

What does it mean to be vulnerable? Why is the Camisea consortium questioning the existence of isolated peoples and how has Peruvian government policy contributed to this unfolding crisis in the Nahua/Kugapakori Reserve?

The planned expansion of the Camisea gas project within both Nahua territory and the Nahua/Kugapakori Reserve in South East Peru raises a series of legal, moral and social questions that address the complexities of a major gas project operating in the territories of isolated indigenous peoples (see the following link for background¹).

The following analysis sheds further light on three key questions².

1. **What does it mean to be vulnerable?** The combination of threats and gifts that were used to persuade the Nahua to accept the continuation of environmental assessments within their territory reflect their extreme vulnerability despite the fact that their first contact was in 1984. Vulnerability of isolated peoples is often only understood in its physical sense but this neglects a vulnerability to exploitation. This article explores this issue further and the conditions that would need to be in place to ensure how the rights of peoples such as the Nahua to free, prior and informed consent are met in the light of such asymmetries of power.
2. **'What isolated people?': Understanding corporate responses.** Over the years the responses of the Camisea consortium to concerns about their operations in isolated peoples' territories are either 'we looked for these people but they don't exist' or 'don't worry we have guidelines in place in case of encounters'. This article explores the disingenuous nature of these arguments. First we are being asked to ignore the huge potential conflict of interest in the independent nature of this information and second it conveniently ignores the impact of their presence in the area. Finally, we are being asked to believe that a series of guidelines on paper, however well intentioned, are sufficient to address the inherently unpredictable nature of first contact situations. After all, when something goes wrong we are not talking about a ruptured pipeline but the lives of fellow human beings.
3. **The Nahua/Kugapakori Reserve: A history of hypocrisy and neglect** The blame for this sorry situation cannot be laid only at the feet of the Camisea consortium - what else can we expect from oil companies? The situation instead reflects the neglect and hypocrisy that characterise the Peruvian government's management of the Reserve and explores how the situation could have been very different. Much of the blame for the Nahua's predicament can be attributed to the Peruvian government who for years have denied them the ability to generate enough income to meet their basic needs from artisanal logging on the basis that this is a Reserve, yet at the same time grant official permission to drill for oil and gas within its borders.

¹ <http://www.forestpeoples.org/topics/extractive-industries/news/2011/08/pluspetrol-negotiates-expansion-camisea-gas-project-boxes->

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Isolated peoples: What does it mean to be vulnerable?

The unfolding situation with the Nahua brings us to the nub of the issue about so called 'isolated peoples'; isolation brings with it two forms of extreme vulnerability. The first is physical; those people who have had no or little exposure to viruses have not developed antibodies that might help them resist even a common cold. 500 years ago it was smallpox and pneumonia rather than the gun that allowed Europeans to conquer South America and as the Nahua story illustrates, very little has changed.

The second form of vulnerability is more subtle but no less dangerous. Once exposed to the outside world a whole new set of dependencies are established; new diseases and a world of new objects that range from steel axes and fishing hooks to glass beads and perfume that can create demands for new cures and new material expectations. Naturally there is always someone happy to take advantage of this sudden dependency either in the interest of converting new souls or with more pragmatic interests in the forest's valuable natural resources. In the immediate aftermath of their first contact the Nahua happily exchanged 200 year old mahogany trees for pairs of trousers or a machete with delighted loggers who until then couldn't even venture into the area for fear of getting an arrow in the neck.

Stricken with diseases and overwhelmed by this new world, groups like the Nahua, who are experiencing their first contact, are prone to rapid disintegration as they abandon their territory to avoid the spirits of those killed by epidemics, to search for medical assistance or simply to acquire the powerful new objects that have become part of their lives. Almost overnight an entire people can be reduced to a few individuals while an entire territory can be abandoned.

Even when these peoples have developed some immunity to introduced diseases, learnt some of the national language, how to count some money and how to avoid the worst excesses of exploitation at the hands of local merchants and loggers, this doesn't necessarily mean they are any better prepared for the arrival of a multi national oil and gas company. This is the case of the Nahua. Negotiating with an illiterate local logger about whether you receive one machete or two from the sale of a tree is not the same as negotiating with a gigantic corporation and a national government in a context where there are billions of dollars at stake. In such circumstances can we ever speak of a level playing field for negotiations between a multi national oil and gas consortium with access to billions of dollars and infinite resources and a people such as the Nahua (where anyone over 28 is unable to speak Spanish)?

Whose future? Whose choice?

Naturally there will be huge pressure placed on peoples like the Nahua to accept such developments. In order to level the playing field this is why it has been recognised internationally that indigenous peoples have the right to give or withhold their free, prior and informed consent for activities that may affect their lives. In other words – they have the right to decide how they wish to live

especially in the context when their way of life is facing irreversible changes at the hands of oil and gas exploitation.

