

Violating rights and threatening lives: The Camisea gas project and indigenous peoples in voluntary isolation



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in voluntary isolation**

Author: Conrad Feather

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House of isolated machiguenga family within the reserve © Forest Peoples Programme

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1c Fosseyway Business Centre, Straford Road,

Moreton-in-Marsh, GL569NQ, England

Tel: +44 (0)1608 652893 www.forestpeoples.org

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Glossary of acronyms

AIDSEP - Interethnic Association for the Development of the Peruvian Rainforest

ACP - Anthropological Contingency Plan

COMARU - Machiguenga Council of the River Urubamba

CONAPA - National Commission for Andean, Amazonian and Afroperuvian peoples

EIA - Environmental Impact Assessment

FENAMAD - Native Federation for the river Madre de Dios and its tributaries

FPIC - Free Prior and Informed Consent

FPP - Forest Peoples Programme

GoP - Government of Peru

GTCI - Camisea Inter Institutional and Technical Co-ordination Group

ILO - International Labour Organisation

IDB - Inter-American Development Bank

INDEPA - National Institute for the Development of Andean, Amazonian and Afroperuvian Peoples

KNNR - Kugapakori-Nahua-Nanti Reserve

MINCU - Ministry of Culture

ORAU - United Nations' Office of the High Commissioner for Human Rights

ORPIO - Regional Indigenous Peoples Organisation of the East

SERNANP - National Service for Protected Natural Areas

TDR - Terms of Reference

TPG - Transportadora de Gas del Perú

UN-CERD - United Nations' Committee on the Elimination of Racial Discrimination

UN - United Nations

UNDRIP - United Nations Declaration on the Rights of Indigenous Peoples

VMI - Peruvian Vice-ministry of Inter-culturality

Executive Summary

This report highlights the existing impacts of the Camisea gas project in the south-east Peruvian Amazon on indigenous peoples living in 'voluntary isolation' ('isolated peoples') in the Kugapakori-Nahua-Nanti and Others' Reserve (the 'reserve'). It also summarises the evidence documenting the occupation and use of the Reserve by isolated peoples and describes how the project's current planned expansion risks causing further negative impacts for isolated groups and threatens to violate their fundamental rights to life and a healthy environment, territorial and cultural integrity and self-determination. **In sum, the report finds that this project threatens their very existence and survival as indigenous peoples.**

The document draws on a variety of published and previously unpublished sources of information including from Peru's Health Ministry and other state institutions, the United Nations, the Inter-American Commission on Human Rights, the Inter-American Development Bank, anthropologists, multiple NGOs and the Camisea gas project website. Information has also been obtained from Pluspetrol, the company leading the consortium which operates the project and also draws on fieldwork carried out by the Forest Peoples Programme (FPP).

'Third week of August: August 15, 10:30am: Visual contact of a naked native, with his private parts covered with a piece of bark, and the body, face and hair painted with achiote.' (Camisea Project)

The key findings are:

1. Existing impacts on 'isolated' peoples in the reserve include:

- Contact with gas project workers
- Forced contact with gas project workers
- Hostile contact with gas project workers
- Diseases and epidemics
- Relocation
- Threats

2. Impacts of the planned expansion on 'isolated' peoples in the reserve are likely to intensify and include:

- Contact with gas project workers
- Forced contact with gas project workers
- Stress, fear, concern, suspicion, apprehension and a sensation of invasion
- Diseases, epidemics and increased death rates
- Reduced game and longer periods spent hunting
- Reduced access to game, fish stocks, gardens and the forest for gathering
- Reduced use of paths and tracks
- Changes in the landscape, vegetation, and soil, water and air quality
- Changes to water use
- Changes to culture and way of life
- Noise pollution
- Relocation
- Increased migration out of the reserve
- Threats to their survival and threats of 'extinction'

3. The planned expansion is illegal under Peruvian and international law and violates 'isolated' peoples' rights to inter alia:

- Life
- Health
- Lands and territories
- Natural resources in their territories
- A healthy environment
- Prior consultation and free, prior and informed consent
- Self-determination and autonomy
- Cultural identity
- Survival as indigenous peoples

The Pluspetrol-led consortium is currently waiting for permission from Peru's Ministry of Energy and Mines to expand the Camisea project through the construction of a 10.5 km flowline to connect a new well platform called San Martin Este to a well platform called San Martin 3, drilling 18 wells at six locations called San Martin Norte (also known as Maniro), Kimaro Oeste (Kentsori), Kimaro Norte (Kimaro), Kimaro Centro (Sentini), Armihuari Norte (Kemari) and Armihuari Sur (Maniti), and conducting 2D and 3D seismic tests across hundreds of square kilometres of the reserve.¹ In 2012 Pluspetrol received permission from the Energy Ministry to build three wells at San Martin Este², and according to a financial statement of Peruvian subsidiary Pluspetrol Camisea S.A., construction work was in progress at that location as of 31 March 2013.³

In March 2013 the United Nations' Committee on the Elimination of Racial Discrimination (UN-CERD) urged the Peruvian government to 'immediately suspend' the expansion of the Camisea project.⁴ Despite this, government ministers have continued to publicly declare their support for the project and argued that it is both legal and will not affect the 'isolated' peoples in the reserve. Indeed, in an interview with Peruvian newspaper *El Comercio*, Pluspetrol's Director of Institutional Relations implicitly cast doubt on the existence of 'isolated' peoples by claiming, falsely, as this report will demonstrate, that 'Pluspetrol has operated since 2000 and we have not seen any native groups who are uncontacted or in voluntary isolation.'⁵

According to Peruvian law, the Energy Ministry can only give permission to the Pluspetrol-led consortium to proceed with its planned expansion once the Environmental Impact Assessment (EIA) of such plans has received the approval of a series of government agencies. To date, as far as is publically known, the only government agency which has not approved the EIA is the Ministry of Culture (MINCU). In July 2013, the Vice-Minister of Inter-Culturality (VMI), situated within MINCU, issued a report on the EIA in which it did not give its approval, making 83 'observations' and stating that the 'isolated' Nanti and Kirineri people could be made 'extinct' as a result of the expansion, and that no operations should be carried out if they will have

'It's a relief to know that they are Machiguenga so at least there won't be aggressive contact, just undesired contact.' (Camisea project worker 2002)

'critical' or 'severe' impacts on the health or ways of life of the 'isolated' peoples.⁶ This report was withdrawn from the public sphere almost immediately and the Ministerial Resolution officially approving it was later rescinded,⁷ and the Minister of Culture, the ex-Vice Minister of Inter-Culturality and the Director of the Office of Indigenous Peoples' Rights, which authored the report and is situated within the VMI, all resigned. Subsequently the Ex Vice Minister of Inter-Culturality attributed his resignation to the political interest in securing the approval of the project: 'To propose these types of observations about an EIA goes against the political decision to approve certain investments'⁸.

Another report on Pluspetrol's EIA has since been written for the VMI by a 'special team' of consultants specifically contracted for that purpose.⁹ That report only made 37 'observations', including requesting Pluspetrol to avoid conducting 3D seismic tests in one particular part of the reserve because of the probability of 'isolated' people living there.¹⁰ However, in contrast, the VMI did not make the same recommendation for the 3D seismic tests projected

for another part of the reserve also occupied by 'isolated' peoples, or the 2D seismic tests, or the wells. Pluspetrol's responses to the 37 'observations' must be further evaluated by the VMI before they, and then MINCU, can give the company its approval.*

Recommendations

In line with the Peruvian government's human rights obligations and the UN-CERD's recommendation made in March 2013, the Forest Peoples Programme recommends that the Peruvian government immediately takes the following steps to:

- Withdraw personnel and installations from the new well platform San Martin Este in the reserve.
- Abandon plans to build a 10.5 km flowline to connect San Martin Este to San Martin 3, to build 18 wells at San Martin Norte (Maniro), Kimaro Oeste (Kentsori), Kimaro Norte (Kimaro), Kimaro Centro (Sentini), Armihuari Norte (Kemari) and Armihuari Sur (Maniti), and to conduct 2D and 3D seismic tests across 100s kms squared of the reserve.

Definitions and disclaimer: Indigenous peoples in voluntary isolation and initial contact

The Kugapakori-Nahua-Nanti and Others' Reserve is home to indigenous peoples in both 'voluntary isolation' and 'initial contact', as referred to by Peruvian law.

This report focuses on the indigenous peoples in 'voluntary isolation' in the reserve rather than those in initial contact and uses the term 'isolated' as a short-hand for them. Such 'isolated' peoples are extremely vulnerable to any contact with outsiders because of their lack of immunological defenses which means colds, flu and many other diseases can easily kill them.

The United Nations' Office of the High Commissioner for Human Rights (OHCHR) defines 'peoples in isolation' as 'peoples or subgroups of indigenous peoples who do not maintain regular contact with the wider population and in addition often flee from any kind of contact with persons alien to their own group. In addition they can also be groups who come from other peoples who have established contact but who, after intermittent relations with wider society, decide to return to a state of isolation as a survival strategy and who choose to break all relations that they might have with these societies'.¹¹

The OHCHR defines 'peoples in initial contact' as 'peoples who have recently established contact with wider society; they can also be peoples who, despite establishing contact in the past, have never reached an exact understanding of the patterns and codes of relationships with wider society. This can be due to the fact that these peoples maintain a state of semi-isolation, or that relations with wider society are intermittent rather than permanent[T]hese are peoples who previously were living 'in isolation' and who, either due to being forced by external actors, or through the decision of their own group or due to other factors established contact with wider society'.¹²

* On the 6th January 2014 the VMI responded to Pluspetrol indicating that their responses to 3 of their observations remained unsatisfactory. See <http://transparencia.cultura.gob.pe/sites/default/files/transparencia/2014/01/resoluciones-del-viceministerio-de-interculturalidad/rvmi001-2014.pdf>

Box 1: The vulnerability of indigenous peoples in voluntary isolation and initial contact

Indigenous peoples in 'voluntary isolation' or initial contact are extremely vulnerable to any form of contact with 'outsiders' and their survival is gravely threatened by incursions into their territories. This is for three principal reasons.

First, their lack of experience with and knowledge of the outside world puts them particularly at risk of exploitation. They are also much less likely to be able to meaningfully participate in decisions that affect them due to lack of understanding about the modalities and implications of resource extraction or infrastructure projects and of the workings of government and the private sector more generally. In the case of peoples in 'voluntary isolation', they are not in a position to participate at all.

Second, their lack of immunity to viruses and other contagious diseases not present in their societies renders them especially susceptible to disease transmission and the rapid spread of epidemics, making it common for large numbers of them to die.¹³ 'First 'face-to-face' contacts are estimated to lead to the death of between a third and half of the population within the first five years, sometimes more,' according to anthropologists.¹⁴ One tragic example is the Nahua, one of the indigenous peoples today living in the 'Reserve'. In May 1984 they were living in 'voluntary isolation' when they experienced first direct and sustained contact with national society after a small group of them were captured by loggers who were attempting to access the valuable timber in their territory, and within only a few months the Nahua population had been reduced by almost fifty percent due to outbreaks of respiratory infections to which they had no immunity.¹⁵ This particular case was documented in an ILO report on Peru which 'notes that, in expanding their operations, the timber companies have come into contact with isolated groups, frequently resulting in epidemics and the extinction of these groups. According to sources cited in the study, between 50 and 60 per cent of the Nahuas have died.'¹⁶ Indeed, the Commission itself made similar observations in its 1997 Ecuador Report, which states that it had 'received reports that the introduction of previously unencountered diseases has resulted in numerous deaths over time.'¹⁷

Third, indigenous peoples in 'voluntary isolation' or initial contact maintain an almost exclusively subsistence economy based on hunting, fishing and gathering of materials for food, medicine and shelter, and they enjoy a special relationship with their territories which are also the foundation for their identities, unique cultures and spirituality. This makes the invasion and/or destruction of their land by 'outsiders' particularly serious and puts their very ability to survive as distinct peoples at major risk. As the UN has stressed, 'Gas and oil companies, loggers, miners and entrepreneurs are viewed by indigenous groups as "ghosts of death" for the toxic legacy they can leave behind and which can poison rivers and forests considered as a source of life for these communities.'¹⁸

Groups in initial contact

Although this report focuses on those groups living in 'voluntary isolation' it is important to highlight that the peoples in 'initial contact' within the reserve share similarly characteristics to those living in 'voluntary isolation' especially with regard to their vulnerability to introduced diseases, exploitation and loss of cultural integrity. While their vulnerability to diseases may have diminished in some cases, it remains acute in others. For example, the Nanti living along the Upper River Camisea who are classified as a group in 'initial contact' were, as recently as November 2013, reported to be suffering from a severe diarrhea epidemic that had led to at least one fatality.¹⁹ In addition, their recent integration into the market economy combined with their comparative lack of knowledge and experience of the outside world including a lack of literacy and largely subsistence economies makes them perhaps even more vulnerable, particularly to large-scale developments such as the Camisea project. Indeed, the July report by the Vice-Minister of Inter-Culturality on Pluspetrol's EIA states that the planned expansion could 'devastate' the Nahua people in particular, and that in general the health of indigenous peoples in 'initial contact' makes them vulnerable to 'extinction.'²⁰

For more details, see Annex 1.

The July report by the Vice-Ministry of Inter-Culturality (VMI) on Pluspetro’s EIA of the 10.5 km flowline, 18 wells, and 2D and 3D seismic testing also lists numerous locations of ‘isolated’ peoples in the reserve, including the River Bobinzana, River Serjali, River Paquiria, River Shiateni, the Upper River Cashiriari, between the Upper River Camisea and the River Manu basin, between the River Paquiria and the River Serjali basin, and between the River Serjali basin and the River Cashpajali.²⁶ The names it gave for these ‘isolated’ peoples are Nanti and Kirineri and other unidentified people described simply as ‘nomadic groups’ and ‘other indigenous groups in isolation.’

Further details about the ‘isolated’ peoples in the reserve were provided very recently by Peruvian indigenous organizations AIDSEP and FENAMAD, Peruvian NGO DAR and Peru’s National Coordinator on Human Rights at a hearing held on 1 November 2013 at the Inter-American Commission on Human Rights in Washington DC.²⁷

Box 2: Indigenous peoples within the Kugapakori, Nahua, Nanti and ‘Others’ Reserve, AIDSEP, 2013

Indigenous group	Level of interaction		attitude towards interaction	Participation in the economy	Access to health services
Nanti, Upper Camisea	Direct	Occasional	They generally do not look for interaction	Occasional	Occasional
Nanti, Kimaroari	Direct	Continuous	Stable relationship with Timpía indigenous community. They fear unknown people	Systematic with the Timpía Mission	Regular access to Timpía Health Post
Nanti, Upper Timpia	Direct	Occasional	They do not look for interaction but do not always avoid them	No	Very Occasionally
Machiguenga, Upper Paquiria	Direct	Occasional	They do not look for interaction but do not always avoid them	No	Occasional
Machiguenga, Upper Serjali and Patsani	Footprints sighted	None	They avoid interaction	No	None
Machiguenga, Camisea and Cashiriari	Direct	Occasional	They do not look for interaction with unknown people	No	Occasional
Mashco Piro	Footprints, camps	None	They avoid interaction	No	None
Nahua	Direct	Continuous	They look for interactions	Systematic	Continuous

Gas in the Camisea region was discovered by Shell after seismic tests and exploratory drilling in the 1980s which, among other things, indirectly led to first sustained contact with the Nahua which killed at least 42% of them within a few months.²⁸

In 2000, after Shell’s departure and 10 years after the reserve was created, the Peruvian government established a concession called Lot 88 and awarded the contract to a consortium run by Pluspetrol and including Hunt Oil and Repsol.²⁹ Despite the creation of the reserve in 1990, its legal upgrade in 2003, and its occupation by ‘isolated’ peoples, 23% of it is overlapped by Lot 88. Subsequently, Pluspetrol conducted its own seismic tests and exploratory drilling and built well platforms, while another group led by Transportadora de gas del Peru (TGP) built pipelines. Gas has been produced and transported out of the region since 2004. The gas fields currently exploited by the Pluspetrol-led consortium are called San Martin and Cashiriari, to the north and south of the River Camisea, a tributary of the River Urubamba.

Box 3: Environmental and social impacts of the Camisea gas project

Existing operations have already had a profound social and environmental impact on local people including those living within the Reserve. The pipeline, which transports the gas out of the Camisea region, has ruptured on at least seven occasions, leading to decimation of fish stocks and sickness among Machiguenga communities bordering the reserve.³⁰ Meanwhile, in 2003, a report by Peru's Ministry of Health concluded that an outbreak of diarrhoea that killed several Nanti indigenous people in the heart of the Reserve was related to an outbreak of an epidemic in a Camisea work camp (see Annex 1 for further details).³¹ In 2007 an epidemiological study found that as a result of establishing 'direct relations with outsiders in the last 20 years' the Nahua and Nanti 'have experienced major changes in health status, social disruption, and bereavement. . . The experiences of the peoples in the Kugapakori Nahua Reserve demonstrate the effects that resource extraction activities (both surface and subsoil) can have on local populations, not only when conducted in their lands (as in the case of the Nahua) but also when they take place downstream of their territories (as in the case of the Nanti).'³²

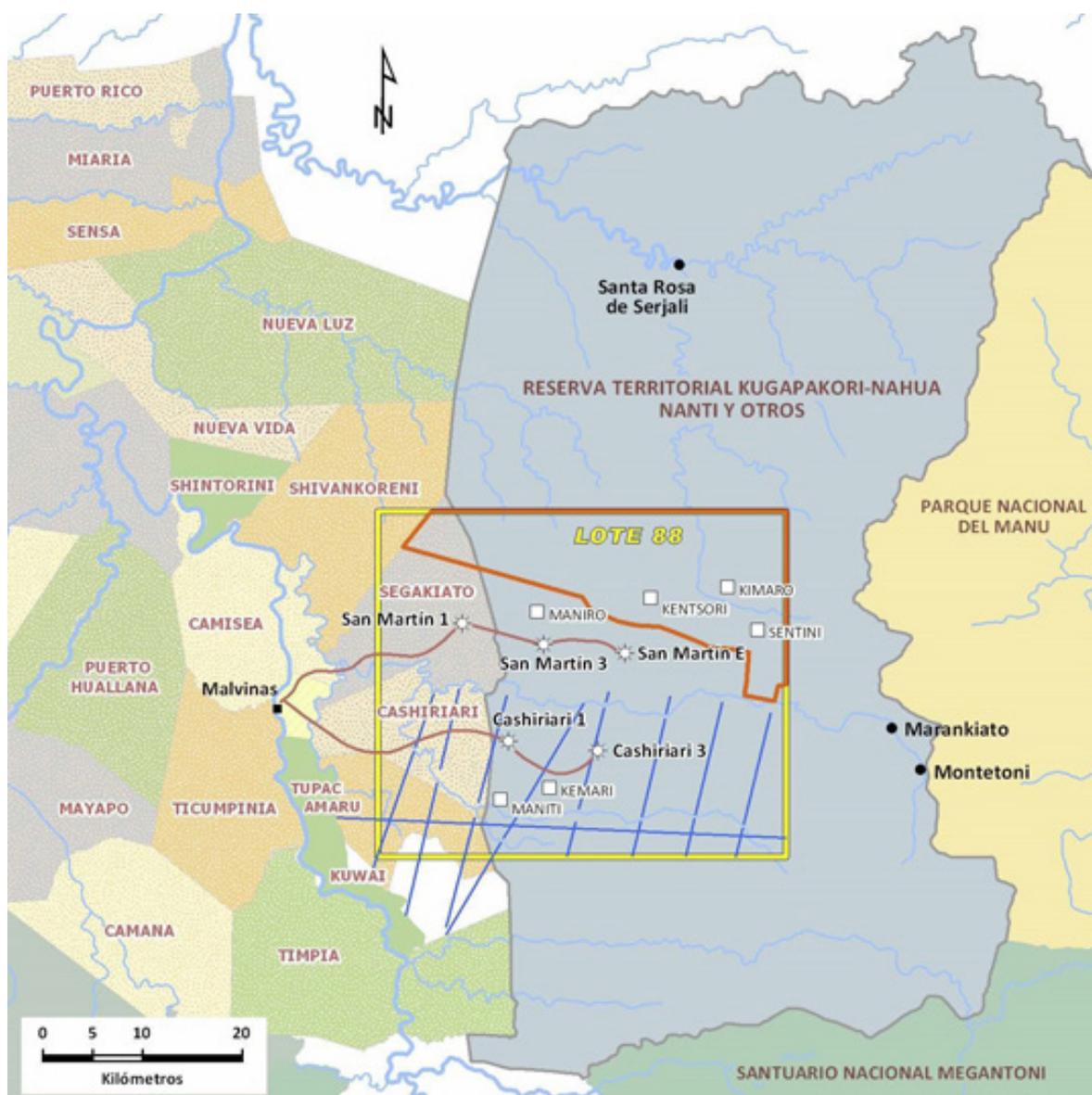
In addition, the 2011 report by the Independent Advisory Panel on Development Issues in South-Central Peru, which was formally established in 2009 to advise the Export-Import Bank of the United States and other interested parties on the effects of development projects in south-central Peru, was highly critical of the effects of operations in the Camisea region on the Machiguenga communities bordering the Reserve. 'Almost every interviewee independently mentioned a precipitous decline in the size and health of fish populations,' the report states. 'Community members gave various explanations for this decline, varying from contamination by spills, vastly increased river traffic, or increasing population. . . Nearly all people interviewed mentioned alcoholism as a major social problem that has arisen in recent years. Overall, they also see little improvement in their health situation: while new medicines and emergency evacuation funds have been introduced, frightening new illnesses have also emerged while social strife has contributed to a rising sense of unease culminating in accusations of sorcery.'³³

The expansion of the Camisea gas project within the reserve

The Pluspetrol-led consortium is now planning to expand its operations within 'the reserve'. In 2012 it received permission from Peru's Ministry of Energy and Mines to build three wells at a location called San Martin Este,³⁴ and it is currently waiting for permission from the Ministry to build a 10.5 km flowline to connect San Martin Este to a well platform called San Martin 3, to drill 18 wells at six locations called San Martin Norte (also known as Maniro), Kimaro Oeste (Kentsori), Kimaro Norte (Kimaro), Kimaro Centro (Sentini), Armihuari Norte (Kemari) and Armihuari Sur (Maniti), and to conduct 2D seismic tests for approximately 113 kilometres and 3D seismic tests across approximately 354 kilometres squared of the reserve.³⁵

These expansion plans are illustrated in the map below, which was presented in April 2013 by the Energy Ministry to the Peruvian Congress's Commission on the Environment, Ecology and Andean, Amazonian and Afro-Peruvian Peoples. The six white blocks are the planned locations for the 18 wells, and the purple line from San Martin 3 to San Martin Este is the planned route for the flowline. The blue lines are the planned 2D seismic lines, and the area marked in red is where the planned 3D seismic tests would take place.

