

DISSERTATION

HYDROCARBON CONFLICT IN THE PERUVIAN AMAZON: INDIGENOUS
PEOPLES' DECOLONIZATION OF DEVELOPMENT AND SUSTAINABILITY

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ABSTRACT

HYDROCARBON CONFLICT IN THE PERUVIAN AMAZON: INDIGENOUS PEOPLES' DECOLONIZATION OF DEVELOPMENT AND SUSTAINABILITY

In 2008 and 2009 the indigenous peoples from the Peruvian Amazon staged massive protests in opposition to President Alan Garcia's development policies, many of which were designed to facilitate the exploitation and development of natural resources on indigenous territorial spaces. Tragically, the protests ended on June 5 (2009) in the Amazonian province of Bagua, where, according to official reports, ten protesters and twenty-three police officers were killed. Many protesters were injured and others were reported missing. The Bagua event underscores the seriousness of natural resource development on indigenous territorial spaces.

This dissertation argues that in order to move toward environmentally sustainable and socially equitable natural resources policies it is necessary to rethink these policies on indigenous territories. To make this case, I examine an environmental conflict over hydrocarbon development on indigenous territories between the Garcia government and the Indigenous Movement in the Peruvian Amazon (IMPA). Situating this conflict in the broader context of the Garcia government's development policy, the dissertation (1) provides a historical and institutional analysis of Peruvian hydrocarbon development on indigenous territories, (2) uses social movement theory to explain indigenous resistance to hydrocarbon and natural resource development on indigenous territorial spaces,

and (3) introduces an alternative theory that explains the differences between indigenous and state development perspectives and challenges many of the current neoliberal/socialist framings of indigenous/state conflicts over natural resources. In the end, I argue that a decolonization of Peru's natural resource policy regime is necessary to create policies that are ecologically sustainable, socially equitable, and avoid violent confrontations. Decolonization—a complex and formidable challenge—suggests that indigenous peoples gain greater decision-making control over the natural resources located on indigenous territorial spaces. Contrary to the opinion of the Peruvian government and beyond the stipulations set in International Labor Organization Convention 169, this means that indigenous peoples should have the power to prevent unwanted oil development within indigenous territorial spaces. My projects adds to the Political Science literature by introducing an alternative theoretical framework for the analysis of these issues that will encourage scholars, governments, and political commentators to reevaluate issues related to natural resource development on indigenous territories.

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CHAPTER I. INTRODUCTION

The tragedy of Bagua and the case of hydrocarbon development

On June 5 2009, a deadly clash erupted between indigenous peoples and the Peruvian state in Amazonian province of Bagua. Official accounts place the death toll at thirty-three, ten civilians and twenty-three police officers. Indigenous accounts of the event vary, but some reported that up to forty indigenous individuals were killed and bodies were thrown into the river from police helicopters (Merino, 2010).¹ The clash came on the heels of nearly three months of intense and widespread indigenous protest throughout the Peruvian Amazonia, the result of a Free Trade Agreement (FTA) with the United States and development policies designed to open up the region to foreign capital investments in oil, mining, logging and agriculture development on indigenous territories. More specifically, these protests, and similar protests that took place in August of 2008, were designed to force the government to repeal a series of legislative decrees that were enacted by President Alan Garcia as part of special powers delegated to the executive to facilitate the implementation of the FTA with the U.S. For indigenous activists, leaders, and local villagers, these decrees place at risk the territorial integrity of indigenous lands and the environmental sustainability of the entire region.

In response to the tragedy, the Peruvian government, led by President Alan Garcia, put together a short video that frames indigenous peoples as “extremists and

¹ Since the time of this writing there have been several reports that highlight the government’s responsibility surrounding the events in Bagua, both long and short term.

savages” who had “brutally massacred innocent, humble policemen.” The one minute video displays a news clip of Alberto Pizango, the president of the Interethnic Association of Development of the Peruvian Amazon (AIDSEP) and leader of the protests, declaring insurgency against the government. It proceeds to stage images of what appear to be “war-crazed” indigenous protestors, holding spears, juxtaposed against photographs of brutally beaten and massacred police officers. As these graphic images are displayed in the foreground, the video boldly announces that indigenous peoples want to hold Peru back, they want to prevent “Peruvians” from benefiting from the gas and petroleum from “their” subsoil. The spot ends with “May the Fatherland not forsake progress.”²

President Garcia, in addition to the video, made a series of declarations explaining the conflict and violence. For Garcia, indigenous manifestations against the government are due to the influence of outsiders: “It is really quite simple,” says Garcia, “who benefits from this situation?” Suggesting that the conflict was created by petroleum exporting countries, Garcia argues that “these the countries [i.e. Venezuela and Bolivia] want to keep Peru from becoming a Petroleum exporting county. They want to detain Peru!” President Garcia’s comments, moreover, were also pointed at indigenous peoples from the Amazon region:

These [native] persons are not first class citizens. 400,000 natives cannot tell twenty-eight million Peruvians that they do not have the right to come to the Amazonia [to develop natural resources]. This is a terrible error. Whoever thinks like this wants to take us to irrationality, to the *primitive backwardness of the past*.³

² This video spot can be accessed at www.youtube.com/watch?v=JDVgw4pbHEk.

³ This video can be accessed at <http://www.youtube.com/watch?v=rlj6XBa7pAE>.

Garcia's framing of indigenous peoples as primitive, irrational, and backwards suggests that this tragic event was the fault of "irrational natives," who are not only manipulated by outsiders, but are patently anti-development and against the "progress" of Peru.

Not surprisingly, the indigenous version of the tragedy at Bagua differs dramatically. An interview conducted by reporter Milagros Salazar with Awajún leader Salomon Aguanash, the president of the regional protest committee that led to two-month demonstration in Bagua, reveals not only a distinct account of the event, but a categorical rejection that indigenous peoples are anti-development. For Aguanash, the National Police Force (and, DINOES⁴, the special forces unit) had express orders to "shoot to kill." For the Awajún leader, more than three thousand protesters were tricked by the police. General Víctor Uribe, the local police chief, had promised the night before to give the protesters until 10:00 a.m. the next morning to end the blockade and return to their villages. "They wanted to catch us off guard," Aguanash reported to Salazar. Paraphrasing the indigenous leader, at 5:00 a.m. the police surrounded the hillside and started to shoot. Two Awajún brothers and a prominent leader from Alto Marañón were shot. Then, ten to fifteen minutes later, three helicopters arrived and started shooting, throwing tear gas and devices to set fire. "If you look at the photos, you can see bodies are burnt," Aguanash told Salazar. The indigenous leader agreed that some indigenous protesters did react violently, but it was only *after* they witnessed the "killing of their brothers."

⁴ This is the National Direction of Special Operations of the Peruvian National Police, in Spanish, la Dirección Nacional de Operaciones Especiales de la Policía Nacional del Perú (DINOES). This special unit was sent in to break up to blockade.

In the interview, Salazar asked Aguanash to respond to Garcia's claim that the death of the police officers at the hands of Amazonian natives was "extreme savagery." His answer is telling: Indigenous people feel "marginalized and indignant after losing so many indigenous brothers and sisters and so many brothers among the police, who we had nothing against." He emphasizes that it was not the fault of the policemen, but of the central government, who gave the orders. Moreover, Aguanash rejects the idea that the tragedy happened because of the influence of other countries: "if that were true, we would have been armed. We are poor people, and with these words the government is mistreating us." According to Aguanash, the culprit is a "stubborn government" that refuses to repeal the decrees.

Aguash, in addition, categorically rejects the notion that indigenous peoples are anti-development or opposed to progress. His answer not only exemplifies indigenous perspectives on development, but draws attention to many of the issues surrounding the broader conflict between indigenous peoples and the Peruvian government over natural resource development in the Amazon region:

We are not opposed to development, and we want progress. But for a long time they have ignored and marginalized us as if we belonged to other countries; they have not taken us into account. They have brought us neither agriculture nor economic development with their projects and initiatives. The country has committed a huge mistake by electing Alan Garcia for the second time. With his policies, he treats us as if we were terrorists. I repeat, we are not opposed to development, but it cannot be designed by the men in suits and ties in the cabinet of ministers, but must take into consideration the United Nations Declaration on the Rights of Indigenous Peoples, the ILO (International Labor Organization) Convention 169, and the Constitution. We do not accept the kind of "development" that the president offers us, because it is not sustainable and it threatens the Amazon rainforest, which is humanity's heritage (Salazar 2009a).

The difference between Garcia's framing of indigenous protest and Aguanash's response foreshadows the main questions that this dissertation addresses: Why does the Peruvian

government frame indigenous peoples as anti-development? What is the government's approach to natural resource development? What are indigenous perspectives on development? And, most importantly, is there room for reconciliation in order to create a development approach that is more humane and sustainable?

To answer these questions, this dissertation examines the case of hydrocarbon development policy in the Peruvian Amazon. Hydrocarbon development is an especially useful topic to address these questions for a few important reasons. First, the extraction of oil on indigenous territories is symbolic of modern development and, consequently, elicits intense feelings of support and opposition. The government, for example, frequently touts their plans to turn Peru into an exporter of oil so that Peru can join the ranks of modern, industrialized countries. For indigenous peoples (and environmentalists), oil development conjures up images of greedy transnational companies that see the Amazon region as a place to enrich themselves at the expense of indigenous culture and the environmental integrity of the area. And, as this dissertation will explain, much of the protest against the legislative decrees (much broader in scope) revolved around images and symbols of hydrocarbon development.

Secondly, the Peruvian government is currently engaged in the most aggressive expansion of hydrocarbon development in the country's history, which is largely concentrated in the Amazon region. For example, in a relatively short time span government policy has led to a staggering increase in hydrocarbon development in the Amazon region. In 2004, approximately 13 per cent of the region was slated for oil and gas exploration, where by 2007, that number had skyrocketed to 70 per cent. Today it is near 80 per cent. In 2009, there were 92 oil and gas contracts in force. Private

investments amounted to U.S. \$797 million⁵ (also see Finer and Orta-Martínez 2010a). The majority of oil and gas concessions overlap indigenous titled territories, indigenous reserves for “isolated peoples,” territorial reserves, and other environmentally protected areas. (Finer and Orta-Martínez 2010b, p. 1-2). This, not surprisingly, has created a backlash amongst indigenous groups, who feel particularly threatened by the government’s aggressive hydrocarbon agenda.

Thirdly, hydrocarbon policy is part of Peru’s natural resource (extractive) policy regime, which includes a much broader set of development policies, including mining, forestry, and bio-fuel exploitation. The legislative decrees, the source of indigenous protest in 2008 and 2009, were designed to open up the region to private investment to better utilize the region’s natural resources for national development. Therefore, both the government’s advancement of its hydrocarbon agenda in the Amazon region and indigenous resistance to government policies are part of a larger debate on modern development in the region. An examination of the conflict over hydrocarbon development in the Amazon region is, as a result, linked to broader issues of development throughout Peru and Latin America.

Finally, hydrocarbon development, similar to other extractive industries, provides the opportunity to learn about how development works at different levels (and scales) of public policy implementation on indigenous territories. Given that hydrocarbon concessions are awarded to private entities by the Peruvian state that are located on indigenous territorial spaces (villages, protected areas, etc.), this provides fertile terrain to study how the government interacts with indigenous peoples at these distinct levels. It is

⁵ For the most up to date statistics on hydrocarbon development go to www.perupetro.com.pe

also the place where important international conventions and agreements like the ILO Convention 169 (1989) and the UN Declaration of Indigenous Rights (2007) are implemented. For example, these agreements, both to which the Peruvian government is a signatory, require that indigenous peoples obtain Free, Prior, Informed Consent (FPIC) before development takes place on their land. Hydrocarbon development, thus, provides an important venue to study these development-related issues.

Theoretical approach

The ultimate objective of this project is to push for an alternative development approach, one that is more environmentally sustainable and humane. The government's approach to hydrocarbon development, I argue, is based on a historic (mis)treatment of the Amazon region as an empty space to be utilized for the benefit of national development. Indigenous peoples, currently, are seen by the government as obstacles to modern development, not only manipulated by outsiders, but fundamentally misguided in their approaches to development. This viewpoint, I argue, is an example of the government's logic of development, one that has in fact been alive within the Peruvian state since colonial times. This logic has led to a development policy that is environmentally unsustainable, that marginalizes indigenous viewpoints, and that is ultimately responsible for the violence described in the opening paragraph. In this context, my project contends there is an urgent need change the paradigm of natural resource extraction on indigenous territories.

This change requires an alternative theoretical approach to development, one that is capable of de-colonizing public policy. This, I argue, is especially important for any development-related issue or problem that involves the indigenous peoples of Latin

America. Such a realization is not lost on contemporary indigenous observers. According to Marin Edward Anderson, the president of the Midwest Association of Latin American Studies and contributor to U.S. State Department reports on indigenous rights:

The struggle for the liberation of the estimated two hundred and fifty million individuals belonging to five thousand distinct indigenous communities in 70 nation-states around the world is arguably the final frontier, and the unfinished business, of more than a century long—or more than two centuries long, if the U.S. revolution is the starting point—process of global de-colonization (Anderson 2010 p. 1)

Anderson argues that much of the work of de-colonization still needs to be done and criticizes the Obama government for, in effect, “sitting on the sidelines” on some of the most pressing issues relating to indigenous peoples and modern development. Mostly importantly, Anderson points out that the legacies of colonialism are still very much present in contemporary development problems and issues. With Anderson, my project takes the position that in order to resolve contemporary conflicts over modern development on indigenous territories it is necessary to engage in a de-colonizing of public policy decisions surrounding natural resources.

In this context, the theoretical optic of this dissertation is multifaceted. I combine the use of an alternative decolonial approach to sustainable development of natural resources with an understanding of indigenous voice in the context of New Social Movement Theory (NSMT). This approach re-frames the political and environmental debate around extractive development and explains why (and how) the government misrepresents indigenous peoples. It then identifies promising policy directions and alternative notions of sustainable development. In this case, I argue that it is essential to redirect contemporary framings of development as a left (socialism) versus right (neoliberalism) problem towards an approach that emphasizes the colonial legacies of

natural resource development. Here I turn the modernity/coloniality as an alternative theoretical lens to explain the conflict (and tension) between indigenous peoples and the state (or government) and to highlight an alternative conceptualization of sustainable development.⁶ Modernity/coloniality and its logical extension, decoloniality, thus provides an analytical bridge to connect the study of social movement conflicts to the application of more sustainable public policy in natural resource development.

To carry out this bridge-building exercise, I draw from various threads within the subfield of comparative political science. In line with much of the state-society literature, this project rejects the idea that states can be reduced to aggregates of individual actors in which political outcomes are explained simply by cultural values (Almond and Verba 1963), class conflict (Lipset 1960), and elite rule (Dahl 1961). As such, with much of the literature that sought to “bring the state back in” to political analysis (Evans, Rueschemeyer, and Skocpol 1985), I treat state institutions as an analytical tools and, at times, as (semi) autonomous actors. However, because state-society interactions are, indeed, complex (see Mitchell 1991, 2002) my project identifies closely with neo-institutional approaches to the study of politics. Sensitive to the critiques of an all powerful state, these approaches recognize the microfoundations of political behavior and the influence of institutions and structures on political behavior. In other words, agents and structures are both independent and dependent variables, which suggests that it is

⁶ Here I use, sometimes interchangeably, both the term government and state. The government (i.e. the Alan Garcia government) refers to the administration currently in power. Garcia is the president, head of the executive branch, and thus able to direct public policy. In this case, as head of the executive, he controls the bureaucratic apparatus that directs hydrocarbon development policy. The state, from a basic Weberian notion, includes the institutions that, in theory, have a monopoly of violence and coercion over a geographically bounded territory. The Garcia government is part of the Peruvian state, but is, of course, not the entirety of the state apparatus.

important to study the relationship between individuals, groups, and institutions, yet maintain a close eye on the political context in which both individual and collective actors operate (see Ostrom 1990, 1993; Lane 1997, Thelen 1999, Kohli, Moon et al. 2003, Kohli 1986, 2004).

The ultimate goal of pursuing a decolonization of public policy in natural resource development requires a more comprehensive understanding of indigenous social movements. Here I draw from literature on contentious politics and social movements. Tarrow defines contentious politics as “collective activity on the part of the claimants—or those who claim to represent them—relying at least in part on non-institutional forms of interaction with elites, opponents, or the state.” Within this context, social movements, according to Tarrow, are defined as “sustained challenges to powerholders in the name of a disadvantaged population living under the jurisdiction or influence of those powerholders” (1996, p. 874). Social movement literature, as these definitions indicate, treat movements as significant players in the social order that, given the right circumstances, could affect policy change and represent a serious challenge to powerholders (Tilly 1978, McAdam 1982, Tarrow 1998).

In this study, the IMPA, a “new social movement,” represents a fundamental challenge to the ability of the Garcia government, “the powerholders,” to carry out its development policies in the Peruvian Amazon. New Social Movement Theory (NSMT), influenced by European scholarship (Torrain, Melucci, Habermas), concentrates on the newness of collective action, arguing that many contemporary movements and issues are not simply based on the redistribution of material resources, but on the new structures in post-industrial society (see Buechler 1995, 2000). New social movements, as such, are

elusive and diffuse in character, often organized around identity claims. For NSMT scholars, race, ethnicity, sexual orientation, gender, environmental concerns, and age are more accurate ways to identify these movements than class-based descriptions (Melucci 1980, 1984; Offe 1985; Melucci, Keane et al. 1989; Escobar and Alvarez 1992; Buechler 1995).

From the perspective of NSMT, the existence of the IMPA is largely due to cultural variables. However, different than the early behavioralists (i.e. Almond and Verba, Lipset), for NSMT, indigenous “culture” is multivariate and thus related to postmaterial values concerning territory, natural resources, and the environment. In fact, as many scholars of indigenous movements have suggested, indigenous claims are often difficult to categorize given their diverse nature, which frequently include ethnicity, land, environment, and political autonomy (Lucero 2003, 2008; Dean and Levi 2006; Andolina, Radcliff, Laurie 2005; Laurie, Andolina, Radcliffe 2003; Laurie, Andolina, Radcliffe 2005). In this dissertation, recognizing the contributions of NSMT to explain important aspects of indigenous movements, I use SMT to help articulate the emergence of the IMPA, its principal values, and the strategies and operational mechanisms that it has used to challenge to state’s hydrocarbon development policy. Following the tradition of Charles Tilly (1978), I focus on the “political opportunity structures” that help to understand the conditions for mobilization and the framework for collective action and then, in terms of strategy, examine the way that the IMPA has been able to frame conceptualizations of territorial rights. As a result, with SMT scholars that examine the relationship between movements and states (McAdam 1982, 1996; Tarrow 1998; Della

Porta and Diani 2006), I argue in Peru that the emergence and continuity of IMPA depends on certain kinds of institutional arrangements.

Because the central focus of this dissertation is the IMPA, I am heavily indebted to the work of scholars, especially political scientists, that have studied indigenous movements in Latin America. Three of the most important contributions here are from Alison Brysk (2000), Donna Lee Van Cott (2000; 2005; 2008) and Deborah Yashar (1998; 1999; 2005, 2007). Brysk demonstrates how indigenous actors have been able to exercise influence when they project meaning across international borders. Drawing from social movement theory, international relations, and ethnic studies literature she argues that indigenous people have “used global symbolic appeals and normative reconstructions of international forces to transform their own lives and to pioneer a new form of politics” (2000, 2). These identity-based movements, she asserts, do more than just inspire, they have been able to rewrite power relations and transform state practices. Van Cott, who directly addresses the incorporation of indigenous political actors into the modern state, examines how and why some indigenous movements have “evolved” into political parties, while others have not. Similar to much of the literature, she finds that institutional changes, party system changes, and social movements factors were all part of the reason that ethnic parties emerged (Van Cott 2005). Yashar, who pays close attention to institutional factors, finds that indigenous movements succeeded in part because of what she describes as changes in citizenship regimes. In addition to institutional factors, like Brysk, Yashar argues that indigenous movements emerged because of transcommunity networks, and political associational space, suggesting a give and take between local resources and political opportunities (2005, p. 8).

Whereas the emphasis of this literature is on explaining the success or failure of indigenous movements to emerge as viable political actors within the modern political system, the objective of this dissertation is to think about how indigenous resistance (and concerns) might translate into public policy. That said, within the context of this conflict, I turn to modernity/coloniality to examine state and indigenous perspectives on development, which, I argue, is necessary in order to rethink natural resource development in the Peruvian Amazon. This approach, as mentioned, offers a necessary refraction of conceptualizations of development that in Latin American political debates often get placed on a left/right continuum, with socialism and (neo) liberalism as the extremes. The problem, especially relevant for indigenous peoples, is that this left/right spectrum does not adequately address the contemporary colonial legacies that are still very much a part of Latin America's (extractive) natural resource development paradigm.

The modernity/coloniality approach is inspired by a diverse group of Latin American scholars, many of whom work in U.S. and European universities. Walter Mignolo (an Argentine theorist currently at Duke), Anibal Quijano (a Peruvian sociologist), and Enrique Dussel (an Argentine historian teaching in Mexico) are three of the group's most prominent contributors, but several others, including Arturo Escobar, Santiago Castro-Gomez, Ramón Grosfoguel, and Catherine Walsh have made significant contributions. I address, in more detail, the theoretical underpinnings of modernity/coloniality in Chapter V. However, as Escobar states, the driving force of the group is "a continued reflection on Latin American cultural and political reality, including the subaltern knowledge of exploited and oppressed social groups" (Escobar 2007, p. 180). Modernity/coloniality is consequently an attempt to examine Latin

America's political and social problems from the perspective of the subaltern Other, a concept introduced by Gramsci, but most recognized by the work of postcolonial scholar Gayatri Spivak (1988).

It is important to emphasize, however, that, more than merely paying attention to subaltern perspectives, the modernity/coloniality approach works towards what Mignolo describes as *un paradigma otro* (an Other paradigm). This approach directly challenges the linear history of modern thought and scholarship, suggesting that another way of thinking is possible (i.e. new epistemologies), one that does not owe its origins to the great metanarratives of Christianity, liberalism, and Marxism. As Escobar writes, "it locates its own inquiry in the very borders of systems of thought and reaches towards to possibility of non-eurocentric modes of thinking" (Escobar 2007, p. 180). This project turns to modernity/coloniality precisely because of its potential for relocating the discussion of modern development away from the socialism/liberalism spectrum towards a perspective that highlights the colonial legacies of development.

The most relevant example of how the modernity/coloniality approach can be used to examine indigenous politics in Latin America is the work of Catherine Walsh, who examines indigenous and Afro-descendent movements in Ecuador. Walsh argues that new forms of indigenous politics have emerged in Latin American that are fundamentally different from the past political articulations that were based on class (and class-consciousness): According to Walsh:

the new politics of mobilization in discussion here depart from the agency of indigenous and black peoples themselves, taken as central are ethnic and racial differences as well as the recognition and rearticulation of what Mignolo refers to as *colonial difference*, that is, the intertwinedness of colonial legacies, subalternity, and ethnic/racial struggle (the italics are mine).

It is not ethnicity per se that defines these movements, rather it is a “strategic politization of difference—cultural difference but also the epistemic difference within it—focused on recognition, construction, confrontation, and transformation” (Walsh 2002, p. 63).

Walsh agrees that in Latin America indigenous social movements are identity-based, but more than reclaiming their own identity, they are constructing and shaping national identities. She includes the demands of the Zapatistas who are fighting for new conceptualizations of democracy, the Mapuches in Chile, and the Uw’a in Colombia and other groups that are fighting the “transnational extractivist (oil, mining, and timber) companies” in places like the Amazon river basin (Walsh 2002, p. 64). For Walsh, these movements are challenging the “very concepts, constructs, and institutions of the state, citizenship, democracy and the nation” and, at the same time, are disrupting ethnographic and development-based paradigms (Walsh 2002, p. 65).

It is from this vantage point that I apply the modernity/coloniality lens to the current conflict between the Peruvian government and indigenous peoples over hydrocarbon development in the Peruvian Amazon. Specifically, I use this lens not merely to examine indigenous perspectives on development, but rather to explain how the Peruvian government misrepresents indigenous viewpoints on development. More generally, modernity/coloniality helps to explain the history of indigenous resistance to the state’s extractive development policies, which is based on a dominant Eurocentric ways of thinking about natural resource development. Indeed, a decolonization of Peru’s natural resource development policies requires an inclusion of indigenous perspectives on development, however, it also obliges an understanding of the relationship between Eurocentric and non-Eurocentric perspectives. Modernity/coloniality provides this, which

then, I argue, opens up possibilities to advance alternative visions of sustainable development in Peru.

Broader impact and sustainable development

The Peruvian case is important from an environmental and policymaking perspective. The Amazon river basin is, of course, well-known for its global importance as the rainforest plays a critical role in regulating the world's climate. Deforestation, perhaps *the* single most important environmental issue facing indigenous peoples in the Amazon region, is responsible for more than 600 million tons of carbon per year or more than 25 percent of all carbon emissions, more than the U.S. automobile. Some scientist warn that, given current rates of deforestation, up the 50 percent of the could be severely damaged by 2020, which places in danger the sustainability of the entire world. In this context, the Peruvian Amazon is critically important, representing the fourth largest country in tropical extension on Earth and has the second largest national Amazon region, after Brazil (Finer and Orta-Martinez 2010a, p. 1). It is clearly one of the most biodiverse regions on the planet, containing multiple species of birds, primates, amphibians, and plant life. Further, the Peruvian Amazon still contains large, contiguous areas of primary rainforest (Finer and Orta-Martinez 2010b, p. 1).

More than 60 different groups of indigenous peoples live in the Amazon region of Peru, between 14 and 15 of which live in "voluntary isolation." Given Peru's biological and cultural diversity, the Peruvian Amazon currently has a vast system of 35 protected areas across the Peruvian Amazon. The desire to protect Peru's rich biological and cultural diversity, according to several studies, are related. Given the role of indigenous peoples in protecting the forests, some have argued that the loss of cultural diversity

translates into a loss of biological diversity (Toledo 2001; Sobrevilla 2008). According to these studies, this is not simply because indigenous peoples are considered good stewards of the environment (i.e. the “noble savage” argument), but because as marginalized peoples they generally lack advanced technology and access to capital markets are less reluctant to over-consume, as in Western societies or cultures (See Finer and Otram-Martínez 2010a, Toledo 2001, and Hames 2007). This dissertation specifically addresses the role of indigenous peoples in biodiversity protection and, more generally, in sustainable development policy in the Amazon region.

Achieving a balance between indigenous peoples rights, natural resource development, and environmental sustainability, while certainly not a new issue, is now recognized as part of sound public policy surrounding natural resource development. The latest United Nations Declaration on the Rights of Indigenous Peoples (2007), for example, recognizes that “indigenous knowledge, culture and traditional practices contribute to sustainable and equitable development and proper management of the environment.” In addition, as Loomis notes, not only good stewards of the environment, indigenous peoples’ holistic development perspectives might provide important insights into operationalizing sustainable development (2000, p. 893; Howarth 2007). In some parts of the world this is already happening. Fidler, for example, documents a case study in British Columbia, Canada where the Tahltan Nation is actively participating in environmental impact assessments (EIA) and negotiated agreements (NA), with the Canadian government and transnational mining companies and, as a result, they are producing more sustainable mining practices (2010, p. 234-244).

The case of hydrocarbon development in the Amazon region is an excellent opportunity to study the problem of operationalization of sustainable development policies and practices. For many reasons, governments often privilege short-term economic objectives over long-term sustainable development goals. Garcia's argument, to be detailed throughout this dissertation, is that modern development in Peru cannot be detained because of outdated ideologies held by indigenous peoples and environmentalists, who at all costs will prevent the use of natural resources in the Amazon region to the detriment of the nation. Hydrocarbon development, in other words, is a means to development for the government, while indigenous peoples are obstacles. In fact, inscribed in the Peruvian Constitution, the state is obliged to promote hydrocarbon development for the "achievement of the wellbeing of the human being and for national development (Law No. 26221). This issue is not limited to Peru as the fluctuation of commodity prices, the advent of new technologies, and the increasing pressure to acquire needed resources for development purposes dictate that governments will increase their attempts to search for natural resources in indigenous territorial spaces (Ross 2004a, 2004b, 2008, Schubert 2006).

In terms of oil development, many argue that the majority of the world's hydrocarbon resources have been discovered (the peak oil argument). Given the increase in world demand and consumption since the 20th century (China and India) and decreasing oil reservoirs, the potential for a peaking of conventional oil production increases the prospects for a world wide shortage of oil supply and, in turn, skyrocketing oil prices. To prevent a world wide crisis, the oil industry argues for major investments in new technologies and easier access to promising and remote territories. These territories,

often deemed as “commodity frontiers,” include regions like the Amazon rainforest, which, in relative terms, have remained largely unexplored for hydrocarbon resources. Consider the Peruvian Amazon. Peak oil was reached in 1979 (129,000 barrels/day) and since there has been a steady decline in oil extraction. However, the rise in oil prices in 2003 to 2008 caused a “second oil exploration boom” that led to a significant increase in oil exploration and, most importantly, a re-evaluation of the Amazon region as an area of financial feasibility. As Finer and Orta-Martínez argue, as oil prices rise, more and more of the Peruvian Amazon is likely to be set aside for hydrocarbon exploration and exploitation in the future (2010a, p. 2).

As this scenario indicates, government hydrocarbon policy will likely lead to increased conflict between indigenous peoples and the state in the Peruvian Amazon. Furthermore, as the government’s hydrocarbon policies are part of his larger development objectives, conflicts over natural resources will not be limited to hydrocarbon development projects. These conflicts must eventually be resolved. Furthermore, if sustainable development objectives are ever to be met, the resolution of these conflicts must be based on improved public policy that not only involves more desirable environmental outcomes, but includes indigenous demands and concerns. However, given the Peruvian government’s (colonial) history of natural resource development in the Amazon region, as stated, there is a need for an entirely new paradigm of resource extraction in indigenous regions. This dissertation argues that government’s approach to development has always been based on the need to pacify and, in a sense, “tame” the region for development. In this context, Amazonian peoples, seemingly always in the way of development or progress, have been subject to harsh and cruel labor practices,

they have been the object of Christian missionaries' desires to "save" their souls, and currently they are seen as objects to Garcia's plans to modernize Peru. This dissertation works toward a new development paradigm, one that is more humane and sustainable.

Intellectual merit

While a significant piece of this dissertation advances the value of an alternative theoretical lens, the intellectual merit of this project is tied to its practical application of the implementation of sustainable development policies. In a recent review of the literature on sustainable development, Jabareen notes that there is a "lack of a comprehensive theoretical framework for understanding sustainable development," and that there is little agreement on how it might be translated into practice. In some cases, sustainable development is used as "symbolic rhetoric," so that particular interests are able to utilize it to serve their own interests, rather than to create sound public policy (2008, p. 180). This kind of rhetoric is quite evident in the Peruvian case especially as it relates to the inclusion of indigenous peoples in the hydrocarbon development process. While this point will be explored in detail throughout the dissertation, my project is designed to fill what many scholars describe as an "implementation gap" between sustainable development objectives (including indigenous rights) and policy implementation.

This implementation gap is evident in the literature on development. It is important to note that the issue of development has been tackled from multiple perspectives, leading to an understanding that development is not only a contested concept (Escobar 1995, Ferguson 1990, Peet and Hartwick 2009), but that actors understand the notion of development differently (Gow 2008, Wainwright 2008). However, while scholars have explored the multiple meanings of modern development,

little work has been done on the impact of these development notions on the formation and implementation of natural resource development policy. Much less work, furthermore, has been done that explains how these different development concepts affect the incidence of environmental conflict. In this case, how do distinct conceptualizations of development relate to Garcia's misrepresentation of indigenous viewpoints on development? As such, the study of distinct visions of development opens up the potential to link critical theoretical discussions on development to practical policy solutions, thus, dealing with this implementation gap.

This project also seeks to fill a gap in the literature related to Peruvian indigenous social movements. The literature on indigenous social movements in Latin America tends to place Peru in the category of "weak" or "failed" indigenous movement, especially when compared to similar movements in Bolivia, Ecuador, and Guatemala.⁷ Peru, like these countries, has a significant indigenous population⁸ (40 percent or more), but has not developed large-scale national indigenous organizing. According to Yashar, despite a rich history of indigenous organizing and resistance, "Peru has experienced no comparable period of widespread indigenous movement organizing"⁹ (2005, p. 224). Equally, Van

⁷ For an interesting discussion, and a recent PhD dissertation, on weak indigenous movements and parties see Rice, Roberta Lynne (2006).

⁸ According to the Economic Commission on Latin America, in 2000, there were 8.5 million Peruvians that identified themselves as indigenous, which represents 32 per cent of the population. Some studies place the population much higher.

⁹ Yashar describes the impact of organized guerrilla movements supported by large indigenous populations such as Sendero Luminoso and the Tupak Amaru Revolutionary Movement (MRTA), which were Marxist/Maoist-inspired, did not advance indigenous claims, and largely sought to eliminate indigenous identity (p. 224, 247; Also see Van Cott p. 151). Yashar explains weak indigenous movement in Peru as a result of the weakness of transcommunity networks and political associational space (p. 225). According to Van Cott (2005), weak movements were the result of the lack of resources to take advantage of a open political and institutional environment (p. 140).

Cott states that despite cases that resemble indigenous movements in Ecuador and Bolivia, “no viable ethnic party has emerged in Peru to represent the politically excluded population” (2005, p. 140; 2001). Brysk, also places indigenous movements in Peru in the category of weak movement, suggesting that the predominance of class-based identities, trumping ethnic ones, have led to policies that adversely affect indigenous peoples, including partly why the government has been able to open up the Amazon region to foreign national oil companies (2000, p. 268). In short, according to the majority of the literature, Peru has not developed a viable indigenous movement at a national level¹⁰ (see also Warren and Jackson 2002; Langer and Muñoz 2003).

Interestingly, however, while the indigenous movement is portrayed weak at a national level, the indigenous movement in the Peruvian Amazon region is framed as a success at a regional (or subregional) level, where ethnic identities take a formidable role. Yashar, for example, describes the indigenous movement in the Peruvian Amazon as a “subnational variation,” arguing that the Amazon region has provided a regional enclave for indigenous organizing. Citing Dandler (1998), Yashar reports that up to 85 percent of indigenous peoples in the Amazon region are affiliated with organizations that belong to some type of ethnic federation (p. 251). Following the demographic patterns of Ecuador and Bolivia, the indigenous population in the Peruvian Amazon is relatively small, but extremely diverse. According to the latest census, there are at least 60 ethnic groups in

¹⁰ There are scholars that disagree with this framing. For example, Garcia and Lucero, in “Un País sin Indígenas?: Rethinking Indigenous Politics in Peru,” argue that the Peruvian “failure” is more the result of “frameworks and models used by scholars and advocates of indigenous movements” rather than a precise description of the complexity of indigenous politics in Peru (2006, p. 158-159). Van Cott also contends that the “weakness” of a national indigenous movement in Peru is an exaggeration (2001, p. 143.) In personal interviews with indigenous peoples from the Amazon region, many, in fact, agreed that the indigenous movement nationally was an abject failure.

the region, approximately 333,000 indigenous individuals, which constitutes around nine percent of the Amazonian population. For Van Cott, indigenous peoples from the Amazon region have successfully been able to integrate these multiple ethnic communities in the region into a single, modern social movement organization (p. 158).

Today, the Amazonian indigenous movement is grouped into two large decentralized federations: the Interethnic Association of Development for the Peruvian Amazon (AIDSEP) and the Confederations of Amazonian Nationalities (CONAP). AIDSEP is the more formidable organization, including fifty seven federations and territorial organizations, grouped into 16 linguistic families, which represent 1,350 communities.¹¹ According to Yashar, at one point, these federation could speak on behalf of 93 percent of all titled communities in the Peruvian Amazon (p. 251). AIDSEP was also instrumental in creating COICA (Coordinator of Indigenous Organizations of the Amazonian Basin) in 1984, which is a trans-regional indigenous organization made up of Amazonian indigenous organizations from Peru, Ecuador, Bolivia, Colombia, Brazil, the French and English Guayanas, Surinam, and Venezuela. As of 2002, CONAP, the relatively weaker organization, had approximately 35 affiliated federations (Van Cott 2005, p. 159.)

While the objective is not to challenge the existing literature on the “success” or “failure” of the Peruvian indigenous movement, this dissertation does highlight the remarkable success of the IMPA to impact development policies at the national level. This will be detailed throughout the dissertation, but here are a few important achievements that are worth mentioning here. The Amazonian protests of 2008 and 2009

¹¹ See AIDSEP’s website at <http://www.aidesep.org.pe/index.php?id=2>. Assessed January 2010.

pressured the Peruvian government (and the Congress) to repeal at least nine of the legislative decrees and certain “special projects” that, according to indigenous groups and legal experts, were in violation of ILO 169, the UN Declaration on Indigenous Rights (2007) and several of Peru’s own constitutional provisions. These massive protests in the summers of 2008 and 2009 included the participation of thousands of Amazonian indigenous peoples, but also Andean indigenous groups, multiple NGOs (environmental, human rights, workers, church, etc.), and many other Peruvians, including some state institutions, that sympathized with the IMPA. Thus far the IMPA, with the help of multiple sectors of Peruvian society, has been able to repeal four of the most controversial decrees. Furthermore, the AIDSEP has (formally) entered into a strategic alliance with Andean indigenous peoples, which included the Peasant Confederation of Peru (CCP), the National Agrarian Federation (CAN), and the Confederation of Peasant Communities Affected by Mining (CONACAMI), which could turn the Peruvian indigenous movement from a weak to a strong movement. According to Gerardo Rénique, the Amazonian uprising has “redrawn Peru’s political landscape” and “made the Amazonian peoples the most important actor in this political juncture” (Rénique 2010, p. 117).