Under the current circumstances facing many indigenous peoples making the right choices is extremely challenging. Lets take the case of the Nahua. Blessed with abundant resources and no contamination in their remote territory it is difficult for them to conceive of the potential impacts of 40 years of oil and gas exploitation. Even if they have had some exposure to such phenomena, seeing contamination is different from living with it. Coupled with this is that, like most human beings, the Nahua are extremely susceptible to privilege the immediate over the long term, the concrete (jobs, medicines and school uniforms) over less certain 'development' paths such as community managed forestry or ecotourism projects.

Finally, they are surrounded by people providing them with unerringly positive news about oil and gas and other extractive industries. The local Catholic mission and the mayor are supporting the company's negotiations with the Nahua as they see it as bringing 'development and progress' and there are no local institutions in the area who can offer the Nahua a different message. Worse still, INDEPA the government agency charged with ensuring the respect of the rights of people such as the Nahua, are actively promoting these activities. It was INDEPA who granted permission for the environmental investigations in the upper Serjali river and it was they who assisted in meetings with the Nahua and Pluspetrol and along with the company placed pressure on the Nahua to accept the continuation of these investigations.

One of these techniques was to threaten the Nahua that if they did not accept then no community member would be employed by the company in their existing operations in the region. This was an effective threat for restless young Nahua men who over the last few years have grown accustomed to the relatively easy work and high wages offered by the company in contrast to working for a local logger where the risks are high and the pay is lousy. The Camisea consortium and the Ministry of Energy and Mines must be rubbing their hands with glee. Their task is an easy one given the desire of the Nahua for cheap material goods which they are easily able to meet with donations of medicines and food and offers of temporary and low paid work for young Nahua men.

Clearly this is an internal challenge that the Nahua must also address themselves, but this is precisely the supposed role of the Reserve. It was established to shield the Nahua from having to answer such questions until they are more prepared and able to reach conclusions that are informed and based on considerations for the future of their people. As we will see below, the ability of the Reserve to meet these needs has been progressively undermined by the Peruvian government.

‘What isolated people’? Understanding corporate responses

Instead of recognising these issues or the legitimacy of these concerns, Pluspetrol has opted for another version of events. In written and verbal responses they simply evade the issue³. This is unsurprising, whenever human rights groups have voiced legitimate concerns at the threat posed by exploitation of oil and gas within the Reserve the Camisea consortium and state generally do two things. First they deny the existence of such groups in these areas and then they point to the existence of protocols and contingency plans in case of unwanted encounters. A recent investigative article reveals that these discourses are not confined to the companies operating in Camisea.⁴

We looked but they weren’t there!

‘Don’t worry’ these companies often say, ‘we checked there aren’t any isolated people here, we did some seismic testing and we didn’t see anybody’. Well perhaps that’s no surprise, if your land was suddenly invaded by helicopters and hundreds of people dressed in bright orange setting off explosions under the ground would you decide it was a good idea to hang about?

In contrast, field research with neighboring peoples conducted before Pluspetrol expressed any interest in this area revealed that the area in the Upper Serjali river now earmarked for these expansion plans was inhabited or transited by unknown isolated groups almost certainly Machiguenga⁵. In 2002 one isolated Machiguenga group living in the heart of the seismic testing area in the neighbouring river Paquiria reported that they felt obliged to leave their settlement after being visited by an advance party from the seismic team⁶.

The Camisea consortium naturally try to deny that such incidents ever take place, that no such peoples exist in these areas but the problem is that they are the ones who are managing the information, they are the only ones whose helicopters provide them with direct access to extremely remote areas and there are even many areas where they cannot reach. Will they report it when one of these groups decide to seek refuge in the neighboring Manu national park? Who will report it if an isolated Machiguenga family die from colds in the headwaters of a remote tributary? Of course once all the people have slowly died or abandoned the area it is really rather convenient for a mega gas project; if there are no longer any people then there is not much point in having a reserve.

³ See FPP letter to Pluspetrol 21/6/2011 and their response at <http://www.forestpeoples.org/topics/extractive-industries/news/2011/06/letter-and-response-pluspetrol-peru-corporation-regarding->

⁴ <http://www.truth-out.org/35-billion-oil-plus-uncontacted-tribe-equals-cover/1311955501>

⁵ *Aqui vivimos bien*, Shinai 2004.

⁶ <http://amazonwatch.org/news/2003/0201-record-of-forced-contact-by-camisea-project-companies-in-nahua-kugapakori-reserve>

Controlling the uncontrollable

Pluspetrol representatives admitted in outreach meetings with NGOs in Lima in July 2011 that while they may doubt the existence of such peoples they still have to respect the fact that it is a Reserve. This is why they trumpet their contact protocols and contingency plans. They may seem admirable but the problem with protocols is that they first leapfrog the fundamental question of who has a right to determine the future of an entire people and simply reduces it to a question of damage limitation. Ultimately, however well thought out, the nature of first contact and its consequences is inherently unpredictable and the consequences are potentially lethal; a kind of Pandora's box that no one, let alone a multi national oil and gas company, can manage.