Map 2: Planned expansion of the Camisea project within the Kugapakori, Nahua, Nanti and 'Others' Reserve



As this map illustrates, the Pluspetrol-led consortium's expansion plans would take the Camisea project further north, east and south into the reserve – and therefore deeper into 'isolated' peoples' territories. This would not only violate their fundamental rights as indigenous peoples to self-determination as well as to their lands, territories and resources under both Peruvian and international law, but expose them to potentially fatal contact with gas consortium workers or other outsiders due to their lack of immunological defenses.

Pluspetrol acknowledges that its expansion plans involve entering 'isolated' peoples' territories and therefore have considerable impacts on them. In the Environmental Impact Assessment (EIA) of its plans, presented to the Energy Ministry in November 2012, the company states that the reserve is inhabited by a 'nomadic population',³⁶ 'uncontacted families',³⁷ an 'uncontacted population',³⁸ and indigenous people in 'voluntary isolation',³⁹ and lists numerous known locations of them. These include the River Cashiriari basin,⁴⁰ along the River Timpia,⁴¹ along the banks of the River Bobinzana and River Serjali,⁴² between the River Shiateni and the River Paquria headwaters,⁴³ and along the River Patsani, River Kipatsiari and River Paquria.⁴⁴

Box 4: The expansion plans of the Camisea gas project within the reserve

The plans involve a massive expansion of operations within the Reserve including 2D seismic testing on 121.6km of lines and 3D seismic testing in an area of over 360km², construction and drilling of 18 exploratory wells in 6 different locations and the construction and operation of an approximated 10.5km pipeline ('flow line') that will cross 16 rivers. These projects will involve, among other elements the deployment of 1200 workers for the seismic testing; detonation of 46 tons of explosives, helicopter flights, use and maintenance of vehicles, equipment and heavy machinery; generation of hazardous waste including effluent disposal in rivers, use of water from the streams, as well as clearings and deforestation for wells, seismic lines, the pipeline, 'base camps' for between 150-200 people, 80 heliports and almost 4000 helicopter 'discharge zones'.

Occupation of the 'Kugapakori, Nahua, Nanti and 'Others' Reserve by isolated peoples and contact with the Camisea gas project operators

Since 2000, multiple encounters with, or sightings of, or physical evidence belonging to 'isolated' peoples in the reserve have been recorded. This evidence illustrates some of the use and occupation of the Reserve by isolated indigenous groups. As the selected timeline below illustrates, these encounters, sightings and physical evidence have been recorded, or subsequently acknowledged, by a very wide variety of organizations, institutions and individuals as recently as January 2014. These include Machiguenga, Nahua and Nanti indigenous peoples who live in the Camisea region, Peru's Health Ministry, Peru's state ombudsman, a Work Group of the Peruvian Congress's Commission on the Environment, Ecology and Andean, Amazonian and Afroperuvian Peoples, the former Peruvian state institution responsible for indigenous peoples (CONAPA), the state institution established to coordinate oversight of the Camisea project (GTCL), the United Nations' Special Rapporteur on the Rights of Indigenous Peoples, anthropologists, NGOs, the Inter-American Development Bank (IDB), the Camisea gas project website, and Pluspetrol itself.

'August 18, 1:00pm: "Meeting and contact with three naked natives without paintings on their bodies.'" (Camisea project)



Shelter of unidentified isolated indigenous group within the Reserve © Forest Peoples Programme

This timeline is not intended to be exhaustive. The remoteness of the reserve and the difficulties in entering it or the surrounding region, together with the absence of an independent monitoring system specifically regarding 'isolated' peoples,⁴⁵ means that there is little information about isolated peoples within the reserve in the public domain. FPP considers it likely that there have and continue to be more encounters with, sightings of, or physical evidence belonging to 'isolated' peoples in the reserve that have taken place or been found but have not been recorded.

NGO Forest Peoples Programme, 2013*

Sighting of one 'isolated' person and physical evidence of 'isolated' people

One 'calato' ('naked person') was seen by at least one Camisea project worker, one night, at San Martin Este in April or May 2013. Two crossed arrows were left, and in the morning numerous footprints were found.⁴⁶

Anthropologist Beatriz Huertas Castillo, 2013

Presence of isolated peoples reported in upper Paquiria river

"The coordinators of the Reserve reported the 'movement' of isolated indigenous peoples in the Upper Paquiria Sector. In 2013 the Peruvian Vice-Minister of Inter-Culturality conducted a visit to the area finding three settlements of Matsigenka ("kirineri") in initial contact and information about the presence of isolated indigenous peoples further up the river Paquiria. There is knowledge about the existence of a route that these people use to access the Shiateni tributary." (personal communication)

Footprints of isolated peoples found at Camisea drilling platform

"In February 2013 information emerged on the presence of isolated indigenous peoples on the San Martin Este drilling platform, where footprints were found of people of different ages, raising fears among company workers." (personal communication)

Pluspetrol & consultancy Environmental Resources Management, 2012

Reports of forced contact by Camisea gas project workers with 'isolated' Nanti people which decimated them

'According to the anthropologist Huertas, during the 2000s, forced contact with the Nanti was caused by the development of the Camisea Project. One of the main impacts of this contact was the spread of acute respiratory infections (IRA) and acute diarrhoeal illnesses (ADI), which seriously decimated the Nanti population.'⁴⁷

Work Group of the Peruvian Congress's Commission on the Environment, Ecology and Andean, Amazonian and Afro-Peruvian Peoples, 2012

Forced contact by Camisea gas project workers with 'isolated' people during seismic tests

'It is concerning that evidence exists comprising of testimonies by workers and Consortium officials themselves that confirms the establishment of forced contact with members of indigenous peoples in voluntary isolation in the Reserve...This contact would have occurred during seismic testing operations in the Serjali and Camisea rivers and their tributaries.'⁴⁸

* The timeline names the source of each piece of evidence, explains who or what the source is, and gives the date the evidence was recorded. Wherever possible, the source is quoted directly, but each piece of evidence is preceded by a summary of the evidence. References are provided in the endnotes.

Repeated sightings by Camisea gas project workers of 'isolated' people and physical evidence belonging to them

'According to civil society reports, company workers reported repeated sightings of 'naked' isolated indigenous peoples and findings of footprints, arrows, achiote and other remains, seemingly abandoned by indigenous peoples sensing the imminent approach of outsiders.'⁴⁹

Attempts by Camisea gas project workers to make contact with 'isolated' people

'They also reported that they left machetes, knives, mattresses and used clothes on the seismic fault lines expecting that these objects would attract indigenous peoples to civilization.'⁵⁰

Confirmation by Peru's state ombudsman of contact between Camisea gas project workers and 'isolated' people

'These facts, which the Consortium tried to minimise after criticism from indigenous organisations, have been confirmed by government bodies of such prominence as the Human Rights Ombudsman, who emphasised in a report that encounters between indigenous groups in isolation and Veritas workers (a sub contractor of the Pluspetrol Corporation) have occurred in the area of Lot 88 that overlaps with the Nahua Kugapakori Nanti Territorial Reserve.'⁵¹

Anthropologist Beatriz Huertas Castillo, 2012

Appearance of isolated peoples in indigenous settlement within the reserve

'In March 2012 information was registered about the appearance of isolated indigenous peoples in the settlement of Marankiato (Malanksiari) resulting in a tense situation. INDEPA 'protection agents' were given the responsibility of addressing the issue after prior instruction about procedures and care that should be followed to avoid the risk of contagion with diseases.' (personal communication)

Consultancy Matrix Solutions, 2011

Sightings by Camisea gas project 'watchmen' of 'isolated' people or people in 'initial contact'

'During this period the watchmen reported encounters with seven groups of people and two indications of human presence. Out of the seven meetings, six were with people who came to ask for help with food, blankets and tools, and one of the meetings was with inhabitants of Segakiato who were fishing. In the encounters with local populations, the Anthropological Contingency Plan's procedures and protocols were followed.'⁵²

Pluspetrol, 2010

11 sightings of 'isolated' people by Camisea gas project 'communal watchmen'

'During 2010, we continued implementing the Anthropological Contingency Plan (ACP), aimed at safeguarding the communities settled within the Nahua Kugapakori Nanti Territorial Reserve. The program seeks to preserve the traditional organizational patterns and the productive systems of those indigenous communities settled in the reserve that live in voluntary isolation or uncontacted. To that end, 14 communal watchmen perform monitoring with the purpose of registering any population displacement toward the reserve area that is close to the production platforms. In 2010, no encounters were produced with people uncontacted or in voluntary isolation. Nonetheless, watchmen registered 11 sightings in the vicinity of Pluspetrol locations. Most of these events were related to signs of 'mitayo' (hunting) activities.'⁵³

Defensoria de Pueblo, Peru's human rights ombudsman 2006

Encounters between Camisea gas project workers and 'isolated' people

'In the area of Lot 88 that overlaps with the Territorial Reserve, meetings between indigenous groups in isolation and Veritas workers (a sub contractor of the Pluspetrol Corporation) have occurred...According to testimonies collected by the Human Rights Ombudsman in the indigenous communities of Cashiriari, Marankeato, Montetoni and Santa Rosa de Serjali.' ⁵⁴

Contact with 'isolated' people facilitated by members of the Camisea consortium

'In addition, as set out in the Analysis of the Health Situation of Extremely Vulnerable Indigenous Peoples: The Case of the Nanti of the Nahua-Kugapakori Territorial Reserve, Camisea River, Cusco produced by the Ministry of Health's Department of Epidemiology, there have been contacts in the Timpia with the participation of TGP.' ⁵⁵

'Isolated' people killed by diseases reportedly on the increase since the initiation of the Camisea gas project

'An increase of illnesses such as syphilis, respiratory diseases and influenza has been reported, which in some cases have resulted in deaths in native communities and amongst indigenous people in isolation and initial contact' .⁵⁶

Anthropologist Kacper Swierk, 2006

Contact between 'isolated' people and Camisea gas project workers

'The testimonies [of the existence of 'isolated' people] were recently confirmed by representatives of the Camisea Project, who met Matsigenka families in the area where the Rivers Serjali and Bobinsana meet.' ⁵⁷

14 'isolated' people forced to relocate[†] as a result of the Camisea gas project and threats

'Oil exploration in the territories of the Matsigenka of the river Paquiria poses potential threats to their well-being. Already in 2002, 14 residents of the Shiateni area (in the Camisea river basin) had to move to the Paquiria river basin as a consequence of the disturbance caused by oil exploration activities, the presence of many outsiders, and in the case of one family group, threats from other Matsigenka community members who worked as guides for the oil company.' ⁵⁸

Contact between 'isolated' people and Camisea gas project workers

'Since 2002, with regard to the expansion of Camisea project activities, contact between isolated people and representatives of oil company Pluspetrol and its sub contractor Veritas intensified in some areas. This occurred mainly in the Shiateni area (where, as a consequence, residents abandoned their settlements) and the Upper Serjali area.' ⁵⁹

Inter-American Development Bank, 2004

Contact between 'isolated' people and Camisea gas project workers

'Seismic activities ended in October 2002 and the Contingency Plan proved effective in the

[†] In 2011 UNESCO also referred to the possible relocation of inhabitants of the Reserve into Manu National Park: 'There are also reports of indigenous people moving into the property from the Camisea River in the northwest of the property [Manu National Park], possibly as a result of the decimation of wildlife in the Camisea River Basin. . . Whilst these different changes are not yet a critical issue, the mission notes the importance of a proactive policy by the State Party to consider their implications and develop appropriate action. . . The impacts of the nearby Camisea gas field, including reported movements of indigenous peoples into the property as a result of the decimation of wildlife in the Camisea River Basin, could not be conclusively analyzed through the monitoring mission and are not referred to in the State Party report.' UNESCO. WHC-11/35.COM/7B.Add, 27 May 2011, p.83-84.

three incidents involving encounters with indigenous people living in voluntary isolation’⁶⁰

NGO Shinai, 2004

Contact with ‘isolated’ people facilitated by Camisea gas project workers

‘TGP gave the Dominican Mission and the Timpia Medical Centre permission to use their helicopter to visit the Marihentari community in 2002. During this visit the Mission gave the Marihentari and Inkonyeni community clothes and metal tools and the medics helped the sick.’⁶¹

‘Isolated’ people impacted by seismic testing

‘Nanti families who live in the Alto Cashiriari area were affected by Lot 88 seismic testing work due to its proximity and possible overlap with their settlement and territory (the exact location of which is not known). The company itself recognised the existence of indigenous peoples who live in voluntary isolation in this area having expanded its helipads to the area to ‘enable a certain type of helicopter access for contingency plans in areas identified as potential sites for encounters with people in voluntary isolation.’⁶²

Contact between two groups of ‘isolated’ people, probably Machiguenga, and Camisea gas project workers

‘There are a variety of reports about contact between people working for the company (the majority from seismic testing teams) and indigenous peoples in the Reserve who live in voluntary isolation. ...The Camisea project website contains documentation on a variety of encounters with Machiguenga people who live in the Upper Paquiria and Bobinsana rivers and identifies two groups, one with painted faces and the other without adornment. It is probable that these two groups are relatives of the Machiguenga of the Paquiria who have lost contact with them in recent years. According to company reports all the encounters were peaceful’ (<http://www.camisea.com.pe/esp/dialogo07.asp>).⁶³

NGO APRODEH, 2003

Contact between Dominican mission and ‘isolated’ people facilitated by Camisea gas project workers

‘Explorations initiated by Dominican missionaries in the 1970s have not ceased. On the contrary, they are currently taking advantage of the oil company’s presence to use their helicopters to fly to the Upper Timpia to look for isolated indigenous peoples’⁶⁴

Camisea gas project workers attempting to contact ‘isolated’ people

‘A similar situation occurred with another ‘well intentioned’ visit facilitated by the companies, which included medical personnel, to the area that connects the headwaters of the rivers Manu, Cashiriari and Timpia. It’s precisely the objects left on these visits which are taken by ‘warrior’ Nanty of Inconene, the majority of whom are known to have died from epidemics.’⁶⁵

Forced contact by Camisea gas project workers with ‘isolated’ people during seismic tests

‘Company workers have forced contact with indigenous populations in isolation in seismic lines 40 and 34 and in the Serjali, Camisea and Timpia river areas.’⁶⁶

Contact between missionaries and ‘isolated’ people facilitated by Camisea gas project workers

‘The company Veritas has helped missionaries to make contact through providing provision of helicopter flights.’⁶⁷

Camisea gas project workers ignore ‘no contact’ policy with ‘isolated’ people

‘While the company Pluspetrol has taken the initiative to show it has a ‘no contact’ policy with isolated indigenous peoples in the area in their Environmental Impact Assessment (EIA, 2001; Morales, 2002) and has even, according to company officials, has reduced the areas where

they will conduct the seismic operations because of the strong possibility of isolated indigenous peoples being present. Nevertheless, a series of incidences have resulted that show that the company personnel and its contractors do not share this principle either in theory or in practice.’⁶⁸

Camisea gas project worker reports contacting ‘isolated’ people with loud-speakers

‘According to the report by the International NGO Delegation on the Camisea gas project (September 2002), José Carvajal openly admitted that Pluspetrol looks for and makes contact with groups who live in voluntary isolation. He also stated that a group of company representatives, accompanied by a Machiguenga guide [sic] approach isolated groups announcing their presence with loud-speakers. Initial contact is made through the guide, followed by company representatives who were bringing gifts. One worker confirmed that the indigenous guides go ahead of the groups of Veritas workers, using loud-speakers to communicate with isolated peoples in the Machiguenga language.’⁶⁹

Two sightings of ‘isolated’ people reported by Camisea gas project worker

‘José Morales, Chief Coordinator of the Nuevo Mundo camp affirmed, in an interview with Econews Peru on 4 July 2002, that sightings of isolated indigenous peoples were reported on two occasions.’⁷⁰

Camisea gas project workers attempting to contact ‘isolated’ people

‘Members of the Nueva Luz indigenous community, which is adjacent to Kirineri territory, affirm that community relations representatives for the sub-contractor company Veritas entered the settlement of Shiateni, to explain to the indigenous people that the seismic line would pass through the area (field information).’⁷¹

Sightings of ‘isolated’ people by Camisea gas project seismic tests teams

‘Members of the Segakiato indigenous community reported the sighting of isolated indigenous people by members of the seismic testing teams (field information).’⁷²

Contact between Camisea gas project workers and one ‘isolated’ person

‘In May, a Pluspetrol search team looked for and made contact with a group that lived in voluntary isolation in the upper Paquiria. Carvajal stated that the team only managed to make contact with one elderly woman whilst the rest of the group had moved from the area in accordance with their traditional migration patterns of the season. (International NGO Delegation on the Camisea gas project, 2002).’⁷³

Sighting of ‘isolated’ ‘Matsiguenka’ people on a seismic line

‘A.C.Q, a member of the Segakiato community, was informed by fellow Matsiguenka that on seismic line HP 51, in the headwaters of the Serjali River, they came across naked Matsiguenka indigenous people.’⁷⁴

Encounters between ‘isolated’ people and Camisea gas project workers

‘A.Y, a Matsiguenka from the Segakiato community, claims to have met naked indigenous people in the areas around Marankiato and Inaroato, near the Camisea River (field information).’⁷⁵

Camisea gas project workers make contact with ‘isolated’ Kirineri people

‘During the IDB consultation in Washington (Oct. 2002) Michel Sàenz, a Veritas anthropologist and Director of ACPC, confirmed that his team makes contact with the Kirineri and that it’s ‘amicable’ as they do not refuse contact; however, they don’t explain the future impacts on their health.’⁷⁶

'Isolated' people forced to relocate as a result of Camisea gas project seismic testing

'Antropologist Kacper Swierk' s report...which includes testimonies from Fernando, Noé, Juan and Segundo, members of the Nanty village of Shiateni, which had 13 inhabitants and is situated at the headwaters of the River Shiateni, a tributary of the River Camisea, where before only the logger, 'Pancho' (from Segakiato) had reached. In March or at the beginning of April, workers arrived to build two roads that surrounded the community. There was a lot of fear and so they escaped to the forest to sleep. But later they returned and they were calm as they had left them gifts; biscuits, clothes and machetes. However, in June they changed their minds and they left due to noise from helicopters and the comings and goings of lots of people. They couldn' t farm and live peacefully and according to Noé the Veritas interpreters, Reinaldo from Chokoriari and Aquilino from Camaná, Alto Quichá, told them that 'they should go to Segakiato because they will die of sickness or be arrested for terrorism' . They didn' t go there because they were scared that their women would be taken away. So two adult men and three adult women went to where their relatives were, passing through the Paquiría and ending up in Quipatsiari near the Pongo de Maynique. ⁷⁷

Anthropologist Beatriz Huertas Castillo, 2003

Sightings by Camisea gas project workers of 'isolated' people and physical evidence belonging to them

'Company workers and other Matsigenka indigenous peoples reported repeated sightings of 'naked' isolated indigenous people and finding footprints, arrows, achiote and other remains, apparently abandoned by indigenous peoples who detected the approach of outsiders. They also reported the leaving of machetes, knives, mattresses and used clothes on seismic lines, expecting that these objects would attract isolated indigenous peoples to 'civilization', without taking into account that having contact with these objects makes them potential carriers of diseases that could be transmitted to indigenous peoples in isolation of Matsigenka indigenous peoples from the Segakiato community, December 2002.' ⁷⁸

Contact between 'isolated' people and Camisea gas project workers exposes the former to increased 'inter-ethnic' conflict

Interventions by the consortium to contact indigenous peoples in isolation and initial contact, whether through forced contact or through displacement from their territories, not only violates a series of fundamental rights such as life and health, but also, considering that the area is culturally diverse, exposes them to inter-ethnic conflicts caused by their search for a space to live which ensures their physical and cultural survival.' ⁷⁹

NGO Amazon Watch, 2003

Camisea gas project workers force contact with 'isolated' people

'Forced Contact Outlined by Veritas Consultant Anthropologist. On August 10, 2002, the International NGO Delegation and Mr. Rivas visited the Veritas Energy Services Camp - Peruanita - the main base for seismic testing operations. The following is part of a transcript of an interview with Michel Saenz, anthropologist and consultant to Veritas. Saenz: There is a flux, a movement that has always gone on (of native peoples inside the Reserve), we are taking good care of this....For example, there' s a Kugapakori (person) who lives in the upper part that' s uncontacted. Here there are Nanti, but they are not uncontacted but they are isolated, very isolated. There is the Shangoveni family group that are very isolated and don' t want to know anything about national society. They don' t want to know anything. Janet Lloyd, Amazon Watch: What are your methodologies, how have you got in contact with these people, how have you gone around the area? Saenz: ...When we advance with our forest group and Machiguenga guides, we see if we speak today. I speak a bit of Ashaninka. I speak Machiguenga with them. They laugh and we become friends and we start to have a relationship with these people... This Shangoveni man he tells me that my brother lives up the Shiateni gully and my father lives there too, I' m married to such and such a person. Because my job as an anthropologist is to do a kinship plan.