Roadmap

The relative success of the IMPA, however, must be juxtaposed against the formidable challenge of decolonizing natural resource policy in Peru. As Anderson suggests, much of the work of decolonization is still pending. In this vein, the conflict between indigenous peoples and the Peruvian state (and the Garcia government), very much a product of history, continues to define indigenous-state relations today. As a

result, in spite of the IMPA's successful protests, hydrocarbon and other natural resource development projects continue and, most importantly, indigenous peoples are still very much marginalized in Peru's development policies. In other words, in spite of the IMPA's recent success, the fundamental relationship of a dominant state and a colonized peoples remains intact.

In this context, the objective of this project is to fully engage in the case of hydrocarbon development not only to explain government and indigenous perspectives on modern development, but to suggest alternative natural resource policy designs that work to change this relationship. The pathway towards this goal starts with the historical and institutional legacies of extractive development in the Peruvian Amazon and ends with policy recommendations that will advance alternative visions of development in Peru.

Chapter II and III, drawing from neoinstitutional insights, establish the historical and institutional context of extractive development in the Amazon region of Peru. Similar to Migdal's "state-in-society" approach, the idea here is to examine the Peruvian state within its social setting, to disaggregate the way that the state works to implement hydrocarbon development on indigenous territories, and then to rethink conceptual categories related to the state (Migdal 2001, p. 1). I argue that, in this case, it is necessary to examine the (long) history of extractive development in the Amazon region, which demonstrates that, in fact, there is much continuity between the historical legacies of extractive development and the current natural resource development regime in place today. Moreover, as these two chapters argue, the modern institutions surrounding hydrocarbon development are a product of the historical relationship between the state

and the Amazon region, where the state has historically envisioned the region as space for national development. This, of course, has had a profound impact on the lives of indigenous peoples living in the region.

Chapter II focuses on the history of extractive development in the Amazon region, especially as it relates to the institutions surrounding “modern” development and their impact on indigenous peoples. More specifically, this chapter explains the fundamental tension between “modern” development and indigenous territorial rights, which began with the first colonial encounters between Europeans and Amazonian peoples and, in many respects, continues to define the relationship between indigenous peoples and the state. Crucially, the institutions that regulate modern development today in the region are the product of this very tension and largely explain why indigenous peoples are still marginalized and excluded from Peru’s natural resource policy regime today. Again, the emergence of these institutions is the result of a (historic) national agenda that has permanently envisioned the Amazon region as an empty space for “modern” development.

Chapter III, also based on a neoinstitutional approach, examines the Garcia government’s development agenda in the Amazon region, focusing on the institutions that are responsible for implementing hydrocarbon development and, critically, on the impact that hydrocarbon development has had on indigenous territorial spaces and on the environmental sustainability of the region. Again, drawing from Migdal’s insights that argue for a “disaggregation of states as objects of study,” here one is able to explain how Peru’s institutional framework to implement hydrocarbon development is part of Peru’s colonial legacies that emphasize extractive development. In this context, though Garcia’s

policies are consistent with a neoliberal agenda, in reality, they are simply an extension of Peru's colonial development logic. This disaggregation, as Migdal argues, then permits a rethinking of conceptual categories related to the state (Migdal et. Al. 1994).

In this context, chapter III details how this colonial logic, based on the notion that the Amazon region is an “empty” space for national development, explains a history of indigenous marginalization from Peru's development policies in the region. As the IMPA argues, this development logic has led not only to the progressive deterioration of indigenous territorial rights, but has created policies that place at risk the environment sustainability of the region. This chapter explains how the current institutional framework to implement hydrocarbon policies on indigenous territorial spaces, in reality, works to marginalize indigenous peoples from the entire decision-making process of hydrocarbon development. In some ways it is remarkable how the Peruvian state, on the one hand, claims to regulate the social and environmental impacts of hydrocarbon development, yet, on the other hand, violates indigenous rights to Free Prior Informed Consent (FPIC) (established in ILO 169) and undermines the necessary safeguards to protect the environmental integrity of the region.

Chapter IV explains the indigenous response to the government's development agenda and to hydrocarbon policies in the region. In this chapter, using the social movement literature, I detail the emergence of the IMPA, demonstrate the importance of indigenous conceptualizations of territory, which I argue are the main thread for understanding the motives (and identity) of the indigenous movement today, and engage in thorough discussion of the IMPA.

I look specifically at the protests of 2008 and 2009, detailing the tactics and actions to confront the government's hydrocarbon development policies.

Chapter V introduces, in detail, modernity/coloniality as an alternative theoretical lens, which I argue explains the government's development approach and details why the government misrepresents indigenous perspectives on development. Here, moving towards a possible decolonization of natural resource policy, I suggest ways in which an alternative development policy notion of decoloniality is expressed in indigenous society and in the IMPA. Decoloniality, I argue, challenges Eurocentric development and reveals a more sustainable approach to modern development.

Chapter VI examines some of the current obstacles and political opportunities to advance indigenous development goals in Peru as well as ways in which the state might begin the process of decolonization of the natural resource policy regime in Peru. Here I will examine the current political landscape, suggesting possibilities and opportunities to change the laws and practices that might affect indigenous autonomy in the making and implementation of development policies. I will also look specifically at some of the work in which the indigenous movement is currently engaged as suggest opportunities, roadblocks, and leverage points in the policy system that might advance indigenous goals.

Methodology (research design)

This research is based on a single, in-depth case study that provides a detailed examination of the conflict between indigenous peoples and the state over hydrocarbon development in the Peruvian Amazon. Peters (1998) defines a case study as “anytime a researcher investigates a single instance of a phenomena within a single setting,” the

boudaries of which are notoriously “fuzzy” (p. 142). Gerring generally describes a case study as an in-depth study of a relatively bounded phenomena, where scholars are able to say something about a larger phenomena. In this context, a case study “is an intensive study of a single unit for the purposes of understanding a large class of (similar units)” (Gerring 2004, p. 342). Following this methodology, I will use this case to understand the broader theoretical context of relations between indigenous peoples and states in Latin America. More specifically, this case, “a single case study” about hydrocarbon development can be used to better understand cases related to other extractive development (i.e. mining and logging) and other cases about indigenous social movements throughout Latin America.

Much of the fieldwork was carried out on several trips to the Amazon region in 2007 and 2008. I engaged in participant observation in several meetings (and workshops) with indigenous groups (federations, regional organizations, and village-level organizations); conducted a series of interviews (structured, semi-structured, and individual, and group) with indigenous leaders, environmental activists, human rights leaders, and others; and carried out an extensive revision of a wide range of documents (policy statements, public pronouncements, newspaper articles, internet sites, etc.). As participant observer, I also traveled to Houston, Texas to study an indigenous protest of a government-organized promotional event to market Peru’s hydrocarbon investment opportunities.

It is also important to note that the conceptualization of this dissertation stems from nearly three years of working directly with indigenous peoples of the Ucayali region of the Peruvian Amazon. As a representative of the Fort Collins-based NGO, Village

Earth, I have taken several trips to the region, where I have conducted participatory development workshops, helped to facilitate the making of a participatory-documentary of the Shipibo, and worked with several development organizations to help the Shipibo deal with some of their most pressing needs. In 2008, on a Colorado State University research grant (the Gardner Travel Grant), I traveled to the region to conduct interviews with indigenous leaders, Peruvian NGOs, university professors, and others involved directly in the present conflict over hydrocarbon development in the region.

Defining “indigenous peoples”

Throughout this dissertation, to the extent that it is possible, I use “indigenous peoples” to describe the “original” Amazonian peoples of Peru. With José Martínez-Cobo, the special rapporteur of the U.N. Subcommission on the Prevention of Discrimination and Protection of Minorities, I rely (or agree) on the following definition:

Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of societies now prevailing in those territories, or parts of them. They form at present non-dominant sectors of society and are determined to preserve, develop, and transmit to future generations their ancestral territories, and their ethnic identities, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.¹²

This definition, consistent with ILO 169 and the UN Declaration on Indigenous Rights, importantly states that indigenous peoples are “indigenous” because of the historical experience of colonization. In Latin America, indigenous peoples are members of “non-dominant” sectors of society precisely *because* of the violent process of colonization, which not only dispossessed people of their land, but marginalized them as distinct (and inferior) cultures. It is therefore recognized that implicit in the term “indigenous,” largely

¹² This definition can be found at <http://www.iwgia.org/sw310.asp>.

a political concept, is the notion of self-identification as an oppressed group that is immersed in a struggle for self-determination (ECLAC 2006, p. 156).¹³

I also conscientiously use, when appropriate, the term indigenous peoples, as opposed to indigenous people (without the “s”). As Linda Tuhiwai Smith argues in *Decolonizing Methodologies*, the term peoples is related to the right of peoples to self-determination, which also emphasizes that there are differences within the indigenous collective (Tuhiwai Smith, p. 7). This is especially relevant in the Peruvian Amazon where there are more than sixty ethnic groups. In this dissertation, therefore, indigenous peoples (with the “s”) is meant to refer to the possibility of multiple indigenous groupings (i.e. Shipibo, Asháninka, Ashéninka, Machiguenga, Piro, Bora, Achuar, etc.). Although it is sometimes redundant, I try to stick with the term “indigenous” as opposed to “Indian” or “native,” given that for some indigenous people these are pejorative terms. In this case, given that the Peruvian government defines indigenous peoples from the Amazon region as “natives,” the use of “native” peoples is sometimes difficult to avoid.

¹³ In nearly all Latin American countries, “self-definition” is the principle criteria for establishing indigenous identity in censuses between 1970 and 2000 (ECLA, p. 158).

CHAPTER II. HISTORICAL AND INSTITUTIONAL CONTEXT OF EXTRACTIVE AND HYDROCARBON DEVELOPMENT IN PERU

Underlying this dream of tropical development, there is the classical political notion that the social and economic problems at home can be conveniently dealt with through the conquest of new territories. To justify this conquest, an official myth is created which demonstrates the existence of a vast, bountiful, productive, empty territory—the Amazon Basin—which awaits the enterprising individuals to settle it and harvest its riches.”

Richard Chase Smith. *El Instituto de Bien Común*. Lima Peru.

Introduction

This chapter examines the historical and institutional context of extractive development in the Peruvian Amazon region and explains how Amazonian indigenous peoples have been marginalized in and excluded from Peru’s national development policies. The story of indigenous resistance to extractive development in the Peruvian Amazon dates back to the first encounters between European colonists (and conquerors) and Amazonian peoples. The tension between colonial attempts to extract natural resources in the Amazon region for the benefit of “National Development” against indigenous peoples’ desires to protect the territorial spaces where they live is the main thread that still today continues to define relations between indigenous peoples and the state. The institutions that surround extractive development in the Amazon region emerge from this very tension. Consequently, in order to understand the present conflict between the Indigenous Movement in the Peruvian Amazon (IMPA) and the Garcia government it is necessary to examine the history of extractive development in the region and the institutional context that has emerged as a result.

This chapter draws on insights from Migdal's state-in-society framework in a two important ways. First, Migdal helps to understand the key relationship between the image of a state and state practices. Here he defines the state as

a field of power marked by the use and threat of violence and shaped by (1) the image of a coherent, controlling organization in a territory, which is a representation of the people bounded by that territory, and (2) the actual practices of its of multiple parts (Migdal 2001, p. 16).

The key conceptual distinction here is the *image* of a state placed against the actual *practices* of the state. The image reflects the state's (Weberian) character as a dominant, integrated, and autonomous entity that controls the population of a given territory, whereas the practices of the state reflect the actual performance or action of state agencies and actors.

This chapter, thus, pays close attention to the relation between the image of the Peruvian colonial state and the actual practices that colonial institutions performed in the Peruvian Amazon. In the Amazon region, this relation between image and practice is especially important for indigenous peoples who were often victims of colonial practices that were based on the need to extract resources for development purposes. Undoubtedly, these practices, reinforced indigenous peoples' image of the state as an exploitative entity. Migdal, in this context, writes that state practices sometimes reinforce the "mythicized abstraction" of the state (Foucault's notion of governmentality), but at other times state practices "batter the image of a controlling state" (Migdal 2001, p. 18-19.) This approach, therefore, enables one to negotiate the boundary (often fuzzy) between state and society, which is inherently complex. In the Amazon region, the relationship between practices and image is important because, while the state never gave up the

mission of colonizing the region (i.e. exploiting its natural resources), the practices that it employed to achieve that end changed quite radically.

Secondly, the state-in-society framework suggests that it is important to disaggregate states as objects of study. Given that states must be studied in the social contexts, Migdal writes that “it is important to study not only the peak organizations of states and key social groups, often located at the center of the polity in the capital city, but also state-society interactions at the periphery” (Migdal et Al. 1994, p. 3). This insight is critically important in this chapter given that, in the Amazon region, extractive development, especially in the colonial era, occurred precisely at the periphery of state-society relations. This is, in part, because of Amazonian resistance to the state’s endless colonization attempts, but also because it reveals the specific ways in which the state, in the name of extractive development, interacted with (and exploited) indigenous peoples. More importantly, given that this dissertation consists of the study of state hydrocarbon policy, it is crucial to examine (historically) the institutions that are responsible for carrying out hydrocarbon development.

Extractive development in the Amazon region: the “the myth of emptiness”

From the perspective of the Spanish crown, the Amazon region was a space to extract wealth, gain prestige, and save souls. Historically the “jungle” region has been associated with the idea of an empty, uncivilized space, inhabited by “wild Indians.”¹⁴ However, for Europeans, the process of colonizing the Amazon region was difficult and complicated, due in large part to a history of indigenous resistance, which kept the

¹⁴ Peter Gow (1993) in “Gringos and Wild Indians Images of History in Western Amazonian Cultures” discusses the imagery of the “wildness and savagery” that the region and its peoples took on. Much of this history was written by missionaries and travel writers, who have obviously influenced this imagery.

Amazon region generally free from European domination until the rubber boom in the late 1800s. This relative isolation undoubtedly reinforced preconceptions of the Amazon as an empty space, inhabited by uncivilized, inferior peoples.¹⁵

Early attempts at European colonization (as early as 1538) fuelled by the prospects of gold (el Dorado)¹⁶ for the most part failed due to indigenous resistance. According to historical accounts, indigenous peoples from the Amazon region (both the foothills and the lowlanders), were interested in trade with European (especially iron tools), but when Spanish settlers or missionaries attempted to colonize them, either through economic control (via slavery) or religious control, indigenous peoples strongly resisted. Taylor describes this process at the southern foothills of the Andes:

All along the southern frontier, the Indians tolerated new settlements with the hope of forcing the Spaniards into unequal trading relations, as they had done with the Inca¹⁷, and thereby obtaining iron tools. But as soon as the whites tried to enslave natives or push them back toward the interior, they were immediately expelled and frontier trade turned into pillage” (p. 209).

¹⁵ See Taylor (1999) for an interesting discussion on the influence of academia in this separation between Andes and Amazonian peoples (196).

¹⁶ According to Taylor, the first attempts to colonize the Amazonian region were motivated by gold prospecting (209) in the Zamora Valley and the Condor massif. According to Reeve (1993), the Diaz de Pinera in 1538-39 carried out an expedition in search of gold and cinnamon, to be followed by Francisco Orellano, to went down the Napo to the mouth of the Amazon in 1540-42 (114). According to Santos Granero and Barclay (1998), in the north (Jaen de Bracamoros) was founded in 1536 and Santiago de los Ochos Valles de Moyobamba was founded in 1540 and San Juan de Oro between 1540 and 1553 (p. 15).

¹⁷ Indigenous groups from the Amazon region had, to a large, degree successfully resisted the encroachment of the Inca empire into Amazonian land, which represents a source of pride for many indigenous Amazonian peoples today.

This pattern of resistance was consistent throughout the region: Amazonian peoples were interested in trade, as they had with the Incas, but as soon as they sensed white colonization attempts, they fought to protect their territorial spaces.¹⁸

In spite indigenous resistance, however, Spanish attempts at colonization of the region gradually took place from about 1537 until the rubber boom in the early twentieth century when a much more intense colonization process occurred. Based on extractive development, the first “successful” attempts at European colonization of the Amazon region were undertaken in the northeastern region between 1540 and 1580, surrounding the Marañón river basin, much of which is currently Ecuador. In this era, perhaps the most important colonial practice was the distribution of *encomiendas*. In this region, hundreds of *encomiendas* were distributed, bringing in a substantial influx of immigrants to the region.¹⁹ Taylor describes this “high level of colonization,” marked by “squalid and ephemeral boom towns” that likely resembled the *garampiros* of present day Brazil. These initial colonizers set the stage for what would represent a historical pattern of extractive development based on plundering, slaving, and the search for unfound riches (p. 211).

The defining feature of the colonial economic model at this moment was the extraction of the region’s natural resources through colonial practices that were based on

¹⁸ According to Reeves, the earliest recorded revolts in the region occurred in response to forced *encomiendas* led by Quijos shaman-caciques in 1579 in the northeastern Napo region. The Spanish, in this case, responded forcefully by capturing the leaders, taken them to Quito, where they were publicly tortured and hanged. Reeves writes about the constant indigenous responses to slave raiding in the Marañón region, where indigenous groups attacked Spanish towns. Between 1595 and 1615, accordingly, much of area was characterized by intermittent and hostile contact with the Spanish (p. 115)

¹⁹ Reeves describes Spanish colonization of the upper Hualla area in 1537 and other sites of early Spanish colonization in the Napo region in the 1560s (p. 114).

the harsh exploitation of indigenous labor. In the first years of contact (1538-1628) between Amazonian peoples and the Spanish, which produced Spanish towns along the base of the Andes (the *moñtana* or frontier region), indigenous populations were either forced into the *encomienda* system or were subject to constant slave raids. As Reeves alludes, during this period indigenous peoples came into contact with “explorers, soldiers, traders, slavers, and colonists bent on exploiting their labor” (Reeves 1993, p. 116-118).

The practice of distributing *encomiendas* was the foundation for the modern hacienda system in the Amazon. Different from in the Andes, in the Amazon the *encomienda* was designed to control indigenous labor. To be sure, colonists needed indigenous labor to extract natural resources, but indigenous peoples in the Amazon region were nomadic. Colonists either were forced to follow indigenous groups or to secure a land base. As a result, *encomenderos* and missionaries began to appropriate large areas of territory from where they were able to control and exploit indigenous labor.

Taylor comments:

The *encomienda* thus turned into a highly flexible, and hence durable, cover institution for the control of native labor, and many of the forms of exploitation developed in the late eighteenth and nineteenth centuries—the *reparto* system, the *hacienda*, and the outright or barely disguised slavery that resurfaced during the rubber boom—were in fact initially experimented with in the framework of the Amazonian *encomienda* (Taylor 1999, p. 214).

The origins of the modern hacienda system, therefore, were based on highly exploitative practices in a quest to extract region’s natural resources.

For indigenous peoples, the Christian missions did provided refuge against slave raids and the entire system of exploitative and dehumanizing labor. In fact, the exploitative nature of the colonial system, exposed by Bartolomé de las Casas, led to a new law, *Ordenanzas sobre nuevos descubrimientos y poblaciones* (Statute on New

Discoveries and Settlements), which established in 1573 “peaceful means” as the most efficient and effective means for both conversion and colonization (Santos-Granero and Barclay 1998, p. 19). None of this, of course, ended the slaving raids (or slavery in general), but it did lead many indigenous peoples to turn to the missionaries as a form of protection against slave raids and the abuses of the *encomienda* system.

However, the missionaries, even if they did provide some refuge for indigenous peoples, were directly tied to the extractive colonial system and, in reality, employed equally exploitative practices designed to control indigenous labor. In order to support themselves economically, for instance, missionaries engaged in salt, coca, and other extractive enterprises, which relied on indigenous labor. According to Taylor, for example, the role of the missions was to set the groundwork for the establishment of colonial institutions by “indoctrinating the Indians in the pedagogic virtues of work and riding them of their habits of ‘laziness,’ the root of their condition as savages” (1999, p. 219). Put differently, whereas the missions may have provided refuge, they engaged in a distinct colonial practice, one that was based on the conversion of indigenous peoples into Christian subjects so that they could become productive workers. In short, the missions became an integral part of a colonial economic system based on exploitation of indigenous labor and control of natural resources (Reeves 1993; Santos-Granero and Barclay 1998, 2000; Taylor 1999).

There were multiple attempts at establishing missionary conventions throughout the region (most unsuccessful)²⁰, but the Jesuits and the Franciscans dominated the

²⁰ According to Reeves, in one of the earliest missionary attempts, the Augustinians accompanied Diego de Vega in the first attempt to colonize the lowlands east of the Andes in 1618 (p. 116). According to Sanchez Majin, the Augustinians made an attempt

process after 1635²¹ until the Jesuits were expelled in 1768. While these missionary attempts did not create, as the Jesuits hoped, a nation of indigenous Christians²², they were able to establish many missionary villages along the major rivers. Described by Santos-Granero and Barclay as a “semi-forced concentration in mission posts,” the missionaries were obsessed with concentrating and settling indigenous populations in one spot (1998, p. 26). This, eventually, led to the creation of villages, towns, and haciendas that were heavily influenced by European political, social, economic, and cultural traits that in many ways continue to define indigenous Amazonian communities (Taylor 1999, p. 225-226).

It is also important to mention that demographically indigenous peoples were devastated by the spread of epidemics of European origin. Here is the case of the “relatively successful” Jesuit mission in Mainas. Taylor describes the effects:

The Jesuits determination to make their victims live in villages on the banks of great rivers, thereby exposing them to the full fury of the epidemics that hit the mission at least once a generation, as well as a very low birth rate and high endemic mortality rate linked to psychological stress, unhealthy living conditions, and malaria, all help to explain why the population in the missions region fell from some 200,000 in 1550 to 20,000 or 30,000 in 1730 (1999, p. 225).

Indicative of a general pattern throughout the region, in the Central *Selva* measles, smallpox, and influenza hit the mission populations, where in 1709, 1711, 1713, 1715,

in 1568, the *mercedarios* in 1572 to 1650, the Jesuits from 1650 to 1768, the Dominicans from 1768 to 1798, the Franciscans from 1750 to 1821 (p. 1-2).

²¹ Santos Granero and Barclay describe the process in the following way: the process from 1635 to 1742. The archbishop of Lima visited the city of Huánuco in 1626, where he baptized the chief of the Panatahua. This led to a succession of events that led to the missionary advance of the Amazonian frontier. In 1631, the Franciscans took on the task of converting indigenous peoples in the Huallaga basin. In 1635 the Franciscans entered the Selva Central via the Pozuzo River, later extending to Huánuco, Tarma, and Juaja (p. 27).

²² Taylor writes about the Jesuit desire to form a completely autonomous “Republic of Indians” (p. 227).

1718, 1721-1724 and 1736 – 1737 outbreaks with decimated entire populations, especially children (Santos-Granero and Barclay, 1998 p. 27).

Given these dire implications, it is not surprising that indigenous peoples resisted missionary life.²³ In many cases, indigenous peoples were initially attracted to the mission given that they provided food, shelter, and especially “modern” iron tools, which, considered by indigenous peoples as something that could improve their lives, were often used to lure native peoples into the missions. However, after time, many indigenous peoples found life in missions intolerable, not only because of the association of mission outposts with disease, but, given the imposition of daily life based on a rigid division of time and labor, it was for many what Brown and Fernandez describe as a negation of the “essence of Amazonian life” and a violation of their personal liberty. One indigenous runaway told a Jesuit priest that he ran away “so as not to endure many things such as asking for permission all the time for every little thing...and not to suffer my children being taken away by the priests such as you, so that I have not company when I walk in the forest because my children are in the convent” (Brown and Fernández 1991, p. 29-30).

One of the most successful cases of indigenous resistance was that of Juan Santos Atahualpa, who in 1742 effectively ended Spanish presence in the Central *Selva* for nearly a century. In a move against the monarch and the religious missions, Juan Santos declared himself the “true” Inca, descendent of Atahualpa, and manifested that he would expel the Spaniards and reestablish the Inca Kingdom throughout Peru. Educated in a

²³ In “rebeliones nativas en la amazonia peruana,” Dávila describes the process of indigenous resistance from 1579 to 1603, where in major and multiple rebellions occurred throughout the Amazonian region (1980).

Jesuit seminary, Juan Santos was not anti-Christian, declaring that he would put an end to the abuses of the Spanish overlords and the missionaries so that Indians could propagate their own version of Christianity (Brown and Fernández 1999, p. 44). The rebellion was supported by many indigenous groups throughout the Amazon region (especially the central region), where Ashánikas, Piro, Amuesha, Conibo, Shipibo, Yashena, and even some mestizos provided support (Brown and Fernández 1999, Santos Granados and Barclay 1998). Pursuing an aggressive campaign against the Spanish, Juan Santos in fact startled the Spanish in a series of military defeats. Within ten years, according to Varse, all of the traditional territories of the Ashánika, Piro, and Yanesha peoples had returned to native control (from Brown and Fernández, p. 49).

The rebellion of Juan Santos provides a glimpse of how throughout history indigenous peoples were willing to resist the forced imposition of European culture and the extractive development model. The degree to which this rebellion is etched in the colonial memory amongst indigenous peoples in the region is debatable²⁴, however, this story is part of a long history of the colonizers failure to understand indigenous peoples resistance, not simply to “modernity,” but more specifically to colonial attempts at the Europeanization of indigenous peoples. However, it was also an example, albeit brief, of a successful effort at indigenous decolonization. As Brown and Fernández explain, for many years,²⁵ the Spanish were worried that the movement might spread to the Andes region and therefore gave up on an aggressive reconquest of the central jungle.

²⁴ Brown and Fernández (1991) discuss the indigenous legacy of Juan Santos, especially among Asháninka stories.

²⁵ Drinot writes that after the rebellion of Santos Atahualpa the jungle was sealed to outside intervention for a century of more (2000, p. 170).

Discouraged by the success of the rebellion, one friar explained in particularly racist terms:

The damages caused by Juan Santos Atahualpa with his rebellion were innumerable..... One of the worst was that the native returned again to his primitive state of fierceness and savagery (Brown and Fernández 1991, 52). .

The Franciscans, obviously dejected, were not able establish a stable mission among the Ashánika until the mid-nineteenth century.

The rubber boom and the Peruvian state in Amazonia

In the late 1800s and early 1900s the Peruvian state, as an independent Republican state (1821), made its first major attempt to control, dominate, and colonize the Peruvian Amazon. In many ways, this period laid the foundations for the modern development model for the region, which continued to rely on the natural resource exploitation. The rubber boom was foreshadowed by a renewed interest of the state to colonize the region, marked by a “modernist” or “frontierism” zeal of the nineteenth century. It was also the period when the most brutal practices were employed to extract rubber. This left a mark on the entire region and, undeniably, reinforced Amazonian peoples’ image of the state as an exploitative entity. Set on exploring and rediscovering the Amazon region, the government sponsored exploratory expeditions designed to chart the area, describe the navigability of the rivers and tributaries, and document the extent of indigenous populations in the region.²⁶ This was preceded by several “pacifying”

²⁶ In 1867, for example, Peru created the Amazon Hydrographic Commission, administered under the Ministry of War and Navy, to chart the major northern and southern tributaries of the Marañón and Amazon rivers. (Santo Granero and Barclay 2000, p. 170-171). In a similar vein, the Sociedad Geográfica de Lima, founded in 1884, had set out to map the country’s natural resources, venturing into the “unexplored” Amazonian rivers and some of the highest peaks in the Andes (Drinot 2000, p. 155).

missions to the jungle, which, according to Drinot, would lay the foundations for the violence that marked the rationale of natural resource extraction (p. 170).

In this context, the government in 1800s began to create an institutional framework that would facilitate a policy for control and state occupation of Amazonian territories. In 1845 President Ramón Castilla passed a law that was designed to colonize the region. Amazonian lands were offered to nationals and foreigners to “civilize” indigenous populations and colonize the region. Indigenous people could, thus, remain on the land if it was properly cultivated and, if desired, it could be sold to more enterprising individuals. In 1893, the Law of Immigration and Colonization was passed to encourage only white people, mostly foreigners, to colonize the region. The Organic Law of Mountain Lands and the General Law of Mountain Lands (Nº1220), passed in 1889 and 1909, respectively, were again designed to provide Amazonian lands to nationals and foreigners for commercial purposes in order to pay to foreign debt or “services to the country.” These laws, which declared that the state is the owner of all Amazonian lands, as The International Working Group on Indigenous Affairs (IWIGIA) argues, did not even recognize the existence of Amazonian indigenous peoples as humans. Importantly, these laws were not overturned in the Amazon region until 1974, when the first significant attempts to create a legal framework for indigenous territorial rights took place (IWGIA 1995, p. 32-33; see Hunefelt 2004, p. 209).²⁷

The rubber boom, however, was largely determined by international events and markets. Originally used to produce raincoats and rubber shoes in the 1830s, the

²⁷ In Spanish, *Ley Orgánica de Tierras de Montaña and la Ley General de Tierras de Montaña*. In addition to this, Simon Bolivar, via the decree of 1824, pushed for the fragmentation of community plots, making the sale of indigenous communal lands possible.

discovery of the vulcanization process, which made rubber resistant to temperature changes and thus could be used to produce pneumatic tires (automobiles, bicycles, etc), led to an increased world demand for rubber. Consumption in the US rose from 400 tons in 1850 to between 50,000 and 60,000 tons in 1900. During this period, the Amazon region was producing nearly 50 percent of world rubber, creating a “rubber-rush” similar to the gold rushes in many parts of the world (Drinot, p. 171; Thorp and Bertram 1978, p. 67; Klarén 2000, p. 211). This, along with the opening up of the steam navigation, first in Brazil, then later in Peru, led to the internationalization of the rubber industry, and to highly exploitative labor practices that would characterize the region for years to come. An example of this was the rapid rise of the city of Iquitos, a tiny fishing village with only 200 people in 1851, that had grown to 20,000 inhabitants by WWI (Klarén 2000, p. 211).

Drinot describes a change in logic of rubber extraction with the increasing prices of rubber around the turn of the century. In the early years (before the 1890s), rubber, like other natural resources (i.e. zazarparilla, quinine, plants for medicinal purposes) was extracted for the local economy and, to a certain extent, represented an extension of a regional economic trading system. However, as the international demand increased in the late 1800s, rubber barons like Fitcarrald and Arana, who were seen as national heroes in Peru, began to dominate the industry. This led to the participation of foreign merchant houses, backed by international banks, who began to take control of the commercialization of rubber. By the 1900s, large foreign companies began to arrive, the two most important being the Inca Rubber Company, an offshoot of the U.S.-owned Inca

Mining Company, and Peruvian Amazon Company, backed by British interests²⁸ (Drinot 2000, p. 171).

Given the economic potential of the industry, in the late 1890s the government of Peru made an attempt to regulate the industry. In 1898 it passed a law that would grant land concessions to rubber companies in exchange for a lease and a royalty on the rubber produced. The government also regulated the practice of cutting down trees to extract rubber. In spite of these changes, however, the industry remained an industrial relic. Described by Thorp and Bertram as “wild rubber” producers (in both South America and Africa), rather than establish rubber plantations as they did in Far East British colonies, in the Amazon region, workers simply collected rubber from scattered wild rubber trees throughout the jungle (1978, p. 67). As Drinot argues, foreign enterprises were never capable of implementing a “capitalist mode of production” in the jungle and breaking the “patron-client” relations that characterized the rubber industry in Peru (2000, p. 172).

“Patron-client” relations, however, do not adequately describe the violent and dehumanizing labor practices that characterized of the rubber economy. In reality, rubber extraction was based on an institutionalized racially-marked social hierarchy²⁹ that exploited indigenous peoples in horrific ways. For Hvalkof, these “systems of labor” were in reality “systems of slavery.” Due to the rapid expansion in demand for rubber on the world market, initially, there was always a chronic shortage of labor, which made the ability to control workers critical (2000, p.88-89). While there were several ways to

²⁸ The Peruvian Amazon Company was founded by Julio C. Arana in 1904.

²⁹ Gow describes the hierarchical system, where at the top were the white major rubber barons like Carlos Fitzcarrald and others. Below them were other whites, often called “lieutenants.” And below them came the workers, who were either called peons or *mozos* (mostly indigenous workers), that were involved in transport or rubber protection (p. 41)

control labor, the most common was the *aviamento* or *habilitación* system, which was based on a hierarchical chain of debt. In this system, cash played no part as all transactions took place through the creation and cancellation of debt. The large commercial houses, financed by U.S. or European companies, would facilitate goods to an *aviado*, or supplier, who would then advance those goods to a *cauchero*, or rubber boss, who would pass on goods to workers in exchange for rubber (Gow 1991, p. 39).

The most notorious example of widespread, systemic violence, terror, and torture as a means to secure indigenous labor is in the Putumayo case in a region that borders Peru, Colombia, and Ecuador. In 1907, two young American travelers³⁰ exposed the horrific practices of the Peruvian Company Casa Arana, owned by the London-based Peruvian Amazon Company (Hvalkof, p. 93-94). Their revelations created an international scandal and forced a full investigation by the British government. In *Shamanism, Colonialism, and the Wild Man* (1987), a powerful narrative of colonial exploitation of indigenous peoples, Michael Taussig quotes the lead British investigator, Roger Casement, who encapsulates the violence that indigenous peoples faced during this particular period (1908-1912):

The number of Indians killed either by starvation—often purposely brought about by the destruction of crops over whole districts or inflicted as a form of death penalty on individuals who failed to bring in their quota of rubber—or by deliberate murder by bullet, fire, beheading, or flogging to death, and accompanied by variety of atrocious tortures, during the course of those 12 years,

³⁰ Walter Hardenburg and W.B. Perkins, working as railway engineers in the Cauca valley of southern Colombia in 1907. They quit their jobs to do some traveling throughout the region. Traveling down the Putumayo region, they ran into the Casa Arana operations. At this precise moment the company, who had been awarded a land concession in the region, was engaged in a violent raid of an indigenous village in the region. The two North Americans were taken captive by the company, but managed to escape, later revealing what they had experienced (Hvalkof, p. 93-94).

in order to extort these 4,000 tons of rubber, cannot have been less than 30,000 and possibly came to many more (from Taussig 1987, p. 20).

Whereas this only represents only one example, it is important not to underestimate the degree to which these practices were based on exploitation, terror, and dehumanization of indigenous communities. As mentioned, many of these methods of exploitation existed until the 1980s, when indigenous organizations uncovered modern day examples of indentured servitude.³¹

Similar to any “boom and bust” economy, the rubber economy in the Amazon region ended as quickly as it began. Although the production of rubber reached its high point in 1912, by that time rubber plantations in the Far East British colonies (Ceylon, Malaysia, and Indonesia) were rapidly increasing their production levels and would soon replace the “wild rubber producers” of the Peruvian Amazon. The plantations increased production to meet the world’s demand for rubber, drastically lowering its price and making wild rubber production uneconomic. According to Thorp and Rosemary, by the 1920s the South American countries, which depended on wild rubber producing, had all but disappeared from the world rubber scene (1978, p. 68).³²

³¹ For a powerful narrative of examples of modern day slavery in the Ucayali region of Peru see Garcia-Hierro, Hvalkov and Gray’s *Liberation through Land Rights in the Peruvian Amazon* (1998). Discussing the events in the Atalaya region, Garcia-Hierro provides powerful testimonies of indigenous peoples who worked as slaves for timber companies and individual families as late as 1986. The role of AIDASEP (la Asociación Indígena de Desarrollo de la Selva Peruana) was critical in exposing the “hidden” practices of outright slavery.

³² Drinot provides some interesting statistics on the decline of the rubber industry: Peru’s share of the world rubber production fell from 2.4% in 1910 to .05% in 1925. Rubber exports by value fell 87% in 1920-25 and by 64% in 1925-30 (p. 173).

Thorp and Bertram point argue that rubber industry, like other extractive industries, does not always benefit the local or national economy. The profits from rubber typically benefit a small elite:

[t]he central fact about the rubber boom of the 1890s and 1900s is that it had very little effect indeed on the remainder of the Peruvian economy, except in so far as high profits in rubber influenced the expectations of politicians and businessmen concerning the future of the region” (1978 p. 69).

While the rubber boom did turn the city of Iquitos into a typical boom town, the industry, characteristic of monocultural economies, was directly tied to the global economy, controlled by foreign merchant houses and international companies, and for all practical purposes was delinked from the local and national economy.

With the collapse of the rubber economy, former rubber barons turned to agriculture, which helped to solidify the modern hacienda system, based on debt-peonage. Former indigenous trading networks were destroyed by the violence and the disruption of the rubber industry, forcing indigenous peoples, in a sense, to follow their former patrons, or do without trading goods altogether. For Gow, the hacienda system was, in fact, an extension of commercial relations that were created by the rubber industry. Agriculture, based on cash crops, worked through the same transport mechanisms and commercial enterprises as the rubber industry. Further, different than the Andes system, the hacienda system in much of the Amazon region was based on the practice of controlling of indigenous labor through ties of debt³³ (Gow 1991, p. 46).

³³ It is important to recognize that this is a complex story. Many indigenous people, as several authors point out, did participate as active agents in the system. In some cases, indigenous individuals sold workers to the rubber barons, participated actively in slave trading, and benefited from the system. However, the overwhelming majority of indigenous peoples throughout the region were victims of a horrific system of brutally forced labor.

In summary, colonial and early republican development in the Amazon region was based on the extraction of natural resources. To a large extent, the Peruvian state (in both its colonial and republican forms) has always envisioned the region as an empty space, full of potential for national development. The fact that Amazonian colonization was a complicated process, due to indigenous resistance, certainly added to the naturalization of Amazonia as space waiting to be conquered, civilized, and developed. For much of history, Amazonian indigenous peoples were considered less than human (savages, barbarians, etc.) and were, thus, used as slaves to extract the region's resources. It is worth underscoring that Amazonian peoples were treated as objects (similar to the resources that they extracted) that were put to use for the benefit of national development. As mentioned, Christian missionaries, in spite of their publicized mission to "civilize" indigenous peoples, also used them as a source of labor. In this context, colonial practices were built around the exploitation of indigenous labor to extract the region's natural resources.

