kukama Kukamiria people and the elected president of [ACODESCOSPAT](#),<sup>1</sup> representing 57 indigenous communities comprising 15,000 women, children and men living in the forest lowland confluence of the Marañón and Ucayali rivers in the Department of Loreto, northern Peru. This area in the headwaters of the Amazon river is part of the [Pacaya Samiria National Reserve](#), one of the largest protected areas in South America and an internationally recognized wetland under the [Ramsar Convention](#).

'Deforestation and forest degradation in our region of Peru result from oil palm and cacao monoculture, logging and oil drilling,' López says, 'and many of these concessions coincide with indigenous communities' lands. Loggers are meant to reforest after cutting timber, but they do not. Nobody supervises. How will the forest recover? And loggers not only cut wood but take fish and hunt birds and mammals, which are traditional community food sources.'

The Kukama Kukamiria and their neighbours the Kichwa, Quechua, Achuar and Urarinas have been negatively affected by [oil exploration and extraction](#) since the 1970s, and López is much concerned about oil pollution: 'The majority of the pipes are 40 years old and corroded, but the companies blame the indigenous peoples for causing oil spills through sabotage.' Regarding the royalties that oil companies pay to the Peruvian government, López asks, 'What amount of these payments has been invested in any community? In my village, Dos de Mayo, not even the teachers' wages are paid.'

Additional large-scale projects in the region include a railway from Iquitos to Nauta and future dredging of the river Marañón-Huallaga for a transport waterway. ACODESCOSPAT has heavily criticized such plans for their lack of consultation with forest communities. 'If the train

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<sup>1</sup> Asociación Conservación y Desarrollo San Pablo de Tipishca (Conservation and Development Association of San Pablo Tipishca).

line is opened, an invasion will come. They will take the little timber that exists, and migrants from the Andes will advance into the forest even if there are no roads,' López warns. Forest settlement by people from the Andes, often displaced by large-scale upland mining, has been an issue of concern for several decades.

'The government prioritizes doing business with transnational companies without considering the rights of indigenous peoples, who are ignored and disrespected,' observes López. 'They are not interested in securing our communities' land titles. The regional government wanted to create individual titles, but this would violate our collective land rights.'

López argues that indigenous forest peoples live with very low environmental impact: 'A typical family clears at most 1 ha each year, often less than this, for its subsistence needs. After this the area is left for four years to recuperate before it is cultivated again. Each family will have about 5 ha of land under management, some with agricultural produce and other areas regenerating. We don't use primary forest, only secondary areas where our great-grandparents farmed, and our children will continue to cultivate the same areas.'

'We understand the need to generate money,' López acknowledges, 'but we can do this without destroying the forest. Communities can develop their economies by, for example, carefully logging selected tree species for sale, cultivating grains and processing honey and other forest products on a small scale, and perhaps managing ecotourism in the Pacaya Samiria reserve.'

Besides recognition of forest communities' collective land rights, López advocates 'responsible education' for all sections of society so that people will 'respect the indigenous peoples' cosmovision': 'If there is no respect for culture, our culture will be destroyed by the advance of economic globalization, which will ultimately destroy our planet.'

López is one of the directors of [PUINAMUDT](#),<sup>2</sup> a coalition of indigenous peoples' organizations combating forest degradation in the northern Peruvian Amazon. A fellow director is Aurelio Chino Dagua, elected president of [FEDIQUEP](#)<sup>3</sup> who represents approximately 10,000 indigenous Quechua hunters, fishers and small-scale farmers living in 19 communities in the lowland Pastaza river basin. Chino Dagua observes how 40 years of oil drilling have degraded the rainforest: 'There is much deforestation by oil company operations, along with contamination of water and river species. The companies have replanted some deforested areas with guava trees, supposedly as compensation, but this is not useful for our communities, only for settlers who eat the fruit.'