It's normal. It's normal... We are under control. Now I won't say that we aren't creating impacts. There are impacts all over the place. You can see that many animals have left. Many have stayed but many have gone. It's normal. There's a lot of racket. Also the Nahua. Here in this area, we know there could be Nahua. Now we know there are Machiguenga there. It's a relief to know that they are Machiguenga so at least there won't be aggressive contact, just undesired contact. If you've read the anthropological contingency plan drawn up by Pluspetrol and PCA, it says that there's a distinction between peaceful undesired contact and contact with people who could be aggressive. Lloyd: Do you believe that, at the end of the day, regarding these groups inside the reserve, whether they are uncontacted or isolated, the fact that you are present in their territory doing this type of work is a violation of their fundamental rights as indigenous peoples? Saenz: Probably. But human rights are being violated at any given minute in Lima. It's very easy to seek refuge in that. But yes I agree that, for example, a helicopter making what to us is acceptable noise, is not acceptable to a native who is much more sensitive to his environment. Yes, there are quite a few massive impacts [bastantes masivos impactos]. But what solution is there? To stop the project?' ⁸⁰

'Hostile' encounter between 'isolated' people and Camisea gas project workers

'Veritas Encounter With Unknown Indigenous Group in Seismic Line 40. While waiting to conduct a meeting with Veritas staff in the Peruanita Camp, Lower Urubamba on August 10, 2002, the [International NGO] Delegation interviewed a group of project workers waiting in the camp reception tent. When asked about peoples living in voluntary isolation, workers responded they were involved in a hostile encounter with 'calatos' / 'naked ones' on August 9 in Seismic Line 40 inside the Reserve. The translation into English of a transcript of an interview with a worker who did not want to be named reads: Worker X: It was in [line] 40, in the Salines [line], they were here [indicates on map]. There were 7 people, they shouted, but they didn't... they broke branches and jumped up and down and shouted, but they didn't say anything. Janet Lloyd, Amazon Watch: Could you see them clearly? Worker X: they just shouted, they snapped branches, like this.. they shouted and shouted as if they wanted to scare us, you see? Scare the workers... but we didn't do anything.. well, people ran away. Lloyd: The workers ran away. Worker X: And the helicopter went and flew over the area so that they would run away and withdraw too. Henry Tito, CEADES: What do they do in this type of situation? Worker X: They stopped work, that day. There are guides; the guides go ahead with loudspeakers, megaphones. Tito: And if they find (people) like them? Worker X: The guides take megaphones; they talk through the megaphones, really loudly. They talk in their language.' ⁸¹

Encounter between 'isolated' people and Camisea gas project workers

'Veritas Encounter with Unknown Indigenous Group in Seismic Line 34. After conducting a meeting with the International NGO Delegation, Mr. Michel Saenz held a one-to-one conversation with Janet Lloyd, anthropologist from Amazon Watch. When questioned whether hostile encounters had taken place between Veritas workers and peoples living in voluntary isolation, Mr. Saenz asserted that a contact incident had occurred along Seismic Line 34 in early August. He had not been able to ascertain the ethnic group of the band encountered in Line 34 but affirmed that the matter was under investigation.' ⁸²

Encounter between 'isolated' people and Camisea gas project workers during seismic tests

'Veritas Encounter With Unknown Indigenous Group in Seismic Line 44. Mr. Juan Seido, a member of the Nahua community of Santa Rosa de Serjali, reported to the Nahua advocacy organization Shinai Serjali that while he was employed as a guide for Veritas during seismic testing operations in the Nahua-Kugapakori State Reserve an encounter occurred between Veritas Energy Services and peoples living in voluntary isolation. The encounter took place in seismic line 44 near the headwaters of the Serjali River. He confirms that the 'naked peoples' encountered did not speak Nahua or Machiguenga and their ethnic group could not be identified. On different occasions while working in the same area, Mr. Seido's team of guides also saw eight houses and gardens planted with maize and manioc plants belonging to peoples living in voluntary isolation who inhabit the seismic testing area. Two other Nahua men working in the same team of guides independently confirmed this report.' ⁸³

Encounter between 24 'isolated' people and Camisea gas project workers

'Veritas Encounter With Unknown Indigenous Group near Ipariato Gully. In August 2002, representatives from the Peruvian government agency Defensoria del Pueblo visited the Machiguenga community of Cashiriari. In trip report #026-2002/DP-PCN they state that two members of the Cashirairi community informed them that 24 'naked ones' (calatos) carrying arrows had been seen by cooks working at a heliport near the Ipariato Gully, located one hour from Cashiriari. Company worker Regio Rios had relayed the information by radio to community leader Jesus Camiri. Community health worker, Tomas Vargas Cashiriari, confirmed the account.'⁸⁴

Peru's Health Ministry, 2003

Contact between 'isolated' people and missionaries facilitated by Camisea gas project workers

'Pluspetrol and TGP have facilitated the journeys of Catholic and Maranatha Evangelical missionaries to the reserve and to Nanti communities, despite written policies of 'no contact' with indigenous peoples in voluntary isolation (COMARU/AIDSESEP, 2003; Espinoza and Huertas, 2003; Boletín Selvas Amazonicas N°181. March-April 2003).' 85

Inter-American Development Bank, 2003

Three encounters between 'isolated' people and Camisea gas project workers during seismic tests

'The seismic works were completed in October 2002. On two occasions encounters occurred but the procedures of the Contingency Plan were implemented and the indigenous peoples returned to their communities with no known further effect. Another encounter with a group of seven non-contacted indigenous occurred in August 2002, during seismic activities in seismic line 34, also with no known further effect.'⁸⁶

United Nations' Special Rapporteur on the Rights of Indigenous Peoples, 2003

'Isolated' people forced to relocate by Camisea gas project workers.

'According to a recent report, gas project workers in the upper Paquiria region, in the south-east of Peru, forced Kugapakori people to retreat further into the Amazon rainforest and were threatened with detentions and the decimation of the community through the transmission of contagious diseases if they didn't abandon their homes'⁸⁷

Consultant Robert Goodland, 2003

Reports of forced contact of 'isolated' people by Camisea gas project workers during the preparation of the EIA, seismic tests, and construction phase

'It has not proved possible to halt all contact between Camisea workers and the vulnerable inhabitants of the reserve. GoP [the government of Peru] has received reports, perforce anecdotal and unpublished, of forced contacts during illegal logging, PlusPetrol's seismic prospecting, EIA fieldwork, and PlusPetrol's construction in Block 88 deep inside the 'Reserva del Estado Nahua y Kugapakori.'⁸⁸

Reports of attempts by Camisea gas project workers to contact 'isolated' people

'Gas workers are reported to have flown into Alto Serjali and Alto Paquiria with gifts.'⁸⁹

Report of encounter between 'isolated' people and Camisea gas project workers

'... while the Veritas/Seismic contact with an unknown population was unintended.'⁹⁰

Former state institution responsible for indigenous peoples (CONAPA) and the state institution established to coordinate oversight of the Camisea project (GTCI), 2003

Attempts by Camisea gas project workers to contact 'isolated' people

'On the other hand, during field work we collected information about a group of 10 people whose Chief is called Potsonari. This group, known as the Patsiaris or Patshiris, fled towards the headwaters to an unknown area out of fear because they had seen the San Martin 3 well, during one of their hunting trips. This information was confirmed by Fernando who was contracted by Veritas to contact them and warn them of the seismic surveys, which was impossible due to the unknown whereabouts of this group.' ⁹¹

Camisea gas project consortium members facilitating contact with 'isolated' people

'Settled on the creek of the same name, is a group that comes from Alto Timpia - like the Nanty of Camisea - who are the most recently contacted. This is because they only received their first from members of Western society took place in 2001 (with support from Pluspetrol) and a second visit in 2002 (with help from TGP).' ⁹²

'First contact' between 15 'isolated' people and the authors

'During the last vaccination round in Marentari, a new group of approximately 15 people came (two men with their two wives and their children) who were fishing in the Shampinkiari creek. This was their first contact and it was not possible to identify which ethnic group they belonged to, but considering their features it's likely they are from a different group. They were also included in the vaccination process.' ⁹³

Sightings of, and physical evidence belonging to, 'isolated' people during seismic tests

'The Peruvian government granted Lot 88 to Pluspetrol, which is located in the area that overlaps the Kugapakori Nahua Reserve as far south as the River Limpia. 3D seismic testing was carried out between February and November 2002 with the presence of 'watchmen' ...The seismic testing finished with evidence and sightings of indigenous peoples in isolation and in initial contact in the north and northeast area of the ...lot' ⁹⁴

Intent to establish contact between 'isolated' people and the consultants

The subject of this report is described as 'Visit to the [Camisea] Project locations, the neighbouring Native Communities of San Martin 3 and families in isolation in the vicinity of the Nahua-Kugapakori reserve.' ⁹⁵

Consultants initiate contact with 'isolated' people

'A total of 7 visits were made during a 4-day period. They were made to three types of locations: a) Pluspetrol camps and work sites b) Native Communities, and c) Settlements of family groups living in isolation. During these visits, interviews were made to the technical personnel and staff, to the guides (watchmen) and native workers, to natives living in community and living in isolation. . . Settlement of families in isolation (06-01-2003). . . A site was visited on the shore of the Camisea River, coordinates LS 11 49' 49.4" LO 72 43' 26.5" , where family groups of Nanty origin were interviewed. . . At the mid course of the Camisea River, at point LS 11 49' 49" and LO 72 43' 26.5" , there are three interrelated families, with a total of 14 persons. Of the three family heads, one comes for the Upper Timpia and the other two are Nantis from Montetoni. . . They maintain very sporadic contacts with Segakiato, only in the event of illness, they said.' ⁹⁶

Consultancy URS, 2003

Undesired encounters between 'isolated' people and Camisea gas project workers

'Pluspetrol' s policies in relation to indigenous peoples in voluntary isolation have to be

stepped up, based on the lessons learnt during the seismic explorations. Although there have been unintentional encounters with uncontacted populations, there are no scientific reports on the impacts on the health of native communities or uncontacted communities.’⁹⁷

Pluspetrol, 2002

Pluspetrol workers admit making contact with ‘isolated’ ‘Matsigenka’ people

‘Well, we have already explained this. We recruited Matsigenka indigenous people who know the area well and we organised expeditions along the main tributaries of the Camisea River covering the area of the seismic explorations. We sent an indigenous expedition ahead to identify where settlements were located on the tributaries on both sides of the Camisea. We identified and documented how many there were, what their names were, their main activities, the areas they occupied, their seasonal areas and we went in advance and explained to them in the Matsigenka language what we were doing and gave them all kinds of support.’⁹⁸

Pluspetrol workers describe how they contact ‘isolated’ people

‘We are going to explain to you what we did to carry out our work before entering the field. For this we prepared and recruited indigenous peoples who we trained on the different stages of the project; clearing, drilling, helicopter flights etc. We didn’t have any problems with these communities, we identified, I repeat, different groups of communities in some tributaries of the Rivers Camisea and Cashiriari...’⁹⁹

International Delegation of NGOs, 2002

Hostile contact between ‘isolated’ people and Camisea gas project workers

‘Worker X [from Veritas’ seismic tests] declares that on 9th August 2002, seven naked indigenous individuals carrying branches over their heads, shaking trees and constantly shouting, interrupted a work group that was operating on Seismic Line 40 inside the Reserve. After the workers fled, a company helicopter circulated over the area to ‘make them go away’ (field notes, Veritas Peruanita Camp, 10th August 2002).¹⁰⁰

Hostile contact between ‘isolated’ people and Camisea gas project workers

‘When asked about incidents of hostile contact, Michael Saenz [from Veritas] initially denied that any such incident had occurred - ‘Absolutely nothing. No contact with any uncontacted people’ - but in a more intimate interview he confirmed that an aggressive contact situation had occurred on Seismic Line 34 in the week of 5th August. The incident was under investigation (field notes, Peruanita Camp, 10th August 2002).’¹⁰¹

Pluspetrol worker admits making contact with ‘isolated’ people

‘José Carbajal declares that a group of company representatives, accompanied by a Machiguenga guide, approached isolated groups announcing their presence through loud speakers. They make initial contact through the guide who is then followed by representatives of the company who bring gifts. Worker X confirmed that indigenous guides go ahead of Veritas workers using loud speakers to communicate with isolated peoples in the Machiguenga language.’¹⁰²

Camisea gas project worker admits making contact with ‘isolated’ people

‘The Veritas advisor, Michael Saenz, declared that none of his guides use loud speakers or look for isolated peoples. On the contrary, they only approach isolated peoples when they are aware that their presence is near construction groups: ‘Let’s see if today we speak...I speak a bit of the Ashaninka language, I speak Machiguenga with them...they laugh...we make friends and then we start to have a relationship with these people.’¹⁰³

Camisea gas Project workers seek and make contact with 'isolated' people

'In May a Pluspetrol search team looked for and made contact with a group that were living in voluntary isolation in the Upper Paquiria. A relative of the group (of Machiguenga origin) accompanied them. Carbajal indicated that the team was only able to make contact with an elderly woman because the rest of the group had left the area in accordance with their traditional migratory practices of that time of year' ¹⁰⁴

Anthropologist Kacper Swierk, 2002

'Isolated' people forced to abandon their homes after contact with Camisea gas project workers

'On 23 June Efrain Zeperrino Pereyra (president of Nueva Luz) told me that all the inhabitants of Shiateni abandoned their settlement after they were hassled by Pluspetrol-Veritas workers.'

¹⁰⁵

Camisea gas project website, undated

Two hostile encounters between 'isolated' people and Camisea gas project workers

'Upstream component: Incidences of Hostile Contact. During our 90 minute visit to the Veritas camp, we were informed about two incidences of hostile contact along Seismic Line 40 and Seismic Line 34 in the Reserve. Experts agree that isolated groups living within the Reserve have no history of aggression - their decision to resort to aggressive tactics is indicative of the impact the seismic testing operations are having on their lives: [1] Worker X related that on August 9, 2002, seven indigenous individuals ('calatos' or naked ones) waving branches above their heads, shaking trees and continually yelling, interrupted a work party operating in Seismic Line 40 within the Reserve. After the workers fled, a company helicopter hovered over the vicinity to 'make them run away too' (field notes, Veritas Peruanita Camp, August 10, 2002) [2] When questioned about incidents of hostile contact, Michel Saenz initially categorically denied that any incidents have taken place - 'absolutely none, not even contact with an un-contacted person' - but on closer questioning confirmed that an aggressive contact situation had occurred in Seismic Line 34 on the week of August 5th. The incident was under investigation (field notes, Peruanita camp, August 10, 2002).'

¹⁰⁶

One encounter with, and sightings of, 'isolated' people by Camisea gas project workers during seismic tests¹⁰⁷

'The seismic activities have not caused any hostile incident between the indigenous people and personnel from the seismic crew; asserting the contrary would be untrue. What is true that there have been episodes of visual contact between seismic workers and indigenous people, as well as one single episode of contact, or pacific interchange, between the two human groups. All visual contact cases and the single case of pacific contact took place during August 2002. The indigenous people involved in these episodes belong to the Machiguenga ethnic group. . . it is worth mentioning that the inhabitants of the area can be identified as belonging to three different groups: 'the Machiguenga group who live in the communities, the 'traditional Machiguenga' group, and finally the 'isolated indigenous' group. . . We highlight once again the fact that in all the situations of visual contact and in the single situation of pacific verbal contact that took place during the seismic campaign, only 'traditional Machiguenga' indigenous were involved.'

¹⁰⁸

Camisea gas project workers making contact with 'isolated' Kirineri people

'First week of March: Expedition to Upper Paquiria with indigenous guides from Pluspetrol, Veritas and members of the Nueva Luz community, with the purpose of gathering information and reporting about our works to the Machiguenga people living in that zone, locally known as Kirineri.'

¹⁰⁹

Camisea gas project workers making contact with 'isolated' people

'Second week of March: Coordination and presentation visit in the Upper Shiateni, in order to inform to the isolated families of the Segakiato native community about the arrival of the seismic line cut crew, and about the risks of getting close to workers.' ¹¹⁰

Camisea gas project workers making contact with 'isolated' people

'Fourth week of May: Introductory visit to an Upper Cashiriari family group, in order to inform the isolated families from the Cashiriari community about the arrival of the seismic line cut crew and to prevent them from getting close to the workers.' ¹¹¹

'Isolated' peoples' homes found by Camisea gas project workers

'Second week of July: At the end of the 1293 seismic line, with the intention of searching the zone to avoid non desirable contact, one Machiguenga and three Nahua guides, went on along the Western ravine of Bovinzana, and they found 3 dwellings, whose dwellers were away. One was a two-storey dwelling with matted walls. The other had arrows, metal files, used cartridges, boots and plastics. A big canoe was also found near the Bovinzana River. The guides believe the dwellers are Machiguengas.' ¹¹²

Encounter between one 'isolated' person and Camisea gas project workers

'Third week of August: August 15, 10:30am: Visual contact of a naked native, with his private parts covered with a piece of bark, and the body, face and hair painted with achiote.' ¹¹³

Sighting of four 'isolated' people by Camisea gas project workers

'August 15, 11:30am: Visual contact with 4 naked indigenous.' ¹¹⁴

Sighting of five 'isolated' people by Camisea gas project workers

'August 16, 12:45pm: Visual contact with 5 naked indigenous.' ¹¹⁵

Encounter between three 'isolated' people and Camisea gas project workers

August 18, 1:00pm: Meeting and contact with three naked natives without paintings on their bodies.' ¹¹⁶

Impacts of the planned expansion of the Camisea gas project on indigenous peoples in voluntary isolation



Camisea project barge on the River Urubamba ©Forest Peoples Programme

The planned expansion of the Camisea gas project in Lot 88 has generated enormous concern about the likely impacts on 'isolated' peoples in the reserve. As the selected extracts from several documents below illustrate, this concern has been expressed by a wide variety of organizations and institutions including Peru's Vice-Ministry of Inter-Culturality, the National Institute for the Development of Andean, Amazonian and Afroperuvian Peoples (INDEPA), the United Nations' Committee on the Elimination of Racial Discrimination, the Inter-American Commission on Human Rights, Peruvian indigenous federations, multiple international environmental and human rights organizations, and even Pluspetrol itself. This list is not intended to be exhaustive.