Yet Amazonian indigenous peoples since the very first encounters resisted European attempts to colonize the region. As mentioned, this tension between the state's (colonial and republican) attempt to extract natural resources and indigenous efforts to protect their territorial spaces continue to define the relations between "modern" Peruvian governments and indigenous peoples today. Crucially, the state institutions that surround extractive development today in the region emerge as a result of this very tension. To a degree, the state's desire to extract natural resources has proved much more powerful than indigenous peoples' capacity to resist. Equally important, the state's vision of the Amazon region as a space of untapped resources, continues to sustain development

policies in the region. In the following section, I examine the modern institutional context in the Amazon region, specifically in regards to the relation between extractive development, indigenous resistance, and indigenous representation in Peru's development policies.

The modern conquest of the Amazon, institutional development, and indigenous representation before the state

While the rubber boom is an extreme example of the insidious effects of extractive development, in many respects, the modern conquest of the region represented a more intense process of colonization.³⁴ During this time period (post 1956) the idea of Amazonia as an empty space, full of natural resources, waiting to be developed for the benefit of modern Peru, became entrenched in the mindset of Peruvian policymakers. However, it is also during the modern conquest of the Amazon that indigenous peoples from the region obtained certain juridical and territorial rights, which, still today, provide the institutional framework for indigenous representation before the Peruvian state. Chapter IV will detail the emergence of the Indigenous Movement in the Peruvian Amazon (IMPA), which is closely related to state-led efforts at colonization of the region. In this section, I explain how indigenous peoples from the Amazon region were officially recognized before the Peruvian state, which paradoxically, also led (or contributed) to their marginalization in Peru's development policy regime.

As Chirif and Garcia-Hierro write, as colonized peoples, indigenous groups are part of a "transculturation," and "acculturation" process, in which both the colonized and

³⁴ One could argue that the modern extractive era in the region starts in the early 1920s with the discovery of oil in the Ucayali region. Laws in 1922 and 1937 were passed to facilitate extraction and in 1933 the first oil company, "the Ganso Azul," was established in the area. However, large oil development did not pan out as the government has intended. This is the subject of the following chapter. (see IWGIA 1995, p. 34).

the colonizers are affected. Indigenous peoples, as dominant relations were established, began to search for certain institutions that fit (or work with) their own institutional framework. This is, in effect, a mechanism of self preservation. In the case of the Amazon region, the process of incorporation in the juridical and institutional framework of the state has, according to these authors, always been met with a certain level of uneasiness (and distrust). Amazonian peoples, in many respects, were given the choice of “civilization,” or “extinction,” and their rights appeared as “exceptions to free access to Amazonian spaces,” which were normally provided to third parties (Chirif and Garcia-Hierro 2007, p. 102-103). In other words, indigenous territorial rights in the region represented the exception not the rule. State-led colonization policies and the dream of developing Amazonia to its full potential was the norm throughout Peru’s modern history.

State led colonization and the dream of Amazonian development

The idea of the Amazon region as an empty space waiting to be developed became particularly manifest in the governments of Manuel Manuel Prado (1956-1962) and Fernando Belaúnde Terry (1963-1968 and 1975-1980). While the presidency of Belaúnde represented an extreme example of Amazonian state-led colonization, during the government of Prado, several initiatives took place that set the stage for the modern colonization of the region. In the late 1950’s, the Peruvian government, like others throughout Latin America, responded to the Cuban Revolution of 1958 by making national development a top priority.³⁵ As such, as early as 1956, Prado had set up a

³⁵ The urgency of the need for a new development approach, given the success of Castro in 1958, also led to increased involvement by the US in Peru’s development agenda. Between 1956 and 1962, for example, over \$70 million in military aid was received by

commission to study agrarian reform as a long term solution to the country's development ills and to the possibility of a Cuban-style revolution (Klarén 2000, p. 315). As such, the Amazon region started to play a more important role in the country's development ambitions.

In this time period, a second, more aggressive, conquest of the Amazon began. This was due to several factors, including regional colonization policies (i.e. Brazil, Colombia, Ecuador), a postwar economy and the desire for new Amazonian productions, and the increased migration of poor Andean communities to the region. The Prado government initiated an aggressive road building project throughout the region, signed an agreement with the Summer Institute of Linguistics (SIL) to “acculturate” indigenous peoples through language programs (i.e. the translation of bibles), and passed laws to promote agricultural and industrial development. Although the Prado government was interested in attracting large capital investments, it was largely unsuccessful. However, the building of new roads opened up the way for a massive immigration that would eventually lead to an uncontrolled, chaotic migration process to the region. Furthermore, during this period, the US government initiated the conformation of the Peruvian Corporation of the Amazon, which helped to create the financial system (concessions, loans, leases, etc.) and clientelistic relations that still define the economy of the region³⁶ (IWGIA 1995, p. 35-36).

Peru from the United States. This amounted to one of the highest figures in Latin America at the time (see Klarén 2000, p. 315).

³⁶ The road projects were extensive: the north (Olmos-Marañón), the center (Oroya-Pucallpa) and the south (Cuzco-Puerto Maldonado). The Prado government passed the Industrial Promotion Law of 1959 and created the Institute for Agrarian Reform in 1960 and Colonization. In this period, the government also issued the Supreme Decree 03 of 1957, which for the first time Amazonian indigenous peoples appeared. They were

Although the Prado years initiated a state-led colonization process, the most radical manifestation of the state's mentality towards the Amazon region was embodied in the government of Belaúnde (1963-1968 and 1975-1980). Belaúnde's vision was first articulated in his book, conspicuously titled, "The Conquest of Peru by Peruvians," which detailed his desires to conquer the region by building a highway, running along side the Eastern flank of the Andes, which was then to be sustained by feeder roads that would deeply penetrate the Amazon forest. This would open the way, he argued, for the penetration of not only new colonist settlements, but also of agriculture and extractive industries (Smith 1982, p. 3). As such, extractive development in the Amazon region became a key element in his development agenda. In this vein, his government designed a 2,400-kilometer road project, the *Carretera Marginal*, that would connect important colonist towns along the Andean lowlands and, through the Institute of Agrarian Reform and Colonization, he initiated several colonization projects in the *Selva Alta* (High Jungle) region, providing free lands and credit services to potential colonists. Colonization of the High Jungle region was, in theory, designed to provide an outlet for thousands of landless peasants, who could develop the region's agriculture resources. In the *Selva Baja* (Lower Jungle), he focused on promoting industrial activity, which included tax incentives to attract capital investments. Furthermore, he passed a moderate Law of Agrarian Reform (1964) that instituted mechanisms to expropriate unproductive land in the Andes and Amazon region (Santos-Granado and Barclay 2000, p. 213-214; Klarén 2000, p. 332).

denominated "jungle tribes" and were then able to receive land for subsistence use (IWGIA 1995, p. 36).

The 1974 Law of Native Communities, progressive state practices, and indigenous territorial rights

While the state's colonization plans for the Amazon region continued, the relationship between indigenous peoples and the state significantly changed in 1968 with the military coup of General Juan Velasco Alvarez (1968-1975). Critically important, it is during the Velasco regime that Amazonian indigenous peoples became officially recognized as citizens with distinct characteristics as indigenous peoples before the Peruvian state. In this time period, the state engaged in relatively progressive practices that provided the foundation (and institutionalization) of indigenous rights in the region. In short, the institutionalization of indigenous territorial rights in the Amazon region is a result of official policies and practices that were developed during this period and were articulated in the *1974 Law of Native Communities*. Specifically, the 1974 Law created the legal framework for "native communities," which today represents the main legal entity through which Amazonian indigenous peoples access territorial rights. Before moving forward, it is important to describe the historical conditions under which these changes took place.

The military dictatorship of Velasco, different than many right-leaning dictatorships throughout the region, embraced left-leaning policies, nationalized many Peru's most important industries, and engaged in the most far reaching land reform in the history of Peru. Velasco, as such, assumed power amidst heavily anti-imperial, anti-oligarchic, and highly nationalist sentiment. To a large degree, the government set out to break the monopoly of the traditional oligarchy (landed and industrial), to reduce Peru's dependence on foreign capital, and to redistribute the country's wealth. It is important to note that, in spite of its left-leaning policies, the Velasco government was

decidedly anti-communist. As Hunefeldt wrote, it was a government that wanted to implement “a socialism from above,” to prevent a “socialism from below” (2004, p. 229).

Economically, the Velasco government initiated a period of state-led development, similar to other Latin American countries at the time, heavily informed by Import Substitution Industrialization (ISI). The state, accordingly, would replace the dominant class, intervene more directly in the economy, and assume the leading role in national development. Only a few days following the coup in 1968, for example, the government expropriated the US-owned International Petroleum Company (IPC) and began to reorganize the old state company into Petroperú, which took control of IPCs operations in the region.³⁷ As such, the government created state enterprises in mining (Mineroperú), fishing (Pescaperú), steel (Siderperú), and industry (Moraveco) (Klaren, 342-345).³⁸

Socially, the Velasco regime was intent on dealing directly with the longstanding problem of oppression of the indigenous population. It is important to note that Velasco, different than many of his predecessors, embraced Peru’s indigenous heritage, declaring that Quechua was officially the second language of Peru. And, although schools throughout the Andes region were ordered to teach Spanish, they were also encouraged to allow instruction in their native languages. In short, Velasco sought to integrate indigenous peoples into the national economy, which would be achieved by a sweeping land reform program that would forcefully turn over landed estates to peasants. The

³⁷ The government, at this time, also began to explore for new oil deposits in the Amazon region. This will be explored in more detail in the following chapter.

³⁸ The ideological foundations of the state-led development model were found in the state’s master plan, known as “Plan Inca.” (Santos Granero and Barclay, p. 218.)

program sought to eliminate the hacienda and land-owning elite (including foreign companies) as the dominant actors in the agrarian system³⁹ (Hunefeldt 2004, p 229).

In 1969, somewhat ironically, Velasco announced his land reform program on the “Day of the Indian,” declaring that indigenous peoples should now be called peasants:

“The Agrarian Reform Law gives its support to the great multitude of peasants who today belong to indigenous communities and from this day forward—abandoning unacceptable racist habits and prejudices—will be called Peasant Communities ... To the men of the land, we can now say in the immortal and liberating voice of Túpac Amaru: Peasants: the Master will no longer feed off your poverty” (Cited in Garcia and Lucero 2004, p. 162-163; also see Garcia 2005, p. 73-77).

According to Yrigoyen, Velasco’s agrarian reform responded largely to the modernization policies of the 1950s and 1960s in which indigenous peoples were to be integrated in the nation and market as Peruvian citizens. While these policies recognized indigenous cultural rights, the intent was to move them from the backward condition of “Indian” to a modern condition of peasant. As peasants, indigenous peoples could then be converted in productive workers for the national society.⁴⁰ Here the “Indian problem” was characterized as a socioeconomic problem of marginalization produced by traditional, feudal, and servile relations (Yirigoyen-Fajardo 2002, p. 160).

³⁹ According to Hunefeldt, by 1979 3.68 million acres of land had been expropriated, about 30% of Peru’s cultivable land, which affected about 16,000 property owners (See Hunefeldt p. 235).

⁴⁰ These policies were very much in line with mainstream thinking, at the time, surrounding indigenous peoples. For example, the 1957 ILO Convention No.107 on Indigenous and Tribal Populations, a precursor to ILO 169, established that indigenous rights should not affect the “integrationists” policies of individual states. Is also important to note that the Velasco reforms did recognize Quechua as an official language and, according to Yrigoyen-Fajardo, this was a certain “vindication of autochthonous culture” (p. 160). See also Chirif and García-Hierro (2007, p. 103, 156).

For indigenous peoples from the Amazon, however, the state's approach was distinct. In 1974⁴¹ the government enacted the *Law of Native Communities*⁴², which categorized Amazonian indigenous peoples as “natives,” not peasants. This established two regulatory orders, one referring to “peasant communities” in the Andes region and the other referring to “native communities” in the Amazon region. Critically, the 1974 Law provided a juridical foundation for a new social unit subsequently called a “native community.” In this context, Amazonian indigenous peoples were officially represented before the state via the figure of native community, which, among other things, obliged the state to issue a land title to each legally recognized community (Smith 1982, p. 5). This will be discussed in further detail in Chapter IV, but this law created a new set of state practices in which state officials would interact directly with indigenous peoples from the Amazon region.

It is important to note that, at the time, the 1974 Law of Native Communities was considered to be the most advanced in all of South America⁴³ (see Smith 1982, p. 5). Not

⁴¹ According to IWGIA, the first time that indigenous peoples from the Amazon appear in a legal context is in 1957 with DS (Decreto Supremo) 03, which referred “selvatic tribes” in order to provide 10 hectares of land to Amazonian indigenous people for subsistence (IWGIA 1995, p. 36).

⁴² La Ley de Comunidades Nativas y de Desarrollo de la Regiones de Selva y Ceja de Selva de 1974 (Decreto Legislativo N° 20653). This law replaced the “Ley de tierras de Montaña N° 1220,” passed in 1909 that rendered tropical rainforests the exclusive property of the state.

⁴³ See R.C. Smith, who writes, “This law [referring the Law 20653], while clearly the most advanced legal document dealing with natives peoples in South America, in none-the-less the result of a compromise between those in the government who advocated one variant or another of the current Brazilian model of economic development in the Amazon which would either eliminate or detribalize and deculturate the native peoples, and those who advocated the rights of native peoples to their own way of life, and their own autonomous territories, while guaranteeing them some of the benefits of the economic development of the region without making them either its victims or instruments (Smith 1982, p. 5).

only did the law, for the first time in Peruvian history, recognize Amazonian peoples territorial rights, making their land “inalienable, unmortgageable, and imprescriptable,”⁴⁴ but it even (originally) granted them subsoil rights. Further, under the Ministry of Agriculture, it institutionalized the juridical existence of native communities, provided a legal basis for communal (as opposed to individual) property, recognized a certain level of autonomy for native communities, and utilized broader criteria for describing the use of indigenous territories (hunting, fishing, and recollection). It is important to reiterate that this marked the “native community” as the legal basis for indigenous representation before the state and created, in this context, a set of official practices that would link indigenous peoples from the Amazon to the Peruvian state (Yashar 2005, p. 253; Smith 1982, p. 5; Chirif and Garcia 2007, p. 105; IWGIA 1995, p. 38).

As such, the 1974 Law also established a model of organization for new communities and provided a legal path for indigenous peoples at the village level to resolve minor civil disputes through their own elected authorities. Elected authorities, for example, were assigned the task of keeping local civil registers issuing birth and death certificates, which were necessary personal documents that, in theory, enabled indigenous peoples to vote, sign contracts, and apply for credit (Santos Granero and Barclay, p. 221). As mentioned, these practices established a critical political link between “native villages” and the state. Under SINAMOS (el *Sistema Nacional de Apoyo a la Mobilización Social*), the corporatist popular mobilization agency under Velasco, the law catalyzed the process of titling of indigenous territories, which marked the beginning of

⁴⁴ It is important to note that the Peruvian Constitution of 1920, for the first time, recognized the legal existence of indigenous communities and, in 1933, indigenous land became “inalienable, unmortgageable, and imprescriptable.” However, indigenous groups from the Amazon were not included (See Chirif and Garcia-Hierro 2007, p. 103).

the movement's long and arduous struggle for the recuperation of indigenous territorial spaces (Dean 2002, p. 210). While the issue of territorial rights will be examined in detail in Chapter IV, here it is important to note that practice of titling of indigenous territories, made possible by the 1974 Law, in many respects, represents the cornerstone of the indigenous territorial rights.

The archipelago syndrome: indigenous marginalization in development policies

State policies and practices throughout Peru's history and especially in the modern era have been based on colonization and natural resource development. Indigenous territorial rights, albeit advanced in some respects, have not fundamentally challenged this development paradigm in the region. Critically, the implementation of the 1974 Native Communities Law, described by some scholars as a "watershed" in state relations with indigenous peoples (Dean 2002, p. 210), occurred alongside state colonization practices that in reality further eroded indigenous territorial spaces. Consequently, these practices, in conjunction with certain advances in indigenous land rights legislation, have led to the "archipelago syndrome": indigenous land, while legally recognized as such, became fractionated, amounting to small, disconnected islands in a sea of state-owned or controlled territory that remains wide open for development purposes.

First, while the 1974 Law was the result of genuinely well-intentioned professionals within the Velasco government (this will be detailed in Chapter IV), the arbitrary separation of indigenous "peasants" from the Andes and indigenous "natives" from the Amazon worked against the entire process of the uniting the greater indigenous community in Peru (indigenous population in Peru) into a significant contemporary

political force (see Yashar 1998, Van Cott 2000). Furthermore, the legal figure of the “native community” was an exact replica of the “comunidades campesinas” statute in 1970 and was therefore foreign to most Amazonian indigenous peoples, who had systems of governance and decision-making mechanisms quite different from Andean peoples (p. Chirif and Garcia-Hierro 2007, p. 37-38, p. 103). In other words, similar to the imposition of artificial communities by missionaries in the 17th Century, the state imposed the figure of “community” upon indigenous groups from the Amazon region.

Second, and perhaps most relevant, given the constant pressure on indigenous territorial spaces, it became critically important to title indigenous lands, which, in effect, forced indigenous peoples into the state’s legal framework. As Chirif and Garcia-Hierro explain, in many cases, indigenous people had little option but to rescue and consolidate “small islands” that remained after successive waves of colonization (2007, p. 104). In this context, the state never gave up the idea to occupy the region via colonization projects, timber and oil concessions, and other economic activities (p. 105). Accordingly, at the same time as the state engaged in practices to provide indigenous peoples with land, it promoted colonization projects that, in effect, eroded indigenous territorial spaces. Even the Velasco government, generally less interested in the Amazon region,⁴⁵ implemented colonization projects and initiated new oil exploration in the region (Yashar 2005, p. 256).⁴⁶ According to Smith, Velasco thought that oil from the Amazon region

⁴⁵ Smith (1982, p. 5) alludes to the fact that Velasco, for a variety of reasons, de-emphasized the Amazon region as a solution to Peru’s problems, which lessened the pressure on native land base in the high jungle areas.

⁴⁶ Velasco established the “Peru Model,” based on a recently nationalized oil and gas industry, and between 1971 and 1973, 16 new contracts were signed for the exploration and development of the Peruvian Amazon. Additionally 8 blocks were given to

would bring in new resources to pay for his ambitious social agenda and to repay Peru's national debt (Smith 1982, p. 5). Velasco awarded large concessions (based on the model of the 1891 rubber concessions) to companies to explore large areas. According to Stocks, oil exploration in this period affected nearly every indigenous group in Eastern Peru as gangs of brush cutters covered nearly the entire region to mark survey lines (Stocks 1984, p. 51).

From this perspective, indigenous land rights, based on the 1974 Law, worked in conjunction with state-led colonization policies. It is important to reiterate that this law did provide indigenous peoples with the legal means, for the first time in Peruvian history, to obtain a title for their land, which created a new institutional framework for indigenous territorial rights in the region: 1) The state recognized the legal existence of "native communities," 2) indigenous land (in the form of native communities) was considered "inalienable, unmortgageable, and imprescriptable," 3) native communities enjoyed a certain level of political autonomy, and 4) a new criteria that included the multiple uses of a forest (hunting, fishing, collection) was created (IWIGIA 1995, p. 37-38).

However, in spite of these relatively positive attributes, the practice of the titling of "native communities" actually worked to disintegrate indigenous territorial spaces. This is because, while some groups were able to title their land, anything that was not titled became patrimony of the state. Furthermore, the titling process require institutional support (from SINAMOS) that depended on the willingness of the particular government in power. For example, while indigenous titling was carried out with some diligence

Petroperú, the state-owned oil company, which led to significant findings in Northern Peru (Dandler, p. 33).

during the Velasco administration, after 1975 the process came nearly to a standstill (see Chapter IV). One thus might regard the practice of the titling of indigenous territories as a sort of trap that, in reality, opened up the region to colonization projects (IWGIA 1995, p. 37-38; Chirif and Garcia-Hierro 2007, p. 104-105).

Perhaps most troubling, the 1974 Law (20653) marked, to a certain extent, the high point of indigenous territorial rights in the Peruvian Amazon. As Chirif and Garcia-Hierro remarked, in spite of the contemporary, cutting-edge concepts surrounding indigenous rights, curiously, many of the “novel” ideas that indigenous rights advocates are proposing today are based on reestablishing concepts that were originally proposed during the first iteration of the 1974 Native Communities Law (2007, p. 107). However, this is not necessarily because of the progressive nature of the 1974 Law, but rather because, since 1974, indigenous peoples from the region have seen a continuous deterioration of these rights.

For example, the 1974 Law of Native Communities (20653) lasted just a few years before it was replaced, in 1978, with a modified version of the Law (22175). The new law promoted large-scale capitalist exploitation of Amazonian forests, opening up the region to large land and forest concessions. For Stocks (2005), it basically replaced the radical provisions of the 1974 Law, rescinding the ownership of forest and subsurface resources for all native communities. In short, the state (under the Burmedez government) argued that forest lands, in fact, were property of the state, not of “native” peoples. Furthermore, it claimed that “native communities” were subject to the greater social interests, allowed “right-of-way” passage for all state constructed roads, and even allowed free passage, without indigenous consent, to oil and gas installations,

telecommunication and/or energy electric lines, and public irrigation channels (2005, p. 96).

According to Smith (1982, p. 7), these changes were largely due to pressure from conservative ranks of the military government for Velasco to temper his reforms. In 1975, in a “quiet palace coup,” the more conservative General Morales Bermudez replaced a physically ailing Velasco. Pressured by the IMF and under the constraints of a financial crisis, Peru returned to a pro-capitalist based economy that would contradict the abovementioned reforms (Smith 1982, p. 7). For Stocks (1984), the idealism of certain elements within the Velasco regime was at always odds with the long-term policy trend of forest conquest and economic development. For instance, even before the 1978 change, in 1975 the Forestry and Wildlife Law (21147) was passed, which established that the state was the owner of all forestry resources, including those on indigenous territories. This opened the way not for environmental conservation, but natural resource exploitation, especially in the extraction of forestry resources.

Peru’s emphasis on extractive development in the Amazon region exemplifies the government’s longstanding vision of treating the Amazon as an empty space, in a sense, waiting to be developed and colonized. Smith, a US anthropologist with over 40 years of experience working with Amazonian communities, writes about this in a 1982 paper fittingly titled “The Dialectics of Domination in Peru: Native Communities and the Myth of the Vast Amazonian Emptiness.” Discussing the government’s 1980s plans to implement a USAID-sponsored colonization project, the “Pichis-Palcazu Special Project,” Smith alluded to the mentality (and strategy) of Peruvian development initiatives in the Amazon:

Underlying this dream of tropical development, there is a classical political notion that social and economic problems at home can be conveniently dealt with through the conquest of new territories. To justify this conquest, an official myth is created which demonstrates the existence of a vast, bountifully productive, empty territory—the Amazon Basin—which awaits the enterprising individuals to settle it and harvest its riches (Smith 1982, p. 1).

It is precisely this myth of “emptiness” that sustains the government’s philosophical approach to development. Accordingly, the Amazon region is seen as an unproductive, chaotic, empty space that is available for “National Development.” As part of this myth, indigenous peoples that live in the region, tagged as “natives,” primitive, and undeveloped, are seen as literally as part of nature, like the animals and plants that characterize the region.

This trend (the progressive deterioration of indigenous rights) has continued throughout the 1980s and well into the 1990s. In 1979, for example, as Peru was preparing the transition from military to civilian rule, the new Constitution established territorial guarantees (Articles 161 and 163) for indigenous peoples declaring their land inalienable. However, the constitution left open that possibility that private interests could dissolve community land holdings with two-thirds community approval. As indigenous organizations (“native” and “peasant”) pointed out, while indigenous communities finally had constitutional grounds for defending their lands, there were also constitutional grounds for their dissolution. This opened the way for interested parties to reestablish the landed-estate system or create new multinational agribusiness industries (Smith 1982, p. 7-8). This 1979 Constitutional provision that provided a certain opening for extractive development (two-thirds community approval) became the center of the current debate on indigenous land rights when President Garcia, via Legislative Decree 1073, proposed to change it from two thirds community approval to only 50% of

community members at a community assembly (see Chapter IV). This is just another example of how indigenous land rights have progressively deteriorated.

In 1980, the second government Fernando Belaúnde Terry (1980-1985), not surprisingly, emphasized colonization of the Amazon region as an essential part of his development policy. Belaúnde's inauguration speech is interesting in that it details, again, this idea of the Amazon region as an underutilized, "empty" space for national development:

A basic task (of our government) will be the expansion of food producing areas for Lima into the region between Mazamari and Tambo River, and Villa Rica [the central Amazon region], but way of a trail under construction at this moment towards Puerto Bermudez which will eventually connect with the road to Pucallpa. We propose to carry forward an exhaustive colonization study for the most promising settlements along the 300 kms of new highway" (Smith 1982, p. 8).

As part of his colonization plans, the Belaúnde government passed Legislative Decree N° 2, the Promotion and Agriculture Development Law, which extended the amount of land concessions that large companies could be granted in the Amazon region, offered credit to private investors, promoted private agro-industrial and forestry projects, and promoted colonization through the development of infrastructure and development projects (IWGIA 1995, p. 41-42; Stocks 1984, p. 53). According to Stocks, some of the most troubling aspects of LD N° 2 were that large land adjudications were no longer required to be "national priority" (this was a change from DL 22175), and workers could be awarded small plots within the land concessions, which was similar to the colonial small-landholding (minifundistas) system (1984, p. 53). According to Stocks, by 1983 Peru had eight special projects underway in the eastern foothills of the Andes region, all done without indigenous consent. In general, the Belaúnde government engaged in aggressive

colonization policies that included highway construction projects and top-down development schemes, financed by international financial institutions (the World Bank, the Inter-American Development Bank, and USAID) such as the Pichis-Palcazu Special Project (Dean 2002, p. 211).

To some extent, the emphasis on colonization of the Amazon region subsided during the first Garcia presidency (1985-1990). In part, this was because of the failure of many of the mega-development projects that were initiated in the previous government, which caused many of the international financial institutions to back out of these development initiatives, leaving behind a large foreign debt (See Hvalkov 2002, p. 96). Furthermore, during the 1980s the region (and country) experienced an economic and political crisis, unprecedented in Peru's history. Between 1980 and 1995 a violent conflict between the Peruvian government and Sendero Luminoso (and MRTA, Movimiento Revolucionario Tupac Amará) plagued the country. According to official reports nearly 70,000 people died in the conflict, most of whom were indigenous.⁴⁷ For indigenous peoples in the Amazon, the armed conflict was especially difficult. By the late 1980 insurgent groups were operating in the Amazon region (especially the Central and Northern regions). Many indigenous peoples (as well as mestizo campesinos) were coerced to support either insurgent groups or the counterinsurgency groups and the killing (massacres) of indigenous peoples, both by insurgents and the government forces, was widely reported. Without entering into details, for these reasons (and others) colonization efforts slowed down in the region (see Dean 2002, p. 205). To make matters worse, in the 1980s, the Amazon region also saw the influx of illegal drug production and

⁴⁷ See <http://www.cverdad.org.pe/ingles/ifinal/conclusiones.php>. The Truth and Reconciliation Report.

trade (especially coca), resulting in violence, insecurity and, for indigenous peoples, another example the pernicious effects of extractive (illegal) development.

In the 1980s, however, indigenous movements throughout Latin America began to call international attention to many of the issues that indigenous peoples had been facing for years. In the Peruvian Amazon, in the late 1970s and early 1980s, indigenous leaders, with the help of NGO and international organizations, began the process of organizing into national federations to apply pressure on the Peruvian government to deal with pressing issues. In Chapter IV, I will detail the emergence of the movement, nevertheless, it is worth noting here that this pressure helped to significantly increase the land titling process throughout the region, as well as to call attention to issues such as slavery in the Atalaya region (see Garcia-Hierro, Hvalkov, and Gray 1998). During this time, the General Law of Peasant Communities (24656) and the Law of Delimitation and Titling of Peasant Communities (24657) were passed, which recognized the national importance of the titling of communities, established rights over land that had not been titled, and introduced the figure of river communities in the Amazon region. Furthermore, under international pressure to protect the Amazon region, the Peruvian government passed the Environmental Code of 1990 (LD 613), which was relatively favorable to indigenous interests, especially those that were located in National Protected Areas (Chirif y Garcia-Hierro 2007, p. 178; IWGIA 1995, p. 45-46).

Fujimori, ILO 169, and a multicultural shift

In many respects, the contemporary institutional (development) framework in the Amazon region begins with the government of Alberto Fujimori (1990-2000). Chapter III will examine Peru's transition to neoliberal economic policies, which began under the

Fujimori government. Here, I will focus on how Fujimori affected the institutional framework related to indigenous peoples and national development in the Amazon region. In short, during the Fujimori period not only was there a renewed interest in indigenous land rights issues in the region, but Fujimori also used indigenous themes as part of his campaign to promote Peruvian national identity. However, similar to other periods in history, in the Amazon region, national development trumped indigenous territorial rights. In fact, part of Fujimori's legacy was the dismantling of the 1974 Velasco land reforms, which has clearly worked against indigenous territorial rights. Here, again, to understand the contemporary institutional framework in the region, it is important to briefly discuss the historical context of the Fujimori regime.

In 1991, along side neoliberal economic reforms, Fujimori's main priority was to eliminate the threat of *Sendero Luminoso*, something that his predecessor Alan Garcia was unable to accomplish. Turning to authoritarian measures, by 1991 Fujimori had declared more than half of the country an emergency zone, which meant the suspension of all civil liberties. By 1992 he established an "emergency government of national reconstruction," dissolved congress and the supreme court, disbanded the country's twelve regional governments, and suspended all articles of the constitution that were not compatible with the government's interests. He also established close ties with the military, legitimized peasant patrol units (*rondas campesinas*) to fight against *Sendero* and, with that end, began to use indigenous peoples as allies in the fight against insurgent groups (see Yrigoyen-Fajardo 2002, p. 165-166). In 1992, in a psychological and tactical victory, Fujimori's national intelligence agency captured Abimael Guzman, the enigmatic leader of *Sendero* (Garcia 2005, p. 44-45).

Fujimori relied on a populist and authoritarian practices that used Amazonian and Andean indigenous peoples as centerpieces in his campaign to prevent political violence and develop the nation. According to Dean, Fujimori relied on the “time-honored policy of doling out state resources on the basis of political patronage” (2002, p. 202). He established the Ministry of the Presidency, which controlled over forty percent of the annual budget and, as such, was able to target social spending. Indigenous peoples and peasants were the direct beneficiaries of many of these practices as he provided roads, schools, medical centers, agriculture infrastructure and electricity. Furthermore, promoting his (populist) vision of inclusiveness, he often traveled around the country using traditional indigenous garb to emphasize the indigenous component of Peru (Garcia 2005, p. 48-49).

Fujimori-style populism, a renewed emphasis on indigenous issues, and neoliberal development reforms all helped set the stage for a new institutional framework for dealing with indigenous issues. Critically, in 1993, Peru established a new constitution that, in many respects, represented a positive step for indigenous peoples throughout Peru. Perhaps more importantly, in 1994 Peru ratified the International Labor Organization Convention 169 concerning Indigenous and Tribal Peoples (1989) (hereafter ILO 169), which is arguably the single most significant legal document that works on the behalf of indigenous peoples. It is worth noting that the inclusion of indigenous rights in the 1993 Constitution and Peru’s subscription to ILO 169 were the result of direct pressure from indigenous organizations, NGOs, and the international community, much more than from the Fujimori government.

For Yrigoyen-Fajardo, the 1993 Constitution affirmed the multicultural content of the nation and, to a certain degree, sought to change the relationship between indigenous peoples and state. This was especially important in terms of the state's institutional framework towards indigenous peoples, which, in theory, was now informed by a multicultural political (and constitutional) model rather than the previous integrationist model.⁴⁸ As mentioned earlier, the integrationist model, somewhat paternalistic, valued the (European) hegemonic culture as superior, even though it had sought to integrate indigenous peoples into the Peruvian national identity. Different than the 1979 Constitution, which intended to promote the "cultural advancement" of native and peasant communities (Article 161), the 1993 Constitution stipulated that the state should "recognize" and "respect" the cultural identities of native and peasant communities. In theory, the state established individual and collective rights to cultural difference (Article 2), committed itself to protecting cultural difference, made official indigenous languages, and recognized specific rights for native and peasant communities (Yrigoyen-Fajardo, p. 167).

Here ILO 169 is key. Signaling this shift away from cultural assimilation, in 1989 the ILO revised Convention 107 (1957) and drafted ILO Convention 169, which explicitly recognized the rights of indigenous and tribal peoples to exist as their own particular cultural entities within the confines of the nation-state. ILO 169 established indigenous rights to practice their own culture and to determine their own development path and granted specific rights to territorial spaces. To be sure, ILO 169 was the result of

⁴⁸ According to the Economic Commission on Latin America and the Caribbean (ECLAC 2006), between 1987 and 2001, many Latin American countries were swept with a wave of "multicultural constitutionalism," which reflected a significant change from the liberal doctrines instituted during the formation of Latin American republics (p. 151).

the changing international environment, which forced nation-states to recognize and respect indigenous peoples special relationship to territory. Importantly, ILO 169 stressed the importance for national government to work with indigenous peoples on national development projects that might impact their territories. In short, ILO 169 provided indigenous peoples with a powerful tool, supported by a plethora of multilateral organizations (Inter-American Development Bank, the World Bank, the UN Development Program) to challenge national governments hegemonic pretensions (Garcia 2005, p. 53). Peru ratified ILO 169 in 1994 through Legislative Resolution N° 26253. As I will discuss in the following chapter, ILO 169 has played an important role in shaping the actual practices that surround the implementation hydrocarbon policy on indigenous territories.

To a certain extent, the constitutional changes in Peru led to a new institutional framework. Congress, for example, approved a new government commission designed to work on exclusively on indigenous issues and the Ministry for the Promotion of Women and Human Development (PROMUDEH) assumed the responsibility of overseeing programs related to indigenous peoples. In 1993, the *Defensoría del Pueblo* (the National Ombudman's Office) was created to defend the constitutional rights of individuals and communities. This organization, as a state institution, has been quite instrumental in advocating for indigenous rights throughout the years. In 1998, under the Ministry of Agriculture, Fujimori created the Secretariat of Indigenous Affairs (SETAI), which received financing from the World Bank. Fujimori also initiated Special Project of Land Titling (PETT), a program funded by the World Bank that by the end of 1999 has

demarcated some 1.7 million lots, 700,000 of which were inscribed in the government's official registries (Dean 2002, p. 203).

However, in spite of these relatively progressive changes, Fujimori's policies, this time under the realm of a neoliberal development agenda, did not advance indigenous causes, but in fact led to the further deterioration of indigenous rights. In a sense, like in previous governments, Fujimori's state-led economic imperative took priority. As Yashar points out, for Amazonian communities one of the most damaging aspects of Fujimori's tenure was the changes to the 1993 Constitution that, in effect, reversed the inalienability and nonmortgageability of native lands and weakened the imprescriptibility of community lands by declaring that the state could claim "abandoned" lands for development purposes (2005, p. 257). According to IWGIA, the 1993 Constitution placed indigenous lands, "without exception," within the realm of absolute liberty of civil property, thus, turning them into commercial objects (1995, p. 49). To this end, the so called "*Ley de Tierras*" (Law of Lands) in 1995 effectively opened the way for further fractionation of indigenous lands by re-categorizing some land as "agriculture" land or "abandoned" land, and facilitating the sale of communities lands to third parties (Dandler 1998, p. 22-23).

Furthermore, in order to attract capital interests, Fujimori took steps to dismantle the Environmental Code passed under Garcia. For example, he enacted the Law for Growth in Private Investment (LD 757), which eliminated the need to carry out Environmental Impact Assessments, centralized decision-making power over protected zones, eliminated the chapter that contained environmental sanctions, restricted the power of, then, independent environmental authorities by giving environmental control to the

respective ministries (Agriculture, Energy and Mines, etc.), and permitted that foreign enterprises use their own court systems in cases of environmental disagreements. In the same vein, the government promulgated the Law for Promotion in the Investment in the Hydrocarbon Sector (LD 655) and the Law for Promotion in Investment in the Agrarian Sector (LD 653), both of which were intended to attract foreign investment.

As Dean suggests, this led to a proliferation of oil, mining, and timber projects throughout the Amazon region. It is not surprising that during the Fujimori government, native and peasant communities saw a dramatic increase in the privatization and parceling of their lands. This will become more evident in the following chapter as I discuss the government's efforts to attract private capital to the Amazon region, which included tax abatements, lax environmental standards, and territorial concessions (Dean 2002, p. 211). Peru's structural adjustment program with the IMF also helped to create a weak atmosphere for the agriculture sector (i.e. liberalization of agriculture markets) that led to a general weakening of prices, downward pressure on wages, the cutting off of agriculture credit, a reduction of consumption all produced a fall in production and employment in the agriculture sector. This, not surprisingly, negatively affected indigenous farmers. As mentioned, during this time period the region also saw increased migration due to new opportunities in coca production, which brought a new set of actors to the region and was especially harsh on indigenous peoples who seemed to get caught in the middle of disputes between narco-traffickers and the military (IWIGIA 1995, p. 47-48).

After Fujimori's disgraceful exit from office,⁴⁹ the interim presidency of Valentín Paniagua seemed like a (brief) turning point to indigenous advocates. In February of 2001, responding an indigenous delegation from the Central Amazon region, Paniagua formed a commission to study some of the urgent problems (much of them related to extractive development) of indigenous peoples. The commission elaborated policy recommendations and opened up spaces for continued negotiations to discuss some of the important issues facing indigenous peoples. This, as Garcia mentions, suggested that the government might take indigenous issues more seriously (Garcia 2005, p. 54-55).