'There are now more than 500 km of oil pipelines and many roads in areas where our people have traditionally hunted for food,' Chino Dagua says. 'This has changed the landscape and the way of life of our communities, who have to go further to hunt. The government has now acknowledged that our territories are contaminated, but little action has been taken. Our fundamental and urgent demand is the restoration of our territories.'

Although Peru is obliged under domestic and international law to [consult indigenous peoples](#) over the expansion of oil concessions on their traditional lands, in Chino Dagua's view 'There are people in the government who do not wish to conduct consultations and who want only to continue pumping oil.'

PUINAMUDT's small technical team includes Wendy Pineda Ortiz, who is alarmed by the advance of the oil industry, the frequency of [pollution incidents](#) and the way oil companies use all forest products and materials including timber and water. 'We see direct damage from the

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<sup>2</sup> Pueblos Indígenas Amazónicos Unidos en Defensa de sus Territorios (Indigenous Peoples of the Amazon United in Defence of their Territories).

<sup>3</sup> Federación Indígena Quechua del Pastaza (Quechua Indigenous Federation of Pastaza).

construction of work camps, oil platforms, wells and pipelines,' Pineda Ortiz says. 'Communities cannot fish because of the levels of heavy metals in the rivers. Game animals retreat. People's food security suffers. Underground spring water is often contaminated so badly that it is unfit to drink.' A [2006-7 study](#) of Achuar children and young people found that more than half had dangerous blood levels of lead and cadmium from oil industry pollution.

'Public agencies and companies operate in disregard of social and environmental responsibility and with impunity that results in repeated and compounded breaches of indigenous peoples' rights,' observes Pineda Ortiz. The government appears determined to go ahead with oil exploration in the northern Amazon despite a recent visit to the area by [UN Special Rapporteur on the Rights of Indigenous Peoples James Anaya](#). Anaya met with indigenous leaders, highlighted the '[devastating consequences](#)' of oil extraction by Argentine company Pluspetrol in the area and reminded the government of indigenous peoples' right to consultation.

PUINAMUDT is seeking to achieve collective land titling, compensation and a share of the revenues generated by the oil sector for indigenous peoples. The coalition has demanded that the government commission full assessments of the damage to forest, soils and water caused by the oil industry in indigenous territories, impose stricter environmental standards and initiate soil and water decontamination. The government has [declared a state of emergency](#) in the Pastaza river basin after finding dangerous heavy metal concentrations in waterways, but no remediation has begun. PUINAMUDT ultimately wants hydrocarbon activities entirely phased out of the Pacaya Samiria reserve.

## **Deforestation and forest threats in Ucayali**

Further south, in the region of Ucayali, central Peru, indigenous community leader Robert Guimaraes Vásquez has been defending the Amazon forest for more than two decades. Guimaraes Vásquez works with the civil society [Grupo Regional de Monitoreo de Megaproyectos de Ucayali](#) (Regional Megaprojects Monitoring Group of Ucayali), coordinates the indigenous-based [Escuela Amazónica de Derechos Humanos](#) (Amazonian School of Human Rights) and is a former vice-president of Peru's national level indigenous peoples' federation [AIDSESP](#).<sup>4</sup>

'Deforestation has many causes in Ucayali,' says Guimaraes Vásquez. 'It occurs along the major roads and in the past 10 years has increased along the tributaries of the river Ucayali. Historically there has been illegal logging, often followed by coca cultivation or small-scale illegal mining. Migration has been a factor, with people fleeing into the forest from violence and poverty elsewhere, starting up with papaya, illegal logging, coca and mining, and increasing pressure on forest peoples' food resources.'

In 2013 an indigenous community leader was killed by coca growers who entered communal territory, Guimaraes Vásquez mentions, and he has [himself been the target of death threats](#) after speaking out against illegal logging. He sees the Peruvian government's neglect of local services as a driver of deforestation. 'Communities need health and education services and support for local economic development,' he says. 'Without state support, communities are forced to participate in activities that harm the forest.'