Peru's Vice-Ministry of Inter-Culturality (VMI), July 2013

'Extinction' of 'isolated' Nanti people

'The effects [of the 'labour force' required to conduct 2D seismic tests] on the health of the indigenous Nanti people in isolation could affect a large number of their population. . . [and] could mean their extinction.' ¹¹⁷

'Extinction' of 'isolated' Kirineri people

'The effects [of the 'labour force' required to build a base-camp for 3D seismic tests] on the health of the indigenous Kirineri people could affect a large number of their population. . . [and] could mean their extinction.' ¹¹⁸

Health of the 'isolated' Nanti people at 'high risk'

'The presence [of an estimated 40 workers on each seismic line] puts the health of the peoples in isolation at high risk.' ¹¹⁹

'The constant presence of what is expected to be a maximum 800 workers...will drastically restrict the use of resources by the 'isolated' Kirineri people' (Vice-Ministry of Inter-culturality, 2013)

'Isolated' Nanti people at risk of 'fatal epidemics'

'The effects [of contact] on the health of indigenous peoples in isolation usually lead to fatal epidemics.' ¹²⁰

Reduced access of 'isolated' Nanti people to food

'The 2D seismic testing will have a direct impact on the movements of and use of resources by the people in isolation in the region [the Upper River Cashiriari]. . . [The seismic testing] will disturb the game in the region, which will considerably limit the availability of animals to hunt - [game being] considered the most important source of protein for these people.' ¹²¹

Impacts on 'isolated' Nanti people's culture and way of life

'The restrictions regarding the isolated Nanti people's use of and movements across their territory caused by the 2D seismic testing will have direct impacts on their culture and way of life.' ¹²²

Stress for the 'isolated' Nanti people and 'serious' restrictions on their movements

'Air traffic [i.e. helicopters] causes levels of noise that will cause stress and seriously restrict the movements of the indigenous people in isolation.' ¹²³

Impacts on the 'isolated' Nanti people's water use

' . . . The industrial effluents discharged into the River Cashiriari basin [during the exploratory drilling stage] could have impacts on the water consumption of the . . . indigenous Nanti people in isolation in the Upper River Cashiriari.' ¹²⁴

'Isolated' Kirineri people at risk of 'fatal epidemics'

'The effects [of contact] on the health of indigenous peoples in isolation often end in fatal epidemics.' ¹²⁵

Reduced access of 'isolated' Kirineri people to food

'The 3D seismic testing will have a direct impact on the use of resources by the people in isolation. . . [This will] manifest itself in a critical way by disturbing the flora, fauna and aquatic eco-systems in the region, considerably limiting the availability of animals, fishing, and the areas used to gather food - activities which are fundamental to the survival of these people.' ¹²⁶

Impacts on the 'traditional economic activity' of the 'isolated' Kirineri people

' . . . the presence of workers accompanied by the development of various activities (clearing and cutting down the forest, detonating explosives, air traffic etc) may generate a bigger impact on the traditional economic activity of the Kirineri indigenous people in isolation.' ¹²⁷

'Drastically' reduced access of the 'isolated' Kirineri people to resources

'The constant presence of what is expected to be a maximum of 800 workers. . . will drastically restrict the use of resources by the 'isolated' Kirineri people.' ¹²⁸

Impacts on the 'isolated' Kirineri people's use of and movement in their territory

'The restrictions regarding the use of and movement in their territory resulting from the proposed 3D seismic testing will have direct impacts on the culture and way of life of the indigenous Kirineri people in isolation.' ¹²⁹

Impacts on the 'isolated' Kirineri people's water use

' . . . The industrial effluents [from drilling the wells] discharged into the River Serjali and River Paquiria basins may have impacts of huge intensity on the Kirineri indigenous people in isolation.' ¹³⁰

Impacts on the 'isolated' Kirineri's people capacity to fish

'... The industrial effluents [from drilling the wells] could affect the hydrobiological resources that the people in isolation use when fishing.' ¹³¹

Contact between 'isolated' people and Camisea gas project workers

'In its [Anthropological Contingency Plan in the EIA] it states that 'considering the project will be developed within the Kugapakori-Nahua-Nanti Reserve, the possibilities of encountering the people who live in it, although slim, should be considered.' Given that the company has proposed operating in the reserve, in which indigenous peoples in isolation and initial contact live, it is not appropriate to claim the possibilities of encounters are slim.' ¹³²

Peru's Vice-Ministry of Inter-Culturality (VMI), November 2013

Long-term health impacts

'... studies on this subject point out that [the health of] populations in isolation or initial contact, due to their small numbers and vulnerability to infectious diseases, against which they have no immunological defenses, are affected in a repeated way with high levels of morbidity, which means that they will be impacted for a prolonged period of time.' ¹³³

Impacts on health caused by changes in diet

'In their analysis of health impacts, the project operator must not only incorporate aspects linked to the vulnerability of isolated indigenous peoples to viral and infectious diseases and the effects related to the different levels of stress that these populations will be subjected to, but should also incorporate the nutritional aspects due to the dietary changes arising from the temporary withdrawal of game animals, and the temporary limited access to resources for fishing, gathering, timber extraction or farming, and the free movement of the populations throughout the reserve.' ¹³⁴

'Big' impacts on ways of life

'The impacts identified [by Pluspetrol in its EIA] have a huge effect on the ways of life of families based in the reserve.' ¹³⁵

Potential encounters with seismic teams

'...other impacts from seismic activities are not mentioned, like the potential encounters with workers, meaning an increased health risk for those in isolation, who are more sensitive than populations in initial contact, as well as the increase of stress levels as a result of the fear and the worry arising from these encounters and the project's activities.' ¹³⁶

Peruvian government's National Institute for the Development of Andean, Amazonian and Afroperuvian Peoples (INDEPA), 2012

'Isolated' people in 'extreme danger'

'The 2D seismic tests would put the peoples in isolation in the headwaters of the River Cashiriari in extreme danger.' ¹³⁷

'Isolated' people at 'extreme risk'

'... The 3D seismic tests would put the peoples in isolation in the upper River Serjali, the River Bobinsana and the headwaters of the River Paquiria at extreme risk.' ¹³⁸

Impacts on 'isolated' 'Matsigenka' and other 'isolated' peoples' migration routes and varaderos¹³⁹

'The 3D seismic testing and exploratory drilling at San Martin Norte, Kimaro Oeste, Kimaro Norte and Kimaro Centro would affect the migration routes and varaderos of the Matsigenka between the Upper River Paquiria and the River Kipatsiari towards the River Camisea. . . as well as the migration routes between the River Bobinsana and the Upper River Serjali towards the Manu National Park and the headwaters of the River Cashpajali.' ¹⁴⁰

'Undesired' contact with the 'isolated' people, habitat and resource depletion, deterioration in health, noise pollution, and changes in the landscape, soil, water, air, vegetation and fauna

'Regarding the indigenous peoples in isolation and initial contact, [the TDR] identifies only three possible impacts: 'undesired contact with local populations in isolation', 'loss of habitat and resources for populations in isolation', and 'deterioration of health and risk for more vulnerable populations in isolation'. . . without acknowledging any of the other possible impacts [listed in a table] such as: 'Changes in the landscape', 'changes in the soil', 'changes in the water system', 'Changes in the water quality', 'noise pollution', 'changes in the vegetation', 'changes in the habitat of aquatic wildlife', 'changes in the habitat of terrestrial wildlife', 'reduction in wildlife biodiversity', and the 'temporary flight of animals to hunt.' ¹⁴¹

Pluspetrol, 2012

'Isolated' people are 'highly vulnerable' to contact and 'massive deaths' are possible

Pluspetrol acknowledges that in general 'isolated' people are 'highly vulnerable' to any kind of contact and that 'massive deaths' can occur as a result. ¹⁴²

'Isolated' people are 'particularly vulnerable' to any changes to their environment

'Both the families that are permanently settled within the KNNR as well as those who use resources from within it are characterised by having a traditional economy that is dependent, to different degrees, on forest resources. For this reason, and in this context, the families who occupy the area are particularly vulnerable in the face of any changes that may be produced in the environment.' ¹⁴³

Contact with 'isolated' people is possible, 'probable' and, to some extent, encouraged

Pluspetrol acknowledges that in the course of its planned expansion in the reserve contact with 'isolated' people is possible¹⁴⁴ and 'probable',¹⁴⁵ and states that it intends to operate in ways that will, in FPP's opinion, encourage contact with them. These include talking to the 'isolated' people,¹⁴⁶ offering food,¹⁴⁷ objects¹⁴⁸ and hospitality,¹⁴⁹ photographing them,¹⁵⁰ and informing them about their expansion plans by distributing 'timetables.'¹⁵¹

Fear and concern among 'isolated' people

'It is assumed that any activity different to that of the daily lives of the populations in isolation will generate fear, concern and changes in the ways they see and understand the world.' ¹⁵²

Negative impact on 'isolated' peoples' traditional economic activities

'The 2D seismic tests could have a negative impact on the traditional economic activities of the families living in the reserve.' ¹⁵³

Temporary reduction of game for the 'isolated' people to hunt

'The 2D seismic tests will cause game to leave the area temporarily, making it much harder for families to hunt' ¹⁵⁴

Temporarily limited access for the 'isolated' people to food in general

‘On the other hand, access to resources for hunting, fishing, gathering of plants, timber extraction or farming will be temporarily limited [by the 2D seismic tests], which could lead to the decreased consumption of certain foods that are currently present in the diets of the population.’¹⁵⁵

Temporarily limited use of paths and tracks

‘[The 2D seismic tests] will temporarily limit the use of some routes/tracks which will cause certain inconveniences to the free development and daily activities of families who live in the area of the reserve where seismic lines are located.’¹⁵⁶

Concern, fear and stress for the ‘isolated’ people

‘[The 3D seismic tests] could cause concern and/or fear for the families in the area, producing different levels of stress.’¹⁵⁷

Suspicion, apprehension and a sensation of invasion

‘[The 3D seismic tests] can cause families in isolation to feel suspicion, apprehension and a sensation of invasion of their traditional space; therefore limiting their movement and affecting the development of their daily activities.’¹⁵⁸

More time required by the ‘isolated’ people to hunt

‘[The 3D seismic tests] cause wild animals to flee temporarily which means that families who hunt within the Reserve have to dedicate more time and effort to achieve their objectives.’¹⁵⁹

Negative impact on the ‘isolated’ peoples’ health

‘[The 3D seismic tests will bring the] risk of possible exposure to contagious diseases’¹⁶⁰, and the 18 wells ‘could have a negative effect on the health of families who live on or use forest resources.’¹⁶¹

Peru’s National Service for Protected Natural Areas (SERNANP), 2013

Increased migration into a national park and possible conflict with other indigenous people

‘Knowing that the nomadic populations frequently move between the reserve and the Manu river basin, as described in the EIA, it is believed that, as a result of the expansion, the migration of these people to Manu will be frequent and lead to new settlements being established in the area. This will mean using the natural resources in the region and could generate conflict with the indigenous communities in the Manu River basin inside the Manu National Park [immediately to the east of the reserve].’¹⁶²

United Nations’ Committee on the Elimination of Racial Discrimination, 2013

‘Negative’ impact on ‘isolated’ people and a violation of their rights

‘The Committee is concerned at the possible discriminatory impact on the indigenous inhabitants of the reserve. . . Given that the indigenous peoples living in voluntary isolation in [the] Kugapakori-Nahua-Nanti [reserve] have a subsistence economy based mainly on hunting, fishing and gathering. . . the deterioration of their environment could have a negative impact on their lives and could undermine the satisfaction or exercise of their economic, social and cultural rights. . . We request that the Peruvian government immediately suspends the planned extractive activities in the reserve that could threaten the physical and cultural survival of the indigenous peoples living there and impedes their enjoyment of their economic, social and cultural rights.’¹⁶³

Peruvian indigenous organisations AIDSESEP, ORAU, FENAMAD, COMARU and ORPIO 2012

Threat of ‘irreparable harm’ to isolated peoples and ‘grave risks’ to their ‘existence’

The expansion of hydrocarbon activities within Lot 88 ... threatens all the indigenous inhabitants of the Reserve with irreparable harm increasing amongst others the possibility of undesired contacts with external actors, the transmission of epidemics of potentially lethal diseases and processes of territorial relocation of the indigenous peoples of the reserve to other areas giving rise to inter ethnic conflicts with neighbouring groups..... In conclusion, the prospect of expansion of hydrocarbon exploitation in the interior of the reserve places the existence of these peoples at grave risk and threatens to violate their fundamental rights to life...health, self determination...and cultural identity...' ¹⁶⁴

58 international human rights and environmental organizations, 2013

Threats to 'isolated' peoples' economies and survival from 'lethal' diseases and exploitation of their territories

'Some of Peru' s most vulnerable indigenous peoples who are living in voluntary isolation and initial stages of contact and whose lives, livelihoods and physical and cultural survival are threatened by the imminent expansion of the Camisea gas project in the Kugapakori-Nahua-Nanti Reserve (KNNR) in south-east Peru. . . Indigenous peoples in voluntary isolation are particularly vulnerable to any kind of contact with other, especially non-indigenous, people, and to the colonization and exploitation of their territories. . . for two central reasons. First, their economies are almost entirely subsistence-based, meaning that the land they live on is the source of their food, medicine and shelter, as well as being fundamental to their identities, culture and spirituality. Second, their lack of immunity to viruses and other contagious diseases unknown to their societies can turn a common cold into a lethal disease and makes it common for many of them to die once initial contact has been made.' ¹⁶⁵

Inter-American Commission on Human Rights, 2013

Threats to the identity, health, 'life', 'integrity' and 'survival' of isolated people

'The Commission received troubling information concerning the situation of indigenous peoples in voluntary isolation in Peru, whose ancestral territories are reportedly being threatened by the granting and implementation of concessions for the extraction of natural resources, primarily hydrocarbons. . . Such activities constitute a threat to the life and integrity of these peoples, as they can give rise to contact with the outside world, with all the consequences this implies for their health and physical and cultural survival. Because peoples in voluntary isolation lack immunological defenses against common illnesses, contact may lead not only to the loss of their worldview and cultural identity, but also to epidemics that can cause entire peoples to disappear.' ¹⁶⁶

UN Special Report on the Rights of Indigenous Peoples¹⁶⁷

Expansion plan should not proceed if the human rights of these 'extremely vulnerable' groups cannot be guaranteed

The Camisea project operator has proposed an expansion of its operations within Lot 88 which will mean new intensive exploratory activity and construction of new installations within the Lot. In its evaluation of the Environmental Impact Assessment, elaborated by the company for the proposed expansion of its operations, the Vice Ministry of Interculturality has highlighted various concerns surrounding the potential impact of the project expansion on the health and well being of uncontacted indigenous groups and those in initial contact both within and outside of Lot 88. It is evident that these groups are extremely vulnerable and so the Government and company must act with the utmost precaution and not proceed with the proposed expansion without first ensuring and in a conclusive manner that their human rights will not be violated.

Illegality of planned expansion of the Camisea gas project

The preceding section described the likely impact of the expansion plans on the lives of isolated inhabitants of the RTKNN. This section summarizes how both the existing operations, and the projected expansion, have violated and now threaten the rights of the Reserve's inhabitants which as indigenous peoples' are protected by both the Peruvian constitution and international human rights law.

This section reviews in brief some of these rights that have been, or are likely to be violated by the Camisea project and/or its planned expansion. It describes in turn how each right will or has been violated, and provides one or two key examples from the international human rights conventions ratified by Peru or by the expert bodies authorized to interpret them where these rights are safeguarded. It is not intended to be exhaustive.



Community control post at the boundary of the Reserve © Forest Peoples Programme

International human rights law

It is crucial to highlight that the international human rights treaties ratified by Peru and discussed below are incorporated into Peruvian domestic law via the Constitution and therefore enjoy constitutional status. This includes for example treaties such as ILO 169 and the American Convention on Human Rights as well as their authoritative interpretation by bodies such as the Inter-American Court of Human Rights. This means that these treaties are not only binding on Peru but they stand above Peru's national laws such as the Supreme Decree 028-2003-AG that recategorised the Reserve in 2003 or Law 28736 that specifically addresses the rights of isolated peoples. International human rights law has clarified on multiple occasions that a States freedom to use the resources within its territory are limited by their international human rights obligations which include the rights of indigenous peoples. For further information see Annex 3.

‘The State may not grant a concession or approve a development or investment plan or project that could affect the survival of the corresponding indigenous or tribal people, in accordance with its ancestral ways of life.’ (Inter-American Commission on Human Rights, 2009)’

Indigenous peoples' rights under international law

The UN Declaration on the Rights of Indigenous Peoples, while not itself a treaty, in effect summarizes these internationally recognized rights as they apply to indigenous peoples and sets out minimum standards which States must observe¹⁶⁸. These include the obligation of States to recognise indigenous peoples' rights to:

- Self-determination (including self-governance, self-identification and self determined development)
- To cultural identity
- Healthy environment
- Freely dispose of their natural wealth and resources
- In no case be deprived of their own means of subsistence
- Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them
- The free enjoyment of their own culture and to maintain their traditional way of life
- Give or withhold their free, prior and informed consent prior to activities proposed on their lands

1. Indigenous peoples' rights to lands, territories and resources

Much of the rights that have already been violated and/or are threatened by the Camisea project and its expansion are related to or derive from indigenous peoples' rights to lands, territories and resources.

As multiple international human rights bodies have noted, secure and effective collective property rights are fundamental to indigenous peoples' economic and social development, to their physical and cultural integrity and to their livelihoods and sustenance¹⁶⁹. Secure land and resource rights are also essential for the maintenance of their world-views and spirituality and, in short, to their very survival as viable territorial and distinct cultural communities.¹⁷⁰ For example the IACHR has reaffirmed numerous times, that "indigenous peoples maintain special ties with their traditional lands, and a close dependence upon the natural resources therein – respect for which is essential to their physical and cultural survival."¹⁷¹

For those indigenous peoples living in isolation or initial contact these rights to lands, territories and resources are even more significant given their almost exclusive dependence on natural resources to support their means of subsistence and way of life. Their lands and territories are their resource base and "food basket". Land and territory are also the source of, *inter alia*, medicines, construction materials and household and other tools and implements. Loss or degradation of land and resources results in deprivation of the basics required to sustain life and to maintain an adequate standard of living. As a result, any activities that may restrict or undermine the health of their environment or their access to key resources for food, shelter or for cultural and spiritual purposes could compromise their associated rights to life, health, food, housing and cultural integrity.

As the previous section made evident, threats to indigenous peoples' rights and well-being are particularly acute in relation to resource development and extractive industries such as the Camisea project, which affect their rights' to lands, territories and resources. Such operations have had and continue to have a devastating impact on indigenous peoples, undermining their ability to sustain themselves both physically and culturally.

The following specific rights are implicated within the broader suite of rights to lands, territories and resources:

a) Collective property rights and the ownership of lands and territories

74% of Lot 88 overlaps the reserve thereby representing a continuous violation of its inhabitants rights to ownership of their territories since the establishment of Lot 88. These property rights are further threatened by the imminent expansion of operations within the Reserve. (Eg: Art. 70 y 88 of the Peruvian Constitution, articles 13 and 14 of ILO 169, Article 21 of the American Convention).

- *The Inter American Court of Human Rights clarified that to be able to effectively exercise their right to self-determination, indigenous peoples have rights to their ancestral lands, that includes their "right to effectively*

*manage, distribute and control their territory, in accordance with their customary law and system of communal property”*¹⁷²

- *International Labour Organization’s Convention 169*: ‘The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognised. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. . . Governments shall take steps as necessary to identify the lands which the peoples concerned traditionally occupy, and to guarantee effective protection of their rights of ownership and possession.’¹⁷³

b) The right to own, control and use natural resources:

As section 2 described, the expansion of operations within the Reserve including seismic testing across hundreds of kilometres squared, the drilling of 18 wells, and the construction of an approximately 10.5km flow line and other infrastructure will reduce the availability of natural resources within ‘isolated’ peoples’ territories and severely limit their access to them by *inter alia*: frightening away game, modification of traditional patterns of mobility, drawing water from and dumping effluents in rivers, reduction of fish stocks, and deforestation to make tracks and clearings. These impacts constitute an imminent threat to the right of indigenous peoples to the natural resources in their territories which in turn constitute the basis of their means of subsistence (Eg arts. 7.1, 15.1 y 23.1 of ILO 169, CERD General Recommendations XXIII).

- *Inter-American Court of Human Rights*: ‘. . . this Court has previously held that the cultural and economic survival of indigenous and tribal peoples, and their members, depend on their access and use of the natural resources in their territory “that are related to their culture and are found there in”, and that Article 21 protects their right to such natural resources. . . In accordance with this Court’s jurisprudence as stated in the Yakye Axa and Sawhoyamaya cases, members of tribal and indigenous communities have the right to own the natural resources they have traditionally used within their territory for the same reasons that they have a right to own the land they have traditionally used and occupied for centuries.’¹⁷⁴
- *International Labour Organization’s Convention 169*: ‘1. The rights of the peoples concerned to the natural resources pertaining to their lands shall be specially safeguarded. These rights include the right of these peoples to participate in the use, management and conservation of these resources.

Box 5: International human rights bodies and isolated peoples

The United Nations has described isolated indigenous peoples as being ‘condemned to gradual extinction’¹⁷⁵, and in February 2012 the UN’s Office of the High Commissioner for Human Rights (OHCHR) issued specific ‘guidelines’ which included the recommendation that ‘the areas that States have delimited for peoples in voluntary isolation or initial stages of contact must be untouchable. . . (where) no rights to exploit natural resources must be granted.’¹⁷⁶ Similarly, in August 2012, the UN-CERD recommended that Ecuador ‘suspend any extractive activities that threaten the lives or livelihoods of free peoples in voluntary isolation’¹⁷⁷, and on the 1st March 2013 the Committee wrote to the Peruvian government with regard to the Camisea expansion requesting the ‘immediate suspension of the proposed activities in the Reserve that could threaten the physical and cultural survival of the indigenous peoples and prevent the complete enjoyment of their economic, social and cultural rights’.¹⁷⁸

The Inter American Commission on human rights has also expressed similar and serious concerns about indigenous peoples in ‘voluntary isolation’ in the Amazon, having issued precautionary measures to protect their rights in: a) Ecuador in 2006¹⁷⁹ and b) in Peru’s Madre de Dios region in 2007.¹⁸⁰ In the same vein, the Commission’s 1997 Ecuador Report highlights that the state ‘is obliged under Article 1.1 of the American Convention to respect and ensure the human rights of all the inhabitants of the country,’ including peoples in ‘voluntary isolation’ or initial contact.¹⁸¹ It further explained that the ‘implementation of adequate measures to protect these peoples will be of critical importance if this area is to be opened to development’ because ‘their very extinction as peoples is at issue.’¹⁸²

2. The right to life, health and cultural integrity

As described in section 2, the violations of their territorial rights makes contact between ‘isolated’ people and Camisea gas project workers extremely likely, exposing the former to the transmission of diseases which, as a result of their isolation and lack of immunological defenses, is likely to result in high levels of mortality. In addition the expansion plans are liable to affect isolated peoples’ patterns of subsistence, movement and settlement and lead to trauma and stress such that they would compromise the rights of the Reserve’s inhabitants to a dignified existence. As the Inter-American Court of Human Rights has established: ‘Ignoring the ancestral right of indigenous communities to their territories can affect other basic rights, such as the right to cultural identity and to the very survival of indigenous communities and their members.’¹⁸³ (Eg art 2.1 and 7 of the Peruvian constitution).

a) The right to life

Numerous international human rights instruments have affirmed on multiple occasions that the right to life not only includes the right not to be deprived of one’s life arbitrarily but also to be denied access to the conditions that can guarantee a dignified existence¹⁸⁴. Rulings of the Inter American Court of Human rights have affirmed that the State must take particular measures to protect the rights to a dignified existence in particular when the people are extremely vulnerable, a category which certainly includes isolated indigenous peoples¹⁸⁵.