The government of Alejandro Toledo initially appeared that it might follow in the direction of Paniagua. However, much like Fujimori, many of Toledo gestures to indigenous peoples proved to be more symbolic than substantive. He campaigned on his "Andean" ancestry and in his inauguration he included a symbolic ceremony at Machu Picchu, even addressing the crowd in Quechua. Perhaps most importantly, his wife, Eliane Karp, a Belgian anthropologist who spoke Quechua was determined to make indigenous issues the driving force of her duties as first lady. She, in fact, she became president of National Commission for Andean, Amazonian, and Afro-Peruvian Peoples (CONAPA). Many would argue that, while imperfect, Karp at least helped to bring visibility to indigenous issues. Perhaps more importantly, however, she began the process of institutionalizing indigenous participation within the government. According to indigenous leaders and advocates, CONAPA was an essentially paternalistic organization with little or no autonomy from the larger government structures. CONAPA leaders were

⁴⁹ Fujimori was forced to leave the country after the release of a series of videos that showed Vladimiro Montesinos, Fujimori's chief spy, bribing a number of Peruvian politicians. Montesinos was captured in Venezuela, extradited to Peru, where he was jailed on corruption charges. Fujimori fled to Japan, the homeland of his parents.

handpicked and funds, many of which came from the World Bank, were often selectively doled out. For Garcia, however, independent of whether Karp's work was considered positive or negative, the political climate had clearly changed for indigenous peoples and their relationship to the Peruvian state (Garcia 2005, p. 55-57).

Conclusion

Examining the historical and institutional context of extractive development and indigenous peoples in the Peruvian Amazon, the main point throughout this chapter has been that the Amazon region, since colonization and throughout history, has been viewed as an empty space, waiting to be developed. The Amazonian space, for successive governments, has been a place to extract natural resources for national development and, most always, to colonize. To a large degree, both colonial and state practices were directed toward this end. This, with a few slight modifications, continues to be the dominant development paradigm today. Indigenous territorial rights, while progressing to a certain degree, have been “achieved” against this state-led economic imperative and, undeniably, have been limited by it. In other words, Peru's institutional framework to advance indigenous rights has emerged from this dominant extractivist development paradigm. In the following chapter, I will examine Peru's hydrocarbon development policies in the Amazon region, which will provide a closer look at Peru's institutional framework that surrounds extractive development and indigenous peoples.

CHAPTER III. HYDROCARBON DEVELOPMENT POLICY IN THE PERUVIAN AMAZON: ENVIRONMENTAL SUSTAINABILITY AND INDIGENOUS TERRITORIAL RIGHTS

“The Amazon has always been considered a backyard to be tapped when necessary.”
Lily La Torre, director of Racimos de Ungurahui. Peruvian Human Rights Organization

Introduction

This chapter examines Alan Garcia’s hydrocarbon agenda and its impact on indigenous territorial rights and environmental sustainability in Amazonia. I argue that Peru’s hydrocarbon policy, characterized for its unprecedented aggressiveness,⁵⁰ weakens indigenous territorial claims, violates indigenous rights, and places in jeopardy the environmental sustainability of the region. Most importantly, Peru’s hydrocarbon policy, while consistent with a neoliberal development regime, is part of Peru’s colonial legacy where the Amazon region is seen as an empty (uncivilized) space waiting to be developed for the good of the nation. Garcia policies are, thus, nothing new, but rather an extension of the colonial logic of extractive development. Similar to past governments (both on the left and right), economic incentives, based on the exploitation of the region’s natural resources, trump policies that might advance indigenous territorial rights and, in this case, protect the environmental sustainability of the region. In this vein, in spite of the government’s lofty claims to support ILO 169, here I document how state practices exclude indigenous peoples from policy making and implementation processes

⁵⁰ In a recent study, a Peruvian environmental organization observed that the Peruvian Amazon is suffering a new cycle of private and public investment that is characterized for its “volume, diversity, and aggressiveness that is without precedents” (Dourojeanni 2009).

and, consequently, as I will argue later, place at risk the environmental sustainability of the region.

This chapter, like the previous one, is informed by Migdal's state-in-society approach, especially as I examine that the way that Peru's hydrocarbon institutional framework (and the institutions that are used to implement policy) has led to the marginalization of indigenous peoples. As Migdal argues, disaggregating the state can help to understand how different elements within the state engage in society in different ways, which can then reveal "unanticipated patterns of domination and transformation" (Migdal et Al., 1994, p. 8). After placing Peru's hydrocarbon policy in historical context, this chapter offers a detailed look at the institutions and practices that surround the state's hydrocarbon development on indigenous territories. Furthermore, this approach suggests that a historical treatment of power is important and that patterns of domination are determined by what Migdal calls "societies multiple arenas of domination and opposition" (1994, p. 9). From this point of view, hydrocarbon policy is one area of domination and opposition that, to a large degree, reflects Peru's larger development agenda and its historically oppressive impact on indigenous peoples in the Peruvian Amazon.

That said, in order to gain a broader understanding of hydrocarbon politics in the Peruvian Amazon, in the first section, I trace the history of oil development in the region. The second section, given the importance of the current political and economic context of Garcia's development policies, details Peru's shift to a neoliberal development model, which, albeit insufficient, helps explain the intensity of the government's hydrocarbon agenda. Specifically, this section will explain how Peru's free trade agreement with the

US is intertwined with the government's desire to carry out institutional reform, which, given its implications for indigenous territorial rights, represents another example of how indigenous peoples' rights are sacrificed at the expense of extractive development. The following section concentrates on the institutional context and legal structure of hydrocarbon development agenda, the Garcia government's current policies, and the *Camisea* Gas Project, a critical piece of Peru's larger hydrocarbon development agenda. Finally, the last section provides a detailed understanding of state practices surrounding hydrocarbon development in the Amazon region and, concretely, the way that they reflect specific patterns of domination, resulting in the *de facto* exclusion of indigenous peoples in the present hydrocarbon policy regime.

The history of the oil development in the Peruvian Amazon

In Peru, petroleum was originally discovered in the 1860s, but did not become a major industry until the early 1900s (Drinot 2000, p. 169). Isolated from the Amazon region until the late 1960s, early 1970s, oil production was limited to the coastal region in the far northwest of Peru. The industry started slow, but then began to steadily expand between 1900 and 1930. By 1924, oil was Peru's leading export and in 1929 it accounted for 30 percent of the country's export earnings (Thorp and Bertram 1978, p. 98). Similar to the rubber industry, the petroleum economy offered little benefit to the larger Peruvian economy. As a classic oligopoly, it was dominated by three private companies, one controlled by British interests, one by US interests, and another by an Italian immigrant,

Faustino Piaggio.⁵¹ The oil industry, in this context, became an important symbol of foreign domination sustained by complicit and often corrupt state policies and practices.

The International Petroleum Company (IPC) provides an illustrative example of the way that state, at this time, worked in conjunction with private interests. IPC was a product of the giant oil company Standard Oil of New Jersey, which began to purchase oil fields shortly after World War I, and by developing Peru's major oil fields (*Negritos*, *Lobitos*, and *Zorritos*), became the major exporting firm in Peru and an important player in global industry (Thorp and Bertram 1978, p. 100; Drinot 2000, p. 169). Again, similar to other extractive industries in Peru, the oil industry provided little benefit to the local economy. In 1922, for example, a new petroleum law was implemented to deal with exceedingly high foreign profits, which imposed a 10 percent royalty on crude oil output. However, the Peruvian government negotiated a deal with ICP to make the company exempt from royalty payments in exchange for one million dollars in cash and assistance in purchasing US petroleum bonds (Drinot 2000, p. 169).⁵² Not surprisingly, these practices stirred up public sentiment against the company, eventually leading to its expropriation in 1968 by the military regime of Juan Velasco.

⁵¹ In the late 1800s and early 1900s, these three oil fields were controlled by foreign interests: 1) *Negritos*, located on the hacienda *La Brea y Parinas*, in 1899 became the property of the British company, London and Pacific Petroleum. 2) *Lobitos*, discovered in 1901, was developed by another British firm, *Lobitos Oilfields*. 3) *Zorritos* was originally controlled, from 1883, by Piaggio. In 1913 the *Negritos* oilfield was taken over by Standard Oil of New Jersey (Thorp and Berthramn 1978, p. 97-98).

⁵² According to Thorp and Bertam (1978), oil companies and other foreign companies to a certain extent had the attitude that they were the rightful owners of the subsoil, in spite of Peruvian Law that by 1877 established the state as the owner of the subsoil. Initiated in 1824 by Simon Bolivar granting ownership of the subsoil to one of his followers on the Brea-Pariñas hacienda, foreign companies inherited this position, considering themselves except from taxes. In 1911, for example, the IPC was paying taxes on only 10 out of 41,600 claims (p. 108).

In the mid 1930s the petroleum industry gradually started to decline. From an production standpoint, short term gain and a complex political environment led to the exhaustion of IPC's most productive oil field at *Brea-Parinas*. Furthermore, these oligopolistic type practices produced a nationalist backlash, led by the left of center, anti-imperialist political party APRA (The American Revolutionary Popular Alliance)⁵³, who, along with other nationalist forces in the country, discouraged exploration, especially if it meant that more of Peru's oil would be in the hands of foreign interests. Consequently, oil production declined from a high of 15 million barrels in 1936 to a low of 10 million barrels in 1940, a trend that would continue throughout the decade (Klarén 2000, p. 284).

In 1943 international interest in exploration for oil in the Amazon river basin was increasing as foreign companies began to seek concessions in Ecuador, Colombia, Bolivia, and Peru. Both the Prado (1939-1945) and Bustamante (1945-1948) governments, in spite of this, refused to open up the Amazon region to foreign exploration. The problem, however, was not a lack of interest in exploiting resources, but rather creating a more conducive political environment so that the state, not foreign interests, would benefit. The state, in fact, as early as 1934 had begun searching for new oil fields in the northeast jungle region.⁵⁴ In other words, the reason that the Peruvian state did not open up the region to foreign oil companies was *only* because the state did not have the capacity to exploit the oil, not because it was reluctant in any way to exploiting oil in the region.

⁵³ APRA. Alianza Popular Revolucionaria Americana

⁵⁴ In 1934 a Petroleum department had been set up and by 1936 it had begun to explore in areas close to the Zorritos oil field. In 1944 state operations were organized as *Establecimientos Petroleros Fiscales* (EPF). The state conducted several exploratory missions in this time period, many of which failed. In 1944 the state failed to find oil on a jungle reserve zone near the Ucayali (Thorp and Berthram 1978, p. 167).

The period from 1948 to 1970 was defined by a rising demand for oil products, the subsequent search for sources, and the ultimate failure to find new productive oil fields. This, again, was not from a lack of effort. A new petroleum law in 1952 attempted to provide a clear legal framework that would attract both domestic and foreign investors. This law (No. 11780) authorized the government to grant exploratory and production concessions, opened up new areas to foreign and domestic investment, and abolished the old system of export taxes and production royalties and implemented an income tax on oil companies. After successive attempts at exploration in the desert and offshore regions, in the early 1950s foreign companies began to explore the Amazon region. Results were less successful than anticipated. Out of fifteen exploratory wells, only one, in Maquia near Iquitos, led to the discovery of a commercial oil field. However, this find did lead to further exploratory efforts in the Amazon region, including efforts from Mobile and Union Oil, but, in the end, they did not result in substantial findings (Thorp and Bertram 1978, p. 224).

Because of these lackluster results and increasing costs, the Peruvian companies were essentially forced out of the industry, leaving EPF (*Establecimientos Petróleos Físcales*), the Peruvian state company, as the only national company remaining. Furthermore, at this time there was a strong nationalist campaign to expropriate IPC's Brea Parinas oilfield, which came to fruition in October of 1968 when Velasco took power. Following nationalist sentiments, the military government refused to compensate IPC, took control of its Northern facilities, and reorganized the old state company EPF into Petroperú. The new state-led enterprise played an important role in the 1970s and

1980s in the exploration and exploitation oil resources in the Northern Amazon region, often working in joint ventures with foreign companies (Klarén 2000, p. 344).

The period before 1970, the beginnings of a much more aggressive penetration of oil exploitation in the Amazon region, was marked by three important factors. First, the petroleum industry in Peru, similar to the rubber industry, became symbolic of oligopolistic practices that were isolated from the rest of the economy and ended up benefiting foreign companies and local politicians. This understandably created a national backlash and the eventual expropriation of IPC facilities in the north of Peru. Second, in economic terms, Peru never became a major (or successful) exporter of petroleum, which meant that Peru was (and remains) a net importer of oil. In a constant effort to reverse this, especially during the 1950s, there were consistent attempts (mostly unsuccessful) at exploration throughout Peru. Third, at this time, the Amazon region remained relatively isolated from Petroleum oil development. While there were a few attempts and consequently a few relatively minor (i.e. Maquia) commercial fields in operation, the Amazon region remained largely unexplored. This would change drastically in the early 1970s.

The 1970s and the impetus of the oil boom in the Peruvian Amazon

As mentioned, up until the late 1960s and early 1970s oil exploration in the Amazon region had been largely unsuccessful. Given the failed attempts in desert and offshore regions, for the government, the vast untapped resources in Peru's jungles were the best hopes for returning Peru to its position as a net exporter of oil. There were a few attempts in the 1960s. Mobile Oil discovered a large gas field at Aguaytia, but because of the lack of a pipeline, they did not pursue the discovery. Mobile Oil and Union Oil did

explore in the Amazon region in the mid 1960s, but failed to find commercial fields. It was not until massive discoveries in the Ecuadorian Amazon region that renewed interest in the Peruvian Amazon took hold (Thorp and Bertram 1978, p. 227-229).

In the 1970s, as a result of new exploratory efforts, the Northern Amazon region became a major producer and supplier of hydrocarbons in Peru. Discoveries in the upper basins of the Pastaza, Corrientes, and Tigre rivers (the north central departments of Loreto and Alto Amazonas) and the middle and lower basins of the Corrientes rivers by Occidental Petroleum Company (Oxy) and Petroperú led to an intensive exploration and production process for nearly thirty years, at one point generating approximately 65 percent of the oil consumed in Peru (La Torre 1999, p. 39). This led to an exploration boom, between 1973 and 1977, in which more than 20 private companies invested in oil exploration in the region. However, aside from Oxy and *Petroperu's* important finds, there were no significant discoveries (Campodónico-Sánchez 1999, p. 11). As a result, oil development in the Amazon region was limited to this particular area. Petroperú and Oxy, nevertheless, built massive infrastructure, including airports, heliports, hangars, control towers, mess halls, offices, health centers, maintenance workshops, and everything necessary for a long-term oil production operations (La Torre Lopez 1999, p. 53). Oxy built a pipeline that was completed by 1977 (Campodónico-Sánchez 1999, p. 9).

From the perspective of the state, this region became the most important oil producing region in Peru. Between 1971 and 1986, in Lot 1AB, Oxy operated more than 100 wells, produced nearly 43 percent of all the petroleum in Peru, and became the most

productive oil lot in Peru's history (p. 41).⁵⁵ Known as the "jungle operations," Petroperú in block 8 and 8x in Corrientes and Cambira river basins, in 1971, discovered the highly productive *Trompeteros* oilfield,⁵⁶ which became the second most important oilfield in Peru. Petroperú made other important discoveries in the area, totaling 102 wells drilled by 1983 (La Torre 1999, p. 41-42; Finer and Orta-Martínez and 2010a, p. 1).

In Chapter IV, I will deal more specifically with the present political consequences of the history of oil development for indigenous peoples throughout Amazonia. However, for indigenous peoples living in the region (mostly Achuar, Quichua, and Uraria) the consequences of petroleum development were devastating. Many environmentalist, human rights groups, and even organizations within the state claim that the Oxy and *Petroperú's* operations during the 1970s and 1980s led to one of the most severe cases of environmental contamination in the history of Peru. In terms of this dissertation, the clearly negative experience of oil development is important in that it marks a reference point when indigenous groups consider the prospects future of oil development in the region. It is worth noting that in May of 2007, twenty-five indigenous Achuar plaintiffs brought suit against the multinational company in the state of California for what they claim was

egregious harm caused by Oxy over a thirty-year period in the Corrientes River basin during which Oxy contaminated the rivers and lands of the Achuar communities, causing death, widespread poisoning and destruction of their way of life⁵⁷

⁵⁵ During this period, La Torre estimates the daily production at 52,479 barrels of crude per day (41).

⁵⁶ La Torre estimates that Lot 8 was producing 26,000 barrels per day (42)

⁵⁷ This is taken directly from the Earth Right International (ERI) website. Go to www.earthrights.org/legalfeature/indigenous_peruvians_sue_occidental_petroleum.html. ERI and the law firm, Schonbrun DeSimone Seplow Harris and Hoffman LLP, together,

In short, the history of oil development in the Northern Peruvian Amazon reflects, to a large degree, the tensions that exist between indigenous peoples and the state over extractive development in the Peruvian Amazon. Extractive oil development is an example, consistent throughout history, the government's view of the Amazon region as a space of untapped natural resources for national development. This pattern does not change in the contemporary, neoliberal period of hydrocarbon development in Peruvian Amazon.

Peru's neoliberal turn

Like other Latin America nations, Peru experienced a shift from state-led development to a neoliberal development model. Somewhat ironically, Alan Garcia's first term as president (1985-1990) marked the end of state-led development in Peru. Garcia, then young and charismatic, represented the anti-imperialist (populist) party, APRA (*Alianza Popular Revolucionaria Americana*), limited debt payments to 10 percent of national earnings, implemented a heterodox program of wage increases, price controls, and tax breaks, and nationalized *Belco*, a United States-based oil company. These policies led to hyperinflation, the collapse of wages, severe economic contraction, and Peru's ostracism from the international financial community (Roberts 1995, p. 93; Mauceri 1995, p. 17; Wise 1994, p. 83). This scenario set the stage for a neoliberal shift in Peru, embraced by the governments of Fujimori (1990-2000), Toledo (2001-2006), and Garcia (2006-present). Natural resource development in Peru, since 1990, therefore, has taken place within the context of neoliberal reforms that, consistent with past extractive policies, seek to use Amazonian resources for national development.

filed the class action lawsuit on behalf of the Achuar in Los Angeles California. The case is still pending.

Peru's move to neoliberal economic policies occurred under what many scholars describe as "neoliberal populism" (Barr 2003, Arce 2003, Mauceri 1997, Kay 1996, Roberts 1995), where all three presidents (Fujimori, Toledo, and Garcia) campaigned against orthodox neoliberal policies, yet, once in office, shifted towards neoliberal economic prescriptions. Fujimori, campaigning as political outsider, ran against the famous novelist Mario Vargas Llosa, who openly advocated a neoliberal shock program. By mid 1991, Fujimori had implemented what Gonzales de Olarte describes as "an extreme variant" of the policies advocated by the so called "Washington Consensus" (Williamson 1990), the World Bank, the IMF, and much of the international financial powers (Gonzales de Olarte 1993, p. 52). Peru's reform included both a short term economic stabilization package and long-term structural reform in which the state shifted from state-led development to a market-based model that focused on liberalization, privatization, and deregulation (Roberts, 1995, p. 93; Mauceri 1995, p. 17; Wise 1994, p. 83).

As explained in the previous chapter, Fujimori's economic agenda was accompanied by an authoritarian, anti-democratic political agenda. On April 5 of 1992, he carried out a *coup d'état* against his own government, closing congress, ordering judicial reform and essentially abolishing all political opposition (Gonzales de Olarte 1993, p. 52). These economic reforms, therefore, were undertaken outside the realm of democratic, institutional politics.⁵⁸ The coup led to a new congress, the *Congreso*

⁵⁸ It is important to note that Fujimori carried out antidemocratic practices, in part, to defeat the Shining Path (*Sendero Luminoso*) and the smaller MRTA (*Movimiento Revolucionario Tupac Amaru*) guerrilla movement. The movement was particularly devastating for indigenous peoples throughout Peru, some claiming, that up to 45,000

Constituyente Democrático (CCD), which crafted the 1993 constitution to provide the legal framework for market based development initiatives (Arce 2003, p. 340). Fujimori's political discourse was anti-establishment, specifically attacking what he called the *partidocracia* (Roberts 1995, p. 98). Fujimori turned to a group of civil technocrats to implement his economic development agenda. For example, Hernando de Soto, the director of a neoliberal think tank based in Lima, played an important role in negotiating the foreign debt and designing an anti-narcotics strategy (Mauceri 1995). Other key orthodox thinkers were Carlos Boloña, the Minister of Finance and Carlos Montoya, who was placed in charge of privatization efforts (Arce 2003, p. 341).

To a large extent, the Toledo government embraced the free market policies initiated by Fujimori. While Toledo campaigned on his indigenous ancestry and a “rags to riches story” (born poor in a village in the Andes), he had close ties to the international financial community, studying at Stanford and Harvard, and working as a consultant for the World Bank, the United Nations, and the Inter-American Development Bank (Patrón-Galindo 2004, p. 118). During his campaign he also made gestures against the neoliberal model, yet once in office he turned immediately to the Inter-American Development Bank and the World Bank to implement infrastructure projects and a neoliberal style reform process. Moreover, promising a favorable climate for investors, he appointed free trade and privatization advocates Pedro Pablo Kuczynski as Finance Minister and Robert Dañino as Prime Minister. He actively sought free trade agreements with Andean Nations and South Korea and proposed what the IMF called “an ambitious privatization program”

indigenous peoples lost their lives in the midst of the government's war against *Sendero* and the MRTA (See Starn 2005; Yashar 2005, p. 248-249; Van Cott 2005, p. 152).

(Barr 2003, p. 166). In this context, Toledo's administration was characterized by a "broadly orthodox economic policy" (Villarreal 2007, p. 9).

Alan Garcia, similar to his predecessors, did not campaign on a neoliberal agenda, but ran as a centrist against the free market candidate, Lordes Flores, and ultranationalist Ollanta Humala (McClintock 2006, p. 95). Once in office, however, Garcia not only continued with these neoliberal policies, but he intensified them. According to Crabtree, Garcia, worried about repeating the mistakes in his first administration, "has gone to the opposite extreme in an attempt to bury all vestiges of his earlier preference for a leftwing agenda" (Crabtree 2008). During the election, Garcia moved to the right, allying himself with National Unity and Alliance for the Future, two right-leaning political groups and putting together development agenda that was decidedly neoliberal. He appointed fiscally orthodox technocrat Luis Carranza as prime minister⁵⁹ and relied on Toledo's Minister of the Economy, Pedro Kuczynski, as one of his principal advisors.

Broadly speaking, Garcia's development policies focused on creating favorable economic conditions to attract large-scale capital investments in Peru, which required significant institutional and constitutional changes. This approach was welcomed by the international financial community, the United States, and other free market-oriented governments in the region. As such, Garcia distanced himself from Venezuela, Bolivia, and Ecuador, all of whom have engaged in strong critiques of neoliberal development and the US government. In this context, one of Garcia's defining achievements was a Free Trade Agreement (FTA) with the United States, which went into effect in February of

⁵⁹ See "Garcia's choice of Prime Minister Cheered" *Financial Times*, July 22, 2006.

2009.⁶⁰ Extolling the virtues of free trade in Latin America, at the singing ceremony in Washington DC Garcia commented, “It’s a great day for democracy and social justice and freedom. On the contrary, it’s a bad day for authoritarianism and those who are against democracy and free trade” (AFP 2007). Reflecting his faith in market-based policies, Garcia has also pursued FTAs with Chile, Singapore, Canada, and China and has initiated negotiations with European Union.

Free trade, institutional reform, and Garcia’s “legislative decrees”

The Free Trade Agreement (FTA) with the United States is, perhaps, the single most important piece of legislation in this conflict. It is important because it marks not only Garcia’s push toward free trade, but it has set the foundation for institutional reform in Peru, and Garcia’s broader development agenda in which extractive development (oil and gas, mining, hydroelectric, biofuels, forestry, etc) plays a central role. More importantly, Garcia’s legislative decrees, the centerpiece of indigenous critiques, are the direct result of “special powers” given to the executive branch to implement the FTA. After the passage of the FTA, the Garcia administration argued that the executive branch needed special powers to adapt Peruvian legislation to the terms of the agreement with the US. In this context, in December of 2007, Congress approved a law (Nº 29157) that granted the executive branch the faculty to legislate for 180 calendar days. As a result, in the first semester of 2008, the Garcia government promulgated ninety-nine legislative decrees that, in theory, were linked to the FTA (Barandiarán-Gómez 2008a).

⁶⁰ Negotiations for the FTA started in May of 2004 under the Toledo government. It was signed by both parties in the US on December 8, 2005, ratified by Peru on June 29, 2006 and by the US, definitively, on December 4, 2007. The FTA is formally known as the Trade Promotion Agreement between the US and Peru.

Some observers (Ruiz Molleda 2009; Eguiguren 2008; Bandariarán-Gómez 2008b), however, argued that the legislative decrees went beyond legal reconciliation between Peru and the US and, more boldly, were used as a pretext to implement profound institutional change in Peru.⁶¹ In a 2008 editorial, in reference to the legislative decrees, President Garcia wrote,

thanks to the legislative faculties granted by Congress, a great juridical transformation has been carried forth that will permit our country to advance on the road to modernity, administrative celerity, investment and employment. As such, Peru will take advantage of the extraordinary market conditions in the world” (Garcia 2008a).

These legislative decrees, in this case, exemplify the Peruvian government’s longstanding colonial development mentality towards to Amazon region. Within the context of a neoliberal development agenda, Garcia argued that the Amazon region was an essentially undeveloped or underdeveloped region that lacked the necessary ingredients not so much to develop the region, but to provide needed resources to Peru.

More specifically, Garcia argued that the Amazon region lacked the necessary financial capital, modern technology, and legal framework to development the region. In a legal sense, the idea was not only attract foreign investment, but to re-categorize the much of the land from it’s current “protected” status to one that is more apt for “productive,” economic purposes. This would require a legal framework to open up land that was considered (by Garcia) as unproductive, much of which was categorized as protected land, whether it be indigenous titled land, indigenous reserves, or environmentally protected lands. Environmental activists and indigenous leaders referred to this legislative package as the “law of the jungle,” given that it would undermine the

⁶¹ Several legislative decrees have been found, in Peruvian Courts, to be unconstitutional. See Ruiz Molleda (2009).

collective property regime in the region (to some extent, already undermined in the Andes), open up “uncultivated lands” to lumber, mining, and oil companies, privatize the use of public water (irrigation projects), lower the restrictions on transgenic seeds and promote bio-fuel plantations, and weaken environmentally protective measures in national parks and other specially protected areas (Rénique 2010, p.118). Some argued that it would transfer over forty-five million hectares of the protected Amazonian spaces to be re-categorized as agriculture land and/or extractive lands for “productive” purposes (Hughes 2010, p. 87).

I discuss the specific content of these decrees in the following chapter within the context of indigenous resistance to them and to Garcia’s broader development agenda. Consequently, there is no need (here) to explain the content of the decrees in detail. However, it is important to point out that hydrocarbon development takes place within the government’s broader attempt to implement a new legal structure to develop the natural resources in the Amazon region.

Institutional context of hydrocarbon development

The institutional framework is especially critical in the case of hydrocarbon development policy. According Barandiarán-Gomez of the Peruvian environmental NGO, *Derecho, Ambiente, y Recursos Naturales* (DAR), Peru does not have a clear, coherent, natural resource policy, but instead relies on sectorial policies. In Peru, this creates a situation in which the Executive branch is able to prioritize his (or her) development agenda, given the “political moment” or the specific interests of any one particular government. As Barandiará-Gomez states:

In Peru, we do not have, with any certainty, the existence of a policy—or policy directions—in hydrocarbons or energy in which we are clearly able to identify to

the country. [We do not have] a long-term, medium-term, or short-term vision. What everyone knows is that within our state apparatus there is no public institution capable of developing an integral, holistic, and systematic method of planning that might define our public development policies. What we have is a practice that gives each sector must respond to decisions based on [political] situations and independent priorities (Barandiarán-Gómez, 2008a, p. 11).

The problems, as Barandiarán-Gómez points out it that natural resource policy (and hydrocarbon policy) are subject to the whims of each government, who gives specific sectors power in accordance with the government's specific interests. In the case of hydrocarbon development in Peru, given Garcia's interest (or obsession) with turning Peru into a net exporter of oil, he has give extraordinary power specifically to those institutions that surround hydrocarbon development: the Ministry of Energy and Mines and Perúpetro.

In Peru, the Ministry of Energy and Mines (MINEM) is responsible for elaborating, proposing, approving, and implementing hydrocarbon policy (Article 3, Law 26221). It is also important to mention that MINEM approves rules and regulations that govern industrial security, environmental protection, and relations with indigenous peoples. Under MINEM, the General Office of Environmental Issues (DGAA) is responsible for addressing environmental problems that result from energy and mining activities (Gurmendi 2008).

Also under the direction of MIMEM, *Perúpetro SA* (Autonomous Society) is the state hydrocarbon entity that is in charge of promoting private investments in the exploration and exploitation of hydrocarbon activities (Article 4, Law 26221). *Perúpetro*, not to be confused with *Petroperú*, represents the state in its dealings with private companies and is in charge of negotiating, signing, and overseeing all hydrocarbon contracts with private entities and provides important data to oil companies interested in

investing in Peru. *Perúpetro* as an “Autonomous Society” is organized and promoted as a private stockholding company and is able to operate under free market principles. Its mission, based on a neoliberal approach, is to “situate Peru as an attractive country for the investment and development of the hydrocarbons exploration and production activities” (*Perúpetro*: “Literature for Investors”).⁶²

The Supervisory Entity for Investment in Energy (OSINERG), created within the framework of privatizations⁶³ (Law 29864), is responsible for regulating and supervising the activities in the hydrocarbons and electric sectors. OSINERG ensures that private companies comply with the legal, technical, and environmental provisions of hydrocarbon development. The organization also provides investors with access to resources and information regarding market conditions (Gastelumendi 2003).

Interestingly, Vladimir Pinto of *Racimos de Unguragui* points out that OSINERG has never in its history shut down an petroleum or gas operation for environmental contamination (or violations), even in the most egregious cases of Rio Corrientes in Northern Peru (Pinto-Lopez 2007) .

In terms of protecting indigenous rights, several state organizations play a role. For example, the National Ombudsman’s Office (*el Defensoría del Pueblo*) is responsible for ensuring that citizen rights are protected, specifically responding to indigenous denouncements and complaints. In the case of the Peruvian Amazon, *el Defensoria* has been relatively active and, to some extent, critical of Garcia’s aggressive agenda. The

⁶² This is from literature that was given to potential investors at *Perupetro*’s the “Houston Road Show” in February of 2008.

⁶³ Another important organization in terms of the neoliberal reforms is Proinversion, whose objective is to make Peru an attractive place for private investment. It seeks to increase Peru’s competitiveness through the formulation and implementation (working with other agencies, to encourage investment and reduce investment costs.

Ministry of Health provides some vigilance for potentially contaminating hydrocarbon activities and The National Institute of Natural Resources (INRENA), under the Ministry of Agriculture, is in charge of protecting Peru's natural renewable resources and biodiversity, ensuring that development takes place in a sustainable manner. The National Institute of Andean, Amazon, and Afro-Peruvian peoples (INDEPA), where nine indigenous representatives (three from the Amazon) serve, should in theory be active in the formulation and approval of hydrocarbon policy. Finally, regional governments also have the power to promote and regulate activities that affect their departments and provinces, including environmental regulations and indigenous rights (Pinto-Lopez 2007). The Ministry of the Environment was created in 2008 and Antonio Brack, a well known Peruvian environmentalist (also an oil consultant on environmental issues), was named as minister.⁶⁴

The legal framework of hydrocarbon policy in Peru

Reflective of these broader neoliberal changes, Fujimori began the process of moving from a state-led hydrocarbon development model to a market based approach that encouraged private investment, relaxed government intervention, and created a new legal framework for the oil and gas industry in Peru (see Schreck 1996, Sterner 1991, Hogenboom and Fernández-Jilberto 2009). The state's role changed from strategically producing and regulating hydrocarbons to promoting hydrocarbon opportunities and

⁶⁴ President Garcia announced the creation of the Environment Ministry in December of 2007. He gave Prime Minister Jorge del Castillo and environmentalist Antonio Brack only three weeks to design the institution and develop a national policy and an environmental assessment of the country. Some suggest that the motive behind the creation of the ministry was political. Garcia needed the existence of an "Environmental Ministry" before a controversial Inter-American Development Bank loan was approved for the building of a Camisea pipeline. See Salazar 2008.

guaranteeing a stable, legal framework for private investment (Távora and Vásquez 2007, p. 15). From this moment forward oil development came to depend principally on private sector initiatives and attracting foreign capital, which, as part of a neoliberal policy agenda, required policies that removed institutional barriers, ended government monopolies, and privatized state-owned enterprises (Campos et. Al. 2006).

In November of 1991, Fujimori began to implement the legal framework (LD 757), still in place today, to open up the hydrocarbon industry to foreign and private investment. Initiating the deregulation process, the state-run oil company, Petroperú lost its monopoly on both upstream and downstream activities (LD 655), which included negotiating and entering into contracts with third parties in the upstream sector and all aspects of production (refining, manufacturing, etc.) in the downstream sector.⁶⁵ The market was opened up to foreign and nation capital and, in 1992, the government privatized most of Petroperú (Gastelumendi 2003; Campodónico-Sánchez 1999, p. 16).

The most important change in hydrocarbon policy came with the 1993 “Hydrocarbons Law (Law 26221)”, which set the existing legal framework for oil development in Peru. Reflective of the neoliberal shift, the law declared that “the Government promotes the development of Hydrocarbon activities on the basis of free competition and free access to economic activity” (Title I, Article 2). This law led to several significant changes:

⁶⁵ The upstream sector includes exploration and development in the search for and production of crude oil, natural gas, and oil from tar sands. The downstream sector includes refineries, product distribution, truck, rail and pipeline transportation, and retail gasoline markets.

- It created Perúpetro to promote investments in the exploration and exploitation activities, to negotiate, sign, and oversee hydrocarbon contracts and, as mentioned, to represent the state in its dealings with private entities.
- Based on the idea of contract law, under these new provisions, the extracted petroleum no longer belonged to the state, but to the contractor, who, in exchange, now would pay royalties to the state.
- Price controls were eliminated, leaving prices to market supply and demand, and former requirements to sell to the national market were also eliminated.
- Contract requirements in the exploration phase were relaxed, the time frame for exploration and exploitation contracts was extended, and the process for approving contracts was simplified (Gastelumendi 2003; Campodónico-Sánchez 1999, p. 16-17).

These changes provided the basic foundation for hydrocarbon policy under Toledo and Garcia and were part of the explicit goal to turn Peru into a net exporter of oil and gas, something that had not occurred in Peru since the mid 1980s.⁶⁶ The idea of turning Peru into a net exporter of Petroleum has, in some respects, existed throughout the years, even under Velasco, however, under Garcia, these efforts have intensified dramatically.

This led to an intense effort to bring in private capital. Between 1993 and 1999, under Fujimori, the government signed 37 exploration contracts, which amounted to 1.3 billion dollars in investments (Campodónico-Sanchez 1999, p. 8). Toledo continued Fujimori's policies. In 2002, for example, the Toledo government mounted an aggressive campaign to promote private investment, passing legislation to lower royalty payments

⁶⁶ In 1980, hydrocarbons represented 25% of all exports (Campodónico-Sánchez 1999, p. 8).

by 30 percent and making the contract process more flexible so that companies could invest in more lucrative projects (Gastelumendi 2003, also see Gurmendi 2004). As of 2006, Toledo managed to signed more oil and gas contracts that at any time in the history of Peru (Cueto 2006).

The move to bring in private capital for hydrocarbon development, as mentioned, intensified under Garcia. As of September of 2009, there were 92 oil and gas contracts in force. Since 2006, under Garcia's watch, the Peruvian government has signed 31 exploration contracts with oil companies, breaking records in 2007 and 2009. In 2007 the global increase in investments in the hydrocarbon sector was 110 percent over 2006.⁶⁷ Private investments between January and November of 2009 amounted to U.S. \$797 million (see *Living in Peru.com*). In January of 2011, the government plans to offer 10 more blocks for concession (20 for the entire year) (upstreamonline.com; perupetro.com).

Increase in contracts between 2005 and 2009 (as of September 2009)

Year	Exploitation	Exploration	Total
2005	17	28	45
2006	19	42	61
2007	19	65	84
2008	19	61	80
2009	19	73	92

Source: Perúpetro

As a result of these policies, the majority of the Amazon region is now slated for oil and gas development. According to the Institute of Wellbeing (*Instituto de Bien Común*), from 1975 until 2004 the number of concessions in the region was relatively

⁶⁷ In 2007, the Fraser Institute of Global Petroleum study found the, along with the US states of Wyoming and Colorado, Peru had a regulatory climate more conducive to oil development than 155 countries, states, and provinces listed in the study. <http://www.proinversion.gob.pe/0/0/modulos/JER/PlantillaSectorHijo.aspx?ARE=1&PFL=0&JER=906>.

small, amounting to about 13 percent of the region⁶⁸ (see Smith 2005). From 2005 to the present, however, the number of concessions skyrocketed to approximately 73 percent of the Amazon region. The majority of these blocks overlap indigenous territories, indigenous reserves for isolated indigenous peoples, territorial reserves, and other national protected areas.⁶⁹ According to Finer, in the Amazon region 20 blocks overlap semi-restricted areas (Communal Reserves and Reserved Zones), 58 blocks overlap lands that are titled to indigenous peoples, and 17 blocks overlap indigenous groups in voluntary isolation (Finer and Orta-Martínez 2010a).

Natural gas and the Camisea discovery

Peru's hydrocarbon policy is also closely related to the *Camisea* Natural Gas project located in the Urabamba River Valley of Peru. In short, massive discoveries of natural gas reserves in the mid 1980s led to a rethinking of hydrocarbon policy that would eventually define Peru's energy policies under both Toledo and Garcia. Given the potential of these untapped reserves, the government has set forth a bold policy approach that seeks to reduce the country's dependence on the importation and use of petroleum. Internally, government policy is focused on creating a viable natural gas industry and establishing a national market to promote the consumption of natural gas throughout Peru (especially in Lima and Callao). Externally, the government, as discussed, is hoping to increase hydrocarbon exports, thus, correcting the hydrocarbon deficit that Peru has suffered for nearly twenty years (Barandiarán-Gomez 2008).