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<sup>4</sup> Asociación Interétnica de Desarrollo de la Selva Peruana (Interethnic Association for the Development of the Peruvian Rainforest).

Guimaraes Vásquez is alarmed by [IIRSA](#),<sup>5</sup> South America's \$70 bn [economic development plan](#) to integrate highways, rivers, hydroelectric dams, energy infrastructure and telecommunications across borders. Launched in 2000, IIRSA is bankrolled by the Inter-American Development Bank (IDB), the Brazilian Development Bank and other financial institutions. 'The dream of integrating the Amazon countries may have benefits for some,' argues Guimaraes Vásquez, 'but it will accelerate deforestation. Projects are moving forward without consulting communities.'

Guimaraes Vásquez and many others see most of the benefits of transport links between Peru and Brazil as going to Brazil, which wants trade outlets to the Pacific Ocean. As another indigenous leader [commented](#) on a new IIRSA-funded road linking Peru's Madre de Dios region to Brazil: 'The government said it would be beneficial to the people of the country, by selling exported goods to Brazil. All it has done is mean Brazilian goods can go through Peru.'

A key component of IIRSA is the recently completed [inter-oceanic highway](#) connecting southern Peru's Pacific ports to Brazil. A related project that particularly worries Guimaraes Vásquez is the proposed road from the city of Pucallpa in Ucayali to the border town of Cruzeiro do Sul in Acre state, Brazil, together with plans to develop a Peru–Brazil railway along the same route. These development will lead to more illegal logging, forest colonization, drug trafficking and illegal mining in the area and critically endanger the Isconahua, an indigenous forest people living in voluntary isolation whose immune systems will almost certainly not withstand diseases spread by contact with outsiders. The route also threatens other forest peoples and the Sierra del Divisor National Park.

As Guimaraes Vásquez points out, for the Peruvian government to consider building a highway through lands designated as a reserve for isolated peoples calls into question its commitment to human rights. 'Peru is implementing IIRSA projects with few environmental or social safeguards, and is investing far more in IIRSA than in its people's education and health,' he concludes.

### **Camisea: a disaster in the making**

In the southern Ucayali river basin is the country's largest and most controversial hydrocarbons development: the [Camisea gas project](#). Oil giant Shell discovered natural gas in this part of the Amazon forest in the 1980s. Now Argentine company Pluspetrol is leading a consortium that has extracted gas since 2004 via a complex infrastructure of wells, processing plants, pipelines, access roads and power lines. Much of the gas is sold to Mexico, the US and Europe. Controversially, 74% of the Camisea gas fields, also known as Lot 88, overlap with a reserve established to protect isolated indigenous peoples: the [Territorial Reserve for the Kugapakori, Nahua, Nanti and Others](#). After Shell's first explorations in the area, loggers entered the forest and came into contact with the previously uncontacted [Nahua](#), half of whom subsequently died from exposure to introduced diseases.

Since the start of the Camisea consortium's operations in 2002, [reports have documented](#) sightings and encounters – some hostile – with isolated people, physical evidence of their existence and at least one instance of forced relocation of isolated people close to consortium operations. The consortium now plans major expansion deeper into the forest. This will require the drilling of 18 new wells, large-scale seismic testing, the building of new pipelines, plants and roads, and [further encroachment](#) on the Kugapakori-Nahua-Nanti

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<sup>5</sup> Iniciativa para la Integración de la Infraestructura Regional Suramericana (Initiative for the Integration of the Regional Infrastructure of South America).

Reserve and on a buffer zone of the [Manu National Park](#), a UNESCO World Heritage Site whose biodiversity is said to exceed that of any other place on Earth.

Seismic testing and drilling will involve detonating explosives underground, dumping of effluents, the cutting of new tracks, more land encroachment and threaten communities' access to resources, well-being, autonomy and perhaps ultimately survival. Among those financing Camisea with taxpayers' dollars is the [Inter-American Development Bank](#), despite its own [policy commitment](#) in 2006 to respect the right of indigenous peoples to live in voluntary isolation.