- *Political Constitution of Peru*: ‘Every person has the right: 1. To life, his identity, his moral, psychical, and physical integrity, and his free development and well-being.’¹⁸⁶
- *Inter-American Court of Human Rights*: ‘The right to life is a fundamental human right, which full enjoyment is a pre-requisite for the enjoyment of the other human rights. If this right is not respected, all other rights do not have sense.’¹⁸⁷

b) The right to health

As noted in section 2, the planned expansion will make contact between ‘isolated’ people and Camisea gas project workers extremely likely, exposing the former to the transmission of diseases which, as a result of their extreme vulnerability is liable to lead to epidemics with high levels of mortality. Moreover, as Ministry of Health studies have shown, the existing impact of the project already includes the increased incidence of diseases such as diarrheal illness amongst isolated inhabitants of the Reserve which in some cases have proved to be fatal¹⁸⁸. In addition to the spread of diseases, the likely impacts of the project on the environment including reduced water quality and availability of fish and game, and the mobility of ‘isolated’ peoples’ which will in turn impact on their means of subsistence. According to both Pluspetrol in its EIA and the Vice-Ministry of Inter-Culturality’s assessment of the EIA (July 2013) – these impacts mean that the project will have severely negative, long-term impacts on the health of ‘isolated’ peoples’

- *International Covenant on Economic, Social and Cultural Rights*: ‘The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. . The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: . . . The prevention, treatment and control of epidemic, endemic, occupational and other diseases.’¹⁸⁹
- *Inter American court of human rights*: ‘One of the obligations that the State must inescapably undertake as guarantor, to protect and ensure the right to life, is that of egenerating minimum living conditions that are compatible with the dignity of the human person and of not creating conditions that hinder or impede it. In this regard, the State has the duty to take positive, concrete measures geared toward fulfillment of the right to a decent life... especially in the case of persons who are vulnerable and at risk, whose care becomes a high priority.’¹⁹⁰

c) The right to cultural integrity

On multiple occasions international human rights bodies¹⁹¹ have established that violation of rights to lands and resources also undermines the right to cultural integrity of indigenous peoples whose cultures are inextricably linked to their lands and territories. The impacts on the natural resources of the Reserve and their use by its indigenous inhabitants of both the existing operations and the planned expansion will restrict their use and enjoyment of all their lands and resources. This in turn will continue to make it difficult for the Reserve’s inhabitants to practice, conserve

and reproduce their cultural traditions which include traditional hunting, fishing and gathering activities as well as any related rituals. (Arts. 2.19 and 89 of the Peruvian Constitution, Art 5 of ILO 169, Art 27 of the ICCPR).

- *Political Constitution of Peru*: 'Every person has the right: . . . To his ethnic and cultural identity. The State recognizes and protects the ethnic and cultural diversity of the Nation. . . The State respects the cultural identity of the rural and native communities.'¹⁹²
- *Inter American Court of Human rights*: For indigenous communities 'relations to the land are not merely a matter of possession and production but a material and spiritual element which they must fully enjoy, to preserve their cultural legacy and transmit it to future generations.'¹⁹³
- *International Labour Organization's Convention 169*: ' . . . the social, cultural, religious and spiritual values and practices of these peoples shall be recognised and protected, and due account shall be taken of the nature of the problems which face them both as groups and as individuals. . . [S]ubsistence economy and traditional activities of the peoples concerned, such as hunting, fishing, trapping and gathering, shall be recognised as important factors in the maintenance of their cultures and in their economic self-reliance and development. Governments shall, with the participation of these people and whenever appropriate, ensure that these activities are strengthened and promoted.'¹⁹⁴

4. Right to a healthy environment

As section 2 describes, the planned expansion will *inter alia* frighten away game, reduce fish stocks, clear parts of the forest, dump effluents in the rivers and contaminate them, and generate noise pollution from helicopters, within the 'isolated' peoples' territories. This violates 'isolated' peoples' rights to a healthy environment:

- *International Labour Organization's Convention 169*: 'Governments shall take measures, in co-operation with the peoples concerned, to protect and preserve the environment of the territories they [indigenous peoples] inhabit.'¹⁹⁵
- *Political constitution of Peru* 'Every person has the right: 'To peace, tranquility, enjoyment of leisure time, and rest, as well as to a balanced and appropriate environment for the development of his life.'¹⁹⁶

5. Right to physical and cultural survival

As already noted, the planned expansion will make contact between 'isolated' people and Camisea gas project workers extremely likely, exposing the former to the transmission of diseases which, as a result of their isolation and lack of immunological defenses, could kill so many of them that their very physical existence may be threatened. In addition, and as noted above, their cultural survival may be threatened by the violation of their territorial rights and by the dramatic changes to their lives and risks of exploitation (eg as a source of labour, sex, image or knowledge) that contact is likely to bring.

- *Inter-American Commission on Human Rights*: 'The State may not grant a concession or approve a development or investment plan or project that could affect the survival of the corresponding indigenous or tribal people, in accordance with its ancestral ways of life.'¹⁹⁷
- *Inter-American Court of Human Rights*: ' . . . members of tribal and indigenous communities have the right to own the natural resources they have traditionally used within their territory for the same reasons that they have a right to own the land they have traditionally used and occupied for centuries. Without them, the very physical and cultural survival of such peoples is at stake. Hence the need to protect the lands and resources they have traditionally used to prevent their extinction as a people. That is, the aim and purpose of the special measures required on behalf of the members of indigenous and tribal communities is to guarantee that they may continue living their traditional way of life, and that their distinct cultural identity, social structure, economic system, customs, beliefs and traditions are respected, guaranteed and protected by States.'¹⁹⁸

6. Rights to self-determination and Free Prior and Informed Consent (FPIC)

Indigenous peoples, in common with all other peoples, have the right to self determination which embodies the capacity to determine ones economic, social and cultural development. As documented in section 1, despite efforts to avoid undesired encounters with isolated groups within the Reserve, numerous incidences of sightings, encounters including hostile incidences have been recorded by various sources since the initiation of the Camisea project in

2002. These incidences, alongside the establishment of Lot 88 without either the consultation or consent of the Reserve's inhabitants, represent a continued violation of the right to live in isolation and the right to determine if, when and how they choose to initiate contact with national society. By extension, the imposition of a major extractive project and associated infrastructure within their territory also undermines their associated right to determine their own development paths.

In common with the establishment of the concession itself the planned expansion has not involved any efforts to initiate a formal process of consultation with, or secure the FPIC of, any of the Reserve's indigenous inhabitants. The requirement to secure FPIC is consistent with the judgments of the Inter-American Court (*Yatama, Saramaka People* and *Sarayaku*, for instance), which stress the imperative of securing effective participation and consent by indigenous peoples in all decision making that may affect them, including in impact assessments and prior to the establishment of concessions.¹⁹⁹

However, it is clearly both impossible and unnecessary to satisfy the requirement for Free, Prior and Informed Consent— in the case of peoples in 'voluntary isolation' and extremely challenging in the case of peoples in initial contact many of whom do not speak Spanish, read or write and whose lack of experience renders them extremely vulnerable to exploitation²⁰⁰. In the case of peoples in 'voluntary isolation', their answer has already been provided by their decision to live in isolation and therefore any effort to initiate contact for the purposes of their participation would entail not only a violation of their right to self determination but also serious risks for their life and physical integrity.²⁰¹

- *International Covenant on Economic, Social and Cultural Rights*: 'All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. . . The States Parties to the present Covenant. . . shall promote the realization of the right of self-determination, and shall respect that right. . .'²⁰²
- *UNDRIP* 'Indigenous peoples have the right to self determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development'.²⁰³
- *International Labour Organization's Convention 169*: 'In applying the provisions of this Convention, governments shall: (a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly; (b) establish means by which these peoples can freely participate, to at least the same extent as other sectors of the population, at all levels of decision-making in elective institutions and administrative and other bodies responsible for policies and programmes which concern them; . . . 2. The consultations carried out in application of this Convention shall be undertaken, in good faith and in a form appropriate to the circumstances, with the objective of achieving agreement or consent to the proposed measures.'²⁰⁴
- *Inter-American Court of Human Rights*: ' . . . the Court considers that, regarding large-scale development or investment projects that would have a major impact within Saramaka territory, the State has a duty, not only to consult with the Saramakas, but also to obtain their free, prior, and informed consent, according to their customs and traditions.'²⁰⁵
- *International Labour Organization's Convention 169*: 'The peoples concerned shall have the right to decide their own priorities for the process of development as it affects their lives, beliefs, institutions and spiritual well-being and the lands they occupy or otherwise use, and to exercise control, to the extent possible, over their own economic, social and cultural development. In addition, they shall participate in the formulation, implementation and evaluation of plans and programmes for national and regional development which may affect them directly.'²⁰⁶

Conclusions

On July 12th 2013 the Peruvian Vice ministry of Inter-culturality (VMI) submitted 83 official observations on the proposed expansion plans of the Camisea gas project within 'the Reserve'. The VMI's report needed to be 'favourable' for the Energy Ministry to permit Pluspetrol to go ahead with the expansion. They included the conclusions that the 'health, 'traditional economic activities' and ways of life of the indigenous peoples in 'initial contact' and 'voluntary isolation' ('isolated peoples') in the region will be severely impacted and two of them, the Nanti and the Kirineri, could be made 'extinct.'

... The 3D seismic tests would put the peoples in isolation in the upper River Serjali, the River Bobinsana and the headwaters of the River Paquiria at extreme risk. (INDEPA 2012)

Within hours of its submission however the status of the report became uncertain as it was withdrawn from the public domain and within days senior figures within the Ministry had resigned including the Vice Minister himself. Subsequently the ex Vice Minister confirmed that political pressures had led to his resignation affirming that: "My resignation was due to a disagreement over the way in which the Executive is proceeding with the evaluation of the environmental licenses for these kinds of projects"²⁰⁷.

The turnaround was finally confirmed on the 6th August 2013 when the news was announced by the Prime Minister, Juan Jimenez Mayor who issued a public statement declaring that the Vice Ministry had withdrawn the report itself after a last minute submission had been received by consortium operators. In his message he sought to calm investors assuring them that '*investment will continue in Peru*'.²⁰⁸

In subsequent statements the Minister of Energy and Mines, Jorge Merino claimed that in the area projected for expansion 'there are no contacted peoples and where there are none there is no need to conduct prior consultation'.²⁰⁹ He further argued that the operations do not consist of an expansion as they will take place within the borders of an existing concession and that in the 11 years of operations to date 'there have been no social or environmental problems in the area'.

'The effects [of the 'labour force' required to conduct 2D seismic tests] on the health of the indigenous Nanti people in isolation could affect a large number of their population. . . [and] could mean their extinction. (Vice-ministry of Inter-Culturality 2013)

These echo the repeated arguments of the Camisea consortium and its backers that the expansion plans are legal, will not threaten the lives and rights of the peoples living within the Reserve and that any risks are mitigated by their so called 'anthropological contingency programmes'.

This report has drawn on official and independent reports to demonstrate that these arguments have no foundation. The report has also included a consideration of Peru's principal human rights obligations towards isolated peoples. These rights are safeguarded by international human rights treaties in force in Peru and as such constitute obligations for the Peruvian state. These legal

obligations explicitly prohibit the state from undertaking projects that may threaten the physical or cultural survival of indigenous peoples or be otherwise disproportionate.²¹⁰

It has concluded the following:

- 1. Multiple sources of evidence document the occupation of the Reserve by isolated peoples and their contact with Camisea project operators**
- 2. Existing impacts of the Camisea project on inhabitants of the Reserve are already severe**
- 3. Existing impacts of the Camisea project will only intensify and multiply with expansion**
- 4. The expansion of activities in Lot 88 places a disproportionate and illegitimate burden on the reserve's isolated peoples and thus constitutes illegal acts under international human rights law.²¹¹**

Recommendations

On the 1st March 2013 the UN CERD wrote to the Peruvian government with regard to the Camisea expansion requesting the ‘immediate suspension of the proposed activities in the Reserve that could threaten the physical and cultural survival of the indigenous peoples and prevent the complete enjoyment of their economic, social and cultural rights’.²¹² In addition, the UN’s own ‘guidelines’ for States about the protection of isolated peoples include the recommendation that ‘the areas that States have delimited for peoples in voluntary isolation or initial stages of contact must be untouchable. . . (where) no rights to exploit natural resources must be granted.’²¹³

In order to ensure Peru safeguards the physical and cultural survival of the Reserve’s isolated inhabitants and meets its human rights obligations, the Forest Peoples Programme recommends that the Peruvian government immediately takes the following steps to:

- Withdraw personnel and installations from the new well platform San Martin Este in the reserve.
- Abandon plans to build a 10.5 km flowline to connect San Martin Este to San Martin 3, to build 18 wells at San Martin Norte (Maniro), Kimaro Oeste (Kentsori), Kimaro Norte (Kimaro), Kimaro Centro (Sentini), Armihuari Norte (Kemari) and Armihuari Sur (Maniti), and to conduct 2D and 3D seismic tests across 100s kms squared of the reserve.

‘..We request that the Peruvian government immediately suspends the planned extractive activities in the reserve that could threaten the physical and cultural survival of the indigenous peoples living there and impedes their enjoyment of their economic, social and cultural rights. (UN CERD, 2013)

ANNEX 1

As acknowledged in this report, the Kugapakori-Nahua-Nanti and Others' Reserve is inhabited by indigenous peoples in both 'voluntary isolation' and 'initial contact', as referred to by Peruvian law. While this report concerns only the indigenous people in 'voluntary isolation', it is important to take the opportunity to highlight the fact that the peoples in 'initial contact' are extremely vulnerable too. This is for three main reasons:

1. Indigenous peoples in 'initial contact' remain, in general, extremely vulnerable to diseases transmitted by contact with outsiders, meaning that epidemics can spread easily and lead to high rates of mortality. This vulnerability has been illustrated and highlighted by reports on the reserve in particular and indigenous peoples in 'initial contact' in general:

- Peru's Ministry of Health has published a report titled *'Peoples in Extreme Vulnerability: the Case of the Nanti in the Kugapakori-Nahua Territorial Reserve, River Camisea, Cusco'*, about the Nanti living in 'initial contact' along the Upper River Camisea and Upper River Timpia. The Nanti, the report states, are 'currently subjected to intense changes in demography and health as a result of their exposure to repeated, high incidence epidemics in all age-groups, given their situation of initial interaction with national society and their closeness to the Lower Urubamba region.'²¹⁴ Indeed, this report makes it clear that this 'extreme vulnerability' is increased by the Camisea gas project itself, and links a diarrhea outbreak that killed several Nanti to an epidemic in a Camisea work camp. The report states: 'The Nanti's current circumstance is defined by the fact that they are in an area directly influenced by the Camisea mega gas project which operates in a large part of the River Urubamba basin and extracts gas from Lot 88, part of which overlaps the reserve. This makes the Nanti extremely vulnerable and merits serious attention by both the State and civil society.'²¹⁵ The report also states: 'It is possible that the outbreaks in 2003 are related to the river traffic on the River Camisea which was increased by the transport of tubing in the first quarter of 2013',²¹⁶ and the 'lack of epidemiological reports for the camps of the companies connected to the Camisea gas project impedes thorough epidemiological surveillance by the health sector. The massive outbreaks of acute diarrhea in those camps in January and February 2003 and the fact that local workers return to their communities enable us to identify such camps as the probable source of outbreaks in the Upper River Camisea.'²¹⁷ According to the Health Ministry, the Nanti number 'less than 600'²¹⁸ but 87 died between 1995-2003,²¹⁹ at least 74% from 'transmittable diseases',²²⁰ of which in turn at least 34% died from acute diarrhea and at least 25% from acute respiratory infections.²²¹
- A biological anthropologist conducting epidemiological studies has published a report arguing that as a result of establishing 'direct relations with outsiders in the last 20 years' the Nahua and Nanti 'have experienced major changes in health status, social disruption, and bereavement. . . The experiences of the peoples in the Kugapakori Nahua Reserve demonstrate the effects that resource extraction activities (both surface and sub-soil) can have on local populations, not only when conducted in their lands (as in the case of the Nahua but also when they take place downstream of their territories (as in the case of the Nanti)).'²²²
- The Vice-Ministry of Inter-Culturality's July 2013 report on Pluspetrol's EIA stated that indigenous peoples in 'initial contact' are, 'from the point of view of their health', at 'high risk.'²²³ Indeed, the report states that the planned expansion could 'devastate' the Nahua in 'initial contact',²²⁴ and that, in general, indigenous peoples in 'initial contact' can be made 'extinct' as a result of their health.²²⁵
- Peruvian media recently reported that Nanti living in two of the largest settlements in the reserve, Montetoni and Malanksiari, have been struck by an epidemic of acute diarrhea. One report cited comments made by the acting Vice-Minister of Inter-Culturality during a TV interview, and 'other sources' stating that 81 cases had been reported out of an approximately 400 people. According to the report, in a third settlement down-river 100% of the population were affected and an 11 year old boy had died.²²⁶

2. Indigenous peoples in 'initial contact' remain highly dependent on the natural resources in their territories, meaning that any changes to their environment have serious impacts on their way of life. This dependency has been highlighted by reports on the reserve in particular and indigenous peoples in 'initial contact' in general:

- The Vice-Ministry of Inter-Culturality's July 2013 report on Pluspetrol's EIA stated that 'Indigenous peoples in. . . initial contact are characterized by their extensive use of the forest and its resources. The headwaters of the rivers that constitute the territories of the indigenous peoples in. . . initial contact are used by them intensely and regularly where they practice activities vital to their subsistence.'²²⁷ This report makes specific mention of

both the Nanti and the Nahua in ‘initial contact’ in the reserve and the importance of their environment to them, stating that, for example, the ‘Nahua population from the Serjali basin use intensely the headwaters for hunting, fishing, and collecting plant (wild fruits) and animal (turtle eggs) species.’²²⁸ Indeed, this report states that the planned expansion will have a direct impact on the indigenous peoples in ‘initial contact’ in the reserve, saying about the Nahua, for example, that the 3D seismic tests will ‘critically’ disturb the ‘flora, fauna and aquatic ecosystems’ of the River Serjali basin and ‘considerably limit the availability of animals to hunt, fishing, and areas used to gather – activities that are fundamental to [the Nahua’s] survival.’²²⁹

- Pluspetrol’s EIA for the 10.5 km flowline, 18 wells, and 2D and 3D states, ‘Both the families who can be found permanently settled within the KNNR and those who use the resources that they find within it, are characterised by practising a traditional economy dependent to different degrees on forest resources. For this reason, and under these circumstances, the families settled in this area are particularly vulnerable to any variation that could be produced in the environment.’²³⁰
- The United Nations’ Office of the High Commissioner for Human Rights (OHCHR)’s ‘Protection Guidelines on Indigenous Peoples in Isolation and Initial Contact’ states that the latter are ‘They are highly integrated into the ecosystems which they inhabit and of which they are a part, maintaining a closely interdependent relationship with the environment in which they live their lives and develop their culture. Their intimate knowledge of their environment enables them to maintain a self-sufficient lifestyle generation after generation, meaning that the retention of their territories is vitally important for all of them.’²³¹

3. Indigenous peoples in ‘initial contact’ are extremely vulnerable to exploitation and manipulation by people they come into contact with. This is for a variety of reasons, including the inability of the majority of them to speak the national society’s language, lack of understanding of how national society works and who its various actors are, and lack of understanding of concepts such as ‘money’, ‘property’, ‘ownership’ and ‘work.’ This makes them extremely vulnerable to being exploited as a source of labour, knowledge, image and sex, and to being manipulated when governments, companies or others purportedly consult with them or seek their free, prior and informed consent. This vulnerability has been highlighted by studies of, and reports on, the reserve in particular and on indigenous peoples in ‘initial contact’ in general:

- A report by NGO Shinai provides several examples of how indigenous people in ‘initial contact’ are exploited by ‘outside entities or individuals’,²³² including how in the 1980s the Nahua were used as cheap labour and sometimes worked for ‘various weeks in exchange for a used shirt’,²³³ how wood belonging to them was exploited by loggers who also abused Nahua women,²³⁴ and how in the 1990s the Nanti in the Upper River Camisea ‘suffered abuses, violations and exploitation by a Machiguenga school-teachers and loggers who accompanied him.’²³⁵ These examples, the report states, ‘show how due to the lack of knowledge of the western world, some entities can very easily exploit these peoples. This goes by stages: in the 1980s the Nahua worked for practically nothing as labourers for loggers from [a town called Sepahua] because they didn’t know the value of their labour nor of the wood. Nowadays they understand much better the value of the wood and how to use money, but they’re not aware of all their rights with regards to. . . for example, the Camisea gas project in the reserve.’²³⁶
- A request by Peruvian indigenous organizations AIDSESEP, COMARU, FENAMAD and ORAU to the Inter-American Commission on Human Rights to grant ‘precautionary measures’ in response to the planned expansion of the Camisea gas project states, ‘Indigenous peoples in. . . initial contact are extremely vulnerable to any form of contact with ‘outsiders’ and their survival is gravely threatened by incursions into their territories. . . This is for two predominant reasons. First, their lack of experience with and knowledge of the outside world puts them particularly at risk of exploitation as, *inter alia*, a source of labour and sex. They are also much less likely to be able to meaningfully participate in decisions that affect them due to lack of understanding about the modalities and implications of resource extraction or infrastructure projects and of the workings of government and the private sector more generally.’²³⁷
- The United Nations’ Office of the High Commissioner for Human Rights (OHCHR)’s ‘Protection Guidelines on Indigenous Peoples in Isolation and Initial Contact’ states of the latter, ‘They are unfamiliar with the ways in which mainstream society functions, and are thus defenceless and extremely vulnerable in relation to the various actors that attempt to approach them or to accompany their process of developing relations with the rest of society, as in the case of peoples in initial contact.’²³⁸

ANNEX 2: Camisea project website, (undated but circa 2005) and now unavailable online

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ADDITIONAL TOPICS

It is interesting to point out that the addressed topics come from an unexistent source, an alleged Mr. Oscar de Goma from Techint, and from TGP's own reports. This both shows the inexact information communicated in the original report by the NGO, and the Consortium's endeavor to communicate its activities in a fully independent manner.

DOWNSTREAM COMPONENT:

The route of a stream was redirected without prior authorization by the property owner at Itariato (TGP, June, pg 113)

- In this particular case, an error in design and consequent malfunction of a culvert caused this unintentional redirection of a stream, which was subsequently repaired.