⁶⁸ According to the Institute of Wellbeing (IBC), the Amazon region has an area of approximately 8 million km squared.

⁶⁹ For a detailed look at hydrocarbon development in the entire Amazon River Basin see Finer and Orta-Martínez 2010a, 2010b.

Camisea began with the participation of three international petroleum giants—Shell, Mobile, and Chevron—but has since morphed into a multi-stage project with many small to medium size oil and gas companies. Royal Dutch did exploratory work in the region from 1981 to 1987, which led to the discovery of two gas fields (San Martin and Cashiruiaru) in 1986. Shell signed an original agreement with the government to exploit *Camisea* in 1988, but the negotiations failed and the company ended up leaving. In 1994, however, Shell returned to the region to negotiate with the government and in 1995 the company entered into a consortium with Mobile to exploit the *Camisea* gas fields. However, despite considerable investment (\$250 million) and intense negotiations with the government, the Shell-Mobile consortium decided the project was not financially feasible and in 1998, again, left the region (Campondónico-Sanchez 1999, p. 34).

In April of 1999, the Fujimori government issued an emergency decree (022-99) that mandated the implementation of the *Camisea* project as a matter of national interest (Hanish 2005, p. 3). As a result, in May of 1999, the Commission for Private Investment Promotion (COFOPRI) called two international biddings for the project. The project was divided into two separate modules: one for exploration and the other for the transportation of gas and gas liquids from the *Camisea* fields to the coast and to supply gas for Lima and Callao. The project, which would start production in 2004, was named by Project Finance Magazine as the “deal of the year” in 2004 (Vences 2006).

The main objective was to produce and transport natural gas and natural gas liquids from the San Martin and Cashiriari fields (Block 88) to the Peruvian markets and to the coast to export. The project was divided into three parts:

- An upstream consortium (development of fields and a processing plant) made up of and led by the Argentine company *Pluspetro*, the US company Hunt Oil, the South Korean company SK, and the Peruvian firm *Tecgas* to carry out upstream operations.
- A downstream consortium, called *Transportadora de Gas de Peru* (TPG), would build two massive pipelines and the transportation to Lima and the coast. It was made up of *Tecgas* (Argentina), *Pluspetrol* (Argentina), Hunt Oil (US), SK Corporation (Korea), *Sonatrach* (Algeria) and Graña and Montero (Peru).
- The distribution of gas was awarded to a Belgium Company, *Tractelbel* (Riveros and Brehaut 2005, p. 1-2). This approach focused on attracting more midsize oil companies rather than major corporations, which to a large degree has continued throughout the Garcia administration.

The financing to the project is also important. With an estimated cost at \$1.54 billion, the consortium approached a multitude of financial entities: private banks, export-credit agencies, and multilateral development banks. Early in the process the a few private banks such as Citibank, JP-Morgan-Chase, the US Overseas Private Investment Corporation, and the Brazilian export-credit agency (BNDES) were involved. However, in 2002, TPG and *Pluspetrol* entered into negotiations with the US Import-Export Bank, the Inter-American Development Bank, and the Andean Development Bank (Johnson 2005).⁷⁰

⁷⁰ Given the scope of the project and the potential environmental and social repercussions, many environmentalists, indigenous groups and other social advocate used the banks strategically to halt the project all together or to ensure better environmental monitoring. See Johnson 2005 for details. Also visit the Amazon Watch and Bank Information Center websites.

It is estimated that the *Camisea* fields contain 11 trillion cubic feet of gas and 600 million barrels of liquids, which amounts to ten times the amount of fossil fuels compared to all of Peru's other reserves combined (Johnson 2005, p. 7). The first major hydrocarbon discovery since the *Trompeteros* find in 1975, the project is touted by the government and international financial agencies (i.e. the Inter-American Development Bank) as "the model" for hydrocarbon development in the Peruvian Amazon both for its productive potential and for the project's environmental and social record.

For environmentalists and pro-indigenous advocates, however, the project is controversial. Environmentalists point out that in the fall of 2004, the first eighteen months of operations, the *Camisea* pipeline had five major spills (Finer et. Al. 2008). The area, the Southwestern Amazon Moist Forest Region, is home to one of the globe's 200 eco-regions and part of the Urubamba region is recognized as one of the world's twenty-five hotspots given "a combination of high species richness, endemism, number and diversity of habitats, and bio-geographic and evolutionary processes" (Riveros and Brehaut 2005, p. 3). Further, multiple groups of indigenous peoples reside in the region, some of whom live in voluntary isolation, a special category recognized by international law and the Peruvian Constitution.⁷¹

It is important to recognize that Peru's hydrocarbon policy is somewhat constrained by Peru's existing environmental and social framework. The issue of indigenous rights, both nationally and internationally, will be addressed briefly in the

⁷¹ The Machiguenga (10,000) and the Yine (2,500) live in the Northern part of the Lower Urubamba and along the Ucayali region. An Ashaninka group (1,500) migrated to the region in 1980s. The project also affects the voluntary isolated peoples living in the Nahua Kugapakori Reserves, consisting of 450 Nahua, 950 Kugapakori and 200 Kirineri. See Hanish 2005.

following section. However, the Peruvian Constitution of 1993, several civil codes, national laws, and a host of international agreements and accords, to a degree, force the government to promote, design, and implement hydrocarbon policy in accordance within the context of environmental and social constraints. The Peruvian Constitution, for example, directly addresses the importance of sustainable development, protection of biodiversity, and respect for indigenous peoples territorial rights. Internationally, Peru is a signatory to several international agreements and accords that, again, protect the environmental and social integrity of indigenous territories.⁷²

Peru's hydrocarbon policy agenda, therefore, includes an important, yet contradictory environmental component. The shift towards natural gas is framed not only as a way to reduce Peru's dependence on foreign petroleum, but natural gas is marketed as a cleaner energy source, one that will reduce Peru's carbon footprint. Hydrocarbon development, in general, is framed within the context of sustainable practices and respect

⁷² The 1993 Peruvian constitution obliges the Peruvian state to promote sustainable development and protect biodiversity in the Amazon region. The Law to Promote Investment in the Amazon Region (N°27037) specifically addresses all investment in the region should respect biological diversity, the sustainable use of resources, and the identity of "native" and "campesino" communities (Art. 4). Article 66 of the constitution mandates the sustainable use of natural resources. Existing legislation restricts the extraction of natural resources in certain Natural Protected Areas (i.e. National Parks, Natural Sanctuaries, and Historic Sanctuaries) (Law of Natural Protected Areas, N° 26834). The state is obliged to promote the creation of wealth *only* when it does not place at risk the "health, morals, and public security," of citizens (Art. 44). The Constitution recognizes the legal existence of "native" and "campesino" communities and provides a degree of social, political, and economic autonomy over indigenous territory. Peru is signatory to national and international norms and codes: UN Declaration of Human Rights; International Pact of Civil and Political Rights, International Convention over the Elimination of All Forms of Racial Discrimination, Convention ILO 169, 1985 Civil Code on the "inalienability, the imprescriptibility, the un-seizability" of native and campesino communities, the Law of Native Communities and Agriculture Development in the Jungle and Jungle-edge regions for the demarcation and titling of lands for native communities, the Law for the Protection of Indigenous and Original Peoples in Situations of Isolation and Initial Contact; and others (see Barandiarán-Gomez 2008a).

for native peoples. However, Peru's larger energy goals, as mentioned, work to open up the region to foreign capital. The development of the biofuels (especially palm oil) and other alternative fuels (i.e. forestry products) in the Amazon region is also a priority of the Garcia government.⁷³

State Practices and indigenous rights to Free Prior Informed Consent (FPIC)

This chapter, thus far, has addressed the history of hydrocarbon development and the current institutional framework designed for implementation. It should be clear that, historically, Peruvian governments have always seen extractive development in the Amazon region as a key component to a larger development agenda. In this context, Garcia's hydrocarbon policy, albeit aggressive, is a mere continuation of the Peruvian state's extractive development agenda. Since 1976 and the first reform of the Native Communities Act, Peruvian governments have enacted policies to implement this larger development agenda (Stocks 1988), which historically has come at the expense of indigenous rights. In this section, I will examine some of the specific state practices associated with the implementation of hydrocarbon policy on indigenous territories, which have been created within the framework of indigenous territorial rights. In terms of broader issues of state-indigenous relations, as Migdal's state-in-society approach suggests, this is precisely where "patterns of domination" are manifested, which exist, in many respects, at the periphery of state-society relations (Migdal et. Al., p. 9).

While a host of state entities are involved in hydrocarbon development, in this section, I will focus on the two principal agencies that are responsible for the promotion

⁷³ See Article 3 of the Law of Promotion of the Biofuel Market (N°28054). Also see "IDB Provides \$25 Million Funding Boost To Peru's Biofuel Project," at www.egovmonitor.com/node32100.

and implementation of oil and gas development in Peru: the Ministry of Energy and Mines (MINEM) and *Perúpetro*, Peru's hydrocarbon licensing agency. As discussed, MINEM is the state entity in charge of both promoting and regulating oil and gas development in Peru and, *Perúpetro*, as the hydrocarbon licensing agency, represents the state in its dealings with private companies interested in investing in oil and gas development. Both entities are responsible for not only informing indigenous peoples of hydrocarbon development, but for establishing relations between the state, indigenous communities, and private companies that are awarded concessions to explore and produce hydrocarbons on indigenous territories

Most directly, indigenous peoples participate in the hydrocarbon process in two distinct, but related practices⁷⁴: 1) informative workshops, and 2) public audiences to approve the Environmental Impact Studies.⁷⁵ Both of these practices revolve around the elaboration and execution of a series of environmental and social studies⁷⁶ to ensure that hydrocarbon activity takes place without harming the environment, natural resources, or

⁷⁴ According to a MINEM and Peruvian Law, citizens participate in the entire process of hydrocarbon development. The most recent manifestation of this is in the Supreme Decree N° 012-2008-EM. For details see MIMEM (2008). "Las actividades de hidrocarburos, la participación ciudadana y los instrumentos de gestión ambiental." Presentation of the General Office of Social Management. Iquitos January 1 2008.

⁷⁵ Both of these are required by law. There are other mechanisms which are framed as 'complementary,' but not obligatory. These include: 1) observation box (buzon de observaciones y opiniones), 2) office of information and citizen participation (oficina de información y participación ciudadana), 3) guided visits (visitas guiadas), 4) Promotional team and diffusion through television, radio, and written media (equipo de promotores y difusión a través de medios de comunicación escrita, televisiva o radial). See Decreto Supremo N°012-2008-EM.

⁷⁶ Environmental Impact Study, Environmental Impact Study semi-detailed, Environmental Management Plan, Community Relations Plan, the Declaration of Environmental Impact, and the Abandonment Plan.

the people that inhabit the area.⁷⁷ Perúpetro is responsible for holding the events and MINEM is in charge of evaluating and approving the environmental studies (MINEM 2008).

Crucially, hydrocarbon policy is promoted around the notion of creating a harmonious relationship between state, company, and civil society.⁷⁸ According to Perúpetro, informative workshops are designed to bring together representatives from native communities, companies, and regional and local authorities to inform the public of the details of the proposed oil and gas project (both a representative from Perúpetro and MINEM must be there. See Pinto Lopez).⁷⁹ The objectives, for Perúpetro, are (1) to identify and incorporate strategic allies for the execution of local and regional development projects, (2) to develop an integral policy of social responsibility with the cooperation and compromise of those contracted, and (3) to promote an exercise of co-responsibility between companies, communities, and the state in development projects.⁸⁰

Before any hydrocarbon activity takes place the contracted company must present to the competent authority an Environmental Impact Study (EIS) that contains a baseline study of socio-economic conditions of the area, all potential impacts (social, economic, and health) to indigenous and *peasant* communities, and the specific measures that

⁷⁷ The most complete document that articulates citizen participation in hydrocarbon activities is the “Law of Citizen Participation in Hydrocarbon Activities.” Supreme Decree N° 012-2008-EM.

⁷⁸ In regional informative workshops Perúpetro describes a new three-party relation between native communities (and representatives), regional and local governmental authorities, and business. This is taken from “Diálogo Tripartito en la Región Ucayali: promoción de lotes de hidrocarburos- una propuesta para el desarrollo,” a powerpoint presentation conducted by *Perúpetro* in July 2008.

⁷⁹ According to SD 015-2006, the idea of public participation is to bring together the state, the entity the will carry out the project, and the population.

⁸⁰ *Perúpetro* (2008). “Diálogo Tripartito en la Región Ucayali: promoción de lotes de hidrocarburos- una propuesta para el desarrollo.” (powerpoint presentation July 2008).

should be adopted to prevent, minimize, or eliminate these effects (DS 003-2000-EM, Art. 2; DS 046-93-EM Art. 10; DS 041-2001-EM Art. 2). After these studies are evaluated by MINEM, then they are subject to a public audience, in which all actors are, according to Peruvian Law, allowed to express their opinion. The standards of MINEM state that the EIS should inform the population about the details of the hydrocarbon project, collect observations and suggestions from the population and local authorities, and include these observations in a required evaluation.⁸¹

Much of the controversy surrounding oil and gas development on indigenous territorial spaces is related to Free, Prior, Informed Consent (FPIC), a concept that is expressed in the United Nation's Declaration on Indigenous Rights (2007) and International Labour Organization (ILO) Convention 169 (1989), to which Peru is a signatory.⁸² Thus, the Peruvian state is subject to an international human rights regime that, on paper, that supports indigenous claims to protect the environmental and cultural integrity of indigenous territories and to decide their own development path. For example, Article 3 of the UN Declaration stipulates that indigenous peoples have the "right to self-determination" and, "[by] virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development" (UN 2007). In a similar vein, ILO 169 recognizes the rights of indigenous peoples to maintain their own way of life (language, identities, and religion), to exercise control over their

⁸¹ This is taken from a MINEM presentation in 2008 titled "Las actividades de hidrocarburos, la participación ciudadana y los instrumentos de gestión ambiental." It was presented by the General Office of Social Management in Iquitos on January 1.

⁸² ILO 169 was signed by Peru into law in December of 1993 (Legislative Resolution 26253) and the UN Declaration in December of 2007. Because ILO is an international treaty it is legally, constitutionally binding on the Peruvian state. This is not the same as the UN Declaration, which is an agreement and is not legally binding.

own institutions, and calls attention to the distinct contributions of indigenous peoples to humankind, including cultural diversity and social and ecological harmony (ILO 169).

Free, Prior, Informed Consent (FPIC) relates directly to the government's responsibility to fully inform indigenous peoples and achieve consensus (or agreement) before development projects take place on indigenous territories. In theory, FPIC provides indigenous peoples with the legal tools to prevent or significantly modify private or state development projects that violate indigenous territorial rights (see Colchester and Ferrari 2007, Chirif and Garcia Hierro 2007). Article 32 of the UN Declaration stipulates:

States shall consult and cooperate with indigenous peoples concerned through their own representative institutions in order to obtain free and informed consent *prior* to the approval of any project affecting their land or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources (UN 2007).

With similar language, ILO 169 (Article 6) declares that “Governments shall consult the people concerned, through appropriate procedures and in particular through their respective institutions,” and these consultations, “shall be undertaken in good faith and in a form appropriate to the circumstances, with the object of achieving agreement or consent” (ILO 169).

Given that ILO 169 is a treaty, rather than an agreement, in Peru it is legally binding and is, therefore, part of Peruvian law (Articles 55, 56, and 57 of the Peruvian Constitution). In relation to oil and gas development, much of the responsibility for ensuring that ILO 169 is upheld lies directly with *Perúpetro* and MINEM. Both organizations, not surprisingly, accept that they are constitutionally obliged to follow these accords, especially ILO 169. For example, the most recent Supreme Decree,

approving new rules for the citizen participation in hydrocarbon activities, acknowledges that

[the] Peruvian State ratified the Convention 169 of the ILO on Indigenous and Tribal Peoples, which obliges governments to assume the responsibility to develop, with the participation of the involved peoples, a coordinated and systematic action to protect the rights of these peoples, and guarantee the respect for their integrity” (DS 012-2008-EM).

Perúpetro and MINEM argue that by providing informative workshops and public audiences to discuss environmental impact studies they are fulfilling their obligations under these accords. In its official strategic plan for 2008-2011, MINEM makes it clear that they are “complying with international agreements ratified by our country that are related to the social-environmental sector” (OIT 169, Biodiversidad, RAMSAR, Marpol, Basilea, Kyoto, etc.) (MINEM 2008, p. 14). In a guide to community relations that MINEM provides to oil and gas companies, the organization refers to relations with indigenous peoples within the context of ILO 169, even providing a summary of articles 15 and 16, which they consider most relevant to hydrocarbon development on indigenous lands (MINEM 2001, p. 74).

On their website *Perúpetro* claims that “conscious of the need to establish good relations with civil society”, *Perúpetro* has “initiated a special relation with indigenous communities” in which the state, oil and gas companies, and indigenous communities work together harmoniously, companies providing social benefits to indigenous communities and indigenous communities participating in hydrocarbon project. *Perúpetro*, in addition claims that they are “complying with what is established in Convention 169 of the ILO.”⁸³ It is important to reiterate that both MINEN and

⁸³ <http://mirror.perupetro.com.pe/protamb-s.asp> .

Perúpetro argue that through the entire process of the elaboration and diffusion of the environmental impact studies they are upholding ILO 169 and other legal provisions that provide indigenous peoples with rights over their land.

The question of whether the Peruvian state by virtue of the informative workshops and the EIAs upholds indigenous rights stipulated in these accords is subject to much interpretation. For the Peruvian state, it is clear that indigenous peoples *do not* have the legal right to prevent oil development. Government officials continuously point out that the state is rightful owner of all natural resources: Article 66 of the Constitution stipulates:

All natural resources, renewable and nonrenewable, are the nation's patrimony. The government enjoys the sovereign right to their development. Organic laws define the terms for their use and concession to private parties. Such concessions grant real rights to the holders subject to such laws (Peruvian Constitution 1993).

In other words, it is the government's constitutional right to develop Peru's natural resources, including hydrocarbons found on indigenous territories.⁸⁴

However, according to indigenous advocates, the Peruvian government clearly violates the spirit of ILO 169 and the latest UN Declaration. One of their main arguments is that the state must negotiate with indigenous communities in "good faith," meaning that consultations must take place with the objective of reaching a consensus. As such, ILO Article 6 of the ILO treaty mandates,

[Consultations] carried out in application of this convention (agreement) must take place in good faith and in a manner that is appropriate to the circumstances, with the objective of coming to an agreement or achieving consent over the proposed measures" (ILO 169. Article 6).

⁸⁴ The Organic Hydrocarbon Law also states that "in situ" hydrocarbons are the property of the government (Title II, Article 8).

Indigenous peoples and environmental advocates point out that in Peru consultations are simply informative and, in reality, there are virtually no mechanisms for dialogue or discussion. In fact, the newly passed legislation that guides citizen participation in hydrocarbon activities (DS 012-2008-EM), considered by the government as monumental achievement, was condemned by indigenous advocates because it did not improve indigenous participation given the state's excessively restrictive interpretation of FPIC⁸⁵ (Barandaiarán-Gómez 2008a, p. 22).

From the perspective of the Garcia government, ILO 169 does not require the state to reach consensus and, consequently, indigenous peoples *do not* have the legal faculty to reject oil and gas projects on their land. As stipulated in this Supreme Decree,

[the] objective of the information and public diffusion process is to consider and incorporate the criteria of the community as deemed appropriate; this process does not imply the right to veto nor is it binding" (DS-015-2006-EM).

Government officials continuously point out that indigenous communities do not have the right to veto development projects on their territories. For example, a Ministerial Resolution referring directly to consultations communities states that "this does not imply that citizens have a right to veto the project" (RM 596-2002/DM). In other words, the Peruvian state has the obligation to consider indigenous peoples opinions, but indigenous groups (communities, individuals, federations, etc.) cannot reject development projects on indigenous territories.

However, as indigenous groups argue, independent of whether indigenous groups have veto power, the state still must carry out consultations in "good faith" with

⁸⁵ The Working Group on Indigenous peoples that made the pronouncement against the new law was made up of the following organizations: Derecho, Ambiente y Recursos Naturales (DAR), APRODEH, SERVINDI, Racimos de Ungurahui, Instituto de Bien Común y CAAAP.

indigenous peoples before the initiation of any development project on their territories.

Article 15:

In cases in which the State retains the ownership of mineral or sub-surface resources or rights to other resources pertaining to lands, governments shall establish or maintain procedures through which they shall consult these peoples, ... *before* undertaking or permitting any programmes for the exploration or exploitation of such resources (ILO 169. Article 15).

This has been a fundamental point of contention from indigenous peoples and their advocates who claim that the entire process of indigenous participation (informative workshops and environmental impact studies) takes place *after* the government has already negotiated and signed concessions with private companies. The Sub-regional director of ILO (in Peru) in a 2006 interview agreed that the Peruvian government should be consulting with indigenous communities *before* signing contracts with petroleum companies (Greenspan 2006, p. 8).

The government's position on this issue is telling. According to Ronald Egúsqiza, general manager of Perúpetro, ILO 169 does not require the government to consult with indigenous communities before the demarcation of hydrocarbon blocks. He points to Article 6, stating that the government must consult with indigenous communities when "approving legislative or administrative measures." Egúsqiza remarks: "a contract," referring to contractual negotiations between the government and private companies, is neither a legislative nor an administrative measure, but the result of a negotiation between two parts that simply establishes a framework.⁸⁶ Here the

⁸⁶ This interview is taken from a video put together by Tsiroti, a website portal, run by the Center for the Indigenous Amazon (CEDIA), a Peruvian NGO. September 30, 2008. See <http://www.tsiroti.com/videos/9/quienes-deberian-decidir-la-delimitacion-de-los-lotes-hidrocarburiferos>

government argues that oil and gas projects are not initiated with the signing of a contract, but only after informative meetings and EIAs are complete.

This issue largely boils down to the government's interpretation of consultation. In a 2006 study, Greenspan states that the government's definition of consultations "does not offer a single space for communities to influence government land and resource use decisions" and the government perceives its role simply as an information provider. Marco Carrasco of the Environmental Protection and Communities Division of *Perúpetro* maintains that indigenous people wrongly understand that consultation implies the right to veto, when consultation, according to Peruvian Law (RM 596-2002-EM/DM), means that the state, citizens and energy companies come together to provide information only so that project managers can take preventative measures to manage possible social and environmental impacts. Again, for the government, consultation implies only that the government must provide information and consider indigenous (or community) perspectives (Greenspan 2006, p. 11).

The government's insistence on the "informative" content of the workshops is palpable. In 2004, the government replaced the legislation that was titled "Regulation for *Consultation* and Citizen Participation in Proceedings to Approve Environmental Studies in the Energy and Mining Sector" with "Regulation of Citizen Participation in the Realization of Energy Activity Administrative Proceedings for Environmental Study Evaluations (RM 535-2004-MEM/DM). As Greenspan points out, the word "consultation" was removed from both the title and the text, to be replaced with "informational workshops" and public hearings. The government's interpretation of consultation is clearly limited to merely providing information to communities and

avoiding any meaningful dialogue with indigenous peoples. In short, the Peruvian state employs a limited (or minimal) understanding of consultation and participation that, in reality, excludes indigenous actors from any meaningful participation in the process of hydrocarbon development policies.

This is also reflected in the practices of informative workshops and public audiences to discuss the environmental impact studies. Human rights lawyer Lilly La Torre, director of a Peruvian human rights organization (*Racimos de Ungurahui*), argues that in these workshops the government, not indigenous groups, sets the terms of participation upon arrival to indigenous villages throughout the region. She explains that petroleum companies, Perúpetro, and MINEM arrive in a village together—usually in a helicopter or airplane—to announce to indigenous communities that they are in the village to discuss a legally binding contract that the government has signed with a private company. The government representative (from Perúpetro or MINEM) explains to the community *how* they will benefit from and *how* they will participate in the project. They announce, for example, that there will be work for anyone interested, so “all interested in work, please sign the sheet.” For La Torre, the state manipulates the entire process so that any real decision-making power or genuine dialogue between the state entities and indigenous people is eliminated.⁸⁷

In the same context, Peruvian environmental specialist Cesar Ipenza claims that at these informative meetings some state officials purposely distort the information and manipulate the entire process. He mentioned one especially bizarre case. A lawyer representing Perúpetro said to a villager who brought up ILO169 in a meeting: “ILO 169

⁸⁷ Lily La Torre (Director of *Racimos de Ungurahui*) personal interview, January 2008.

does not say what ILO 169 says.” The lawyer argued that because the state is the rightful owner of all of Peru’s natural resources, indigenous territories are in reality superimposed over the subsurface (not the concessionary blocks), which is property of the state. Therefore, according to this logic, ILO 169 does not protect indigenous territorial rights where the state’s resources are concerned. Part of the problem, according to Ipenza, is that state lawyers tout their position as “legal experts” as a way to intimidate villagers who are normally not well-equipped to deal with the technical-legal knowledge.⁸⁸

Sometimes, however, state practices are less subtle. Petroleum companies, in conjunction with state officials, have made concrete offers to indigenous peoples in the form of health centers, roads, electricity, telephone service, boat motors, and even things like soccer jerseys, toys for kids, and other random items. These types of offers have been well documented (Saywer 2004, Kimberling 1991, La Torre-Lopez 1999). In 1997, one Achuar indigenous leader explained how state officials and company representatives offered the community, “20 peque-peques (motorized canoes), 8 chainsaws, 30 sewing machines and 40 cases of beer” (La Torre 1999, p. 186). More recently, a Shipibo woman explained how in a government visit to Shipibo village community members told her they had been offered 50,000 soles (roughly \$17,000) and if they did not accept the terms of the contract that army would come.⁸⁹ According to Robert Guimaraes, former vice president of AIDSEP, the state’s strategy is designed to take advantage of the needs and vulnerability of indigenous peoples that live in remote jungle areas. Guimaraes remarks, “The state, together with the resources of oil companies, can arrive by helicopter and, if

⁸⁸ Cesar Ipenza, environmental lawyer, the *Association for the Conservation and Defense of Nature*) personal interview, January 2008.

⁸⁹ Personal interview with Shipibo woman, Yarina Coche, Peru. January 2008.

communities are not well informed, they are especially susceptible to these types of offers.”⁹⁰

The public audiences surrounding the environmental impact studies are, like the informative workshops, venues designed to inform the public (i.e. indigenous peoples) about the details of the final study. Equally, there are no provisions that provide indigenous peoples the opportunity to reject the claims made in these studies or, in reality, any possibility of debate or dialogue. While these forums typically include a question and answer session (see RM 596-2002-EM/DM), La Torre says that they are simply informative meetings that are dressed in overly technical language, conducted in such a way that there is little room for input, little time to understand the complexity of the studies, and virtually no opportunity to dispute the validity of the claims presented.⁹¹

Conclusion

To summarize, Garcia’s hydrocarbon development policies are based on a (neo)liberal model that extols the extraction of natural resources as a vital component of Peru’s development policy agenda. This is portrayed as an integral part of the state’s ambitions to become a modern, advanced, and developed country. As Migdal recommends, a historically specific treatment of power is critical (Migdal et. Al, 1994, p. 9). To this end, understanding the historical context of extractive development in the Amazon region is quite important. This chapter reveals that Garcia’s policies, while clearly neoliberal, are merely an extension of the state’s colonial logic toward the Amazon region and its indigenous peoples. In other words, what is significant here is not

⁹⁰ Robert Guimaraes (vice-president of the Association Interethnic of Development of the Peruvian Amazon, from 2004-2008 (check this). Personal interview. January 2008.

⁹¹ Lily La Torre (Director of *Racimos de Unguragui*) personal interview, January 2008.

the shift to neoliberalism, but the continuity of hydrocarbon development in the Amazon region. For Garcia, the Amazon region, like in nearly every presidential period, is used as an “empty space” to exploit natural resources. Oil development in the region, while never living up to its promises, is just another attempt, albeit aggressive, to turn Peru into a net exporter of petroleum. Amazonia, purportedly devoid of civilization, is again and again used to serve the development objectives of the nation.

To carry out hydrocarbon policy on indigenous lands, via the key institutions *Perúpetro* and MINEM, the government relies on state practices that, in theory, are designed to respect indigenous rights and protect the environment. However, these practices fall short on both accounts. This will be discussed in more detail in the following chapter in relation to the IMPA’s challenge to the government’s development agenda and hydrocarbon policies. The Garcia government, according to most experts, utilizes an extremely weak interpretation of ILO 169, arguing that these rights only provide indigenous peoples with “information” concerning hydrocarbon development projects. Moreover, according to *Perúpetro*, the act of negotiating between the government and oil companies is just a “business deal,” and not something that should concern indigenous actors. Most would agree that this attitude is contrary to the spirit of FPIC, which is intended to provide indigenous peoples the rights to decide their own development path. However, again, understanding the historical context of extractive development in Peru, the policies and positions should not be surprising. The government, in spite of indigenous rights, has always proceeded to move “forward” to extract Amazonian natural resources. Fittingly, President Garcia’s governmental slogan is summed up in these three short words: “¡El Perú Avanza!”

State hydrocarbon practices, the informative workshops and EIAs, in the present day context are designed, in theory, to uphold indigenous cultural and territorial rights, resemble colonial practices, like the *encomienda* and the *repartamiento*, that were designed, in theory, to save and protect indigenous souls. In reality, however, both are a means to carry out extractive development on indigenous territorial spaces. The indigenous response to the government's hydrocarbon policies is the subject of the following chapter. However, AIDESEP, the leading indigenous federation in the Amazon region, just after President Garcia's inaugural address, articulated this continuity between colonial and modern-day state practices. AIDESEP not only complained that the Peruvian state still sees the region as "petty cash," but that the practice of the colonial *encomienda* had not been abolished in Peru, but replaced with the more modern day "concession." As Migdal might agree, the image that indigenous peoples have of the Peruvian state is the result of a certain genealogy of state practices that, in spite of their lofty rhetoric, work to marginalize indigenous peoples from Peru's development policies.

CHAPTER IV. INDIGENOUS RESPONSE AND RESISTANCE TO THE GOVERNMENT'S HYDROCARBON POLICY AGENDA

"When transnational oil companies contaminate our lands, they are psychologically killing us." Juan Agustin. Shipibo leader.

Introduction

In opposition to the government's campaign to not only promote oil and gas development but to open up the Peruvian Amazon to other extractive industries (mining, timber, etc.), the Indigenous Movement from the Peruvian Amazon (IMPA) staged massive protests in August of 2008 and the spring and summer of 2009. The tragic events in Bagua described in the opening chapter were the erupting point of these protests in which indigenous peoples from the region took to the streets to directly confront the government's development policies. As the *Defensoria de Pueblo* recognized, indigenous groups demanded the repeal of several legislative decrees and special legislative projects enacted by President Garcia, which would set the legal framework to put into place the government's plans to develop the region's natural resources (See Merino 2010).

As discussed in the Chapter I, the protests led to the repeal of four of the eleven legislative decrees that indigenous peoples throughout the region have specifically targeted (Romero 2009) and Congress recently passed a consultation law, which Garcia has yet to sign, but is designed to implement ILO 169. Furthermore, in spite of government attempts to dismantle AIDESEP, the most formidable representative of the movement, the indigenous organizing remains strong in the Peruvian Amazon. Alan Garcia has not fared so well. In an October poll, the president's approval rating

plummeted to 34 percent one of the worst approval ratings in all of Latin America (Lizoan 2009). On the contrary, the fact that the indigenous population in the Amazon represents less than one percent of the Peruvian population (about 300,000 people), in many respects, is a testament to the political impact of such a small population.

In this chapter, theoretically, I shift from a neoinstitutional approach to the study of the IMPA within the context of social movement theory. The IMPA is led by AIDSESEP (the Interethnic Association of Development of the Peruvian Jungle), but includes the many regional, sub-regional, and village-level organizations throughout the Amazon region. AIDSESEP alone is made of up 57 federations, the majority of whom can be divided into multiple organizations (regional, sub-regional, and village-level). In spite of the debate surrounding the “newness” of new social movements (see Weir 1993), given that indigenous movement demands are closely related to identity and cultural politics and, to a large degree, go “beyond” simply material values, the IMPA, as discussed in the Chapter I, is probably best described as a new social movement. Perhaps even more accurate, the IMPA, as this chapter reveals, has much in common with what Bohm, Dinerstein, and Spicer (2010) describe as autonomous movements, which usually involve a struggle for self-determination, organizational self-management and independent social and economic practices vis-à-vis the state and capital (2010, p. 18).

Notwithstanding the categorization of IMPA, social movement theory suggests that movements arise given certain political and transnational opportunities. Based on the importance of structures, social movement scholars pay close attention to the configurations of political opportunities. Some of the early social movement scholars, for example, explained the emergence of a social movements based upon “changes in the

institutional structure or informal power relations of a given national political system” (McAdam, McCarthy, and Zald 1996, p. 3). In the case of indigenous movements, while national political configurations are important, international forces are also important and in many cases help to explain the emergence, success, and longevity of indigenous movements. Lucero describes these as “transnational opportunities”, which implies that organizations like the World Bank, Oxfam, the United Nations, and the International Labor Organization, at times can be instrumental in explaining movement success or failure. More generally, the internal arena is important for understanding the emergence of indigenous movements (Lucero 2008, p. 20-21).

While these movements certainly respond to political structures, providing opportunities and constraints, indigenous peoples are also active agents in deciding their future and, as the previous chapters have demonstrated, indigenous peoples have responded vehemently to the state’s constant attempts a colonization of the Amazon region. In part, a response from social movement scholars to the lack of agency-driven or cultural-prevailing explanations, Snow and Benford (1988) coined the concept of a “framing process.” Giving attention to the importance of ideas and sentiments (meaning and identity), Snow describes framing as “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action” (McAdam, McCarthy, and Zald 1996, p. 6). In this same vein, Goodwin and Jasper describe frames as “simplifying devices that help us understand and organize the complexities of the world.” For these authors, social movement leaders must work hard to find the right frames, ones that are properly aligned with potential recruits and, perhaps most relevant in this case, leaders are often involved in framing contests or

“framing wars” with their opponents to capture the attention and win the “hearts and minds” of the larger public (Goodwin and Jasper 2009, p. 55).

This chapter uses these “social movement theory” tools to understand the emergence of the IMPA, the movement’s principal values and, more specifically, its response to the Garcia government’s hydrocarbon development policies. First I will explain how the IMPA emerged in the Amazon region against the constant process of invasion of indigenous territories, to a large degree fomented and propagated by government policies. I will then examine how indigenous organizing benefited from political and transnational opportunity structures and how, given the crucial importance of indigenous conceptualizations of territory, the IMPA has been able to frame indigenous concepts of territory against “Western” concepts. This framing helps to illuminate indigenous perspectives on development and explains how these perspectives offer an approach that is both environmentally sustainable and socially equitable. Finally, I engage in a detailed discussion of indigenous opposition to Garcia development policies and, specifically to hydrocarbon development in the Amazon region. Utilizing the protests of 2008 and 2009, I will analyze some of the strategies, tactics, and actions that the IMPA has used to confront the government’s policies.

The emergence of the indigenous movement in the Amazon region

The first (recorded) “modern” indigenous organization in the Amazon region is the result of a meeting between 120 Campa (Asheninka) delegates from the Perené River basin in 1959 to discuss issues surrounding land rights and, specifically, the presence of

the British multinational company, the Peruvian Company, which was given a giant land concession (500,000 hectares) in the nineteenth-century to colonize the area.⁹²

Responding to what was perceived as a territorial invasion, indigenous delegates entered into a strategic alliance with Andean colonists, immigrants, and others and, as a result, formed the Association of Native Campas of Perené⁹³ (Chirif and Garcia 2009). From this point, a plethora of indigenous organizations were formed starting in the late 1960s and early 1970s in the Peruvian Amazon.⁹⁴

In 1969, from the central jungle, in an effort to defend their territorial spaces, Yanesha groups formed the Amuesha Congress⁹⁵ (*Congreso Amuesha*) and in the early 1970s groups of Asháninkas organized the Center of Native Communities from the Central Jungle (CECONSEC). Between 1970 and 1973, largely based on these experiences, Yáneshas (now Amueshas) and Campa (now Asháninka) groups began to organize, forming the *Congress Campa de Pichis* in 1973. In the Napo River basin (in the northern-Amazon region), in the mid-seventies, the Organización Kichwaruna Wangurina (ORKIWAN), with 26 base-communities (today it has over 40), was established. In the northern jungle, in 1969, Aguaruna and Manseriche peoples formed the organization,

⁹² According to Chirif and Garcia (2007), the government provided the British company, The Peruvian Corporation, with a 500,000 hectare-concession as part of the external debt acquired with Great Britain as a result of the Pacific War (p. 104).

⁹³ These processes led to the formation, in 1976, of la Federación de Comunidades Nativas de Perené (FECONAPE), which one year later changed its name to la Central de Comunidades Nativas de Producción y Comercialización Agropecuaria del Perené (CCNAPCAPE).

⁹⁴ One of the first indigenous organization to emerge in the entire Amazon river basin was the Shuar federation, organized in Ecuador in 1964, with the help of Salesian Catholic missionaries, who used a revolutionary method (at the time) of bilingual intercultural schooling (Hvalkov 1998, p. 91).

⁹⁵ In 1981, the Congreso Amuesha, became la Federación de Comunidades Nativas Yanesha (FECONAYA), which continues to function today (Chirif and Garcia 2009).

Chapi-Shiwag. In the same year the Achuar peoples formed a similar organization, *Achuarti Ijumdramu* (ATI). Also in the northern region, the Aguaruna peoples, in 1971, formed an organization amongst communities from the North-eastern Marañón river basin.