In July 2013 Peru's Ministry of Culture, the only branch of government then opposing Camisea's expansion, issued a report warning that enlarging the gas project could lead to the extinction of the Nanti and Kirineri indigenous people and 'devastate' the Nahua. Earlier, the UN's Committee on the Elimination of Racial Discrimination [had urged the Peruvian government](#) to suspend project plans. Peruvian indigenous and civil society organizations petitioned the government and the Inter-American Commission on Human Rights to protect these isolated peoples, and UN Special Rapporteur Anaya warned gravely of the risks. However, the Ministry of Culture's report was withdrawn from the public domain within hours of its submission, and within days [senior figures within the ministry had resigned](#). The government continued to declare support for the project, and a new official report gave its endorsement. In early 2014 the Ministry of Culture [approved](#) Camisea's expansion plans.

### **Key aspects of deforestation and forest degradation in Peru**

Deforestation and forest degradation in Peru, as in many tropical countries, result from a complex interplay of causes, direct and indirect, internal and external, 'legal' and 'illegal'.

#### [Illegal logging](#)

Logging is a major cause of Peru's forest loss, and an estimated three-quarters or more of Peru's exported timber is logged illegally without the required permits. Much of the illicit timber, including rare and protected species such as mahogany and cedar, goes to the US, Europe and Asia for furniture, flooring and decking. The vastness of the Amazon hampers government efforts to control illegal logging. Many officials take bribes, and illicit hardwood is often '[laundered](#)' with falsified permits. Illegal logging takes place on indigenous peoples' lands and in protected areas. As high-value species disappear, loggers cut larger quantities of less profitable trees, compounding the damage. Even selective and officially licensed logging tends to be followed by clear-cutting for agriculture and plantations.

#### [Gold mining](#)

Peru is one of the world's largest gold producers, and complicit international buyers have helped gold overtake cocaine as Peru's largest illegal export. Rising gold prices, rural poverty and increasing road access have resulted in thousands of migrants taking up unregulated small-scale gold mining in the Peruvian Amazon, including on indigenous lands and in protected areas. Informal and illegal mining has [destroyed more than 40,000 ha](#) of Peru's forests, with a [sixfold rise](#) in deforestation since 2003 in the Madre de Dios region. Gold mining involves the permanent stripping of soils to expose deposits, sedimentation of rivers and lakes, mercury contamination of soils and waterways, the growth of shantytowns and added pressure on forest resources for building materials, food, fuelwood and farmland.

#### [Oil palm](#)

Following earlier destructive agribusiness booms involving rubber, soya, sugarcane and cattle ranching, oil palm plantations are spreading rapidly in the Peruvian Amazon. Citizens of developed countries consume large quantities of imported palm oil in processed foods and cosmetics, and in 2000 Peru declared palm oil production for biodiesel a national priority. The government gives incentives and tax breaks for large-scale colonization of lowland forests by plantation developers, and some planters proceed without official permits or force small farmers to sell land under extortion and intimidation. Large unauthorized plantations have [suddenly appeared](#) in the rainforest. Peru's Romero Group of companies is projected to have [120,000 ha of oil palm](#) under cultivation in the Amazon by 2021. Developers use heavy machinery to clear-cut primary forests, and armed security personnel to deter local opposition. Oil palm is a destructive crop, ceasing to produce fruit and exhausting soils [within 25 to 50 years](#).

#### [Narcotics: coca](#)

In 2012 [Peru overtook Colombia](#) to become the world's largest producer of coca leaf, the raw material for cocaine, mainly for export to Europe and the US. An estimated 10% of Peru's deforestation results from coca growing and cocaine production. Environmental impacts include land clearance for subsistence food production as well as coca cultivation, landing strips, processing plants and camp-sites, the leaching of herbicides, pesticides and fungicides into soils and rivers and the dumping of chemical wastes.