Construction material was dug out of the banks of the Cumpirusiatio river near Kepashiato without authorization (TGP, June, pg 112)

- To date, this specific quarry activity has its corresponding authorization, even though we recognize that, due to construction constraints to provide safe transport conditions, digging did start previous to the site-specific authorization.

In Kepashiato, construction commenced on an additional access road without prior authorization. The monitoring report does not state that TGP stopped building the road - it simply states that in future additional roads should not be built without prior environmental impact evaluation and mitigation measures. No indication is given that steps were taken to resolve environmental impacts or legal issues arising from this road.

- In this case, there was no new road construction, but instead the improvement of an existing road. While there are no added significant environmental impacts because this road already exists, the mitigation measures applied are the same as those for the other approved access (Monte Carmelo).

According to admissions by Oscar de Goma of Techint to the delegation the following incidents have occurred:

- In June, six workers were killed in the Kepashiato pipeline stretch at the Poyentimari River by machinery falling down steep slopes. The TGP June monitoring report notes several accidents at the Poyentimari River but does not give information about fatalities
- A Techint consultant from England suffered major injuries while attempting to drive a motorcycle up an extremely steep slope as part of a game. The machine flipped backwards and crushed him and he was removed from the area by helicopter.

REFER TO OUR RESPONSE ABOVE. We add this comment.

- On 28/06 Mr. Ivan Bass (US Citizen) construction engineer from TGP, had an accident on a steep slope while riding an ATV. ATVs are established means of transportation to facilitate supervision activities. He has been re-trained in the safe handling of these vehicles.

Deficiencies in EIA: According to Mr. de Goma, neither the firm contracted to do the EIA nor the contractors working on the design phase walked the ROW for the rainforest portion of the pipeline route. Due to difficulties with access, i.e., broken terrain, thick forests and lack of roads or paths, they assessed potential environmental impacts and designed the pipeline route via overflights and maps of the area. Consequently, the opening up of the right of way has presented more problems than anticipated.

REFER TO OUR RESPONSE TO ISSUE 1

Deviations in ROW: Mr. de Goma stated that with such steep terrain, engineers only know what's ahead of them when they reach ridge tops. As a result, several route deviations have been made - during the first two months of construction 23 deviations were made along the entire pipeline route.

REFER TO OUR RESPONSE TO ISSUE 1

ROW Width Exceeds Authorization: TGP's monitoring report mentions several places along the right of way in the sensitive Apurimac Reserve where they had to open up the ROW to a 60-meter width as opposed to the EIA recommendation of a 15-meter width and Techint's final decision of a 25-meter right of way (TGP, May, pg 82). Concerned stakeholders and observers had been assured that damage would be minimized in the pristine forested area. Actual practice to date does not reflect that this is the case and it is significant cause for concern. Again, independent evaluation and monitoring is not taking place as the right of way is being opened up so there are no mechanisms in place to effectively defend and

protect this area or to control access.

REFER TO OUR RESPONSE TO ISSUE 1

Prevention of Reforestation: In the exceptionally precipitous terrain of the Malvinas pipeline segment, up to 10 meters of earth is being removed from narrow ridge tops to allow the opening of the right of way. This earth is then used to fill in narrow gully bottoms (Luis Yallico, TGP engineer, IDB Consultation, Camisea August 12, 2002). This permanent removal of fertile topsoil will prevent adequate reforestation after construction is complete preventing the restoration of the area to its former pristine state.

REFER TO OUR RESPONSE TO ISSUE 1

- It is appropriate to add in this particular point that the earth moved has been stabilized and revegetated, and has not been used to fill narrow gullies. This said, the water drainage pattern has to be reinstated.

Waste Waters Spillage: In May, waste waters from the Malvinas camp and the Kepashiato camp were draining into nearby creeks (TGP, May pg45). By June, waste waters continuing to drain from the Kepashiato were considered a threat to local population near the camp (TGP, June, pg 110).

REFER TO OUR RESPONSE TO ISSUE 3

Major Fuel Spillage: On April 19, 150 gallons of diesel oil spilled from a storage tank at Malvinas camp into a creek and ran over 150 meters into the Urubamba River (TGP, April, pg 41). The June report revealed that 2 months later recommended improvements in fuel storage had not been carried out (TGP, June, pg 115). During the visit to the Techint camp in Chokoriari, the delegation noted metal fuel containers standing in open areas exposed to the sun, and no structure surrounding the main fuel tank to prevent contamination of the earth and the river in case of a spill. The companies have promised in public consultations and in their EIAs that there will be absolutely no contamination in the sensitive rainforest area. At the onset of the Project they have already shown how impossible this is for them to achieve – much less, maintain throughout the life of the Project.

- As mentioned in response to ISSUE 1, a spill which occurred last April in Techint’s Malvinas camp which did not reach the Urubamba, it was fully contained in a tributary creek, which was subsequently cleaned up and restored. To date, all recommendations have been implemented, with a considerable increase in secondary containment, improved spill contingency planning, etc.

Landslide: In June earth and rocks removed and heaped beside the pipeline right of way without precautions collapsed into the Poyentimari River blocking the river. At the same point, the pipeline route is too steep, causing rocks and earth to periodically slide into the river (TGP, June, pg 111).

REFER TO OUR RESPONSE TO ISSUE 4

Erosion Mitigation Delayed: On the Malvinas section of the pipeline 17km of the ROW are opened up but erosion work is not being conducted as the route is opened, rather it is being left until just before the rainy season. Both Mr. de Goma and TGP chief engineer Luis Yallico stated that due to precipitous terrain, 8-10 meters of earth from the top of ridges is often removed to allow the pipeline to be laid. Earth is pushed to one side or used to fill in gully bottoms.

REFER TO OUR RESPONSE TO ISSUE 4

Difficult Terrain: By June, progress in the rainforest section of the pipeline is described as slow due to the difficulty of working in precipitous terrain. To open the pipeline route, huge amounts of earth and materials must be removed. Persistent heavy rains make the movement of heavy machinery and equipment difficult (TGP, June, pg 7). Oscar de Goma stated that on the Malvinas and Kepashiato pipeline sections, slopes are so steep in places (40 degrees) that men have to use ropes to pull themselves up and down and tractors cannot establish a firm tread. He also expressed uncertainty about the methods the company would have to employ when laying the pipeline tubes across the river, and especially once the river rises due to heavy rains.

REFER TO OUR RESPONSE TO ISSUE 4

- We need to add that the above comment regarding the use of ropes is incorrect; what is strung together with appropriate cables is the heavy machinery that must cope with very steep slopes. Additionally, river crossings present no major inconvenience, and to date 3 major river crossings have been successfully completed, and no river crossings are performed during the heavy rain season.

Difficult Climate: No independent evaluation and monitoring efforts have taken place here to assure that erosion measures are in place and will be in place for the upcoming rainy season. Oscar de Goma stated that this project will be entirely different in the rainy season as it will be impossible for the workers and machines to move around in deep mud and it will be difficult to secure steep slopes against landslides and soil run-off. He also commented that the project engineers have no experience of working in such exceptionally rainy conditions present during the Urubamba rainy season.

REFER TO OUR RESPONSE TO ISSUE 4

- It is important to add that there are no construction activities during the heavy rain season; only maintenance and contingency related activities are expected.

Drinking Water Contaminated: A COMARU letter to TGP dated August 2 details the contamination of drinking water sources resulting from uncontrolled erosion in the communities Poyentimari, Monte Carmelo and Shimaá. These communities have repeatedly requested that TGP take measures to prevent contamination and supply them with an alternative source of clean drinking water.

REFER TO OUR RESPONSE TO ISSUE 3

Inadequate Methods: TGP monitoring methods are far from rigorous - inspections of the pipeline right of way are done largely by helicopter and boat not by foot and only in areas considered of high risk due to topography, soil type and construction status (TGP, May, pg 53). Walking the full pipeline right of way, more careful analysis of route alternatives, a constant presence by monitoring delegations at the construction sites could produce a fuller documentation of construction impacts and deficiencies.

- The assertion that the monitoring is overseen only by helicopter and by boat is false. Knight Piésold's monitors inspect the right of way by foot and use helicopter, boat and motorized vehicles mainly to travel between camps. In fact, the assertion is used out of context, referring only to the erosion chapter, where it is explicitly stated that erosion specialists use all the above means to travel to every section of the ROW. It is obvious that where no other access is possible; helicopter transportation is necessary, and used as needed. For example between Malvinas and Chocoriari, there is no other means of transportation than by either helicopter or boat. To walk between these camps is virtually impossible (this seems to indicate that the people writing the this last assertion do not know the area properly). Additionally there are areas of the ROW inaccessible by pickup trucks and the only way to inspect them is by foot. As further proof of the above, one can refer to the "Erosion Tables Checklists" on any of the monthly reports which show and describe every single point with erosion problems.

Control of Access: TGP monitoring reports for April, May and June indicate that TGP monitoring activities do not include monitoring control of access along the pipeline route, although improved access is foremost among induced impacts. TGP has yet to clarify adequate mitigation measures to prevent increased colonization that will inevitably result from improved access.

- Access roads are subject to Erosion Control Monitoring and are adequately shown in the Erosion Control tables included in the monthly reports. The monitoring of colonization and social impact is not included in Knight Piesold's scope of work.

The planned measures under way are:

- Restoration Plan for Temporary Closure of ROW.
- Agreement with Monte Carmelo Native Community to exercise migration control on temporary access road that goes through their community.
- Agreement with INRENA for the installment of Forest Ranger control posts in the intersection of the RoW with the ZRA's border.
- Access control of persons not belonging to the area.
- Continued disclosure campaign of limited job opportunities.
- Continued disclosure campaign of unavailability of land for settlers.
- No hiring of foreign settlers not living in the Bajo Urubamba.

Disreputable Negotiation Tactics: The August 2 COMARU letter to TGP states that the community of Shimaa has been subject to harassment by Techint in seeking to gain permission to open a new road through community lands. During a period when community leaders were absent, Techint proceeded to open the road, only to have to close it again due to community protests. Techint has offered to pay the community US \$3,500 in return for authorization while simultaneously stating that the road will be build with or without authorization and compensation.

REFER TO OUR RESPONSE TO ISSUE 6

Refusal to Provide Information: Not only have the communities not been adequately informed of the companies' plans and responsibilities affecting the communities, but when asked directly by community members, have also refused to provide the information requested. A member of the Ticumpinia community of Chokoriari stated that when she inquired about certain project details, instead of being provided with an answer, she was asked why she needed to know (Chokoriari, August 11, 2002)

Blockade by Schoolchildren of Illegal road in Shimaa: The government body for Environmental Affairs (DGAA) ordered Techint to halt construction of an illegal road in the community of Shimaa that the company was building without legal permission and in the face of strident community opposition. A fine was issued to Techint from the DGAA. However Techint only stopped using the road after the community schoolteacher and all her pupils physically blockaded the road for a day. No effort has been made to restore environmentally damaged and affected lands. The children also demanded that TGP provide clean drinking water to the community after their only source of potable water was contaminated months earlier by pipeline construction activities.

- It is true that the Shimaa settlers, including school children, blocked the ROW, but the main issue was not environmental. They were demanding the expansion of the roads built by the Echarate Council. Not to build a road through Shimaa is a decision made by TGP, and the DGAA, TGP, and the community have signed an agreement not to build this road. The constructor is solving the claims referred to the water problems.

In the case of the Shimaa native community appropriate measures were taken immediately: an anthropologist was hired, and water was brought into the community from a nearby creek with temporal pipes installed by the constructor.

UPSTREAM COMPONENT:

Incidences of Hostile Contact

During our 90-minute visit to the Veritas camp, we were informed about two incidences of hostile contact along Seismic Line 40 and Seismic Line 34 in the Reserve. Experts agree that isolated groups living within the Reserve have no history of aggression - their decision to resort to aggressive tactics is indicative of the impact the seismic testing operations are having on their lives.

- Worker X related that on August 9, 2002, seven indigenous individuals ("calatos" or naked ones) waving branches above their heads, shaking trees and continually yelling, interrupted a work party operating in Seismic Line 40 within the Reserve. After the workers fled, a company

helicopter hovered over the vicinity to "make them run away too" (field notes, Veritas Peruanita Camp, August 10, 2002).

- When questioned about incidents of hostile contact, Michel Saenz initially categorically denied that any incidents have taken place - "absolutely none, not even contact with an uncontacted person" - but on closer questioning confirmed that an aggressive contact situation had occurred in Seismic Line 34 on the week of August 5th. The incident was under investigation (field notes, Peruanita Camp, August 10, 2002).

RESPONSE:

The seismic activities have not caused any hostile incident between the indigenous people and personnel from the seismic crew; asserting the contrary would be untrue. What is true is that there have been episodes of visual contact between seismic workers and indigenous people, as well as one single episode of contact, or pacific interchange, between the two human groups. All visual contact cases and the single case of pacific contact took place during August 2002. The indigenous people involved in these episodes belong to the Machiguenga ethnic group.

In relation with the assertions made by Amazon Watch regarding the possible contacts along the Seismic Line 34 and 40 we must state in the first place that there are no seismic lines identified by those codes. Seismic lines can be source lines, which are identified with the letter S followed by 4 digits (ex.: S5626) or can be receiver lines identified with the letter R followed by 4 digits (ex.: R1401). May be these references from Amazon Watch to "34 and 40" have to do with the cells defined for the seismic activities (the area for the seismic works was divided into 66 cells). However, cells 34 and 40 are located in the central-south side of the seismic activities area, to the north of the mid-stream of the Cashiriari river, in a zone where none of the cases of visual contact took place and which is actually near the area occupied by the Tecori family, relatives of the Machiguenga people from the community of Cashiriari.

It's important to highlight that once again the NGO Amazon Watch presents an inaccurate, incomplete and distorted information about the presumable behavior of Pluspetrol and its contractor Veritas, concerning the 3D seismic activities.

In order to clarify the social picture of the area of influence of the exploitation project, in relation with the seismic activities performed between February and October 2002, it is worth mentioning that the inhabitants of the area can be identified as belonging to three different groups: the Machiguenga group who live in the communities, the "traditional Machiguenga" group, and finally the "isolated indigenous" group.

The group named as "traditional Machiguenga" corresponds to those indigenous family groups who live in the Camisea river basin as well as in other neighboring basins, in areas farther apart from the territories legally entitled to the native communities. In some cases, we have found evidence that these "traditional Machiguenga" are relatives of the Machiguenga people who live within the communities and have commercial activities with them. We named this group as "traditional" due to their higher level of traditionalism when compared with the Machiguenga who live in the communities. Higher level of traditionalism is revealed by their lower level of bilingualism, limited knowledge of the Spanish and lower level of monetary commercial activities.

Those identified as "isolated indigenous" belong to the family groups mainly linked to the Nahua (Yora) and Kugapakori (Nanti) ethnic groups who would probably live in clans (major family groups) in different zones within the Nahua-Kugapakori State Reserve. These "isolated indigenous" would maintain even higher levels of traditionalism than the groups named as "traditional Machiguenga". However, this assertion cannot be yet sustained by the information we have at present.

With the purpose of informing in detail about the activities carried out by Pluspetrol and Veritas regarding the seismic works, we submit, as part of the answer, the following report that includes a chronology of the events related to social matters that accompanied the seismic works, in which only "traditional Machiguenga" indigenous were involved.

We highlight once again the fact that in all the situations of visual contact and in the single situation of pacific verbal contact that took place during the seismic campaign, only "traditional Machiguenga" indigenous were involved. However, Pluspetrol designed a Anthropological Contingency Plan for the potential situation of a non desired contact with "isolated indigenous" groups and trained its personnel and contractors within the frame of the mentioned Anthropological Contingency Plan.

CHRONOLOGY OF ACTIVITIES PERFORMED REGARDING THE TRADITIONAL INDIGENOUS FAMILIES.

First Week of February

First evaluation carried out through meetings held with authorities and native organizations of the zone: isolated groups were identified in the Paquiria River affluents. The presence of these groups was confirmed in the meetings carried out with the authorities of the Native Community Nueva Luz, at the river mouth.

Second Week of February

With the help of a number of members from the Communities involved in the seismic operation, a cartographic and mapping work is prepared, with the names of all the ravines located in the Camisea and Cashiriari valleys. Location of farms and dwellings inside and outside the Communities boundaries are also identified.

Third Week of February

Location of the Tecori Machiguenga family group in Upper Cashiriari. Location of trails and hunting areas ("colpas") used by Segakiato and Cashiriari native communities.

Fourth Week of February

Location of the Shangoviri Machiguenga family group in Upper Shiateni, thanks to the information provided by the Mifon Community (that has no affiliation in the Cashiriari community boundaries (Dora Ramirez)

provided by Victor Shangoviri (protner), who lives in the Segakiato community boundary (Kaya Ravine).

First Week of March

Expedition to Upper Paquiria with indigenous guides from Pluspetrol, Veritas and members of the Nueva Luz native community, with the purpose of gathering information and reporting about our works to the Machiguenga people living in that zone, locally known as Kirineri, who are in contact with Nueva Luz community. Furthermore, they are given metal tools and iodized salt, as a way of expressing reciprocity.

Second Week of March

Coordination and presentation visit in the Upper Shiateni, in order to inform to the isolated families of the Segakiato native community about the arrival of the seismic line cut crew, and about the risks of getting close to the workers.

Considering giving support to the three Shangoviri family groups.

Third Week of April

Development of a pattern of occupation for isolated families transiting between the Paquiria and Camisea valleys. Location of Segundo Shangoviri's farm in the Natsirigari Ravine (Shiateni affluent) and of Noe Kentiava's farm near Hp 27, as well as an old Machiguenga farm in Upper Quipatsiari.

Forth Week of April

The support material for the Shangoviri family group was sent: said families were not met, since they had gone to visit Noe Kentiava's family.

Third Week of May

Visit of Eloy Matías, the Machiguenga coordinator guide, to the Noe Kentiava's family, located around 40 minutes walk from the HP27, near to the S5535 with the R1236, in the Pomponiari ravine (Cosantiar affluent that ends on the Paquiria river), to have some information about Shangoviri's family and to inform them about the delivery of the above mentioned support material.

Forth week of May

Introductory visit to an Upper Cashiriari family group, in order to inform to the isolated families from the Cashiriari Community about the arrival of the seismic line cut crew and to prevent them from getting close to the workers. Evaluation of a support program to help 23 people integrating the Tecori family group.

Tasks are coordinated with Pluspetrol in order to prepare the final Anthropological Contingency Plan. Delivery of the expected and previously coordinated support to the Shangoviri group, and to the Tecori family group in the Upper Cashiriari.

First Week of June

Preparation of a mapping report about the Upper Serjali, in the Northeastern area of Block 88, as a result of the information provided by Nahua guides. Visit to Noe Kentiava's family, close to HP27. Updated map of human presence in the Northeastern part of the seismic spread. (Motuganta family in Oseroato ravine).

Second Week of June

A flight was carried out over the potentially hazardous zone, in the northern extreme of the seismic spread, which limits corresponds to the watershed of the Bovinzana ravine, affluent of the left riverbanks of the Upper Serjali.

First induction meetings of the Anthropological Contingency Plan, made in coordination with the communities relations team of Veritas and Pluspetrol in HP 38, next to the hazardous zone (HP39).

Third Week of June

Joint induction (Veritas, Pluspetrol) to the field crew: seismic advance crew, and three-line cut crews in HP 33; and training of the Nahua and Machiguenga guides.

The Machiguenga and Nahua guides found and isolated dwelling, which is believed to belong to the Shangoviri family group.

Forth Week of June

Machiguenga and Nahua guides carried out prevention activities in HP39 to support the construction of a flycamp, in the potentially hazardous zone, considered so by the Anthropological Contingency Plan.

First week of July

The seismic line cut crew was accompanied to the HPS 39 and 45 hazardous zones, and searches of possible traces of indigenous occupation on the surroundings of the working zone were also performed. Some old farms, abandoned dwellings and trees chopped down with axes as well as traces of Machiguenga presence were found in the headwaters of the Shiateni and Bovinzana rivers. It is believed that they are Machiguenga wood dealers or members of the Shangoviri group.

Second Week of July

At the end of the 1293 seismic line, with the intention of searching the zone to avoid non desirable contact, one Machiguenga and three Nahua guides, went on along the Western ravine of Bovinzana, and they found 3 dwellings, whose dwellers were away. One was a two-storey dwelling with matted walls. The others had arrows, metal files, used cartridges, boots and plastics. A big canoe was also found near the Bovinzana River. The guides believe the dwellers are Machiguengas.

Fourth Week of July

In HP 56, the indigenous guides accompanying the seismic advance crew 3, found tracks of 2 people and an old trail, belonging probably to the Machiguenga people, since the Chitonahua (Nahua sub-group) are not used to opening trails so far away from their villages.

In HP39 a "purma" (secondary forest) is found with an old banana plantation around five years old.

In HP56, several shots were heard (shotgun), and an indigenous hunting family approached the cook, one of them greeted in Spanish and went away.

It is worth mentioning that on summer seasons many indigenous families from the neighboring communities penetrate the forest for hunting, fishing, and gathering activities.

In HP 57 we left some presents at the Northern extreme of the seismic line, near the Ornanashari

... or we left some presents at the northern extreme of the seismic lines, near the Oncañashan ravine, affluent of the Serjali river and limit of the restricted area. An old barbasco farm is found at the north of HP57.

In HP39 a mahogany tree, approximately 7 years old, was found chopped down with a power saw.

First Week of August

In HP39, half an hour distance from the place, a farm of more than 4 months old is found, as well as a mahogany trunk cut with a power saw to build a canoe, which was taken to the Shiateni river ravine. Victor Shangoviri usually visits the Southern HP 39 zone.