In the Ucayali region, in 1976, responding to economic (production) needs, the Shipibo peoples established *la Empresa Multicomunal de Artesanía Maroti Shipibo* (The Multi-communal Business of Maroti Shipibo Artisanry) and, in 1977, Shipibo and Ashánikas carried out similar actions. This generally led to further organizing around issues of territorial rights. The *Consejo Aguarana and Huambisa* (CAH), one the first organizations to establish a regional mission, was established shortly thereafter. In a similar way, the first Shipibo organizations extended their scope to form the Shipibo Development Organization (ORDESH) in 1979 in the Upper Ucayali. In the middle Ucayali, FECONAU (the Federation of Native Communities of the Upper Ucayali) was formed, and in the lower Ucayali, FECONBU (the Federation of Native Communities of the Low Ucayali) was formed, both around 1981. In the Central Jungle, CECONSEC, took on territorial integrity as one of their main focuses (Dandler 1998, p. 12-14. Also see Yashar 2005, p. 260).

As these experiences indicate, by in large, indigenous organizing in the Amazon region emerged against a constant process of the invasion and encroachment on indigenous territorial spaces. In other words, modern indigenous organizing takes place as the result of the state's (colonial) development ambitions. Here the International Working Group on Indigenous Affairs (IWGIA) articulates the main reason that indigenous peoples in the Amazon began to organize:

Indigenous Amazonian peoples have suffered a process similar to indigenous groups from the Andes, although much later. The indigenous movement in the Peruvian Amazon emerges when, like in the Andean case, the invasion of territories and the dispossession of resources becomes intolerable (IWGIA 1995, p. 21).

It is, therefore, the state's push to extract and develop Amazonian resources, as detailed in Chapter III, that forced indigenous groups into creating viable organizations.

Indigenous organizing, in this context, was basically a defense mechanism to protect territorial spaces.

As this will be detailed throughout the chapter, it is important to note that indigenous organization emerged very much as part of the state's institutional framework. This is related to the political opportunities that resulted from the 1974 Native Communities Law and, more generally, from the fact that indigenous leaders were quite adept at utilizing the political system and structures available to form their own organizations. Chirif and Garcia explain this process:

With the passing of time, while dominant-subordinate relations are established, the dominated indigenous peoples are able to discover, within the systems and mechanisms imposed by the dominant legal system, a few institutions that they are able to appropriate, thus, forming their own institutions (2007, p. 102).

In the analysis of the emergence of Amazonian organizations it is, therefore, important to recognize that these organizations were never intended to be organizations totally separate from the state and the institutional framework in Peru.

That said, indigenous organizations emerged to a large extent from the grass roots, where indigenous peoples began to organize to protect the integrity of their territories and to advocate for indigenous rights, including bilingual education and health services. In 1979, out of the need to establish a nationally based (Amazonian) indigenous federation, leaders came to form the Coordination of Native Communities of the Peruvian

Amazon, which, in 1980 became AIDESEP, the Interethnic Association for the Development of the Peruvian Amazon (Chirif and Garcia 2009). In 1987 CONAP, (in some respects a rival to AIDESEP) the other nationally-based Amazonian indigenous federation, was born. As mentioned, the contemporary indigenous movement in the Amazon region is made up of organizations at the community, regional and federal levels of organization (see Dandler 1998 p. 13-14).

Political and transnational opportunity structures

As mentioned, the Amazon movement emerges in the midst a long history of conquest and colonization. However, as Yashar explains, while incipient organizations started to emerge before 1974, it wasn't until indigenous settlements became organized, officially, as "native communities" that these communities would come together to form indigenous federations (2005, p. 235). As such, the Amazonian indigenous movement benefited from *political opportunity structures* that provided a space for indigenous peoples to organize formally, which enabled them to make demands against the state. In conjunction, indigenous peoples further profited from *transnational opportunity structures* in which international NGOs, religious organizations, pro-indigenous activists, and academics also worked to advance indigenous claims.

In terms of national political opportunity structures, the Velasco regime, relatively progressive in advancing indigenous rights, provided an opportunity for a group of young, well-educated, and informed professionals to design and implement policies to benefit Amazonian peoples. One of the most influential figures was Stéfano Varese,⁹⁶ an

⁹⁶ In a 2001 interview, Varese explains that even though he knew that the Velasco regime was not the true "Socialist Revolution" he and his counterparts had dreamed of, he felt

anthropologist from the University of San Marcos in Lima, who wrote one of the premier books, *la Sal de los Cerros* (1972), that studied indigenous peoples from the Peruvian Amazon. Varese was given the task of creating a national policy for indigenous peoples from the Amazon region,⁹⁷ which eventually led to the 1974 *Law of Native Communities* (Stocks 1984, p. 49). This law, due to the influence of Varese and others, was the most advanced document (or law) dealing with “native” communities at the time in all of Latin America. Moreover, given the specific provisions within the law, it provided the impetus for indigenous organizing throughout the region, and, thus helped to initiate a process of recuperation and re-integration of indigenous territories, which is still the key tenant of the movement’s platform today.

As explained in Chapter II, the law created a new social unit called a “native community,” which officially recognized the legal existence and integrity of indigenous communities and, in turn, required that the state issue a land title to each community. Native communities were thus required to register with the state to acquire legal status, which, in many respect, provided the first official link between “native” peoples and the state. Under the National System of Support and Mobilization (SINAMOS), the Office of Support for Native Communities was created to implement the new measures.⁹⁸ The task

that by working with the government they could “occupy spaces, fissures, and introduce changes that indigenous peoples could appropriate in the future” (Montoya et. Al. 2001).

⁹⁷ In interview with Varese, he explains how he began working with the Velasco government. In short, he was asked by two anthropologists from Cornell University to leave San Marcos University, in Lima, to apply for director of an administrative unit working on issues related to indigenous peoples from the Amazon. From there the government opened the Division of Native Communities. (See Montoya et. Al, 2001).

⁹⁸ Stocks observes that, under Varese’s successors, Alberto Chirif and Carlos Mora, two academics that are still actively involved in advocating for indigenous peoples, were part of a national network of support, that helped “organize and politicize” native communities, permitting them to obtain land titles (p. 49).

was formidable: 1) to locate native settlements, 2) to inform them of their rights, 3) to register them as “native communities,” and 4) to demarcate and title their lands (Smith 1982, p. 5). This created a wave of indigenous organizing, supported by the state, that was based on the titling of indigenous communities.⁹⁹ Furthermore, the law required that native communities organize in a uniform way, which, while imposing the exact model that was used in the Andes, provided native peoples with legal instruments to make demands before the state (Dandler 1998, p. 13; also see Yashar 2005, p. 253). To reiterate, it was through the legal figure of the native community that indigenous peoples from the Amazon region were officially represented (and recognized) through the state.

Indigenous peoples also took advantage of what Lucero refers to as “transnational opportunities” (2008, p. 16). By 1968, the international context was changing as many in Europe and the United States were becoming aware of issues concerning the rights of indigenous peoples. Organizations such as the IWGIA, from Copenhagen, Survival International, from London, and Cultural Survival, from Boston, were all founded in this time period. The World Council of Churches, working with Anthropology Department at the University of Bern in Switzerland sponsored the first international conference on indigenous rights in South America, to be held in Barbados in 1971. This led to the “Barbados Declaration,” which not only declared indigenous peoples rights to self-determination, but included the state, religious missions, anthropology as an academic discipline, and indigenous peoples themselves as the principal actors securing these rights (Hvalkov 1998, p. 91). In this environment, NGOs, religious groups, academics, and

⁹⁹ According to Stocks (1984), attention was first given to indigenous peoples closest to the Andean “border,” including the Campa, Aguaruna, Machiguenga, Amuesha, and others. As of 1981, 341 native communities were established, which included approximately 11,000 families and 1.3 million hectares of land (See table 2, p. 50).

international activists began to actively support indigenous organizing in the Peruvian Amazon.

Anthropologists were especially helpful in raising awareness about some of the extreme situations of marginalization and violence against indigenous peoples in the Peruvian Amazon. Varese's influential book, *La Sal de los Cerros*, published for the first time in 1968, detailed the precarious situation of the Campa (now called the Ashéninka) in the Gran Pajonal Region in the Central Jungle of the Peruvian Amazon. For Chirif and Garcia (2009), his work not only paved the way for further anthropological studies in the region, but helped to establish solidarity ties with academics and activists who would later become committed to indigenous rights issues. After writing *La Sal de los Cerros*, Varese became involved as a writer and public figure, speaking out on issues related to indigenous politics. In 1972, IWGIA published "The Forest Indians in the Present Situation in Peru," which examined the socio-economic situation of native peoples in Peru (Varese 1972). About the same time U.S. anthropologist John Bodley wrote about the relations between patrons and indigenous peoples, which drew attention to the expansion of slave raiding in the Ucayali region up until the 1940s. However, while drawing attention to the issue of slavery, at the time Bodley was not aware of how "serious and contemporary" the situation was in this region (Hvalkov 1998, p. 92).

In this case, the influence (and support) of certain academics (particularly anthropologists) and international NGOs presented indigenous peoples with political and transnational opportunities that propelled indigenous organizing in the region. Peruvian anthropologists such as Varese, Chirif, and Mora (ex-government employees during the Velasco regime) played a critical role in both policymaking and providing general

support for indigenous peoples in their private and professional lives.¹⁰⁰ Furthermore, a North American anthropologist and Peace Corps Volunteer, Richard Chase Smith, today the director of The Institute of Wellbeing (IBC), an organization that advocates on behalf of indigenous causes, helped to organize the Amuesha Congress in 1969 (Van Cott 2005, p. 156; Brysk p. 64). NGOs have frequently assisted in bringing indigenous peoples together (in forums and other venues) to discuss important issues, plan strategies, and work toward common goals. The Center for Research and Amazonian Promotion (CIPA), for example, played an important support role in the creation of AIDSEP (Yashar 2005, p. 261).

Religious missionary groups, supported and financed by European and US parent-organizations, also helped to organize indigenous leaders, most notably around bilingual education programs. The (North American) Summer Institute of Linguistics (SIL), for example, helped to train young indigenous people, who became fluent in Spanish and would later emerge as important indigenous leaders (Yashar 2005, p. 259). Hvalkov observes, in the Ucayali region, how Ashéninka peoples, strategically, formed alliances with the SIL to fight off the encroachment of colonist society and to obtain land titles. While the SIL missionaries expected that the schools would become part of a broader evangelical ecclesiastical Christian society, indigenous teachers insisted that the SIL assist in the demarcation of indigenous territories to prevent further colonist expansion (Hvalkov 1998, p. 104-105). The work of missionaries is, of course, controversial. However, the important point here is that indigenous leaders were skilled enough to use

¹⁰⁰ Both Mora and Chirif are principal figures in *the Centro de Investigación y Promoción Amazónica* (CIPA), a Peruvian organization financed by Swiss, Dutch, and English sources (Stocks 1985, p. 55)

the support that missionary organizations provided to develop leadership skills, which would eventually translate into important resources for the IMPA. More generally, albeit controversial and often counterproductive, missionaries did play an important role in the organization and mobilization of several indigenous groups throughout the region.¹⁰¹

Indigenous values and framings of territory

The territorial dispossession that indigenous peoples suffered from an unending process of colonization cannot be underestimated. IWGIA describes colonization as a “process in which the conquerors would deny indigenous peoples all of the spaces in which they were able to express themselves as different” (1995, p. 22). For indigenous peoples the dispossession of territory represents the deprivation of religion, philosophy, language and literally the entirety of culture. Furthermore, this loss of territory not only altered indigenous relations to their immediate environment, which includes intra and extra community relations, but, most importantly, it dramatically reduced indigenous capacity to shape their own future. Put differently, the loss of indigenous territory radically impacted indigenous political and cultural sovereignty. Given the history of colonization, resulting in the dispossession of indigenous territorial spaces, the main objective of the IMPA is therefore to reverse this process of territorial dispossession. As IWGIA states, the mission of the indigenous peoples movement in the Amazon is “to

¹⁰¹ The formation of *la Organización Kichwaruna Wangurina* ORIKIWAN in the Napo region was assisted by a group of Canadian Franciscans in 1970. A cooperative, organized and managed by Jesuit missionaries, criticized by the indigenous population, later turned into la Central del CENEP, which became the seed for el Consejo Aguaruna Huambisa (CAH) in 1977 (Chirif and Garcia 2009). The SIL provided the impetus for indigenous organizing in the Northern Amazon region, specifically in organizing the Aguarunas in the Upper Amazon region (Dandle p. 12).

recover each space and each expression that has been usurped by the Conquest” (1995, p. 21-22).

In this context, territory represents the principal value that informs and guides the IMPA. To better understand indigenous conceptualizations of territory, drawing from IWGIA (1995), Chirif and Garcia (2007), and indigenous intellectuals and activists, here I establish a rough theoretical framework to articulate the meaning of territory. While it is important avoid the tendency to essentialize (or romanticize) indigenous notions of territory (especially nature-human relationship), it is useful to recognize the significant and important differences from mainstream (or Western) concepts. As Chirif and Garcia explain, it is precisely because of these differences that indigenous peoples have appropriated the concept of “indigenous territory” as a new juridical concept that is capable of explaining these differences (2007, p. 36). It is precisely in this context that the IMPA has sought out to frame indigenous notions of territory and explain how they are different from “Western” notions.

It is also worth noting that there is an ever-present danger in generalizing about “indigenous” conceptualizations of territory. Indigenous peoples from the Amazon region include a multiplicity of groupings that, in many ways, express particular meanings of territory that relate to the territorial spaces on which they reside.¹⁰² Secondly, it is important to reiterate that indigenous conceptualizations of land and territory stem from the history of colonization and, as Chirif and Garcia note, they have been strategically employed (and framed) as a means to recover indigenous territories. Thus, these

¹⁰² Chirif and Garcia explain that in order to properly reclaim indigenous territories, each indigenous group must play a deciding role in defining territorial limits, which includes the vast gamut of cultural factors that are particular to each group and are intimately related to a particular territorial space (2007, p. 37).

conceptualizations should not be understood as abstract, pure notions of territory, but they are the result of the historic experience of colonization and subsequent dispossession of indigenous territories. Again, in order to obtain recognition of their territorial rights the IMPA has been forced to operate within the institutional framework of the Peruvian state and the culture of national society (2007, p. 23). Finally, territory, as the predominant indigenous value, provides a window to understanding a host of other related values that the indigenous movement in the Peruvian Amazon strategically employs on a regular basis.

Indigenous conceptualizations of territory can be explained through the following four principles. First, indigenous conceptualizations of territory (and land) are *historically produced*. This is relevant not only because of the experience of colonization, but because as “conquered” peoples who inhabited the “Americas” before the Europeans, indigenous peoples possess particular rights which are stipulated in the Peruvian Constitution and in international documents such as ILO 169 (IWGIA 1995, p. 26).

Second, indigenous claims are based on *territorial integrity*, which means that indigenous territorial spaces should be continuous, contiguous, and undivided. Territorial integrity responds to indigenous beliefs surrounding the wholeness of territory and nature, but also to the historic process of fractionation of indigenous lands, where indigenous peoples have only been able to acquire small disparate (unconnected) plots of land. Furthermore, in response to state attempts to administer and categorize resources for development purposes, territorial integrity implies that the surface, subsurface, air, and all resources within a given space are inseparable and cannot be specially categorized for

development purposes (i.e. the state is the owner of subsoil resources) (IWGIA 1995, p. 25).

Third, indigenous peoples seek the *political and administrative autonomy* to control all land and resources within given space. This not only includes the free use and administrative control over all resources, but also control over indigenous culture, spirituality, and the social makeup of such a space. Importantly, this includes critical aspects such as control over indigenous knowledge of biodiversity and related issues (Chirif and Garcia 2007, p. 39).

Finally, in the legal sphere, indigenous peoples as a larger collective group represent the *rights-bearing-subject*, not the individual or any smaller group (family, village, community, etc.). This is critical for notions of sustainability and suggests the following: a) territory is transgenerational (including past and future generations), b) it is indivisible (can't be sold to individuals), and c) it extends beyond the borders of the nation-state (some indigenous groups, like the Achuar, who share Ecuador and Peruvian borders can't be divided by national borders) (IWGIA 1995, p. 24-29).

While there are multiple ways to conceptualize indigenous notions of territory, these four principles can be found in much of the framing of indigenous rights from indigenous organizations. For example, a recent constitutional proposal from the four major indigenous organizations in Peru addresses the idea of *territorial integrity*: “for us, territory is the totality of a peoples’ habitat.” It includes, “the ground-surface, the waters, and the subsurface (with all the natural resources that are found in the territory).” It is also a space where indigenous culture is established and reproduced. Expressing this

sense of integrity, “spirituality, cosmovision, music, dance, poetry, and literature” are all part of indigenous conceptualizations of territory¹⁰³ (AIDSESP et Al., 2004, p. 15).

Given the legal implications surrounding the definition of land, indigenous organizations have gone to some lengths to frame a distinction between Western concepts of “land” and indigenous concepts of “territory.” On AIDESP’s website, in a section denominated “Our Territories” they point out that Western viewpoints are based on “land” as a commodity with a specific market value that can be negotiated, whereas indigenous viewpoints are based on “territory” as spiritual space that is sacred and never negotiable. In the words of AIDSESP:

For indigenous peoples “territory” is the embryo that gave birth to the existence of our peoples with culture and our own identity. If we don’t have territory, we are an indigenous people without life and, as a result, sentenced to extermination.

This definition contrasts with the western concept and is totally different. For western society, land is when someone has a property title that is inscribed in the public registries. For indigenous peoples, the owner is the “mother of the earth.” The Andean [indigenous peoples] recognize the “Pachamama,” the Shuar recognize “Nugkui” and it is this way for each indigenous group.

For the market, land has a monetary importance and it is negotiable. For us, indigenous peoples, land has a spiritual importance and is sacred. in our cosmovision the term *land* doesn’t make sense, but rather *territory*, broader concept that includes the integrity [of territory] as a collective good that is inter-dependent with nature.

Territory is not something that can necessary be governed by Western understandings of property ownership. Indigenous peoples, rather than owners of the land per se, are the *rights bearing subjects*, that retain certain rights and responsibilities over the land. In the

¹⁰³ The following organizations wrote the proposal: AIDSESP (The Inter-ethnic Association of Development of the Peruvian Jungle), CONAP (Native Communities of the Peruvian Amazon), CCP (the Peasant Confederation of Peru), and CAN (the National Agrarian Confederation).

constitutional proposal cited above, indigenous groups frame property ownership in the following way:

We are owners [of territory], but from in a communal sense and in a responsibility way, one that is different from the world of common law that is governed too frequently only by the profit motive” (AIDESEP et Al., 2004, p. 15.)

Accordingly, indigenous “special” relationship to territorial spaces gives them specific knowledge and understanding of nature that not only works to protect these spaces, but also provides indigenous peoples with particular insights that can benefit the nation. This comes from the same constitutional proposal:

because our proximity to nature is understood as us being part of nature we possess knowledge that spans from the technical use of soils, waters, and forests, to the chemical and pharmaceutical properties of plants (AIDESEP et Al., 2004, p. 15) .

Indigenous framing of territorial rights, thus, is not simply as the role of protector of the forest, but more as “trustees” of the land largely within the context of the sustainable use of natural resources.

It is thus from the perspective of sustainable development that indigenous groups argue for the need to maintain the administrative and political control of the territorial spaces in which they reside. This is from the constitutional proposal mentioned:

Autonomy, self-governance and the administration of justice will permit us to our capacity to control and regulate internal issues. Indigenous peoples have the right to decide over issues related to our culture, education, territory and management of natural resources . . . These rights include sustainable development and political participation. [indigenous] communities have better structural elements of local governance that other [non-indigenous] forms AIDESEP et Al. 2004, p. 14-15)

Similar types of statements are made throughout the Amazon region from indigenous groups. Responding specific issues of laws that will place in jeopardy the integrity of the

forests, The Regional Association of Indigenous Peoples from the Central Jungle (APRI-S.C.)¹⁰⁴ made the following statement:

The administration of our land and territories responds to our internal decisions as communities and people in accordance with our own visions of consolidation and territorial development” (Servindi 2008a).

Here it is important to note that, contrary to what some argue, the IMPA is not advocating the political separation of indigenous territories from the Peruvian state. As indigenous groups claim, “autonomy, self-governance and the administration of justice” require the correct juridical and political conditions to make this a reality. For this reason, the state should guarantee the democratic and direct representation of indigenous peoples within existing governmental instances (AIDSEP, et Al., p. 15). In other words, as indigenous leaders constantly remark, indigenous territorial rights are framed within the legal jurisdiction of the nation-state.

Some of the common misperceptions that indigenous peoples are a “separatist” movement stem from indigenous claims to being the “original” inheritors of the land. While notion of “origins” is inherently problematic, indigenous groups are careful to frame indigenous rights to territorial spaces in historical terms, rather than racial or essential terms. This particular statement came from APRI: “Our territorial rights are provided by its original character (condition), because this was established before the foundation of the state, it was not sold, nor was it donated to us, it is transgenerational

¹⁰⁴ In Spanish the acronym APRIC S.C. is Asociación Regional de los Pueblos Indígenas de la Selva Central. This organization represents the Ashaninka, Yanesha, No otiguenga, Kakinte, Asheninka, Matsiguenga and other groups from the Central Jungle, including CARE (Río Ene), KANUJAN (Valle de Pangoa), OCAR (Río Negro), CONVAN SAT (Valle del Marañón), FECONABAP (Bajo Perené), CECONSEC (Sapito y Chanchamayo), ANAP (Puerto Bermúdez, Oxapampa, Pasco), OARA (Río Apurímac, La Convención, Cusco), UNAY (Ciudad Constitución), etc.

and irreversible.” (Servindi 2008a) In the abovementioned constitutional proposal, indigenous rights are stipulated as a particular *historical* condition and not because of any “racial, economic, or social privileges” (AIDSEP et Al. 2004, p. 15). It is worth noting that this *historical* description is also used to define indigenous peoples in the ILO Convention 169:

Peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or geographic region to which the country belongs, at the time of conquest or colonization or the establishment of present State boundaries and who, irrespective of their legal status, retain some or all of their own social, cultural and political institutions (Article 1.b).

Again, this framing, used throughout the Amazon region, emphasizes indigenous peoples’ territorial rights based on a *historic* condition as subjected and colonized peoples, not on a privileged or essential condition as original peoples. Importantly, indigenous peoples framings are most often strategically designed to work within international legal frameworks such as ILO 169.

Territory is the single most important factor that defines the indigenous movement today. Indigenous framings of territorial rights, however, are based on a rather complex distinctions between “Western” and indigenous conceptualization of territory. Indigenous territorial rights are not based on essential or romantic views of nature, but are based rights and responsibilities as trustees or stewards of territorial spaces. To explain indigenous responses to Garcia hydrocarbon policies and to his broader development agenda it is absolutely necessary to understand the complexity of these conceptualizations of territory and the seriousness around which indigenous peoples treat territorial rights.

This is why AIDSEP frames defending indigenous territories as an act of moral obligation. Not to defend indigenous territories is not simply an evasion of responsibility, but it is an act of cowardice:

To avoid the responsibility of defending our territory is an act of spiritual suicide and anyone who shuns this responsibility is guilty of the worst attitude of a coward that negates his or her own existence.¹⁰⁵

Expressing a similar sincerity, Shipibo leader Juan Agustin explained that when transnational oil companies contaminate indigenous territories “they are psychologically killing us.”¹⁰⁶

Opposition to legislative decrees (and projects)

The protests in 2008 and 2009 provide an excellent opportunity not only to study indigenous opposition to hydrocarbon development, but to place this resistance within the broader context of indigenous opposition to Peru’s natural resource policies. Moreover, indigenous opposition to Garcia’s legislative decrees also highlights the critical importance of territory for indigenous peoples and, thus, helps to explain why the IMPA has so vigorously opposed Garcia’s development policies.

Specifically, the 2008 and 2009 protests were a response to the legislative decrees and a series of “special legislative projects” issued by President Garcia in 2007 and 2008. On August 6, 2008 AIDSEP, via “the Platform of Struggle for the Recognition of the Rights of Indigenous Peoples from the Peruvian Amazon,” announced their official protest of Garcia’s policies and demanded the repeal of seven of the ninety-nine decrees and five “legislative projects” (Merino 2010, p. 11). After studying the decrees, AIDSEP demanded the “immediate repeal of the Legislative Decrees N° 1015 and

¹⁰⁵ See AIDSEP’s website at <http://www.aidesep.org.pe/index.php?id=5,0,0,1,0,0>.

¹⁰⁶ Personal Interview, January 2008.

Nº1073 (unconstitutional), Nº994, Nº1020, Nº1064, Nº1081, and Nº1090 for threatening indigenous territories and the definitive shelving of the Five Legislative Projects Nº 840, 1770, 1900, 1992, 2133.¹⁰⁷

Before moving forward, it is important to recall that four of the most controversial decrees have since been repealed. The 2008 protest led to the repeal of LD 1015 and 1073 and the 2009 protest led to the repeal of LD 1090 and 1064. This is important because, perhaps to the surprise of Garcia, indigenous opposition (and protest) has been relatively successful. In the next section, I will discuss the strategies, tactics, and actions of the IMPA, especially in relation to oil development. However, it is impossible to neatly separate oil development from the legislative decrees, which were designed not only to facilitate extractive development, but to open up the Amazon region to external capital and development. In this section, therefore, I will examine some of the main reasons why the IMPA has opposed Garcia's these legislative decrees.

To a large degree, indigenous opposition to the (content of the) decrees revolves around three related issues. The decrees 1) violate Free Prior Informed Consent (FPIC), which, as mentioned, relates to the rights of indigenous peoples to be consulted before any development takes place on indigenous territories; 2) work against the political-

¹⁰⁷ This document can be found at the Amazon Watch website at http://www.amazonwatch.org/newsroom/view_news.php?id=1623. Also the Pensionista blog at <http://utgpensionista.blogspot.com/2009/05/plataforma-de-lucha-por-la.html>. The first point reads, in Spanish: "Derogatoria inmediata de los Decretos Legislativos Nº 1015 y Nº 1073 (inconstitucionales), Nº 994, Nº 1020, Nº 1064, Nº 1081 y Nº 1090 por atentar contra los territorios indígenas y el archivamiento definitivo los Cinco Proyectos de Leyes Nº 840, 1770, 1900, 1992 y 2133. The IMPA, usually via AIDSEP, has been relatively consistent, but given the dynamics of the events, opposition to the decrees has varied slightly. In April of 2009, AIDSEP, along with other organizations, demanded the repeal of DL 1020, 1064, 1080, 1081, 1089, and 1090. See <http://www.servindi.org/actualidad/10917>.

territorial integrity of indigenous lands, specifically collective property rights and the administrative and political control of resources, and 3) place at serious risk the environmental sustainability of the entire region.¹⁰⁸ According to many experts, the legislative decrees and special laws were a systematic attempt by president Garcia to implement a development agenda that was seen by the larger indigenous community as a categorical attack on indigenous conceptualization of territory and, if passed, would radically accelerate the corrosion, since Fujimori, of indigenous territorial and cultural rights in the Peruvian Amazon.¹⁰⁹

Rights to Free Prior Informed Consent (FPIC) gets to the heart of indigenous claims as distinct, particular peoples, whose societies were drastically altered by the historic process of colonization. Because of indigenous peoples status as colonized and “original” peoples, they have obtained certain rights that are stipulated in international accords such as the ILO 169 (1989) and the UN Declaration on the Rights of Indigenous Peoples (2007), both of which Peru is a signatory.¹¹⁰ With respect to the legislative decrees, Article 6 of ILO 169 is critical. It declares that the government shall:

¹⁰⁸ These legislative decrees and corresponding legal acts and measure were analyzed by a plethora of organizations (governmental, non-governmental, indigenous, environmental and human rights). Manacés-Valverde and Gomez-Calleja (2010) , in the “dissenting opinion” report list some of the principal organizations: Instituto de Defensa Legal (IDL), Derecho, Ambiente y Recursos Naturales (DAR) 2009. Centro Amazónico de Antropología y Aplicación Práctica (CAAAP), AIDSEP, Congreso de la Republica. (p. 36).

¹⁰⁹ This point is highlighted in Manacés-Valverde and Gómez-Calleja (p. 20). Interestingly, as the same document points out, the content of the decrees is similar to the Law 26505 and its annexes, elaborated as a result of the “Carta de Compromiso” with the FMI in 1995. (p. 13).

¹¹⁰ The United Nations Declaration on the Rights of Indigenous peoples was adopted September 13, 2007. Article 7 provides the rights to decide their own development priorities to control social, economic, and cultural development, and to participate directly in the implementation and evaluation of plans and programs that affect them

“[c]onsult 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” (ILO 169, Article 6, Section A).

As indigenous groups point out, the legislative decrees were adopted without consulting indigenous peoples. In fact, anticipating the government’s propensity to ignore rights to consultation, indigenous groups examined the ninety-nine legislative decrees and determined that thirty-four of them related specifically to indigenous territorial rights and concerns. Thus, because the entire legislative package is a violation of FPIC, indigenous groups (especially AIDSEP) have been reluctant to debate the decrees on a case-by-case basis (Manacés-Valverde and Gómez-Calleja 2010, p. 17- 18).

In addition to its broader implications, the concept of FPIC is also closely related to development projects, in particular extractive projects on indigenous territories. In this context, two of the most controversial decrees, LD1015 and 1073, the focal points of the massive 2008 demonstrations in August, were considered a violation of FPIC.¹¹¹ The decrees, as mentioned in the previous chapter, were directly related to the facilitation of development project by third parties (extractive companies) on indigenous territories. Attempting to repeal law 26505, the decrees would have changed the requirements from

directly. For specific recommendations on the implementation of ILO 169 in Peru go to www.aidesep.org.pe/index.php?codnota=586. The National Coordinator of Human Rights makes a similar declaration. See www.aidesep.org.pe/index.php?codnota=528. In another statement, Magdiel González Ojeda, ex-Magistrate of the Constitutional Tribunal maintained that as a treaty ILO 169 is legally binding. See www.aidesep.org.pe/index.php?codnota=472.

¹¹¹ LD 1073 was only a slight modification of LD1015. It modified the letter (b) of the 10th Article of Law 26505. See <http://www.congreso.gob.pe/ntley/Imagenes/DecretosLegislativos/01073.pdf>

It is also important to point out the LD 1015 and 1073 were essentially a replication of “legal project 1770”, which was never passed by Congress and, from its announcement, was heavily criticized by indigenous organizations.

two-thirds of all communities members to only 50% of members present at an assembly to allocate community land for development purposes. Indigenous organizations worried that, given the past history of private company manipulation (divide and conquer strategies), the law would have opened the door to develop projects on community land without legitimate community approval (Barandiarán 2008a; CAAAP 2008; Ruiz-Molleda 2009).

In a similar vein, LD 1064 sought to create a new juridical regime for the use of agriculture lands that would have excluded previous mechanisms for negotiation between landowners and extractive companies, establishing a “forced legal servitude” for the benefit of mining, petroleum and other extractive activities. Other decrees, such as LD 1081 weakens the role of local community organizations in the making and implementation of environmental policies. For the IMPA, these decrees would, therefore, fundamentally undermine indigenous territorial rights to exercise political and administrative autonomy over land and resources (Barandiarán 2008b; DAR 2009).

Secondly, many of the decrees work against the political-territorial integrity of indigenous lands, undermining the potential consolidation and extension of indigenous territories. For indigenous peoples this is not only a direct affront to indigenous conceptualizations of territory, but it signals Garcia’s attempts to appropriate indigenous lands for development purposes. Several of the decrees that the IMPA oppose, for example, are designed to re-categorize land, turning formally protected lands into “productive” agriculture lands. LD 1015, 1073, 994, 1020, 1089, 1090 and 1064, to one degree or another, all would affect the consolidation of indigenous territorial spaces and, correspondingly, the power (or ability) of indigenous peoples to control resources on

their own territories. Here are some of the ways in which work against indigenous conceptualizations of territory.

LD 994, 1064, 1089, together, promote the adjudication of indigenous and peasant land to third parties, seeking private investment in irrigation projects (994, 1064) and, using the new category “fallow lands apt for agriculture use,” places these lands into state hands so that they can then be sold to private entities for development purposes. Fallow land could potentially include indigenous lands that have yet to be titled and land that indigenous communities seek to incorporate into existing indigenous spaces. Moreover, the capacity to define “fallow land,” under 994 and 1064, would fall under the Ministry of Agriculture, whose institutional mission, not surprisingly, is based around agriculture interests. Under the notion of “expanding the agriculture frontier,” these decrees would reduce the definition of forestry land (excluding deforested land) to only land with vegetation coverage, excluding deforested land, which would be considered “fallow”¹¹² (Barandiarán 2008b). The idea that fallow or idle land is unproductive, as explained in the previous section, contradicts the very concept of territory for indigenous peoples, which extends beyond economic or productive categories.

LD 1089 weakens the prospects for consolidating indigenous lands, but does so even more directly. In short, it grants to COFOPRI, an organization historically responsible for formalizing informal property in urban areas, the task to formalize and title agriculture property for a period of four years. According to experts, this would have the effect of slowing down the already ongoing process of titling and registering lands to indigenous communities. One of the main problems is related to the institutional capacity

¹¹² Also see “Citizen Monitoring with a rights-based approach for the implementation of the US – Perú FTA.” <http://www.redge.org.pe/tlc-peru-eua/implementacion>.

of COFOPRI, an organization that does not have the resources nor the expertise to deal with this issue. For example, according to COFOPRI's "Strategic Institutional Plan," by 2011 it would title some 55 communities, leaving more than 127 communities yet to be titled. Several organizations have criticized the government's plans, citing them as shortsighted, ambiguous, and, in reality, designed to thwart the entire titling process.¹¹³

More generally, LD 1089 is designed to formalize rural property for agriculture purposes (to expand the agriculture frontier) within a span of only four years. This works along side LD 1064 (and 1090), which categorizes "fallow" land that can, under LD 994, be promoted as agriculture land. It is worth noting that LD 1089 is a virtual replica of the Legislative Project 1770 that was already rejected by Congress (CAAAP 2008).

Third, indigenous peoples, environmentalists, and others are concerned that opening up the region to an intensive influx of extractive industries would potentially damage the region environmentally. One of the decrees that best exemplifies these concerns is the controversial LD 1090, since repealed, which would have approved the "New Forestry and Fauna Law (N° 20317)" and replaced the existing Law N°23708. In general, this would have established a new framework for the development and regulation of forestry and fauna activities in Peru. According to specialists, the new law would have considerably weakened the institutional framework in Peru that governs the regulations of forests and forest use, which, even goes against the stipulations in the FTA with the US. More specifically, the law would have changed the definition of forest

¹¹³ Laureano del Castillo argues that 1089 allows COFOPRI the exclusive responsibility to formalize rights over agriculture property for four years, which allows COFOPRI to rectify property inscriptions in public registrars, which would reduce the areas that are recognized as belonging to peasant or native communities that do not yet have titles. See <http://www.redge.org.pe/sites/all/files/Informative%20Alert%20Lands.pdf>

resources and plantations to make them part of the agriculture regime and thus, enabling their allocation to private entities. It would have weakened forestry governance institutions, eliminated the National Forestry Policy Consultative Council (CONAFOR), and facilitated the sale of forest projects of a controversial origin (Barandiarán 2008b).

To a certain extent, LD 1090 is reflective of the entire body of legislative decrees and the FTA with the US, in general. According to the study, “the environmental governance in legislative decrees,” Barandiarán concludes that environmental standards are significantly weakened not only by the content of certain legislative decrees but, more generally, by the entire framework of the FTA with the US. This, according to Barandiarán, is the case despite the efforts of representatives in the United States Congress to improve the environmental content of the FTA. Barandiarán points out that a number of the legislative decrees (LD 1064, 1081, 1015, 1073, 1090, among others), which seek to facilitate the access and use of natural resources (land, water, forest, etc.), do not even consider environmental and social standards and others violate them. Moreover, perhaps even more troubling, specific decrees (i.e. LD 1090) in fact violate agreements within the FTA that, in theory, should protect given environmental standards (2008, p. 43). Barandiarán’s conclusions are consistent with reports from the Public Ombudsman’s Office, special legislative committees, and a host of environmental groups¹¹⁴ (see Defensoria del Pueblo 2008).

According to the IMPA, the legislative decrees and the special projects mentioned reflect the government’s clear desire to open up the region to foreign investment and capital. Indigenous groups throughout the Amazon region, as explained, have struggled

¹¹⁴ This report can be downloaded at <http://www.servindi.org/actualidad/4872>.

for years to obtain territorial rights, which is the core of all their claims. As such, it is impossible to underestimate the degree to which indigenous groups feel threatened by Garcia's development policies. Oil development, to be sure, is one of the most visible extractive practices in the region and for indigenous peoples symbolizes the government's disregard for indigenous values. The legislative decrees, as a whole, were designed to make it easier for extractive industries, including the hydrocarbon industry, to exploit hydrocarbon resources on indigenous territories. In this next section, I will illustrate indigenous opposition oil development in the Peruvian Amazon.¹¹⁵

Indigenous opposition to oil development in the Peruvian Amazon: strategies, tactics, and actions of the IMPA

Indigenous opposition to hydrocarbon development is closely related to Garcia's larger (extractive) development policies as manifested in the legislative decrees. To a large extent, it is difficult to separate the two. However, in this section, I will look more specifically at indigenous opposition to oil development and indigenous responses. It is important to note that indigenous responses to hydrocarbon development are both symbolic and substantive. Given the potentially exploitative and high profile nature of oil development, the IMPA has utilized resistance to oil and gas policies as symbol of Western (or mainstream) development given its stark contradictions to indigenous conceptualizations of development and territory. The IMPA's resistance to hydrocarbon development is also substantive, based on Peru's rather infamous history of oil and gas development in Northern Peru, weak environmental regulations surrounding the industry,

¹¹⁵ This analysis of the legislative decrees was taken from the following sources: Instituto de Defensa Legal (2009), the Defensoría del Pueblo (2008), the Comisión Consultiva de la Comisión de Pueblos Andinos, Amazónicos, Afroperuanos, Ambiente, Ecología del Congreso de la Republica (2009), CAAAP (2008), and DAR (2009).

and the lack of indigenous participation in the making and implementation of hydrocarbon development policies. Furthermore, hydrocarbon development (especially as conceived by President Garcia) highlights the quintessential problem of short-term economic benefits versus long-term potential environmental risks, which in many cases contradict indigenous notions of development.