But why sow doubt in the first place about the existence of isolated peoples? The answer is painfully obvious. If there isn't anybody there then there is no problem with a mega gas project and if there isn't anyone there it is one more argument for disbanding the Reserve. Once all the people have slowly died or fled the area it becomes very persuasive to argue that the Reserve serves no purpose.

The Nahua/Kugapakori Reserve: A history of hypocrisy and neglect

This sorry state of affairs was not inevitable, and the situation could have been very different. In the case of the Nahua they were able for many years to independently meet their modest material needs. They engaged in low intensity artisanal logging (with axes not chainsaws) of high value hard woods such as mahogany and cedar that they sold informally in Sepahua, the local town. They were able to earn enough to meet their basic demands for soap, fishing hooks, shot gun cartridges, clothes and medicines because the price of these hardwoods was sufficiently high.

Nevertheless, throughout this period the Nahua consistently requested that the forestry authority provide them with a formal permit to enable them to transport the timber to saw mills and perhaps even process the timber themselves which would have given them 10 times more income and would have meant that they could have felled 10 times less trees- a win-win situation for people and trees. Despite years of letters and meetings the forestry authority flatly refused to grant this permission. The argument was that the community lived within a reserve where they were unable to license any commercial extraction.

This seems like a principled approach until one sees the contradictions. In 2001 the forestry authority gazetted almost half the reserve as open for logging concessions. Almost overnight this triggered an invasion of nearly 300 armed loggers into the reserve. After sustained pressure by the Nahua the loggers eventually withdrew, but it took the forestry authority almost two years to simply modify the map of the logging area to exclude the reserve while their control posts did next to nothing to control the illegal logging which continued while they turned a blind eye.

The Nahua eventually assumed control of the situation themselves and established their own control post that prevents the entry of any loggers⁷. One advantage of this blindness was that low intensity Nahua logging remained uncontrolled. However, in 2009 their ability to meet their own needs was dealt a harsh blow when the bottom fell out of the mahogany market in Peru due to increasing controls on export quotas. The Nahua could no longer meet their own needs through the informal sale of less valuable timber. This was remarkably convenient for the Camisea consortium as it meant that Nahua monetary economy became almost entirely dependent on sporadic employment by Pluspetrol.

'No to small scale sustainable logging, yes to oil and gas'

The hypocrisy is jaw dropping; the Peruvian government refuses to grant permission to the Nahua to sell a few trees to meet their subsistence needs on the basis that it is a Reserve. At the same time it has no problem in granting permission to conduct seismic testing, drill for gas and construct a pipeline in the

⁷ This control post now receives some financial support from INDEPA but suffers from serious lack of implementation.

heart of the reserve. They refuse to facilitate a potentially sustainable activity based on the use of a renewable resource which will provide direct benefits to local people yet enthusiastically embrace a highly polluting industry that threatens the lives and wellbeing of these people through inevitable environmental and social consequences, and that will contaminate the global climate through the burning of fossil fuels. What next? Perhaps they could sell carbon credits for the emissions saved from preventing the Nahua from logging?

Parks on paper

It was precisely to avoid contradictory situations such as this that the concept of a Reserve for isolated indigenous peoples was established in Peru⁸. Missionaries and oil companies eager to access these peoples lands and souls for their own interests often decry these reserves as cultural museums or human zoos established for the gratification of foreign anthropologists. The reality is very different; the Reserves' aim to prevent the worst excesses of contact, preventing the entry of those groups attempting to exploit resources in their territories, establish contact with them for religious or other purposes and simply provide the space and time in which these peoples can make freer and more informed choices about their own futures.

The other critical job of these reserves is to safeguard these people's territories and resources so that one day they will still have rights over their forests and rivers and access to their rich natural resources. This means prevention of colonisation or their categorisation as concessions for logging or any other resource use.

The role of the Peruvian government is to ensure that these Reserves do not exist merely on paper. However, since the Nahua/Kugapakori Reserve's establishment in 1990, official care for the Reserve has been passed from ministry to ministry in a bid to avoid responsibility for its management. In practice it has been continually invaded by loggers and only protected by its inhabitants, 'erroneously' categorized as open for logging concessions and opened up for the extraction of natural gas which has included seismic testing, the construction of three drilling platforms and a pipeline.

The absurdity and injustice of this situation is the result of the persistent hypocrisy of the Peruvian state. 'We respect the rights of isolated peoples' they cry but at the same time they shout 'lets drill for oil and gas in their territories'. They continually deny those peoples in the initial stages of contact any means to generate their own independent income on the basis that this is a reserve but at the same time promote the extraction of natural gas. The outgoing Peruvian government along with its predecessor made grand claims to be fostering a multi-cultural democratic society. One imagines that in such societies it is the job of the state to ensure that its most vulnerable citizens are protected and that the material needs of the moment for some paracetamol and fish hooks are not used to determine the future of an entire people.

⁸ To date five of these reserves have been officially established in Peru while a further five have been formally proposed and decisions are pending.