Second Week of August

In HP66 traces are found near de Kuria ravine, Nanti influence zone. Indigenous guides found an old barbasco farm in HP 45. An indigenous guide accompanying a seismic crew investigates noises and whistles.

He found tracks 5 or 6 weeks old, near the Bovinzana affluent ravine, and evidence of "machete" cuttings. It was decided, as additional safety measure, not to leave workers alone or seismic advance crew without a preventive patrol of two indigenous guides.

Third Week of August

In HP51 an indigenous guide found tracks of a person and an old barbasco farm, 50 meters away from the seismic line.

Visual contact in HP51 and 57.

HP 51: August 15, 10:30 AM

Description: In charge of a Nahua and a Machiguenga guide.

Visual contact of a naked native, with his private parts covered with a piece of bark, and the body, face and hair painted with achiote. He carried a bow with a good quantity of arrows. He was on a hill watching the seismic cut workers approaching when he realized that the guide was watching him from above, he ran away avoiding any verbal contact.

The guide immediately informed by 'handy' to the head of topography, who gathered his personnel and called to the base camp, while the working team left the area.

HP 51 August 15, 11:30 AM

Visual contact with 4 naked indigenous with the same characteristics.

Description by the seismic line cut crew guides:

While the guides of the survey crew 24 were walking around they found 4 people who ran away despite they tried to establish communication in Machiguenga. The topographer is informed by handy and he reports the events to the base. The guides receive the order to return for a meeting of both seismic line cut crews.

HP 57: August 16, 12:45 PM

Visual contact with 5 naked indigenous with the same characteristics as the previous day.

Description: two indigenous guides watching the surroundings of the flycamp during the night establish visual contact with 5 indigenous people, with the same characteristics as those in the HP51, lightening with torches and moving towards the camp. Having found themselves discovered by the lights of the flares they ran away, although they were addressed in both languages (Machiguenga and Nahua) with a megaphone.

The procedure established in the Anthropological Contingency Plan was fulfilled.

First, the personnel woke up and went to the meeting point at the tent protected by steel netting.

Communication with the base camp was established in order to receive instructions (turn off the internal lights and leave the external spotlights on, watching all the night)

Second, the groups spent the whole following day in the camp until they received the order to continue with the works in August 18, with the support of all the guides established in the Anthropological Contingency Plan.

It was confirmed that the indigenous people never showed any intention of hostility, but only the normal curiosity of people not used to meeting foreigners in this territory.

HP51: August 18, 1.00 PM

Meeting and contact with three naked natives without paintings on their bodies.

Description: Machiguenga guide in preventive exploration around the survey crew 22, saw two men and a woman, approximately 25 or 30 years old, seated and calmly talking. The guide went on alone, speaking to them in Machiguenga and introduced himself to the indigenous, thus the indigenous did not escape. The dialogue continued for an hour, during which the Machiguenga guide explained to his interlocutors the reason of our presence and the different phases and groups that would come during less than two months, leaving the area after that period.

The interpreter-guide explained to the Machiguenga people that the workers were not going to go beyond the end of the lines, even less get into their territory. The Machiguenga explained that they live at the Northern part, outside the seismic spread, at a distance of 10 "tonkare" (plateaus that divide different ravines), which means these three people can be located beyond the Bovinzana river, near the Paquiria headwater.

These people accepted peacefully to come back in five days to pick up some presents (that period of time effectively coincides with the 10 "Tonkare" round trip).

Once they were informed about our contact with naked and red painted people, they indicated that those "kishaka" (unhappy), "kirajari" (red), Machiguenga like them, must be requested permission to come to this plateau to sow the barbasco, which they used for fishing. They stated that the "Red" natives are settled between them and the Bobinzana ravine watershed, the hazardous zone removed from the original seismic area.

Therefore, those 'red' ones may belong to the Motuganta Machiguenga group, known by various Segakiato inhabitants, especially by Victor Shangoviri, to whom we talked on August 25th.

Traces of boots and bare feet were found around the place where the untouched presents had been previously left, near the barbasco old farms in Cells 51 and 57. This would indicate contact with some native wood dealers or with indigenous families, as is the case of the Shangoviri family.

Fourth week of August

In the HP 51 there is no signal of the 3 natives previously found in the site where the gifts were left.

Two old farms with pineapples, pijuayo and bananas were found. Additionally, footprints of two people were found near the gifts left for the three people found in previous days. The gifts were not even touched. One of the footprints corresponded to boots and the other one to bare feet.

HP 45 traces of these people are found

In the HP45 tracks of three people are found.

The Southeastern zone of the operations area, in the HP64, upper Cashiriari river, is investigated: no tracks from possible Kugapakori people were found. However, the Anthropological Contingency Plan is implemented with its corresponding inductions.

In the HP 57, tracks of two people are found near the gifts, one of them wearing boots (the same as in HP51 days before).

During September there were neither signals of isolated indigenous presence (tracks) nor findings of old farms.

Fourth week of September

In the HP 57 an indigenous guide informed that some pans had disappeared from the gifts package in one of the seismic lines.

During this week, all of the seismic and reforestation crew abandoned the Northeastern hazardous zone and moved to the Southeastern hazardous zone, where no contact situation ever took place.

Instances of Forced Contact

Jose Luis Carbajal openly admitted that Pluspetrol seeks and makes contact with groups living in voluntary isolation. Veritas and Pluspetrol representatives provided contradictory accounts of methodologies used for contacting peoples living in voluntary isolation.

Jose Carbajal stated that a group of company representatives accompanied by a Machiguenga guide approach isolated peoples announcing their presence through a loud speaker. Initial contact is made by the guide who is followed by company representatives who take gifts. Worker X confirmed that indigenous guides move ahead of Veritas work parties using loud speakers to communicate with isolated peoples in the Machiguenga language.

Veritas consultant Michel Saenz stated that none of his guides use loud speakers or seek out isolated peoples. Rather, they only approach isolated peoples when they are aware of their presence near construction parties: "we see if we speak today. I speak a bit of Ashaninka. I speak Machiguenga with them. They laugh and we become friends and we start to have a relationship with these people."

In May a Pluspetrol search party sought out and made contact with a group living in voluntary isolation in the Alto Paquiria. A settled Machiguenga relative of the group accompanied them. Carbajal indicated that the party was only able to make contact with one old lady as the rest of the group had left the area.

REFER TO OUR RESPONSE TO ISSUE 2

Assurances Withdrawn

Women from the community of Kirigueti informed us that Pluspetrol representatives had informed the women that the company would fund the purchase of a modest amount of equipment for a Mothers' Club to allow women to make and sell craftwork. After various visits by company representatives to negotiate the amount of equipment, the offer of funds for the Club was withdrawn in an abrasive manner, accusing the community women of "asking too much". (Kirigueti, August 10, 2002)

- The Native Communities Department of Pluspetrol carried out during January 2002 a study aimed at developing a "Diagnosis of the Situation of the Machiguenga Women", in which a participative analysis of the strengths and weaknesses of this important social sector was performed. This effort was carried out by a team of consultants (women only) with active participation of women from the native communities located in the area of direct influence of the Camisea Project Upstream component. Through this study, the native women's basic needs and their expectations of improvement were identified. This document was the instrument to acknowledge the different initiatives of the native women, mainly oriented, in this first stage of the project, to the creation of a source of income for the women of these communities. By March 2002, and as a result of the achievements obtained during the study of diagnosis, Pluspetrol commits itself to start developing activities with this social sector of Machiguenga women.

Currently, the Native Communities Department of Pluspetrol is carrying out several activities in relation with the "Mother's Club" of different native communities of the area, mainly with the native communities of Camisea, Shivankoreni, Segakiato, Nueva Luz, Kirigueti, Miaria, Nueva Vida, Sepahua, Bufeo Pozo and Nueva Unión.

There are three components in which the native communities women have an active participation: the production of seedlings of local species in nurseries run by the native women themselves, as part of the Reforestation and Revegetation Program of Pluspetrol; the manufacture of bioblankets, or light and thick mats, within the frame of the Environmental Remediation Program; and the gathering of seedlings or "estolones" of pajapichi, a local variety of wild grass, also within the same program.

Likewise, and as required by the "Mother's Club" of different native communities, Pluspetrol also gives support to the communities by providing various dishes and cooking accessories, very useful for these associations to prepare food for children of their communities.

In the light of the activities described above, our answer to this topic is that the effort of coordination with the Mother's Clubs of ten native communities that Pluspetrol is currently developing, as well as Pluspetrol's work with the 22 native communities of the area of influence of the Camisea Project Upstream component, cannot be evaluated through the single opinion of one or more people from one native community. Moreover, in the particular case of the presented opinion which can be considered totally out of context.

Annex 3:**The rights and duties of States and corporations**

The content of the right of states is widely acknowledged to include the right to possess, use and dispose of natural resources, to determine freely and control prospecting, exploration and exploitation, to manage and conserve natural resources, to regulate foreign investors and to nationalize or expropriate property.²³⁹ However, international human rights law places clear and substantial obligations on states in connection with resource exploitation on indigenous lands and territories: the UN Human Rights Committee has stated that a state's freedom to encourage economic development is limited by the obligations it has assumed under international human rights law;²⁴⁰ the Inter-American Commission on Human Rights has observed that state policy and practice concerning resource exploitation cannot take place in a vacuum that ignores its human rights obligations.²⁴¹ In other words, states may not justify violations of indigenous peoples' rights in the name of national development or national sovereignty. The basic principle, reaffirmed at the 1993 Vienna World Conference on Human Rights is that, "[w]hile development facilitates the enjoyment of all human rights, the lack of development may not be invoked to justify the abridgement of internationally recognized human rights."²⁴²

These legal obligations explicitly prohibit states from undertaking projects that may threaten the survival of indigenous peoples or be otherwise disproportionate.²⁴³ In other words, the public interest of obtaining revenue through extractive industry activities on indigenous peoples' territories does not outweigh the rights and interests of indigenous peoples where their very survival as a people is at stake and/or where impacts would be disproportionately harmful in other ways. In other words and in this specific case Peru's obligations are not discharged by simply declaring extractive operations to be a 'public necessity': much greater scrutiny and care is required and in some cases – such as the threats to the survival of indigenous peoples – the state is legally prohibited from pursuing those activities.²⁴⁴ The IACHR specifically cites the effects of oil and gas operations on indigenous peoples in voluntary isolation or initial contact as an example of activities that threaten survival, and are thus unlawful activities principally because of the threat posed by introduced diseases and environmental degradation.²⁴⁵

While the obligations incumbent on states have traditionally been the focus of international human rights law, there is strong evidence in contemporary law that obligations to respect human rights can apply to non-state actors including multinational corporations.²⁴⁶ In addition, The United Nations has affirmed through the UN Guiding Principles on Business and Human Rights that corporations have a responsibility to respect human rights wherever they operate 'independently of States' willingness and/or abilities to fulfill their own obligations... and exists over and above national laws and regulations protecting human rights'.²⁴⁷ This issue aside, states have affirmative obligations to take appropriate measures to prevent and to exercise due diligence in response to human rights violations committed by private persons, including corporate entities.²⁴⁸

End Notes

1. Pluspetrol & ERM. *Estudio de Impacto Ambiental para la Ampliación del Programa de Exploración y Desarrollo en el Lote 88*, November 2012.
2. Ministry of Energy & Mines. Resolución Directoral 102-2012-MEM-AAE, 13 April 2012.
3. Pluspetrol Camisea S.A. Estados Financieros 31 de Marzo de 2013 y 31 de Diciembre de 2012, p.19.
4. http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Peru1March2013.pdf
5. *El Comercio*, 28 February, 2013, quoted by www.huffingtonpost.com/david-hill/how-can-we-trust-ananything_b_3455089.html
6. Vice-Ministry of Inter-Culturality. Resolución Vice-Ministerial 005-2013-VMI-MC, 12 July 2013; Informe 004-2013-DGPI/VMI/MC, 11 July 2013; and Informe 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013, 'Observation 46-A1' p.26, 'Observation' 48-A, p.74, and p.158.
7. Vice-Ministry of Inter-Culturality. Resolución Vice-Ministerial 007-2013-VMI-MC, 19 July 2013.
8. Letter from Paulo Vilca to Marco Sifuentes, Editor of [Uterodemarita.pe](http://servindi.org/actualidad/97875), <http://servindi.org/actualidad/97875>
9. Vice-Ministry of Inter-Culturality. Resolución Vice-Ministerial 009-2013-VMI-MC, 29 November 2013; Informe 030-2013-DGPI-VMI/MC, 28 November 2013; Informe 0001-2013-INDEPA-UT-PIACI/SGW/LPC/MMG/MQO, 27 November 2013.
10. Vice-Ministry of Inter-Culturality. Informe 0001-2013-INDEPA-UT-PIACI/SGW/LPC/MMG/MQO, 27 November 2013, 'Observation' no. 9, p.22.
11. OHCHR. *Directrices de Protección para los Pueblos Indígenas en Aislamiento y Contacto Inicial de la Región Amazónica, el Gran Chaco y la Región Oriental de Paraguay*, February 2012, para. 8.
12. *Ibid.*, para. 12.
13. The Commission has previously acknowledged this threat in its 1997 Report on the Human Rights Situation in Ecuador, OEA/Ser.L/V/II.96, Doc. 10 rev. 1, at Ch. IX, which states that 'One consequence of the influx of non-native peoples into traditional indigenous territory is the exposure of indigenous inhabitants to previously unknown diseases and epidemics, to which they have developed no resistance. The encroachment of colonists, speculators and non-native company workers into previously isolated areas introduced such illnesses as the "common cold" and influenza. Viral diseases have taken a harsh toll, and continue to do so in the case of the individuals and communities who have had less contact with outsiders, such as the Huaorani. Oil company workers with colds enter such areas and infect local inhabitants, who can easily develop pneumonia and die. In other cases, men from indigenous communities work for the oil companies, contract unimported illnesses, and import them back into their communities when they return home.' <http://www.cidh.org/countryrep/ecuador-eng/chaper-9.htm>
14. Napolitano and Ryan, 2007, 'The dilemma of contact: voluntary isolation and the impacts of gas exploitation on health and rights in the KugapakoriNahua Reserve, Peruvian Amazon', *Environmental Research Letters*, citing Kim Hill and Magdalena Hurtado, 1996, 'Ache Life History: the Ecology and Demography of a Foraging People.'
15. Glenn Shepard Jr, 1999, 'Pharmacognosy and the Senses in Two Amazonian Societies', Ph.D. Dissertation: University of Berkeley, California.
16. http://www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:2250223, para. 4.
17. 1997 Report on the Human Rights Situation in Ecuador, OEA/Ser.L/V/II.96, Doc. 10 rev. 1, at Ch. IX. <http://www.cidh.org/countryrep/ecuador-eng/chaper-9.htm>
18. <http://www.un.org/events/tenstories/06/story.asp?storyID=200>
19. <http://servindi.org/actualidad/96595>
20. Vice-Ministry of Inter-Culturality. Informe 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013, 'Observation' 51-A1, p.100-101, and 'Observation' 48-A, p.76.

21. Ministerial Resolution N° 00046-90-AG/DGRAAR, 14 February 1990.
22. Supreme Decree, N° 028-2003-AG, 26 July 2003. Although the boundaries of the reserve were left unmodified from its initial description, the updated map revealed that its actual extension was 456,672 hectares.
23. Ibid., Article 3.
24. The spelling of this name varies, depending on the source.
25. Shinai. *Aqui vivimos bien*, 2004, p.11, p.50, p.53 and p.75.
26. Vice-Ministry of Inter-Culturality. Informe 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013, p.7-9.
27. AIDSESEP, FENAMAD, National Coordinator for Human Rights and DAR. Audiencia CIDH: Situación de los Pueblos en Aislamiento y en Contacto Inicial en Perú, 1 November 2013.
28. G. Shepard Jr., 'Pharmacognosy and the Senses in Two Amazonian Societies', Ph.D. Dissertation: University of Berkeley, California, 1999:38
29. The contract between the Peruvian government and the consortium was officially approved by Supreme Decree N° 0212-2000-EM, 9 December 2000.
30. Tom Griffiths, 2007, 'Holding the IDB and IFC to account on Camisea II: A review of applicable international standards, due diligence and compliance issues.' <http://amazonwatch.org/news/2007/0919-holding-the-idb-and-ifc-to-account-on-camisea-ii>
31. General Office of Epidemiology, Ministry of Health, 2003, 'Pueblos en situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva Territorial Kugapakori Nahua, Río Camisea, Cusco.' P 198
32. Dora Napolitano, 2007, 'Towards Understanding the Health Vulnerability of Indigenous Peoples Living in Voluntary Isolation in the Amazon Rainforest: Experiences from the Kugapakori Nahua Reserve, Peru.' <http://link.springer.com/article/10.1007%2Fs10393-007-0145-x?LI=true>
33. <http://www.southperupanel.org/pdf/SouthPeruPanel2012.pdf>
34. Ministry of Energy & Mines. Resolución Directoral 102-2012-MEM-AAE, 13 April 2012.
35. Pluspetrol & ERM. Estudio de Impacto Ambiental para la Ampliación del Programa de Exploración y Desarrollo en el Lote 88, November 2012.
36. Ibid., Chapter 5, p.246.
37. Ibid., Executive Summary, p.119.
38. Ibid., Chapter 1, p.15.
39. Ibid., Executive Summary, p.175.
40. Ibid., Chapter 4, p.39.
41. Ibid., Chapter 4, p.39.
42. Ibid., Chapter 1, p.28-29.
43. Ibid., Chapter 1, p.28-29.
44. Ibid., Chapter 4, p.42.
45. There is a 'Communal Environmental Monitoring Program' in both the Lower and Upper River Urubamba, but 1) this does not focus on 'isolated' peoples and 2) it is financed by Pluspetrol and Transportadora de Gas del Perú (TGP). The latter is a Peruvian-registered consortium which operates pipelines transporting the gas and natural gas liquids from the Camisea region to the Peruvian coast. According to TGP's website, it is currently made up of TEGAS NV, Hunt Pipeline, Sonatrach, Pluspetrol, SK Corporation, Suez-Tractebel, and Graña y Montero. <http://www.tgp.com>.

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46. Member of the Nueva Luz indigenous community to Forest Peoples Programme, November 2013.
 47. Pluspetrol & ERM, Environmental Impact Assessment for the Expansion, Exploration and Development of Lot 88, November 2012, Chapter 4, p.39.
 48. Congresswoman Veronika Mendoza Frisch. Draft final report of the Work Group of the Peruvian Congress's Commission on the Environment, Ecology and Andean, Amazonian and Afroperuvian Peoples on the Kugapakori-Nahua-Nanti Territorial Reserve, 6 June 2012, p.8.
 49. Ibid., p.8.
 50. Ibid., p.8.
 51. Ibid., p.8.
 52. Matrix Solutions. Informe de Supervisión Ambiental y Social del Proyecto Camisea, primer semestre, 2011, p.240, written for the Inter-American Development Bank. These sightings were reported under Pluspetrol's Anthropological Contingency Plan, which Matrix describes as intended to 'prevent and manage contact with populations in isolation or initial contact.' However, in this report Matrix does not state whether the sightings were of people in 'voluntary isolation' or 'initial contact.'
 53. Pluspetrol. Environmental and Social Sustainability Report, 2010, p.74.
 54. Defensoría del Pueblo. El Proyecto Camisea y sus efectos en los derechos de las personas, Informe Defensorial 103, 2006, p.37.
 55. Ibid., p.82.
 56. Ibid., p.83.
 57. Kacper Swierk. El territorio de los Matsigenka Paquirianos: Informe sobre el uso de recursos y el territorio de un grupo regional / territorial de la etnia Matsigenka, Cuencas del Paquiría y de unos ríos adyacentes, Sur de la Amazonía Peruana, February 2006, p.9.
 58. Ibid., p.11.
 59. Ibid., p.12.
 60. Letter from the IDB's Robert Montgomery to the president of AIDSESEP, Antonio Iviche Quique, 26 August 2004.
 61. Aquí vivimos bien, Shinai, 2004, p.89.
 62. Ibid., p.89.
 63. Ibid., p.89-90.
 64. APRODEH. Camisea. . . pero no como sea: Evaluación Social del Proyecto y Defensa de los Pueblos Indígenas Auto Aislados, 2003, p.17.
 65. Ibid., p.18.
 66. Ibid., p.35.
 67. Ibid., p.35.
 68. Ibid., p.37.
 69. Ibid., p.38.
 70. Ibid., p.38.
 71. Ibid., p.38.