To respond the Garcia's hydrocarbon development policies, the IMPA has turned to a repertoire of action and protest (Hughes 2010, p. 88), engaging in a combination of direct protest action (demonstrations, strikes, road and river blockades, occupations, etc.) and less-direct action, including pressure on and negotiation with congressional members and government officials, legal and constitutional challenges to government policies, international and domestic alliance building, direct confrontation with oil executives and board members, and, via organizational pronouncements, widespread diffusion of indigenous demands and concerns. While drawing from a multiplicity of tactics, in this case, the indigenous response has followed a somewhat consistent pattern: 1) an articulation (or manifestation) of indigenous demands to policymakers and the public at large, 2) efforts to seek dialogue and negotiation with public officials and, as these efforts fall short, 3) a call for direct protest action. It is worth noting that the IMPA, led principally by AIDSEP, does not generally control the agenda, but is often forced to react to the relatively organic nature of the movement.¹²⁸ In other words, at times, rather than leading, AIDSEP and other regional organizations follow the initiatives of more localized or grassroots-based indigenous organizations.

¹²⁸ This is clearly related to existence of some 60 different ethnic groupings, a multiplicity of independent-minded indigenous communities, and the existence of multiple-level organizations throughout the Amazon region.

The protest in 2008 and 2009, as discussed, were not just about oil development, but, specifically, were an attempt to repeal the package of legislative decrees and special projects introduced by Garcia at the onset of his presidency. Of course, more generally, the protests stem from the invasion and dispossession of indigenous territories, which, as the previous sections demonstrate, has intensified since the Fujimori years. In fact, as mentioned earlier, the IMPA's most consistent claim is to re-instate the notion that communal land is "inalienable, unmortgageable, and imprescriptable"¹²⁹ (Chirif and Garcia-Hierro 2007, p. 13). Indigenous responses to oil development, therefore, are part of the IMPA's struggle to protect (and gain) indigenous territorial spaces.

The IMPA, led by AIDSEP, reacted immediately to Garcia's development policies, especially as the government's extractive intentions became evident. On August 6, 2006, on the "International Day of Indigenous Peoples," only one month after the inauguration of Garcia, AIDSEP spelled out indigenous concerns in a pronouncement addressed to Garcia and international and national public opinion:

1. We demand that the Peruvian State and International extractive companies respect our rights to territory and natural resources such as our forests, which [make up] our habitat. Petroleum and mining activities have drastically affected our resources and our collective way of life, [and] all of this is just another manifestation of how indigenous peoples are discriminated against and how our natural resources are illicitly appropriated, [these are] resources that [our ancestors] have taken care of for thousands of years.

¹²⁹ According to Manacés-Valverde and Gómez-Calleja (2010), indigenous peoples have experienced a progressive deterioration of the juridical security of their territories principally since 1993, via the auto-coup (of Fujimori) that eliminated constitutional guarantees established since 1920, especially the notion that communal territory is "inalienable, unmortgageable, and imprescriptable. Interestingly, these authors write that this deterioration of indigenous land rights was sustained in 1995 by a "Letter of Intent" with the FMI that, almost verbatim, contains the majority of the objectives proposed in the package of legislative decrees issued by President Garcia (p. 13).

2. We denounce the constant violations of human rights, collective rights and the right to free determination of our brothers living in voluntary isolation or initial contact, [we denounce threats] from illegal loggers who hire assassins just to illegally extract wood in areas where indigenous peoples have lived for many years such the Ucayali and Madre de Dios, as well as from others with particular interests.

3. For all this we oppose the unscrupulous attitude of the Peruvian State that sees the Amazon and its natural resources as “petty cash” from which it can cover its excesses and poor economic management, thus permitting the entrance of companies that only see maximum profit, with little investment, without caring about the lives of indigenous peoples and the environment in which we live; the colonial “encomienda” has not been abolished in Peru, but has only changed its name, now it is called “CONCESSION.”

4. We ask the President of the Republic, Alan Garcia Perez, and the Congress of the Republic to re-evaluate their policies and plans with respect to the Amazonia and to Indigenous Peoples; we have observed the president’s message to the Nation in which we were not even named, again we return to invisibility and [the realization that] our dreams of vindication have been postponed. (AIDSESP 2006)

In many respects, this statement is strikingly prescient: it announces to the government in especially clear terms their serious concerns with oil development, broader issues of development in the region, and the state’s propensity to invisibilize indigenous peoples in a national discourse. More concretely, it reveals the very clear relationship of oil development to indigenous notions of territory. The first point, for example, illustrates the historical experience Amazonian peoples have with oil development, which, as they see it, is “another” manifestation of a long history of discrimination. They remind that indigenous ancestors, before the existence of the Peruvian nation-state, were able to take care of natural resources. In point two, in support of indigenous peoples living in voluntary isolation, they again draw inferences to the history of discrimination and environmental contamination. In the third point, already mentioned in the previous chapter, AIDSESP illustrates the differences between state and indigenous viewpoint of

land. For the state land is only “petty cash” and works against the health and wellbeing of indigenous peoples and the environment. And, in a direct link to colonialism, they equate the present day “concession” with the colonial *encomienda*. Finally, they ask the president to “visibilize” indigenous peoples and, in a sense, to recognize their historic struggle for the recuperation of indigenous territories and rights.

Interestingly, much of the opposition to Garcia’s policies in the first few months of his presidency were related to oil development, especially the Rio Corrientes case, which will be discussed in detail in the next section. Indigenous opposition to Garcia’s broader development policies and, specifically, to the legislative decrees and special projects emerged as these policies and the president’s philosophy of development became evident. This first clear signal was in 2007 when Garcia described his “*perro del hortelano*” philosophy in a series of editorials in *el Comercio*. This will be detailed in Chapter V. AIDSEP, indigenous regional federations, organizations, human rights activists, and environmentalists all responded forcefully to Garcia’s plans to develop the Amazon region. One indigenous group, in fact, so offended, declared Garcia to as “an enemy of the indigenous movement.” This tone (and tension) set the stage for the subsequent official announcement of the legislative decrees in June of 2008, which led to the massive protests in 2008 and 2009. Beginning in 2008, as a plethora of studies around the legislative decrees came forward, the IMPA began to clearly articulate their position against the legislative decrees, special projects, and all policies that affected indigenous territorial rights. Oil development, subsequent to 2008, became attached as *one* of the key elements in the IMPA platform.

Rio Corrientes and grassroots responses

The responses and positions of the IMPA often stem from grassroots or localized conflicts. In the case of oil development, such responses have come in direct opposition to petroleum companies operating on indigenous lands, especially when indigenous (local) villages are impacted. As explained in Chapter II, the most important example of the exploitative nature of oil development is in the Corrientes River Basin, specifically Blocks 1AB and 8, where Oxy Petroleum and Petroperú (the state-run oil company) operated since the early 1970s.¹³¹ In 2000, Oxy sold its concession to *Pluspetrol*, an Argentine company that continues to operate in the area today. From the perspective of the state, this region is critically important as it supplies more than 50 percent of all the petroleum produced in Peru. For indigenous peoples, it is an example of long-term oil development in the Peruvian Amazon and thus serves as a reference point for other communities, who point to the Corrientes region and the experience of the Achuar as an example of the devastating consequences of oil development for indigenous peoples.

It is important to note that, perhaps as a harbinger of future conflicts, Garcia entered the presidency at a time when the Achuar struggle against oil development was gaining momentum. Providing legitimacy to years of Achuar complaints about river contamination from oil development, in May of 2006, the Peruvian Ministry of Health released a report that officially documented high levels of contamination in the Corrientes River Basin. Particularly troubling, the study found that an extremely high number of children (66 percent) and relatively high number of adults (24 percent) living in the area had levels of cadmium and lead in their blood that was above maximum limits for

¹³¹ For a compelling story of oil operations in this region see La Torre Lopez (1999)

humans. Even more frightening, 13 percent of children had levels considered dangerous.¹³² The response from the Achuar, importantly, mirrors the pattern of resistance mentioned earlier: 1) pronouncements and communiqués, 2) attempts at dialogue, negotiation with government officials and, as these efforts fall short, 3) direct protest action.

The Achuar responded to the study immediately. In June of 2006, The Federation of Native Communities of the Corrientes River Basin (FECONACO) made an official pronouncement stating the “dangerous” situation that 5,000 people from distinct communities suffered because of oil contamination.¹³³ In an attempt to communicate their worries to government and company officials, the coordinator of FECONACO, with a delegation of eleven leaders, arrived in Lima to discuss the situation with officials from the Ministry of Health and leaders of Pluspetrol (Servindi 2006a).¹³⁴ Subsequent to this initial visit, indigenous organizations (FECONACO, AIDSEP, etc.) issued further statements, conducted a series of meeting with local *apus* (traditional leaders), and made another trip to Lima. By mid June, amidst a sense of frustration at the lack of

¹³² The study was conducted by DIGESA, the General Directorate of Environmental Health. Informe N° 995/DEPA/ APRAH//DIGESA. The study found that 66.21% of children had levels of lead in their blood that was above the maximum limits for humans, 13% had levels that were considered “dangerous,” and 24% of the adults in the region had levels above maximum limits. The study was published in May of 2006.

¹³³ It is worth noting that, according to indigenous sources, indigenous organizations, groups, and locals had always complained of river contamination and the side effects that individuals had been suffering for many years (headaches, stomach aches, diarrhea, etc.). The study, therefore, only confirmed their suspicions.

¹³⁴ As this article states, between 2005 and 2005 Pluspetrol presented remediation plans for blocks 1AB and 8, which included the construction of aqueducts to remove produced waters from the affected streams and, also, of wells that would eliminate contamination of nearby waters.

government action, indigenous organizations began to clearly articulate their position and demands, which included a broader critique of oil development.

On June 12, 2006, ORIA, AIDSESP's regional organization from the Iquitos area, issued an official statement that supported FECONACO's claims and included a statement against oil development in the entire Iquitos region. Importantly, the statement referred to a previous agreement with Pluspetrol in which the oil company would take the necessary steps to remediate previous environmental damage and prevent further contamination. This included a plan to re-inject what is referred to as "produced waters," which contain dangerous chemicals known to produce cancer and other serious conditions. The document also included a rejection of any hydrocarbon related activities in eight recently auctioned off oil blocks (117, 67, 39, 121, 104, 106, 8, 1AB) in the surrounding area (Servindi 2006b).¹³⁵ The declaration was followed by events to bring public attention to the issue. For example, the U.S. actress and activist Q'orianka Kilcher, of Peruvian decent, who played the role of Pocahontas in a 2005 film, visited the area in September, and, in November, a special appeared on a popular news program that illustrated the environmental and health consequences of oil development for the Achuar. Finally, in September FECONOCO and ORACH (the Organization Achuar Chayat) traveled to Lima (the third time than an Achuar group made the trip) this time in the hope of speaking directly to President Garcia, to Congressional representatives, and to the

¹³⁵ In the document, ORAI specifies the company that owns the concession and the particular groups that are affected: 117- Petrobras (affects the Secoya and Kichwa), 67- Barret (affects the Aravela peoples and indigenous peoples living in voluntary isolation), 39- Repsol YPF (affects the Avarela, Kichwa, and peoples living in voluntary isolation), 121- Barret (affects the Kichwa), 104- Burlington (affects the Achuar), 8 and 1AB- Pluspetrol (affects the Achuar, Murato and Kichwa of the Corrientes and Tigre Rivers).

Ministries of Health, of Energy and Mines, the Public Ombudsman's Office, and to CONAM (the National Council of the Environment) (Servindi 2006c).¹³⁶

The lack of response from the government finally led to the IMPA (AIDSESP, regional and local organizations) to call for direct protest action. In September the Achuar community (in Iquitos) began to engage in public manifestations against the government and *Pluspetrol*. Early on the public demonstrations were supported by indigenous organizations (ORAI, FECONACO, AIDSESP, etc), environmental groups (i.e. *La Red Ambiental de Loreto*), and human rights organizations (*Racimos de Ungurahui*). Some of the banners included messages such as "Corrientes, Urgent Re-injection", "Petroleum finances state corruption," "Government, respect our decisions," "No to the divide and conquer strategy by Petroleum companies," "No more contamination of blood," and others. The public protests were followed by further actions throughout the region. Focusing on blocks 1AB and 8, Achuar, Quichua and Urarinas communities from the Corrientes River region were able to completely shut down Pluspetrol operations (Pérez-Rubio 2006).¹³⁷ By October the protest had intensified, including more communities, and blocking highway access and river transport. At this point, via AIDSESP, the Achuar had issued a statement that they would not accept further petroleum development in their territories (Achuar from the Corrientes River Basin, Loreto region) (Servindi 2006d). On

¹³⁶ This article points out that Pluspetrol daily dumps 1,300,000 barrels of "produced water" (1 barrel = 159 liters), which is characterized for high levels of salinity, high temperatures (90°C), composed of hydrocarbons, chlorides, and heavy metals that produce genetic alterations and cancer, including lead, cadmium, chrome, nickel, mercury, arsenic, etc.

¹³⁷ A September 7 agreement with the vice Minister of Energy and Mines included the following stipulations: 1) Re-injection of 100% of produced waters, 2) Financing of an integral health plan, 3) environmental remediation with indigenous monitoring, 4) Financing of an education plan, titling project, and productive activities, and 5) temporary, emergency support for food and water.

October 10, after several attempts at dialogue and negotiation, FECONOCO decided to halt *Pluspetrol's* operations in blocks 1AB and 8, which included some 180 production wells. By October 15, they had put together a proposal that included the following demands: 1) the re-injection of production waters, 2) the procedural requirements for a health and integral development plan, 3) temporary (emergency) food provisions and potable water, 4) environmental remediation, and 5) health security for indigenous peoples living in the area. On October 22, after a series of negotiations (and a weak and highly criticized government proposal) the government finally accepted the Achuar demands. At the time, this was seen as an important victory for the IMPA against the government and the hydrocarbon industry (Servindi 2006e).

The Achuar case in the Corrientes region is a critical piece to understanding indigenous resistance to future oil development in the region. It provides an important reference point to any community that might consider oil development on their territories. Not surprisingly, the Achuar story is well-known throughout the region. This case is also reflective of the government's general attitude towards indigenous resistance to oil development. In short, the government was forced to act because of the actions of indigenous groups who investigated the issues, staged protests, traveled to Lima and, in general, applied pressure on the government. I will return to this case in the following chapter.

Indigenous responses to future oil development

While the Achuar case serves as a reference point for indigenous opposition, given Garcia's aggressive hydrocarbon agenda (denominated by Amazon Watch as a "fire sale"), indigenous peoples throughout the region have been forced to respond to

future (or potential) oil development on their lands. The IMPA response to oil development, thus, is very much revolves around a debate about future development of the region, especially as it relates to issues surrounding sustainable development and indigenous rights (i.e. the legislative decrees). This is one reason, again, that it is impossible to disconnect indigenous opposition to hydrocarbon development to the government's larger development agenda.

The Achuar experience is important, as mentioned, because it serves as a reference point for other indigenous communities that face the prospects of oil development on their land. However, it is also a vivid example of how the IMPA works. The movement does not, as some claim, work as a highly structured organization where subordinate groups and individuals simply follow directives from its leaders. AIDESEP, for example, the leading indigenous voice in the region, again is made up of 57 distinct federations, which are, in many respects, independent organizations that often act on their own accord. Further, the IMPA is larger than just AIDESEP, which clearly does not enjoy unfettered support from all indigenous communities throughout the Amazon. That said, opposition to oil development is widespread throughout the region, occurs at multiple levels (village, regional, national), and (again) reflects indigenous peoples deep rejection of the government's broader development policies.

As mentioned, AIDESP made a public statement within the first month of Garcia's inauguration that spelled out the organization's opposition to extractive policies, even asking the government to reevaluate its development policies in the Amazon region. However, the Garcia government did not reevaluate its policies, but carried out the most aggressive hydrocarbon development agenda in the history of the Amazon region. This

has forced the IMPA to respond at distinct levels: 1) large indigenous federations (i.e. AIDESEP, regional federations, etc.) have challenged the government's larger hydrocarbon development agenda (policies) on the grounds that it violates indigenous rights to FPIC (i.e. territorial autonomy and sovereignty), that it places at risk the lives of indigenous peoples living in voluntary isolation, and that it works against the environmental and social sustainability of the region. More generally, the government's extractive policies challenge the IMPA historical struggle to gain territorial rights. 2) Indigenous communities (at the village-level) have been forced to respond to specific instances of oil development or future oil development on their territories. This occurs generally after the government announces that it has signed a concessionary agreement with a private company to explore for oil resources. 3) The IMPA, usually in the figure of AIDESEP, works with local groups and villages at different levels to connect local opposition with broader opposition. Therefore, the IMPA's challenge to the government's hydrocarbon development policies works around a rather complex relationship between indigenous organizations at distinct levels.

While it is difficult to isolate indigenous responses to oil develop from the IMPA's broader struggles against the government development policies, early in the Garcia presidency, AIDESEP and other regional federations reacted to the government's hydrocarbon development plans, especially as Perúpetro (the government hydrocarbon licensing agency) began to announce its plans to auction off oil and gas concessions to foreign companies. In 2007, for example, as the government hydrocarbon intentions became apparent, AIDESEP issued multiple statements, many of which were related to the question of oil development on reserves for indigenous peoples living in voluntary

isolation. However, as the government's even more ambitious development policies emerged, and in the midst of President Garcia's rhetorical campaign against the indigenous movement, AIDESEP and other regional federations began to respond to government broader development policies. As such, much of indigenous opposition to oil and gas development became intertwined with a broader critique against government development policies in the Amazon region. This is especially true as the IMPA began to mount a campaign against the legislative decrees and special projects, a point at which opposition to oil development emerged as part of a broader platform against the government.

Nevertheless, throughout Garcia's presidency, AIDESEP and its regional federations have issued multiple statements expressing their opposition to oil development on indigenous territories. In May of 2008, at the Third Summit of Indigenous Peoples, AIDESEP issued a statement that articulates a position of clear opposition. This is point three of a broader statement that encompasses issues of territory, the state and transnational companies, IRRSA (the Initiative to Integrate Infrastructure of South America), health and education, and the environment:

Currently 70% of the Peruvian Amazon is covered with petroleum concessions that superimpose native communities, territorial reserves for indigenous peoples in isolation, communal reserves and other conservation zones; a similar situation exists with forest and mining activities. All of this [is done] without establishing free, prior, informed consent with representative [indigenous] organizations of the Amazonia. For this, we demand that this shameful liquidation of natural resources is stopped and that all concessions awarded against the will of indigenous communities are annulled (AIDESEP 2008a).

While the content of the statements varies, the general position of AIDESEP and its regional federations has been consistent with this statement. In short, AIDESEP opposes

oil development that superimposes indigenous territories and other specially protected spaces, but, crucially, they argue for the right for indigenous peoples to be consulted.

This position, to a large degree, has been maintained by indigenous federations, organizations, and communities throughout the Amazon region. Statements have ranged from broad-level denunciations of hydrocarbon development throughout the entire region, to statements regarding the presence of oil companies on specific community lands. One indigenous federation, for example, denounced the “anti-indigenous attitude and methodology” of the Garcia’s government’s hydrocarbon development agenda and vowed to physically defend with their lives indigenous territory and prevent the entrance of any oil company on indigenous territories.¹³⁸ Other statements have been in direct relation to the presence of oil companies on indigenous territories. In one instance, three indigenous organizations from the Northern Marañon region demanded that if the Canadian company Tailsman did not abandon block 64 that they would take measures to stop oil production. In this case, similar to others, the organizations denounced the manipulative actions of the company to appear as if they have indigenous support.¹³⁹

The IMPA has also successfully drawn from the support of NGOs, environmentalist, human rights organizations, and others to confront Garcia’s aggressive hydrocarbon development agenda. Peruvian organizations such as *Racimos de*

¹³⁸ APRI S.C. (the Regional Association of Indigenous peoples from the Central Jungle) on June J, 2007 made the particular harsh statement against the government’s hydrocarbon policies. For details go to “Perú: Pueblos Indígenas de selva central rechazan agresiva política de concesiones sobre territorios indígenas” SERVINDI. June 8, 2007. At <http://www.servindi.org/actualidad/2197#more-2197>.

¹³⁹ The organizations are OSHDEM (The Shuar Organization of Morona), FEFSHAM (The Sharpa Federation of Morona) and AIM (the Indigenous Association of Morona). See “Organizaciones indígenas anuncian medidas si petrolera no abandona lote 64” AIDSEP. October 21, 2008. <http://www.aidesep.org.pe/index.php?codnota=291>.

Ungurahui, the Institute of Welbeing (*el Instituto de Bien Común*), the Amazonic Center of Anthropology and Practical Application (*el Centro Amazónico de Antropología y Aplicación Práctica*--CAAAP), the group Rights, Environment and Natural Resources (*Derecho, Ambiente y Recursos Naturales*—DAR), the Peruvian Association for the Conservation of Nature (*la Asociación Peruana para la Conservación de la Naturaleza*—APECO), the Institute of Legal Defense (*el Instituto de Defensa Legal*), and others have supported the IMPA in a number of ways: legal analysis, public statements, logistical support, workshops, and exerting pressure on government officials are just some of the ways. International organizations such as Amazon Watch, World Wildlife Fund, the International Working Group on Indigenous Affairs have been actively involved in supporting the IMPA.

Indigenous organizations, when necessary, have also used tactics of direct action to demonstrate their opposition to oil development. As mentioned in the opening section of this chapter, much of the protests in 2008 and 2009 were pointed directly at the oil industry, to a certain extent, as a symbol of indigenous opposition to Garcia's development policies. Direct action, in this case, was used to call the attention of the government and the larger public to indigenous demands surrounding the legislative decrees. In the larger scheme of the protest, these direct acts and others follow the general pattern of indigenous responses, given that the IMPA had announced to the government on multiple occasions its intentions if the government did not repeal the legislative decrees.

In this context, direct protest, especially in 2009, had a major impact on the oil industry and successfully captured the attention of the government and brought

international attention to the issue. At one point in May it was reported to *Rueters* that at least 41 energy vessels were stuck along the rivers in the Amazon region. The protests, in fact, forced Petroperú (the state oil company) to stop operations on one of its main crude pipelines, which normally pumps some 40,000 barrels a day (Ford 2009).¹⁴¹ The government was also forced to declare a “state of emergency” in four departments because the protests were putting at risk the production, transportation, and distribution of natural gas and hydrocarbons (El Comercio 2009). In one key incident, Kichua and Arabela communities successfully blocked the progress of a three *Perenco* (a French oil company) vessels that were trying to reach the company’s base operations. This case is especially important given that *Perenco* operations in the area are considered a fundamental part of the government’s plans to turn Peru into a net exporter of petroleum. In April, Garcia had declared the development of Block 67 of national interest given the quantity of heavy oil that is expected to be extracted from this area (*Radio Voz de la Selva* 2009a)¹⁴² The government responded, in this case, with sending Navy ships to secure river access for the *Perenco* vessels (*Radio Voz de la Selva* 2009b).

The indigenous responses in the form of direct action also occur when the interests of particular indigenous communities and petroleum companies collide. In these cases, rather than a broad statement about the government’s development policies, local communities, often with the support of indigenous federations, confront oil companies

¹⁴¹ According Luis Suarez, the head of maintenance of Petroperu’s pipeline, the protests forced the company to totally stop operations.

¹⁴² The government considered the *Perenco* investment to be of national interest. The project involves a 2 billion dollar investment, which, in 2009, amounted to 200 million dollars in the eleven exploratory wells. At the time of this article they expected that this could produce up to 350 million barrels. According to government officials, the conclusion of this project will lead to Peru becoming a net exporter of oil.

and the government because of the specific policies and practices related to hydrocarbon development on community spaces. Since 2007, these confrontations have occurred frequently. Here are examples of a few.

In May of 2007, leaders from nearly 200 communities, represented by the Main Office of Native Communities from the Central Jungle (CECONSEC), came together to denounce the 2005 oil concession awarded to Pluspetrol in Block 108. These communities were especially critical of the process of oil development, accusing Pluspetrol and Perúpetro of failing to provide an adequate environmental impact statement, of negotiating with individual communities (divide and conquer) as opposed to CECONSEC, the representative organization in the region, and that the state fulfill its responsibility in enforcing the constitution and laws for the development, peace, and general welfare of indigenous peoples (Servindi 2007a). In December of 2007, FENACOCA (the Federation of Native Communities of Cacataibo) asks for the intervention of the Inter-American Commission of Human Rights to intervene on behalf of a group of Cacaitabo living in voluntary isolation, threatened by the activities of the Canadian multinational, *Petrolifera* Petroleum, in Block 107 (Servindi 2007b). In October of 2008, three indigenous organizations, representing approximately 34 communities warned the Canadian company Tailsman that if they did not leave Block 64 (in the Northwestern Amazon region) that they would take measures to stop oil operations (AIDSESP 2008b). In November of 2008, several communities located on the River Curaray threatened to close all river transport if the managers of *Respol* and regional government officials from Loreto failed to enter into dialogue with communities affected by oil development (AIDSESP 2008c).

From 2006 until 2009, indigenous organizations (federations and other smaller organizations) confronted oil companies and government officials on multiple occasions. These confrontations involved pronouncements, letter writing to government officials, direct warnings to company officials, river blockages, and even the shutting down of oil operations. Incidences of opposition to oil development have increased as Garcia's policies have become more evident to indigenous groups throughout the Amazon.

Just between March and April of 2009, at the height of the 2009 manifestations, there were several acts of protest that were directly pointed at the oil industry. In March, more than one hundred Secoya and Kichwa communities from Northern Peru denounced the entrance of the Brazilian oil company Petrobras on their territories (AIDSESEP 2009a). In April, in a similar act more than more than 3,000 indigenous people from 80 Kichua and Arabela communities came together to protest the UK-based Perenco for contaminating activities on their land (AIDSESEP 2009b). In the Northeastern Amazon region, also in April, thousands of Mateses people move to the rivers (the Yaquerana and the Gálvez) to block the entrance of Colombian oil company Pacific Stratus, or any company, to enter their lands (AIDSESEP 2009c).

It is important to mention that some indigenous communities support petroleum development on indigenous territories. In truth, it is difficult to quantify the level of support/opposition to the government hydrocarbon development plans. CONAP, the other national indigenous federation, on many occasions have voiced their support for oil development, even signing a contract with Perúpetro to help carry out oil development on indigenous territories. CONAP's position is, not surprisingly, controversial amongst indigenous communities, some of which consider CONAP as co-opted by government

influence. However, independent of CONAP's position, it is impossible to deny that widespread opposition (albeit difficult to quantify) to hydrocarbon development exists. The massive protest in 2008 and 2009, if anything, demonstrate the degree to which indigenous groups are willing to oppose government policies, including hydrocarbon development, that work against indigenous territorial claims.

Conclusion

The IMPA, perhaps to the surprise of the Garcia government, has proved quite a sophisticated adversary to the government. As mentioned, four legislative decrees (of the eleven) have been repealed and just recently (May 2010) Congress passed a consultation law that was meant to implement ILO 169 and, in spirit, the notion of FPIC. Garcia has yet to sign the law and, given recent statements, it appears that he will not. The objective of this chapter has been, in general, to describe indigenous opposition to the Peruvian government's hydrocarbon policy. Again, while an exact number is difficult to determine it is impossible to deny (as President Garcia does) that significant opposition exists not only to hydrocarbon development, but to the government's larger development policies.

Perhaps the key point, evident throughout this entire dissertation, is that indigenous opposition to oil development is closely related to indigenous territorial claims. The emergence of the IMPA can be explained as a combination of the state's consistent policy of development and colonization of the Amazon region, leading to the dispossession of indigenous territorial spaces, and political and transnational opportunity structures that not only facilitated indigenous organizing, but quite definitely shaped it. In other words, the 1974 Native Communities Law, the work of relatively progressive advocates within the government, largely determined the process of indigenous

organizing and the recuperation of territorial spaces. Paradoxically, this occurred against the state's larger development objectives, which were still unmistakably based on colonization and development of so called empty, idle, Amazonian spaces. The IMPA, however, as it has done throughout history, reacted both to the process of colonization and to the opportunity not only to protect but eventually to expand (or retake) these territorial spaces. The IMPA, as all colonized peoples, were forced to adapt to colonial, republican and Eurocentric modern institutions, which has also, strategically, helped to shape the IMPA's current political objectives and to frame indigenous conceptualizations of territory.

Indigenous opposition to Garcia's legislative decrees, to the government's hydrocarbon policies, and the protests of 2008 and 2009 all relate closely to this historic, yet current, government practice of the dispossession of indigenous territories against the indigenous practice of defense and recovery of these very same territories. Put differently, the existence of the IMPA can be largely explained as an impasse between the government's historic colonization policy of Amazonian territorial spaces and indigenous peoples resistance to colonization and push to recover territorial spaces. In the next chapter, turning to the lens of modernity/coloniality, I will try to explain this apparent policy gridlock between the Garcia government and the IMPA over hydrocarbon development, in particular, and natural resource development in general.

CHAPTER V. USING DECOLONIALITY TO UNDERSTAND STATE AND INDIGENOUS DEVELOPMENT PERSPECTIVES

“The Eurocentric perspective of knowledge operates as a mirror that distorts what it reflects, as we can see in the Latin American historical experience.” Anibal Quijano 2000

Houston Road Show

The Houston road show, a promotional event carried out by *Perúpetro* to attract foreign investment in Peru took place, took place in February of 2008.¹⁴³ As part of its program, *Perúpetro* included a space for “Environmental and Social Responsibility,” but instead of AIDESEP, the leading representative of IMPA, they invited the Confederation of Amazonian Nationalities of Peru (CONAP) to speak as *the* representative of indigenous peoples throughout the Amazon region. Importantly, CONAP is one of the few indigenous organizations that has taken a favorable position towards oil development in the region, even signing a three-year agreement with *Perúpetro* to develop community projects in conjunction with oil development.¹⁴⁴

At the event, CONAP publicly declared that indigenous people support oil development, emphasizing a “harmonious” relationship between indigenous communities, the state, and oil companies. Following CONAP’s presentation, Robert

¹⁴³ I personally attended this event with the vice-president of AIDESEP.

¹⁴⁴ Go to <http://www.perpetro.com.pe/noticias-s-asp?ID=118>. On the 21 April, 2008, representatives from nine indigenous groups from the Amazon (Shawi, Shiwilo, Cocama-Cocamilla, Shapra, Candozi, Quechua, Wampis, Achuar y Awajún), from four provinces (Loreto, Amazonas, Cajamarca, y San Martín) in the Northern part of the Amazon, formally denounced CONAP for signing an agreement with Perúpetro, stating that this organization does not represent their interests (See Servindi 2008b).

Guimaraes, AIDSESEP's vice president, interrupted the meeting to announced to oil investors, "just as some things are not negotiable for you, some things, like our territories, are not negotiable for us." Referring to oil contamination at the Corrientes River Basin, he explained that hydrocarbon development has already had serious consequences for indigenous peoples in Northern Peru, destroying biodiversity and making people sick, especially children who have high levels of cadmium and lead in their blood and bones. Finally, Guimaraes specified that he was carrying a letter from indigenous peoples throughout the region demanding that those oil blocks that overlay indigenous territories be taken off the negotiating table.

In his closing remarks, Daniel Saba, president of *Perúpetro*, felt pressed to respond to Guimaraes, who he referred to as "our spontaneous visitor." He complained that the CONAP presentation was poorly translated and assured oil investors that CONAP, not AIDSESEP, represented the "true" indigenous position on oil development. Saba, who seemed shaken by the Guimaraes intervention, ended the meeting with these words:

If you are interested in investing in Peru, go the Amazon, and if you go you will notice that 66% of the people live in poverty. So when someone says that they want to live like they were living in the past [referring to Guimaraes], *oh my God*, they are saying that they want to live with 66% poverty.

He never mentioned Guimaraes by name, leaving out the fact that this was the vice president of the most formidable indigenous organization in the Amazon region, one that officially represents approximately 350,000 indigenous persons and some 1,350 native communities. Guimaraes, in the end, approached Saba to hand him the letter that he had brought from the Amazon region. Saba, however, shook his head, indicating that he would not accept the AIDSESEP letter.

Is *Perúpetro*'s dismissal of AIDSEP as a legitimate representative of indigenous peoples throughout the region a simple case of well calculated political strategy? Perhaps. The government *is* interested in selling oil concessions and any visible opposition clearly represents an obstacle that could complicate the government's objectives to sell oil concessions in the Peruvian Amazon. However, Saba's reaction seems to go beyond just political posturing. Not only did he seem unsettled by Guimaraes's intervention, but Saba appeared puzzled by the fact that indigenous peoples could oppose oil development: "*oh my God*," Saba decried, "they want to live like they were living in the past."

It is important to highlight Saba's misrepresentation of Guimaraes's statement. Guimaraes, who only spoke for one minute, never mentioned that indigenous peoples in the Amazon want to live like they were living in the past. Speaking in especially straightforward language, he addressed many of the critical issues for indigenous peoples, drew attention to the tragic history of oil contamination in Northern Peru and, as a representative of AIDSEP, demanded that those blocks that overlap indigenous territories be taken off the negotiating table. Consistent with AIDSEP's broader message, he carefully stated that indigenous peoples throughout the region oppose oil development not merely to protect indigenous territorial and cultural rights, but also to conserve the region's biodiversity and regulate the earth's climate for the benefit of Peru and the world.

In this chapter, I argue that the Houston road show mirrors the larger political conflict between the state and indigenous peoples over natural resource development in the Amazon region. To better understand this conflict and explain why the government misrepresents indigenous perspectives on development I turn to modernity/coloniality, an

alternative theoretical lens. In the first section, I provide an overview the modernity/coloniality theoretical approach, focusing on those elements that are especially useful in explaining this conflict. In the second section, I examine Peru's natural resource development policies through the lens of modernity/coloniality. This, I argue, helps to explain the government's development approach and, specifically, why the Garcia government misrepresents indigenous positions on development. In the third section, I suggest ways in which the alternative development policy notion of decoloniality is expressed in indigenous society and in the IMPA. This position, I argue, not only challenges Peru's predilections for Eurocentric development, but reveals a more sustainable approach to development that, in fact, does not reject modern economic development.

Modernity/coloniality and Eurocentric development

Modernity/coloniality is a theoretical approach inspired by the work of scholars, mostly from Latin America, including Walter Mignolo (Argentina), Enrique Dussel (Mexico), Anibal Quijano (Peru), Arturo Escobar (Colombia), and others that claim that the idea of modernity, along with its corollaries development and modernization, are heavily influenced by Eurocentric order and thinking.¹⁴⁵ Eurocentric modernity, as they describe it, is guided by a logic that informs political, economic, social and economic thought and is predominant in mainstream institutions like the World Bank, the IMF, and the WTO, but also permeates political institutions like the "modern" nation-state. The

¹⁴⁵ For an interesting look at the theoretical foundations (or genealogy of the groups thinking) see Escobar (2007). He includes liberation theology from the 1960s and 1970s (Enrique Dussel, Rodolfo Kusch, Orlando Fals Borda, Pablo Gonzales Casanova, Darcy Ribero), dependency theory, the debates on modernity and postmodernity in Latin America, the Latin American Subaltern Studies Group, and others. See p. 180.

modernity/coloniality lens, as I will demonstrate in this section, offers not only a useful way to deconstruct contemporary notions of modernity and development, but suggests ways in which alternative or subaltern notions of modernity and development are emerging.

For most, modernity is generally associated with an intellectual effort on the part of Enlightenment thinkers to develop objective science, to accumulate knowledge, and to dominate and control nature. For instance, according to Harvey, modernity is related to the pursuit of human emancipation by free and autonomous individuals, leading to the development of rational forms of social organizations and thought that would liberate humans from irrational notions of myth, religion, and superstition (Harvey 1989, p. 12). Modernity, as such, reorients the idea of history and progress around the logic of development, where perpetual betterment and understanding are always possible (Escobar 2007, p. 181-182). According to most classical (Kant, Hegel, Weber, Marx, etc.) and critical thinkers (Habermas, Giddens, Taylor, Touraine, Lyotard, Rorty, and Foucault), modernity is located historically and spatially in France, Germany, and England around the time of the Reformation, the Enlightenment, and the French Revolution and became consolidated with the Industrial Revolution. Most importantly, these views suggest that modernity can be explained by factors that are internal to Europe (Escobar 2007, p. 181).

This viewpoint is fundamentally different than modernity/coloniality scholars, who locate the origins of modernity with Conquest of the Americas and the economic control of the Atlantic. The modernity/coloniality group draws from Wallerstein's world systems analysis, agreeing that the "modern" world (capitalist) system was born in the

sixteenth century, precisely when European, via colonial domination, began to expand its reaches. From Quijano and Wallerstein:

The Americas as a geo-social construct were born in the long sixteenth century. The creation of the geo-social entity, the Americas, was the constitutive act of the modern world system. The Americas were not incorporated into an already capitalist world-economy. There could not have been a capitalist world-economy without the Americas (taken from Mignolo 2001, p. 24).

The link between the origins of modern capitalism and colonialism emphasizes the role that the extraction of precious minerals and (later) agriculture commodities played in financing the Industrial Revolution and thus fomenting the modern world capitalist system (See Wolf 1982; Dussel 2002, p. 223).¹⁴⁶

The modernity/coloniality approach emphasizes that modernity, not just capitalism, can be traced to the emergence of the Atlantic commercial circuit in the sixteenth century. In other words, colonialism, postcolonialism, and imperialism are constitutive of modernity, which suggests that modernity should not be understood as a mere intra-European phenomena in which European Enlightenment thinkers (i.e. Locke, Smith, Descartes, Comte, etc.) introduced a new (superior) logic and rationality that all other peoples and cultures should follow. Rather, modernity (as a logical structure) is based on the domination of others (especially non-Europeans) and the imposition of Eurocentrism as a hegemonic representation of knowledge and power (Escobar 2004, p. 217).