#### [Hydroelectric dams](#)

Peru is due to invest \$8.1 bn in energy projects in 2014, having emphasized the need to ensure '[competitive costs in mining and other industries](#)' rather than the provision of electricity to the rural poor. The government has declared large-scale hydroelectric dam building a national priority, and [at least 70 dams](#) are planned, many of them in the rainforest. Brazil is due to import much of the electricity generated in Peru as part of the transcontinental IIRSA programme. The financial, environmental and social costs of large dams are [well known](#), often forcibly displacing thousands of people as reservoirs flood large tracts of land, and representing an uneconomic investment compared with small-scale renewable energy generation. The Ashaninka indigenous people of the Ene river valley in central Peru have sought a [legal injunction](#) against government plans to build dams on their territories without adequate safeguards.

#### [Insecure land rights](#)

Although Peru's indigenous peoples have gained some legal recognition of their collective land rights, [20 million](#) ha of indigenous customary territories in the Amazon remain unrecognized. Legal title is available only over small areas close to established indigenous settlement and through a slow and bureaucratic process, which may be [deliberately blocked by government officials](#) and other vested interests. Larger areas of indigenous communities' territories that the government designates as '[suited to forestry](#)' remain state property under national land and forestry laws, available for privatization and large-scale development. While indigenous and other rural communities who conserve the forests cannot obtain property rights, title can be swiftly obtained for forest conversion to plantation agriculture. In 2010 members of the Nuevo Lamas community in northern Peru were [charged with 'illegally practising shifting cultivation](#) within a conservation area.

#### [Inadequate consultation](#)

Although Peru's government ratified [ILO Convention No. 169](#)<sup>6</sup> in 1995 and has therefore an obligation under international law to consult with indigenous peoples potentially affected by large-scale development plans and investments, communities are not properly consulted, and their [free, prior and informed consent is routinely violated](#). To date, such dialogue has occurred only after the government has reached agreement with companies, leaving communities unable to influence projects implemented on their lands. Indigenous organizations have been [highly critical](#) of a new law that purports to safeguard their right to prior consultation and have called for modification of several articles to align this with Peru's international human rights obligations. Implementation of this law remains on hold awaiting completion of a [controversial](#) official database of indigenous peoples.

### Conflicting pressures

Like all tropical developing countries, Peru is under conflicting pressures internally and internationally. On the one hand, it is asked to preserve its rainforests and protect indigenous peoples. On the other, with wealthier consumers and societies everywhere increasing their demands for energy, food and materials, and policies of redistribution out of favour among economists and politicians, Peru is under pressure to maximize its exploitation of natural resources, grow its economy rapidly and open up to international finance and multinational companies, such as through the [US–Peru Trade Promotion Agreement](#). In this context, social and environmental costs (which tend to hit local communities first), long-term sustainability and the growing gulf between rich and poor are badly neglected.

### REDD

Under the UN- and World Bank-supported REDD<sup>7</sup> programme to assist global efforts to counter climate change, Peru is required to find ways to make its forests more valuable standing than cut down. The Bank's [Forest Investment Program](#) (FIP),<sup>8</sup> which Peru and other countries are piloting within REDD, provides investment finance intended to help protect forests and forest communities' rights. In practice, however, Peruvian indigenous peoples' organizations including national federation AIDESEP [have found](#) that REDD has led to conflict with communities and undermined indigenous rights. Conservation areas have been proposed, for example, that overlap with indigenous territories and will impair communities' livelihoods. Under some REDD projects, communities have been persuaded to cede their territory without adequate information or proper consultation. After heavily criticizing the programme, in 2013 AIDESEP [secured reform commitments](#) including titling of indigenous lands and support for community forest management.

AIDESEP and other indigenous organizations are now watching carefully to monitor the implementation of the FIP pilot forest programme in Peru. Will the government and the Inter-American Development Bank keep their promises to secure indigenous peoples' land and territories as a core precondition of this national forest investment plan?