72. Ibid., p.38.
73. Ibid., p.38.
74. Ibid., p.38.
75. Ibid., p.39.
76. Ibid., p.39.
77. Ibid., p.39.
78. Beatriz Huertas Castillo. 'El Proyecto Camisea y los Derechos de los Pueblos Indígenas,' in Asuntos Indígenas, International Work Group on Indigenous Affairs, 2003, p.26.
79. Ibid., p.26.
80. Amazon Watch. Record of Forced Contact By Camisea Project Companies in Nahua-Kugapakori Reserve, 2003. <http://amazonwatch.org/news/2003/0201-record-of-forced-contact-by-camisea-project-companies-in-nahua-kugapakori-reserve>
81. Ibid.
82. Ibid.
83. Ibid.
84. Ibid.
85. Peru's Health Ministry. Pueblos en Situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva territorial Kugapakori Nahua- Rio Camisea, Cusco, 2003, p.83.
86. The Inter-American Development Bank. Peru: Camisea Project: Environmental and Social Impact Report, 2003, p.64.
87. United Nations Special Rapporteur on the Rights of Indigenous Peoples. Informe del Relator Especial sobre la situación de los derechos humanos y las libertades fundamentales de los indígenas, 2003, United Nations' Social and Economic Council, 21 January 2003, p.13-14.
88. Robert Goodland. Peru: Camisea Natural Gas Project: Independent Assessment of the Environmental and Social Priorities, 2003, 'prepared for the World Wildlife Fund, Conservation International, The Nature Conservancy, and the Smithsonian Institution', p. 27.
89. Ibid., p.27.
90. Ibid., p.27.
91. Juan Ossio, Virginia Montoya y Carolina Loo for CONAPA/GTCI, Estudio Antropológico de la Reserva territorial del Estado a favor de los pueblos Nahua y Kugapakori, 2003, p.35.
92. Ibid., p.38.
93. Ibid., p.39.
94. Juan Ossio, Virginia Montoya y Carolina Loo. CONAPA/GTCI, Resumen Ejecutivo del Informe Preliminar: Estudio Antropológico de la Reserva Nahua-Kugapakori, 2003, p.3.
95. Juan Ossio, Virginia Montoya. Informe de la Visita a Locaciones y Comunidades del Area del Proyecto Camisea relativas a la Reserva Nahua Kugapakori, 2 June 2003, sent by Juan Ossio to the president of AIDSESEP, 9 July 2003, p.1.
96. Ibid., p.2, p.3 and p.5.
97. URS. Evaluación Social y Ambiental Proyecto Camisea Upstream, Peru, Banco Export Import USA, May 2003, p.5.

98. Lets say to verify that you are working in an area of influence of natives in self-isolation or not.' The second statement quoted here, again from 'PP', was in response to this comment from EcoNews: 'The people from Santa Rosa de Serjali (ie the Nahua) say that they have seen them (isolated people) but it is impossible to have contact with them, because as soon as they see them, they run away.'
99. Ibid.
100. Informe de la Delegación Internacional de ONGs sobre el Proyecto de Gas de Camisea, Septiembre 2002, p.5. The delegation was made up of representatives of Amazon Watch, the Institute of Policy Studies in the USA, Shinai, and CEADES and OICH in Bolivia, accompanied by a representative of regional indigenous organization COMARU.
101. Ibid., p.5.
102. Ibid., p.6.
103. Ibid., p.6
104. Ibid., p.6.
105. Kacper Swierk. Informe del estudio de campo entre los Matsigenka del Paquiría en 2002, p. 5.
106. This website is no longer accessible. See Annex 2 for a scan of a print-out of the website. The information quoted here was all under a heading, 'Information Exchange with Stakeholders' and reports the evidence documented by the International NGO delegation, Informe de la Delegación Internacional de ONGs sobre el Proyecto de Gas de Camisea, Septiembre 2002.
107. This, along with the following 8 pieces of evidence in this section, are the Camisea gas project's 'responses' to what was said in the preceding paragraph.
108. See Annex 2.
109. Ibid.
110. Ibid.
111. Ibid.
112. Ibid.
113. Ibid.
114. Ibid.
115. Ibid.
116. Ibid.
117. Vice-Ministry of Inter-Culturality. Informe No. 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013, p.26.
118. Ibid., p.74.
119. Ibid., p.25.
120. Ibid., p.101.
121. Ibid., p.27.
122. Ibid., p.31.
123. Ibid., p.33.
124. Ibid., 'Observation' 52-A, p.119.
125. Ibid., 'Observation' 48-A, p.75.

126. Ibid., 'Observation' 48-B, p.76.
127. Ibid., 'Observation' 48-A, p.75.
128. Ibid., 'Observation' 48-B, p.79.
129. Ibid., 'Observation' 48-C1, p.84.
130. Ibid., 'Observation' 51-A1, p.101.
131. Ibid., 'Observation' 51-B, p.106.
132. Ibid., 'Observation' 82-F1, p.155.
133. Vice-Ministry of Inter-Culturality. Informe 0001-2013-INDEPA-UT-PIACI/SGW/LPC/MMG/MQO, 27 November 2013, p. 23-24.
134. Ibid., p.24.
135. Ibid., p.25.
136. Ibid., p.26.
137. INDEPA. Informe No. 001-2012-INDEPA-OT-PIACI/FVS/VAV/JIM, 10 May 2012, p.8. This is a report on Pluspetrol's 'Terminos de Referencia' (TDR) of its planned expansion, which, according to Peruvian law, it must present to, and have approved by, the Energy Ministry before preparing the EIA. The TDR describes what the project consists of. Like the Vice-Ministry of Inter-Culturality, INDEPA is situated within the Ministry of Culture.
138. Ibid., p.8.
139. A Peruvian Spanish word referring to the paths used to cross between watersheds. Varadero is used hereafter.
140. INDEPA. Informe No. 001-2012-INDEPA-OT-PIACI/FVS/VAV/JIM, 10 May 2012, p.7-8.
141. Ibid., p.8-9.
142. Pluspetrol & ERM, Environmental Impact Assessment for the Expansion, Exploration and Development of Lot 88, November 2012, Chapter 4, p.23.
143. Ibid., Chapter 5, p.160.
144. Ibid., Chapter 6, p.338.
145. Ibid., Chapter 6, p.398.
146. Ibid., Chapter 6, p.79.
147. Ibid., Chapter 6, p.382.
148. Ibid., Chapter 6, p.379.
149. Ibid., Chapter 6, p.382.
150. Ibid., Chapter 6, p.384.
151. Ibid., Chapter 6, p.24.
152. Ibid., Chapter 5, p.160.
153. Ibid., Chapter 5, p.60-61.
154. Ibid., Chapter 5, p.61.
155. Ibid., Chapter 5, p.61.

156. Ibid., Chapter 5, p.67.
157. Ibid., Chapter 5, p.102-3.
158. Ibid., Chapter 5, p.113-4.
159. Ibid., Chapter 5, p.105.
160. Ibid., Chapter 5, p.102.
161. Ibid., Chapter 5, p.161.
162. SERNANP. Opinión Técnica No.044-2013-SERNANP-DGANP, 6 February 2013, p.9.
163. United Nations' Committee on the Elimination of Racial Discrimination to Peru's ambassador to the United Nations, 1 March 2013. http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Peru1March2013.pdf
164. AIDESP, ORAU, FENAMAD, COMARU and ORPIO letter to UN Special Rapporteurs (Indigenous peoples, adequate housing and food), August 2012
165. Letter to Peru's president Ollanta Humala Tasso, 19 February 2013. www.forestpeoples.org/sites/fpp/files/news/2013/03/CivilSocietyLetterHumalaCamisea_Eng_Feb2013.pdf
166. The Inter-American Commission's statement does not refer to Camisea, Lot 88 and the Kugapakori-Nahua-Nanti reserve specifically, but it was issued, on 8 November 2013, one week after a hearing at the Commission on 'isolated' peoples during which AIDESP, affiliated indigenous organization FENAMAD, Peruvian NGO DAR and Peru's National Coordinator for Human Rights gave a presentation in which the planned expansion of the Camisea gas project, Lot 88 and the reserve were highlighted. www.oas.org/en/iachr/media_center/PReleases/2013/083A.asp
167. Declaración del Relator Especial de las Naciones Unidas sobre los derechos de los pueblos indígenas, James Anaya, al concluir su visita al Perú, 13/12/2013
168. Anaya J 2011 Testimony before the Senate Committee on Indian Affairs. 9th June 2011. Available at <http://unsr.jamesanaya.org/docs/presentations/2011-06-senate-ind-affairs-undriptestimony.pdf>
169. Indigenous peoples and their relationship to land, id, at para. 20.
170. Report of the Special Rapporteur, supra note 2, paras. 39-40. See, also, Indigenous people and their relationship to land, supra note 3.
171. Report on the Situation of Human Rights in Ecuador, supra note 5, at 106.
172. Pueblo Saramaka vs. Suriname, parra. 96, 102 & 194(c).
173. International Labour Organization's Convention 169, Article 14.
174. Inter-American Court of Human Rights. Case of the Saramaka People v. Suriname Judgment of November 28, 2007, (Preliminary Objections, Merits, Reparations, and Costs), paras 120 and 121.
175. <http://www.un.org/events/tenstories/06/story.asp?storyID=200>
176. OHCHR, 2012, 'Directrices de protección para los pueblos indígenas en aislamiento y en Contacto Inicial de La región Amazónica, el Gran Chaco y la región oriental de Paraguay', para. 40.
177. Ecuador: CERD/C/ECU/CO/R.20-22, 31 August 2012, para. 24, concluding and recommending that 'The Committee notes the information provided by the delegation about the mobile way of life of the free peoples in voluntary isolation and the demarcation of the Tagaeri and Taromenane Intangible Zone. However, the Committee is concerned about the vulnerability of these peoples, including the Tagaeri and Taromenane, particularly with regard to the extractive policies pursued by both the State party and private actors (arts 2 and 5). The Committee urges the State party, in urgent fashion, to put into practice the precautionary measures granted by the Inter-American Commission on Human Rights (2006) with regards to the free peoples in voluntary isolation, and exhorts the State party to strengthen and adapt its strategies to protect the lives and livelihoods of said peoples. Likewise, the Committee encourages the State party to take into account the highly mobile way of life that these people have chosen to live,

- and to consider enlarging the intangible zone.’ http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ECU.CO.20-22_sp.pdf
178. http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Peru1March2013.pdf
179. On 10 May 2006 the IACHR granted precautionary measures in favor of the Tagaeri and Taromenani indigenous peoples in voluntary isolation in the Ecuadorian Amazon. <http://www.cidh.org/medidas/2006.eng.htm>.
180. On March 22, 2007, the IACHR granted precautionary measures in favor of the Mashco Piro, Yora and Amahuaca indigenous peoples in ‘voluntary isolation’ in Madre de Dios, Peru. <http://www.cidh.org/medidas/2007.eng.htm>.
181. ‘Report on the Situation of Human Rights in Ecuador’, OEA/Ser.L/V/II.96, Doc. 10 rev. 1, chapter IX. <http://www.cidh.org/countryrep/ecuador-eng/chaper-9.htm>
182. Id.
183. Inter-American Court of Human Rights. Caso Comunidad indígena Yakye Axa Vs. Paraguay, sentencia de 17 de junio de 2005, (Fondo, Reparaciones y Costas), para 147.
184. Case “ Juvenile Education Institute”. Sentence of 2 September 2004. Series C No. 112, para. 156; Case of the brothers Gómez Paquiyauri, Sentence 8th July 2004. Series C No 110, para. 128; Case Myrna Mack Chang, Sentence of 25th November 2003. Series C. No. 101, para. 152, y Case of “the Street Children” (Villagrán Morales and others), Sentence of 19th November 1999. Series C No. 63, para. 144..
185. In this regard, the State has the duty to take positive, concrete measures geared toward fulfillment of the right to a decent life, especially in the case of persons who are vulnerable and at risk, whose care becomes a high priority. (Emphasis added). Case of the Yakye Axa Indigenous Community, para 162.
186. Political Constitution of Peru, Article 2.1.
187. Inter-American Court of Human Rights. Caso de los “Niños de la Calle” (Villagrán Morales y otros) Vs. Guatemala, sentencia de 19 de noviembre 1999 (Fondo), para 144.
188. In 2003, a report by Peru's Ministry of Health concluded that an outbreak of diarrhoea that killed several Nanti indigenous people in the heart of the KNNR was directly related to an outbreak of an epidemic in a Camisea work camp. General Office of Epidemiology, Ministry of Health, 2003, ‘Pueblos en situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva Territorial Kugapakori Nahua, Río Camisea, Cusco.’
189. International Covenant on Economic, Social and Cultural Rights, Article 12.1 and 12.2c.
190. Caso Comunidad Indígena Yakze Axa, párr. 162
191. In its various concluding observations, the UN Human Rights Committee has interpreted Article 27 (the right of minorities to their own culture) of the International Covenant on Civil and Political Rights in the context of indigenous Peoples to protect the use of their lands, resources and territories due to the inextricable connection between their culture and way of life particularly in the practice of traditional activities such as hunting or fishing and other subsistence activities and those related to the practice of their religion. In this way the Committee has confirmed that when it involves indigenous groups, the traditional tenure of their lands is an expression of their culture protected by article 27 of the Convention. See Lubicon Lake Band v. Canada, Communication No. 167/1984 , CCPR/C/38/D/167/1984, paras. 3.5 y 33 (10th of May 1990) (granting provisional measures to avoid harm to the indigenous Lubicon Cree due to the exploitation of natural resources and finally concluding that Canada violated article 27 of the Covenant through granting logging and oil and gas concessions in the ancestral territories of the indigenous Lubicon Lake Band “ that threaten the way of life and culture of the Lubicon Lake Band” particularly the traditional hunting activities of the members of this community.
192. Political Constitution of Peru, Article 2.19 and Article 89.
193. Case of the Plan de Sánchez Massacre. Reparations (art. 63.1 American Convention on Human Rights) Sentence 19th November 2004. Series C No. 116, para. 85; Case Awas Tingni, para. 149.
194. International Labour Organization’s Convention 169, Article, Article 5 (a) and Article 23.1.

195. International Labour Organization's Convention 169, Article 7.4.
196. Political Constitution of Peru, Article 2.22.
197. Inter-American Commission on Human Rights, Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources, OEA/Ser.L/V/II. Doc. 56/09, 30 December 2009, para. 232..
198. Inter-American Court of Human Rights. Case of the Saramaka People v. Suriname Judgment of November 28, 2007, (Preliminary Objections, Merits, Reparations, and Costs), para 121.
199. Saramaka People v. Suriname, Judgment of the Inter-American Court of Human Rights, 28 November 2007 para. 129-134.
200. This has been noted by the IDB's own indigenous peoples policy '...as well as their special vulnerability and the impossibility of applying prior consultation and good faith negotiation mechanisms...' Operational Policy on Indigenous Peoples, IDB, 9: 2006
201. In fact, their decision to remain in 'voluntary isolation' should be deemed tantamount to a decision to refuse to participate in or agree to activities in their territories, and thus no resource exploitation or other activities should be permitted on this basis.
202. International Covenant on Economic, Social and Cultural Rights, Article 1.1 and 1.3, 1966.
203. Article 3
204. International Labour Organization's Convention 169, Article 6.1 and 6.2
205. Inter-American Court of Human Rights. Case of the Saramaka People v. Suriname Judgment of November 28, 2007, (Preliminary Objections, Merits, Reparations, and Costs), para 134.
206. International Labour Organization's Convention 169, Article 7.1.
207. "My resignation was due to a disagreement over the way in which the Executive is proceeding with the evaluation of the environmental licenses for these kinds of projects" <http://servindi.org/actualidad/97875>
208. <http://peru21.pe/politica/gobierno-desecha-informe-sobre-efectos-pueblos-indigenas-ampliacion-camisea-2143774>
209. <http://www.cepes.org.pe/notiagro/node/18742>
210. Saramaka People v. Suriname, Ser. C No. 172, para. 129 and; Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Ser. C No. 245, para. 156. In Saramaka, the Court explained that the term 'survival' is understood to mean their 'ability to "preserve, protect and guarantee the special relationship that they have with their territory', so that 'they may continue living their traditional way of life, and that their distinct cultural identity, social structure, economic system, customs, beliefs and traditions are respected, guaranteed and protected'".
211. For instance, the UN's Human Rights Committee held in 2009 in a case against Peru that, in the case of indigenous peoples, states 'must respect the principle of proportionality so as not to endanger the very survival of the community and its members.'Angela Poma Poma v. Peru, CCPR/C/95/D/1457/2006, 24 April 2009, at para. 7.6.
212. http://www2.ohchr.org/english/bodies/cerd/docs/early_warning/Peru1March2013.pdf
213. OHCHR, 2012, 'Directrices de protección para los pueblos indígenas en aislamiento y en Contacto Inicial de La región Amazónica, el Gran Chaco y la región oriental de Paraguay', para. 40.
214. Peru's Health Ministry. Pueblos en Situación de extrema vulnerabilidad: El caso de los Nanti de la Reserva territorial Kugapakori Nahua- Rio Camisea, Cusco, 2003, p.13.
215. Ibid., p.14.
216. Ibid., p.198.
217. Ibid., p.198.

218. Ibid., p.13.
219. Ibid., p.128.
220. Ibid., p.128.
221. Ibid., p.129.
222. D. Napolitano. Towards Understanding the Health Vulnerability of Indigenous Peoples Living in Voluntary Isolation in the Amazon Rainforest: Experiences from the Kugapakori Nahua Reserve, Peru, 2007, from the Abstract. <http://link.springer.com/article/10.1007%2Fs10393-007-0145-x?LI=true>.
223. Vice-Ministry of Inter-Culturality. Informe 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013, 'Observation' 46-B1, p.35.
224. Ibid., 'Observation' 51-A1, p. 100-101.
225. Ibid., 'Observation' 48-A, p.76.
226. <http://servindi.org/actualidad/96595>, 21 November 2013.
227. Vice-Ministry of Inter-Culturality. Informe 001-2013-LPA-LFTE-NPG-RRG-VDG-DGPI/VMI/MC, 11 July 2013 'Observation' 48-B, p.76.
228. Ibid., p.76.
229. Ibid., p.76.
230. Pluspetrol & ERM, Environmental Impact Assessment for the Expansion, Exploration and Development of Lot 88, November 2012, Chapter 5, p.160.
231. OHCHR. Directrices de Protección para los Pueblos Indígenas en Aislamiento y Contacto Inicial de la Región Amazónica, el Gran Chaco y la Región Oriental de Paraguay, February 2012, para 14a.
232. Shinai. Aquí vivimos bien, 2004, p.52.
233. Ibid., p.52.
234. Ibid., p.52.
235. Ibid., p.52.
236. Ibid., p.52.
237. AIDSEP, COMARU, FENAMAD and ORAU. Request for Precautionary Measures on behalf of indigenous peoples living in 'voluntary isolation' and initial contact in the Kugapakori-Nahua-Nanti Reserve in south-east Peru, 25 January 2013, para 27.
238. OHCHR. Directrices de Protección para los Pueblos Indígenas en Aislamiento y Contacto Inicial de la Región Amazónica, el Gran Chaco y la Región Oriental de Paraguay, February 2012, para 14b.
239. N. Schrijver, Sovereignty over Natural Resources: Balancing Rights and Duties. Cambridge Studies in International Law. Cambridge: Cambridge University Press (1997), 391.
240. I. Lansman et al. vs. Finland (Communication No. 511/1992), CCPR/C/52/D/511/1992, 10.
241. Report on the Situation of Human Rights in Ecuador. OEA/Ser.L/V/II.96, Doc. 10 rev. 1 1997, 89.
242. Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, Part I, at para. 10. UN Doc. A/CONF.157/23, 12 July 1993.
243. Saramaka People v. Suriname, Ser. C No. 172, para. 129 and; Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Ser. C No. 245, para. 156. In Saramaka, the Court explained that the term 'survival' is understood to mean their 'ability to "preserve, protect and guarantee the special relationship

that they have with their territory', so that 'they may continue living their traditional way of life, and that their distinct cultural identity, social structure, economic system, customs, beliefs and traditions are respected, guaranteed and protected''

244. See Indigenous and Tribal Peoples' Rights over their Ancestral Lands and Natural Resources, OEA/Ser.L/V/II. Doc. 56/09, Inter-American Commission on Human Rights, 30 December 2009, at para. 232 (summarizing international jurisprudence and stating that "The State may not grant a concession or approve a development or investment plan or project that could affect the survival of the corresponding indigenous or tribal people, in accordance with its ancestral ways of life").

245. *Id.* at p. 92-3.

246. Among others, see, Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (Vol. 1) (1992); Copenhagen Declaration and Programme of Action, UN Doc. UN Doc. A/CONF. 166/9 (1995); G.A. Res. 42/115, 11 February 1988, The Impact of Property on the Enjoyment of Human Rights and Fundamental Freedoms; Commission on Human Rights Resolutions 1987/18 and 1988/19; Principles relating to the human rights conduct of companies. Working paper prepared by Mr. David Weissbrodt. E/CN.4/Sub.2/2000/WG.2/WP.1, 25 May 2000; M. Addo (ed.), Human Rights Standards and the Responsibility of Transnational Corporations. The Hague: Kluwer Law International (1999); J.R. Paul, Holding Multinational Corporations Responsible Under International Law 24 Hastings Int'l. and Comp. Law Rev. 285 (2001); Patrick Macklem, Indigenous Rights and Multinational Corporations at International Law, 24 Hastings Int'l. and Comp. Law Rev. 475 (2001); and, B. Frey, The Legal and Ethical Responsibilities of Transnational Corporations in the Protections of International Human Rights, 6 Minn. J. Global Trade 153 (1996)

247. UN 2011 United Nations Guiding Principles on Business and Human Rights: implementing the United Nations "Protect, Respect and Remedy" Introduction 26 framework. UN Doc. A/HRC/17/31. Available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

248. Inter-American Court on Human Rights, Velasquez Rodriguez Case, Judgment of 29 July 1988, Ser. C No. 4, para. 172 – "An illegal act which violates human rights and which is initially not directly imputable to a State (for example, because it is the act of a private person or because the person responsible has not been identified) can lead to international responsibility of the State, not because of the act itself, but because of the lack of due diligence to prevent the violation or to respond to it as required by the Convention;" - Inter-American Commission on Human Rights, Case 7615 (Brazil). OEA/Ser.L/V/II.66, doc 10 rev 1 (1985), 33; UN Human Rights Committee, Communication Nos. 161/1983, Annual Rep. Of the HRC 1988, 197 and 181/1984, Annual Rep. of the HRC 1990 (Vol. II), 37; Ogoni Case, at para. 58 and; European Court of Human Rights, Sunday Times Case, Judgment of 26 April 1979, E.C.H.R., Ser. A, (Vol. 30), 318.