

## Did Ocho Sur have government permits to operate during the pandemic while posing risks to Shipibo-Konibo people?

Based on the statement made by the Ocho Sur group on their website in mid-2020 claiming to have permits from the Peruvian Ministry of Production to operate during the state of emergency at the beginning of the pandemic (April 2020), Forests Peoples Programme made information requests to the relevant State institutions regarding any permits granted to the company.



**ESPAÑOL**

Ocho Sur está comprometida con la salud y seguridad de sus empleados, familias, contratistas, clientes, proveedores y vecinos de PAPE. Ahora, más que nunca, este compromiso es de vital importancia, debido a que el virus COVID 19 y sus efectos están llegando a casi todos los rincones de nuestro planeta, nosotros tomamos las siguientes acciones:

- Hemos obtenido el permiso necesario del Ministerio de Producción peruano para operar durante la crisis como un componente esencial de la cadena de suministro de alimentos.
- Continuamos empleando y remunerando a toda nuestra fuerza laboral, incluso aquellas que no pueden venir físicamente al trabajo.
- Hemos capacitado a nuestra gente en temas de higiene, distanciamiento social y detección temprana del virus.
- Hemos desarrollado y establecido limitaciones estrictas sobre quién puede ingresar a nuestras plantaciones.
- Hemos implementado docenas de prácticas y actividades específicas de otras compañías para cumplir con los requisitos de los Decretos Supremos emitidos por el gobierno peruano y con las mejores prácticas de negocios agrícolas en todo el mundo.

Esta crisis continúa evolucionando, pero nuestro compromiso con Ucayali y nuestros muchos amigos y vecinos dentro y cerca de nuestras plantaciones es inquebrantable. Continuaremos adoptando e implementando cambios en nuestras políticas y actividades para cumplir con las pautas y requisitos cambiantes del gobierno y para hacer todo lo posible para minimizar los impactos de esta enfermedad.

De tener alguna pregunta específica, por favor escribimos al [Contáctanos](#)

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1 Screenshot taken from ochosur.com in May 2020

A first request was made to the Ministry of Production (Produce) on 14 July 2020, under the register number 00053248-2020, receiving an answer on 4 September 2020. According to the official letter N° 00001167-2020-PRODUCE/FUN.RES.ACC.INF and based on the report N° 00000021-2020-PRODUCE/DDP-mgutierrez, the Directorate of Productive Development (DDP) argued that due to the fact that Ocho Sur's primary economic activity is the cultivation of oleaginous fruits (oil palm), and because this activity corresponds to the agricultural sector, it was not the responsibility of Produce to issue a certificate to operate.

A second request to Produce was made on 7 September, under the register number 00066907-2020, receiving an answer 23 October. This time, FPP requested information specifically related to Servicios Agrarios de Pucallpa SAC, which operates a mill within the landholdings of Ocho Sur P (overlapping the ancestral territory of the Shipibo-Konibo people of Santa Clara de Uchunya), and according to information obtained through the Peruvian Public Registers (Electronic Register: 11135457) forms part of the Ocho Sur group, including having the same legal representatives.

In its official letter N° 00001628-2020-PRODUCE/FUN.RES.ACC.INF, which was based on the reports N° 00001348-2020-PRODUCE/DGDE, N° 00000029-2020-PRODUCE/DDP-mgutierrez, and N° 00000594-2020-PRODUCE/OGTI, Produce did not find a permit for Servicios Agrarios de Pucallpa SAC.

The DDP mentioned that according to Supreme Decree N° 101-2020-PCM, from 6 April 2020 onwards (several weeks after the national lockdown which began on 16 March 2020), companies could restart their activities automatically by registering a “*Plan for the surveillance, prevention and control of COVID-19 in the workplace*”, using the Ministry of Health’s Integrated System for COVID-19 (SISCOVID-19). Nevertheless, this was neither the case for Servicios Agrarios de Pucallpa, nor Ocho Sur P. And additional searches of all companies which had registered in the SISCOVID19 system until 25 June showed no records either for Ocho Sur P or Servicios Agrarios de Pucallpa.

Furthermore, Servicios Agrarios de Pucallpa did not have permission from either the General Office of Information Technology (OGTI), which issued certificates authorizing the operations of those companies with permits processed prior to 6 April 2020, and no permits from the General Directorate of Business Development (DGDE) after a review of the Database of the Certificate Issuance System for the Restart of Activities (ECRA).

In a nutshell, Ocho Sur P and Servicios Agrarios de Pucallpa were operating without permits, contrary to what the Ocho Sur group claimed on their website, while putting at risk the local Indigenous population as well as their own workers. This is what led the Federation of Native Communities of Ucayali and Tributaries (FECONAU) to [file a criminal complaint against Ocho Sur P for continuing its operations throughout the COVID-19 pandemic](#), one of the many systematic violations committed by the company, while the Indigenous community of Santa Clara de Uchunya continues calling upon Peru’s Constitutional Court to issue a ruling ordering the restitution, titling and remediation of their ancestral territory.