### **What needs to change?**

Peru will never achieve the government's target of [zero net deforestation by 2021](#) under business-as-usual. The complex dynamics of deforestation and forest degradation need to be tackled comprehensively. Scapegoating forest peoples and small-scale farmers for temporarily and locally removing trees for their subsistence needs will achieve nothing.

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<sup>6</sup> ILO Convention No. 160 concerning Indigenous and Tribal Peoples in Independent Countries, 1989.

<sup>7</sup> Reducing Emissions from Deforestation and Forest Degradation.

<sup>8</sup> Supported by the Inter-American Development Bank, UN agencies, the Global Environment Facility, 14 donor governments, multinational companies such as oil giant BP, and large international NGOs.

Moreover, there is [growing recognition](#) that indigenous peoples with their traditional knowledge are among the most effective protectors of fragile rainforest ecosystems.

Peru's indigenous organizations and communities should be fully involved in national and subnational policy-making, planning and implementation of conservation and economic development, and in determining their own future. Social investment in rural and indigenous communities is urgently needed; territories of isolated peoples must remain off limits to economic activities; and existing forest protection laws must be effectively enforced.

Examples of good practice exist, such as the [Ucayali titling and communal reserve project](#) where Peruvian indigenous communities have undertaken local mapping, zoning and natural resource management planning with support from national and international NGOs. Other initiatives include a project led by the indigenous organization [FENAMAD](#) involving communities in replanting selected species to remediate mining-degraded forest, and proposals for community-based commercial rosewood forestry. Such efforts merit direct support from government agencies and donors.

Externally the international community must ensure that home countries of multinational companies do more to regulate companies' actions abroad. Transparency and accountability in the international natural resources sector are urgently needed, including country-by-country reporting of payments to governments by oil, gas and mining companies as will shortly be required by the [US Dodd-Frank Act 2010's Section 1504](#) and, with the inclusion of forestry, by the [EU Accounting and Transparency Directives](#) of 2013.

In the context of the REDD programme – but more generally applicable to all forest-related land management in Peru – indigenous peoples' federation AIDSESEP has proposed sustainable and community-based solutions to address deforestation, climate change and rural poverty together. [AIDSESEP advocates](#) the prioritization of recognition and demarcation of outstanding indigenous territorial applications; alignment of national legislation with Peru's international obligations to respect indigenous rights to land, resources and free, prior and informed consent;<sup>9</sup> direct investment in community forest management; inclusion of indigenous technical teams in the design of conservation projects; an end to private conservation concessions on indigenous lands; no new oil palm plantations affecting indigenous peoples' territories and natural forests; creation of a national register of best practices; and sanctioning of deforestation caused by large-scale developments in place of discrimination against smallholders and indigenous peoples.

## **Further information**

### Interviews

Forest Peoples Programme is grateful to Alfonso López, Aurelio Chino Dagua, Wendy Pineda Ortiz and Robert Guimaraes Vásquez for being available for interview via Skype, telephone and email during February 2014. All were interviewed in Spanish, and their words have been translated into English.

### International workshop and Peru case study

[Forest Peoples Programme \(FPP\)](#) and [Pusaka](#) are co-organizing an international workshop on [Deforestation Drivers and the Rights of Forest Peoples](#) in March 2014 in Palangkaraya,

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<sup>9</sup> Peru's constitutional court has ruled that the constitution incorporates international human rights treaties ratified by Peru into domestic law with a constitutional status above national laws and investment contracts.



Central Kalimantan, Indonesia. The workshop will bring together forest peoples, governments, NGOs, international agencies and forest scientists from Africa, Southeast Asia and Latin America to discuss new research-based case studies documenting the direct and indirect drivers of deforestation in specific countries – including a new case study on Peru – to share and update insights into the causes and consequences of deforestation, to discuss how to stem deforestation, and to promote forest peoples' rights and livelihoods. The following are available to be contacted in connection with this briefing:

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