¹⁴⁶ According to Dussel, the rise of the “West” began with the comparative advantage that Europe had through scientific discoveries, precious metals (gold and silver), the new labor force (Indians and African slaves), the new agriculture products (the Inca potato, corn, the Mexican tomatl and chocalatl, etc.), and the millions of kilometers by the conquest into European colonial agriculture (p. 223).

Concretely, modernity is linked to what these authors describe as coloniality, which Mignolo defines as “the reverse and unavoidable side of ‘modernity’—its darker side, like the part of the moon that we do not see when we observe it from the earth” (Mignolo 2000, p. 22). Not the same as colonialism, which refers to specific historical periods, rather, coloniality refers to the “logical structure of colonial domination,” which maintained Spanish, Dutch, British, and US dominance in Latin America throughout history (Mignolo 2005, p. 7) and permitted the genocidal acts against indigenous peoples and Africans and the marginalization of knowledges, religions, and of “non-modern” cultures.

Mignolo argues that the “logic of coloniality” works through four domains of human experience: (1) the economic: control of land, labor and finance; (2) the political: control of authority; (3) the civic: control of gender and sexuality; and (4) the epistemic and subjective: control of knowledge and subjectivity. These domains are interconnected, reinforcing each other and creating a colonial matrix that, according to Mignolo, is “invisible to the distracted eye.” As Mignolo explains, when the logic of coloniality surfaces it is explained through rhetoric of modernity, where all problems can be corrected with modern development. The rhetoric of modernity and logic of coloniality have been alive since the sixteenth century, when the Spanish crown appropriated massive amounts of land and brutally exploited indigenous peoples and slaves, all justified and rationalized in the name of the Christian logic of salvation (Mignolo 2005, p. 10-11).

The link between Christianity, as the original global design, and Eurocentric development is important because it helps to explain the origins of modern development

as teleological (undeveloped to developed). In an article in 1993, titled “Eurocentrism and Modernity,” Dussel suggest that modern thought is based on the “myth of modernity” and the “fallacy of developmentalism,” which establishes modernity as an ontological category related to process of the self realization of God, Reason, and Freedom and reasons that the rest of the world (especially the “undeveloped” world) should follow Europe’s path to development (Dussel 1993, p. 68).

In the article, Dussel uses Hegel to point out an example of intra-European modernity and, specifically, how this leads to a teleological vision of modern development. From this perspective, World History and national development moves in time and space from East to West. For Hegel, Asia is the beginning of World History and Europe is the absolute end of history (Hegel 1988, p. 92). Hegel saw European Christianity (specifically German Protestant Christianity) as the absolute endpoint of development. Speaking to the superiority of Christian freedom, Hegel writes,

The principle of the free Spirit [Embodied in European Christianity] makes itself here the banner of the whole world, and from it develops the universal principle of reason.... [given this superiority] custom and tradition no longer have validity; the different forms of right need to legitimize themselves as founded on rational principles.

In other words, all peoples and cultures must leave behind “customs and traditions” and follow the European, “rational” path to development and modernity (Dussel 1993, p. 70-71).

In this context, the global South is effectively removed from World History. Here Hegel emphasizes the newness of America and Australia:

The world is divided into the Old and the New—and the latter is called “new” because America and Australia became known to us comparatively recently. But these are not new only in a relative sense but new altogether, in respect to their whole physical and spiritual make-up (Hegel 1988, p. 84-85).

Hegel sees the global South as immature, both physically and spiritually and, given the recent arrival of the Europeans, history is just beginning in America. Hegel, in fact, considered the Americas to be the future, not yet part of History, and not worthy of the “philosopher’s attention” (Hegel 1988, p. 90).

Hegel’s vision of World History implies that America’s original inhabitants, like the geographic space where they live, were not only immature, but inferior. This is from *Hegel’s Geographical Basis for History*:

The main character of the native Americans is a placidity, a lassitude, a humble and cringing submissiveness toward a Creole, and even more toward a European—and it will take a long time for the Europeans to produce any feeling of self-confidence in them. The inferiority of these individuals in every respect, even in regard to size is very apparent. Only the extreme southern tribes, in Patagonia, are stronger by nature, but they are still in the natural condition of barbarism and savagery (Hegel 1988, p. 85).

For Hegel, European superiority is juxtaposed against placidity, lassitude, and submissiveness. It will take time for “superior” Europeans to produce feeling of self-confidence or to *develop* native Americans, which presupposes that “mature” Europeans must civilize and develop inferior natives, who in their natural condition are “barbarians and savages.”

For Dussel, Hegel’s ideas are tied to the “myth of modernity” the “fallacy of developmentalism,” in which all countries assume they must follow Europe’s path to development. Without entering in details, the myth of modernity is based on how Europe understands itself as the most superior, developed civilization. Stemming from the idea that World History ends in Europe, the myth is that all history leads up to Europe, which obliges Europe to civilize and develop “the more primitive, barbarous, underdeveloped

citizens” (Dussel 1993, p. 75). For Dussel, when the “barbarian and primitive” oppose the development process there is violent reaction:

This violence, which produces, in many different ways, victims, takes on an almost ritualistic character: the civilizing hero invests his victims (the colonized, the slave, the woman, the ecological destruction of the earth, etc.) with the character of being participants in a process of redemptive sacrifice (Dussel 1993, p. 75).

Here Dussel introduces the notion that implicit in Eurocentric modernity is the justification of the violence of coloniality, in a sense, a necessary evil of the modernization process. Modernity is therefore framed, in spite of the “necessary violence,” as ultimately beneficial to the victims. To understand how this works, I will turn to Quijano’s concept of the coloniality of power.

The coloniality of power

The coloniality of power represents the common thread that links modernity/coloniality in the sixteenth century with its current version in the twenty-first century. In short, this term describes the strategy of control and domination of the European hegemonic form of modernity, born in the colonial epoch, but still present today. For Quijano, the defining element the coloniality of power is the idea of race, a mental construct that is based on purity of blood as a natural, universal principle for classifying people. This, combined with the a new structure to control labor, resources, and products, made up the colonial (and modern) system of domination in the Americas, which, according to Quijano, amounted to “an articulation of all historically known previous structures of control of labor, slavery, serfdom, small independent commodity production and reciprocity, together around and upon the basis of capital and the world

market” (Quijano 2000, p. 533). Here race and labor worked in tandem as foundational elements to the modern capitalist system.

For Quijano, the idea of race, as a “biological category,” does not have a known origin before the colonization of the Americas.¹⁴⁷ Quijano argues that posterior to colonization new racial categories appeared that referred specifically to the “biological differences” between Europeans and “other” classes of people considered inferior:

From the sixteenth century on, this racial principle has proven to be the most effective and long-lasting instrument of universal social domination, since the much older principle—of gender or intersexual domination—was encroached by inferior-superior racial classifications. So the conquered and dominated peoples were situated in a natural position of inferiority, and as a result, their phenotypic traits as well as their cultural features were likewise considered inferior (Quijano 2008, p. 183).

At this time, as a result, new racial identities were produced that defined social relations not only in colonial society, but throughout the world. “Indians, blacks, and mestizos” were used as part of a complex racial matrix which worked, systematically, to place white Europeans and “whiteness” as a superior category. In Colonial Peru, for example, in the eighteenth century there were a total of twenty-one social-racial categories that were used to describe human beings (Cahill 1994, p. 339). Furthermore, as Quijano points out, terms such as Spanish and Portuguese (and later European), which before were only geographic references, began to take on a racial meaning. In short, in Spanish America,

¹⁴⁷ Quijano, as others have, makes the point that the idea of race is literally an invention, which has nothing to do with the biological structure of human beings. The phenotypic traits that are found in the genetic codes of individuals have no relation to the subsystems and biological processes of the human organisms, including those involved in the neurological and mental subsystems and their functions (taken from footnote #6) (Quijano 2000, p. 575).

race became a means of social classification and political, economic, and social dominance.¹⁴⁸

Significantly, as mentioned, the Eurocentric notion of racial superiority was established in conjunction with an entirely new structure to control labor forms in the Americas. While these labor forms, most of them highly exploitative, existed previously, for Quijano, they were organized around the production of commodities for the world market and directly tied to capital and thus became structurally dependent on the world economy. Slavery, serfdom, petty-commodity production, certain practices of reciprocity, and even wages, Quijano states, thus cannot be seen as “mere extensions of its historical antecedents” (like Marx’s notion of primitive capitalism), but as the key part of a new model of power. Quijano concludes, “Insofar as the structure of control of labor, resources, and products consisted of the joint articulation of all the respective historically known forms, a global model of control of work was established for the first time in known history” (2008, p. 184). Quijano argues that this racist distribution of labor, maintained throughout the colonial period, consisted of a new technology of domination/exploitation in which race and labor appeared naturally associated (2008 p. 185).

Natural resource development and Eurocentric modernity

Mignolo writes that in the New World racism became an “epistemic operation that institutionalized the inferiority of the Indians and, subsequently, justified genocidal

¹⁴⁸ Quijano argues that the codification of the phenotypic trait of color was probably first established in the area of Anglo-America, where “blacks” were the most important exploited group given the importance of their labor to the colonial economy. This, according to Quijano, explains why the dominant group calls itself “white” (Quijano 2008 p. 183).

violence, as Dussel pointed out, and exploitation of labor, as Quijano underlined” (Mignolo 2007, p. 473). This relation between racism, genocidal violence, and exploitation of labor and land was particularly acute in the Amazon region. Though I touched upon this topic in Chapter II, it is worth expanding here. In the Amazon region, somewhat different than in the Andes, the history of colonization was to a large extent based on the extraction of natural resources that created a hierarchal, racialized labor and social system that, in many ways, is still in place today. Under the pretext of European colonization and Christian salvation, in order to extract natural resources, indigenous peoples were brutally exploited as laborers. Later, when indigenous labor became less important, in the name of national development, again to extract natural resources, indigenous peoples became obstacles to development.

The *encomienda*, for example, veiled in the rhetoric of Christian salvation, worked as a cover institution for the control of indigenous labor and, in some cases, served as a space to experiment other highly exploitative forms of labor in the eighteenth and nineteenth century. As Taylor argues, the *encomienda* was often a justification to conduct slave raids, it served as the legal framework to control labor, and it provided an excuse to appropriate large territorial spaces (Taylor 1999, p. 215). In the same vein, according to Santos-Granero and Barclay, the Christian missionaries, while providing some relief against the violent tactics of the *encomenderos*, in reality, provided a more effective and efficient means of colonization (1999, p. 26). For instance, the 1573 Law, *Ordenanzas sobre nuevos descubrimientos y poblaciones*, even by the Crown’s account, was implemented to provide a more “peaceful” and efficient means to convert indigenous peoples and to colonize the region. In line with the Christian “civilizing” mission and the

need to supply ample labor, as Taylor explains, the object was to indoctrinate “Indians in the pedagogic virtues of work” and rid them of the “habits of laziness,” which many considered (even de Las Casas) their “root condition as savages” (Taylor 1999, p. 219). In short, in the colonial period, the Christian “civilizing mission” (the rhetoric of modernity) covered up the violence of a highly exploitative labor system designed to extract natural resources (the logic of coloniality).

Perhaps the most vivid example of how the rhetoric of modernity hides the violence of coloniality, however, is the notorious rubber boom in the Amazon region. The rubber boom, which took place after Peru became an independent republic in 1821, was the product of a certain spirit of euphoria surrounding modernity and accompanied by a renewed interest in colonization and “pacification” of indigenous peoples. Pacifying missions to the jungle, new state-led colonization policies, state-sponsored expeditions to “discover” and explored uncharted, empty, Amazonian territories all reflected to one degree or another the modernist or “frontierism” zeal of the nineteenth century. The rubber boom, largely fueled by international events (skyrocketing demand), was an example of the spirit of modernity. Referring to the state of Loreto, Santos-Granado and Barclay write how contemporary observers referred to rubber as the “magical product,” that would not only save Loreto’s economy, but was the “golden key to national happiness” (2000, p. 22).

The rubber boom, however, as many historical accounts describe, worked around extreme violence and exploitation of indigenous peoples. According to Hvalkov, “[indisputably], the rubber boom is the single period in the history of the Amazon that has had the most devastating and disastrous effects on the indigenous population”

(Hvalkov 2000, p. 92). Chapter II details some of the sheer violence of this episode, in which a reign of terror (including murders, tortures, beheading, flogging, etc.) was inflicted upon indigenous peoples. This excerpt, taken from Taussig's account of the Putumayo case, appeared in an Iquitos newspaper and exemplifies the logic of coloniality:

They forced the Pacific Indians of the Putumayo to work day and night at the extraction of rubber, without the slightest remuneration; that they give them nothing to eat; that they keep them in complete nakedness; that they rob them of their crops, their women, and their children to satisfy their own voracity, lasciviousness and avarice of themselves and their employees, for they live on the Indian's food, keep harems and concubines, and sell these people at wholesale and retail in Iquitos; that they flog them inhumanely until their bones are visible; that they give them no medical treatment, but let them die, eaten up by maggots, or to serve as food for the chiefs' [i.e., rubber station managers] dogs; that they castrate them, cut off their ears, fingers, arms, legs (Taussig 1987, p. 34)

While Putumayo is an extreme case and the story is more complex than “evil *caucheros* versus good Indians,” similar incidents are well-documented throughout the Peruvian (and Colombian) Amazon at this time. Furthermore, given the extreme violence and repression that indigenous peoples experienced during this period, today, this experience (or lived history) is etched in the memory of today's indigenous peoples throughout the region.¹⁴⁹

More than violence, however, the rubber industry worked to further inscribe a racialized hierarchal system(s) system used to control and exploit labor that, in certain respects, still operates in the region today. From the perspective of Quijano, the rubber industry provides an example of how the coloniality of power worked to racialize and

¹⁴⁹ On one research trip to the Ucayali region in 2008, one Shipibo indigenous leader pointed out the rubber tree to me and explained that this tree not only symbolized suffering and subordination, but the capacity of people to resist the dominance and evil that was inflicted upon them.

institutionalize indigenous people as inferior subjects and part of an economic system based on the exploitation of indigenous labor. This was touched upon in Chapter II. Nevertheless, it is important to recall that the harsh labor systems during the rubber boom, described as “systems of slavery,” were, in some cases, intricate systems (*habilitación o aviamento*) that relied upon funding from US and European companies through large commercial houses. These systems, as such, were not “traditional” economic systems disconnected from the world capitalist system, but were intimately connected to it.

According to Hvalkov, it was precisely this system based on exploitation of indigenous labor that connected the extractive (rubber) economy to national and international markets. The *habilitación* system worked around a hierarchy of interconnected debt relations with the indigenous rubber tapper and his family at the bottom of the chain. It was set up so that only those near the top (usually the white *caucheros*) could make capital gains in the system and those at the bottom accumulated debt. Furthermore, as the Putumayo case indicates, given the short labor supply, some *caucheros* felt the need to inflict terror upon indigenous subjects to bring in the necessary quantities of rubber. During this time, described as “chattel slavery,” another system developed that was based on inheritable debt, such that indigenous families were treated as real capital that could be traded the same way as bonds on the market. According to Hvalkov, these practices (known as slave-raiding or *correría*, widespread in the nineteenth and twentieth centuries) evolved into a slave trade business controlled by contractors involved in extractive industries (Hvalkov 2000, p. 89).

While some scholars emphasize the complexity (i.e. the fact that *some* indigenous peoples participated in slave trading, etc.) of the rubber industry (Coomes and Barham 1994), it is difficult to deny the contemporary relevance of these highly exploitative practices. It is well known that as recent as the late 1980s there were documented cases of indigenous peoples working for timber companies and individual families that were considered personal property because of debts incurred. In *Liberation through Land Rights in the Amazon* (1998), Garcia-Hierro, Hvalkov, and Gray provide powerful testimonies of indigenous peoples who had worked for years without pay and without the ability to leave their workplace. AIDSEP, in fact, led the investigation to expose the “hidden” practices of outright slavery that were occurring in the Ucayali region until the mid 1980s.

The rubber era and its residual effects are important here because they represent a segue from the colonial era to the republican era. Clearly, the rubber boom was part of Eurocentric modern mentality and logic. Called a “magical substance,” rubber was used to make tires for cars and bikes, in roofing, cabling, and in the making of instruments for the steam machine (Santos-Granero and Barclay 2000, p. 22). The violence that indigenous peoples suffered, to be sure, occurred as part of the logic of coloniality: indigenous peoples were seen as barbarians, less-than human, uncivilized and thus an exploitable labor force. Interestingly, starting in the early 1900s, as the Industrial Revolution was well under way, the Christian rhetoric of salvation began to change to a rhetoric of progress and development.

For indigenous peoples living in the Amazon region this meant that the Christian civilizing mission shifted towards a development or “modern” civilizing mission. Brown and Fernandez, write about this transition:

Western rhetoric about jungle Indians had undergone a subtle shift at the end of the nineteenth century. Prior to 1900, Western observers spoke of the need to civilize the heathens, to bring them to the fold of Christianity and respect the king and viceroy. But the Rubber Boom, the expansion of plantation agriculture, and the industrialization of Peru changed the agenda. Now native peoples had to assimilate, move, or die, because the progress of Peru could no longer be stemmed (Brown and Fernandez 1991, p. 66).

As this quote indicates, the language of Christian salvation became less prevalent and was replaced by the notion that, because of progress and development, indigenous peoples should assimilate.

In the Amazon region, the early 1900s the rhetoric of modernity was manifested through an intense period of state-led colonization. Although several governments showed a renewed interest in colonization projects in the region, the most extreme example is the government (or the figure) of Fernando Belaúnde (1963-1968; 1975-1980). Belaúnde is important, here, because his ideas are emblematic of the logic of the Peruvian state towards the Amazon region. Originally presented in his book *Conquest of Peru by Peruvians*, Belaúnde saw the conquest of the Amazon region as a solution to Peru development ills. In many ways, Belaúnde’s ideas were similar to ideas that permeated during the rubber boom. Amazonia was a space to be conquered, discovered, mapped out, and exploited. Like the rubber baron Fitzcarrald, this spirit of conquest, discovery, and development made Belaúnde a hero to the Peruvian bourgeoisie and middle class and a close ally and friend of the US government.

This aggressive attitude towards Amazonian colonization subsided with military government of Juan Velasco (1968-1975), who not only de-emphasized the Amazon region, but in 1974 created what at the time was considered the most progressive legislation dealing with indigenous peoples in all of Latin America. The Velasco regime, different than Belaúnde, embraced left-leaning policies, nationalized industries, and carried out a somewhat radical land reform program. Crucially, however, in spite of these relatively progressive policies (towards Amazonian peoples), the Velasco regime did not fundamentally alter policies regarding Amazonian colonization. In fact, as mentioned, it created the “Peru Model” for oil concessions in which sixteen new contracts were established between 1971 and 1973. Interestingly, the oil concessions awarded to large companies were based on the 1891 “Rubber Concessions Model,” which, according to Stocks, led to an unprecedented exploratory period that affected nearly every indigenous group in Eastern Peru. In reality, Velasco also saw the Amazon as an untapped space for national development. He even envisioned oil development in the Amazon region as a way to pay for his ambitious social agenda (see Dandler 1988, Smith 1982).

In terms of Eurocentric modernity, throughout history the government has treated the Amazon region as an empty space, ripe for colonization and development. As mentioned, Smith writes about this in a 1982 paper titled, “The Dialectics of Domination in Peru: Native Communities and the Myth of the Vast Amazonian Emptiness.” Discussing the government’s 1980 plans to implement a USAID-sponsored colonization project, “the Pichis-Palcuza Special Project,” Smith alludes to the mentality and strategy of Peruvian development initiatives in the Amazon region:

Underlying this dream of tropical development, there is a classical political notion that social and economic problems at home can be conveniently dealt with

through the conquest of new territories. To justify this conquest, an official myth is created which demonstrates the existence of a vast, bountifully productive, empty territory—the Amazon Basin—which awaits the enterprising individuals to settle it and harvest its riches (Smith 1982, p. 1).

This myth of emptiness, the “rhetoric of modernity,” that sustains the government philosophical approach to development in the Amazon region has not fundamentally changed throughout Peru’s history.

This rhetoric of modernity, as I have argued throughout this dissertation, however, works via the logic of coloniality, modernity’s dark side. In the colonial era and well into the republican era this logic justified the brutal exploitation of indigenous labor (i.e., the *encomiendas*, the missionaries, and the rubber trade). In the contemporary era, the logic of coloniality, perhaps more difficult to visualize, worked towards the progressive (sometimes violent) dispossession of indigenous territorial spaces, which, in turn, led to the marginalization of indigenous knowledge, culture, and political autonomy. In the following section, I examine more specifically how the Garcia’s government uses the rhetoric of modernity to hide policies that work around a logic of coloniality. However, here it is important to emphasize that the logic of coloniality that Garcia employs is, in fact, a continuation of the same logic that is present throughout Peru’s history.

The beginnings of the contemporary era (circa 1950) are especially important because, in many respects, this is when the Peruvian government promotes specific policies that, on the one hand, profess to support indigenous territorial rights, while, on the other hand, work to further dispossess Amazonian indigenous peoples of their territorial spaces. This is very much part of the logic of coloniality, which, while less visible, is consistent with the control of land, labor, and finance, which, in the end, marginalizes indigenous knowledges, viewpoints, and perspectives on development.

Much of this was discussed in Chapter II, but to explain how the logic of coloniality works a few important historical reference points are important to note.

The *1974 Native Communities Law* passed under the Velasco government is considered the apex of indigenous peoples territorial rights in the Amazon region. This law, as we recall, marked for the first time in history that indigenous land was considered “inalienable, unmortgageable, and imprescriptable,” provided indigenous peoples with subsoil rights, granted a legal basis for the existence of communal (as opposed to individual) property, recognized a certain level of political autonomy for indigenous peoples, and used a broader basis for describing the use of indigenous territories (Yashar 2005 p. 253; Smith 1982, p. 5; Chirif and Garcia 2007, p. 195; IWIGIA 1995, p. 38). To a large degree, successive governments have enacted policies that have led to the progressive deterioration of these rights. For Chirif and Garcia, the so called “radical” agenda that indigenous peoples support is, in reality, just an attempt to *re-establish* rights that were established in 1974 (Chirif and Garcia 2007, p. 107).

In summary, the “logic of coloniality” has continued to dominate and define state development policies throughout the country’s history. This logic is expressed as the violent exploitation of indigenous peoples in the colonial and republican era and the progressive dispossession of indigenous territorial spaces in the contemporary era. In truth, indigenous territorial rights opened up a legal framework to exploit Amazonian spaces that were not yet legally titled. The archipelago syndrome, the rescue and consolidation of small islands in the midst of a sea of extractive development projects, is thus a manifestation of the logic of coloniality.

Eurocentric development and the “perro del hortelano” rhetoric

In this section, I argue that modernity/coloniality helps to understand Peru’s contemporary natural resources policies, especially as they conflict with indigenous territorial rights. While Garcia’s development policies are consistent with a neoliberal approach, in many ways, they are continuation of past policies, both left and right (liberal and socialist-leaning), in which the dreams of Amazonian development have trumped policies that advance indigenous territorial rights. Further, following the logic of coloniality, these policies work toward the progressive dispossession of indigenous territorial spaces and exclude indigenous peoples from the policymaking and implementation of hydrocarbon policies.

Here, the rhetoric of modernity is best exemplified in President Garcia’s *perro del hortelano* discourse, which became the center of a national debate on issues of indigenous territorial rights. Between October of 2007 and March of 2008, Garcia wrote a series of four editorials in *El Comercio*, Peru’s most prestigious national newspaper, in which he uses the *perro del hortelano* (gardener’s dog) fable to make an argument for the use of big capital and modern technology to develop Peru’s vast natural resources throughout the Amazon, Andes, and Pacific Ocean regions.¹⁵⁰ Garcia writes:

There are millions of hectares for forestry that remain idle, millions more that communities and associations have not cultivated, nor will they ever cultivate, furthermore, there are hundreds of mineral deposits that cannot be worked and millions of hectares of sea that will never enter into mariculture, never be cultivated (Garcia 2007a).

¹⁵⁰ These articles appeared in *el Comercio* between October of 2007 and July of 2008 (see Garcia 2007a, 2007b, 2008a, 2008b). While Garcia touches on these themes in all four articles, his main argument is laid out in the first article, written in October of 2007, and this is also the article that received an immediate response from indigenous groups. Here I will articulate the argument in this first article.

For Garcia the problem is that some Peruvians, including indigenous peoples, leftists, and environmentalists, are infested with the *perro del hortelano* mentality, which prevents certain groups from seeing the benefits of modern development.

In the “perro del hortelano” fable, the gardener’s dog protects its master’s garden from all the other animals (cows, rabbits, sheep, etc.) who, hungry, would like very much to eat from the garden. The dog, however, is blind to the fact that the animals need nourishment from the garden. The irony is that, while the dog is trying to protect the garden for its master, it does not realize that the animals, who also belong to the master, need to eat as well. Translated to Peru’s development problems, those that are anti-development, like the *perro del hortelano*, don’t realize that it is in Peru’s best interest to develop the country’s resources, especially those vast, untapped resources that the Amazon region offers. Moreover, like the child that jealously guards his toys, part of the reason that indigenous peoples oppose development is that they themselves don’t have the resources (capacity, capital, technology) to do it. Following this logic, Garcia argues that natural resources are undeveloped because of “the taboo of already surpassed ideologies, for laziness, for indolence, or for the law of the gardener’s dog that says ‘if I don’t do it, nobody will’” (Garcia 2007a).

In this section, drawing from the modernity/coloniality approach, I will focus on three particular ways in which Garcia’s *perro del hortelano* discourse is reflective of the rhetoric of modernity and the logic of coloniality: 1) it reveals Garcia’s vision of land as intensely Eurocentric, 2) it shows a remarkable faith in “modern” solutions to resolve all of Amazonia’s problems (especially environmental problems), 3) it advances a teleological understanding of development, where the Amazon region is framed as a

historical relic, an un-modern, chaotic, unproductive and undeveloped space. Here it is important to emphasize the link between land and capital. According to Mignolo, in the Americas,

[capital] was necessary to organize labor, production and distribution; and, the appropriation of land *enormously increased the size and power of capital. It was land, rather than money*, that made possible the qualitative jump of mercantile economy into mercantile capitalist economy (Mignolo 2007, p. 481; the italics are Mignolo's).

For Mignolo, capital in the form of *land* provided the glue that held together the colonial matrix of power. Eurocentric modernity foresees land as a source of capital given that the appropriation of land increases the power and potential of capital to work towards modernity. Capital and land, thus, are essential to bring about modern development (Mignolo 2007, p. 480).

The connection between capital and land is evident in Garcia's *perro del hortelano* discourse. For Garcia, the Amazon region in its current state is an idle space, not only under-developed, but under-capitalized. The solution is to create large extensions of land (via multinational oil, gas, mining, logging concessions), where significant capital investments are then possible. Speaking to the abundance of resources available in the Amazon region:

The first resource is the Amazonia. There are sixty-three million hectares of land and abundant rainfall. In the region it is possible to reforest the eight million hectares, but, for this, there needs to be land ownership, that is to say, secured land of five, ten, or twenty-thousand hectares, because with less land there is neither formal investment or high technology (2007a).

Garcia is quite adamant that the solution to Peru's development ills, especially in the Amazon region, lies in the country's ability to attract large capital investments.

Appealing to leftist or traditional Marxist sentiment, Garcia claims that even for left of

center parties (like APRA) it is important to embrace large capital. In an interview with a Spanish newspaper, Garcia implores, “a government of the left never can be an enemy of large capital. It is an enemy of monopoly, abuse, and absolute selfishness, but it must be an ally of large capital” (Perez-Maura 2008).

Expressing this rhetoric of modernity, Garcia suggests that the use of large extensions of land to bring in capital investments will reduce poverty. In this quote, Garcia responds to indigenous opposition to the privatization of native lands in the Amazon (this was manifested in LD 1015 and 1073):

Those that oppose say that we cannot award property in Amazonia (then why, yes, on the coast and in the Andes?). They say that giving property in large extensions of land will enrich the largest companies, of course, but it will also create thousands of formal jobs for Peruvians that live in the poorest areas. It is the *perro del hortelano* (Garcia 2007a).

Garcia’s viewpoint is clear: it is necessary to make available significant extensions of land to the largest companies, who have the capital and resources necessary to invest, which will create jobs and reduce poverty in the Amazon region. This is precisely what Garcia proposed in legislative decrees 1015 and 1073, which were designed to ease the requirements so that indigenous communities could make available their land to large investors.

The second way that the *perro del hortelano* discourse reflects the rhetoric of modernity is in Garcia’s quite remarkable faith in “modern” solutions to current environmental problems. This is closely related to his predilection for large capital investments, which, very much in line with the rhetoric of modernity, will bring cutting edge technology to the region. Here Garcia claims that modern technology has overcome all environmental problems associated with mining and extractive development:

Here we still discuss whether mining (techniques) destroy the environment, which is a theme of the past century, of course *before* mining destroyed the environment [but] the environmental problems *today* are basically because of *yesterday's* mines (Garcia 2007a, the italics are mine).

Again, for Garcia, the key is to bring in large capital investments, which will not only reduced poverty, but can also be used to better protect the environment:

Small capital is respectable, but the capital that advances, that leads to technological progress, the capital that breaks barriers and crosses borders, thanks to the cybernetic and telecommunication's revolution, [is big capital], large capital is the only way, if it is well-oriented, to end the destruction of the environment" (Perez-Maura 2008).

Thus, imbued with this spirit of modernity, Garcia believes that the environmental problems associated with extractive development should be dealt with through large capital investments that will bring technology, reduce poverty, and protect the environment.

The third way that the *perro del hortelano* discourse reflects a Eurocentric vision of modernity is that it advances a teleological notion of development, which frames the Amazon region and its (indigenous) inhabitants as un-modern and historically backwards. This is especially important in this case because it has led to a misrepresentation of indigenous viewpoints on development and, consequently, has created conflict between indigenous peoples and the state.

Garcia's support for large extensions of land financed through big capital investments comes alongside a harsh critique of small individual and community-own land spaces. Small landholdings, for Garcia, are ideological relics, products of the past, and the reason that Peru remains poor. He writes,

[we] have fallen into the trap of giving small plots of land to poor families who do not have a cent to invest, then, besides land, they ask the state for fertilizers,

seeds, irrigation technology and also protected prices. The *minifundista* model without technology is a vicious circle of misery (Garcia 2007a).

This is clearly a critique of land reform under the Velasco regime and a jab at indigenous communities who are typically small landholders. For Garcia, these “small landholdings,” described as a *minifundista* model, are sort of a feudal relic, signifying the past and are in desperate need of modern technology. Again, this backwards model creates environmental degradation and, accordingly, is responsible for illegal logging and mining: “the environment is destroyed by semi-capital [small landholdings] that cuts trees but does not replace them or that mines with mercury and sulphuric acid” (Perez-Maura 2008).

Garcia’s critique of small landholdings carries with it an implicit and explicit critique of Amazonian indigenous peoples, who he frames, like the territorial spaces in which they reside, as backward, undeveloped, and un-modern. In this quote, Garcia again alludes to the Amazon region as an idle, unproductive, space:

We respect *virgin forests* and *native peoples*, but let’s start with the eight million hectares that haven been converted into deserts . . . in the last few years because of unregulated concession, cocaine, and illegal logging. There we could create millions of jobs and, furthermore, jobs in the making of furniture. It is shameful that Chile exports two billion dollars in timber without having one Amazonian hectare (Garcia 2007a, the italics are mine).

Here Garcia conveniently places “virgin forest” and “native peoples,” in the same category. Throughout the *perro del hortelano* discourse, as in this quote, indigenous peoples often go unnoticed, as they become objects in the background.

In some cases, however, Garcia makes a more explicit critique of indigenous peoples. Here he questions the idea that indigenous peoples have special rights to the land and challenges the very construct of the “native” community:

Demagoguery and trickery say that these lands cannot be touched because they are “sacred objects” and that this communal organization is the [original, pre-Colonial] communal organization of Peru, without knowing that it was a creation of the Viceroy Toledo to push indigenous peoples to unproductive lands (Garcia 2007a).

Garcia implies that indigenous peoples have been tricked into believing that the “original” or native form of organizing was based on collective ownership of land. The idea of collective landownership, for Garcia, was an invention of the Crown. Notwithstanding the validity of this argument, Garcia implies that indigenous peoples, like children, really do not know their own history and have been manipulated by outsiders.

This is a reoccurring theme in Garcia’s *perro del hortelano* discourse: indigenous peoples are continuously manipulated by outsiders, especially environmentalists. In this example, Garcia insinuates that environmentalists have created the “uncontacted, jungle native” purposefully to oppose oil development in the Amazon region:

[and] against petroleum, they have created the “uncontacted” jungle-native, that is, unknown but presumably the reason that millions of hectares of land should not be explored. The petroleum should stay below the surface meanwhile the price is 90\$ per barrel. It is preferable for them that Peru continues to import oil continues impoverishing (2007a).

This is a direct reference to indigenous peoples living in voluntary isolation. AIDSEP and many NGOs (Amazon Watch, Survival International, Save America’s Forests, World Wildlife Fund, Racimos de Ungurahui, Derecho Ambiente y Recursos, and el Instituto de Bien Común) have come out in support of these groups. According to Peruvian law, there are certain restrictions for oil and gas companies when they operate in reserves set aside for “uncontacted” peoples or when they encounter these groups (Law N°28736). The Garcia government on several occasions has questioned their existence, suggesting

that, in most cases, this is simply a pretext by those that want to prevent oil development at any costs and, thus, prevent Peru from advancing.¹⁵¹

This rhetoric, not surprisingly, touched a nerve among many Peruvians, especially those that are included on the left such as progressives, anti-capitalists, environmentalists, and indigenous groups. To some, Garcia's position was surprising considering that he comes from the once center-left political party APRA. In spite of his background, however, Garcia's condemnation of his opponents conspicuously includes traditional leftists and environmentalists. Moreover, for Garcia, the present day environmentalists that oppose his development policies are in fact just a modern-day version of yesterday's anti-capitalist communists. They have simply changed shirts:

[the] old anti-capitalist communists of the nineteenth century disguised themselves as protectionists in the twentieth century and, again, changed jerseys (shirts) to become environmentalists of the twenty-first century. But [they were] always anti-capitalist, always against investment . . .¹⁵² (Garcia 2007a).

Indeed, this is a sweeping and categorical condemnation of the political left in Peru. For indigenous peoples these references are especially offensive because Garcia seems to

¹⁵¹ One of the best examples of the Garcia Administration's position concerning the existence of "uncontacted" indigenous peoples (the legal term is indigenous peoples living in voluntary isolation. See Survival International) is an interview with Daniel Saba on Peruvian television (Chanel 7) on April 13 2007. In this interview, Saba questions the National Ombudsman's (*Defensoría del Pueblo*) understanding of what Saba calls "uncontacted" peoples. He argues that the *Defensoría* bases its position on the study of one anthropologist and that the idea that there are "uncontacted people" that have not been seen or contacted is, on its face, illogical. In the same interview, he makes several statements that reinforce Garcia's "perro del hortelano" discourse. He is suspect of the agenda of environmental organizations (especially foreign ones), declares confidently that there is absolutely zero environmental waste (or damage) from oil exploitation, states that modern technology has virtually eliminated all environmental risk, and emphatically questions whether anyone in Peru has ever been affected negatively by oil development. Go to <http://www.observaperu.com> (videos/audios) for the video.

¹⁵² In Spanish, "el viejo comunista anticapitalista del siglo XIX se disfrazó de proteccionista en el siglo XX y cambio otra vez de camiseta de el siglo XXI para medioambientalista. Pero siempre anticapitalista, contra la inversión. . ."

believe that the “natives” have been manipulated by environmentalist and leftists. As his logic goes, indigenous peoples, manipulated by environmentalists, support a “hands off” approach to the Amazon region, and because of influence by Marxists, they reject all forms of development.

In summary, the *perro del hortelano* rhetoric characterizes both indigenous peoples and the land they live on as undeveloped and primitive. They irrationally protect the Amazon from development because they have been tricked into believing that they have special rights to the land, when, in reality they are controlled by outsiders that are patently anti-development. Garcia frames both the land and indigenous peoples as historical relics. Amazonia is a primitive space (chaotic) that is lacking the capital and technology to modernize it. The real obstacle, for Garcia, is the *perro del hortelano* mentality.

The logic of coloniality: legislative decrees and hydrocarbon practices

In this section, I examine some of the ways in which Garcia’s development policies work around a logic of coloniality. In the previous chapters, I provide a rather detailed description of how these policies have led to the progressive dispossession of indigenous territorial spaces. Here I will not repeat these claims, but will briefly try to explain how Garcia’s policies are an expression of this logic. As detailed earlier, according to Mignolo, the logic of coloniality works through four interconnected domains of human experience: (1) control of land, labor, and finance; (2) political control of authority; (3) control of gender and sexuality; and (4) control of knowledge and culture (Mignolo 2005).

In general, the legislative decrees (especially those that indigenous peoples opposed), for the government, represent the tools to bring modern development to the Amazon region and to Peru. As explained in Chapter III, many of the decrees were designed to “expand the agriculture frontier,” which is a way to make land that the state deems unproductive, productive. This requires creating the political, economic, and social conditions necessary to make this happen. The legislative decrees were designed precisely to create these conditions. Several decrees (LD 994, 1064, and 1089) would create new legal mechanisms to facilitate extractive development or irrigation projects (LD 994) by private entities. In these cases, laws were created to facilitate infrastructure projects for mining and hydrocarbon development, forced easements (rights of passage), and a new legal regime for private investment in agriculture development. LD 1089, which mandated COFOPRI, an agency controlled by the Garcia government, the task of titling indigenous territories. This, most experts agree, would have the opposite effect of making even more land available for development purposes (this was the stated goal of the government). In short, several of the legislative decrees were directed toward private or state control of the indigenous territorial base.

The control of the indigenous territories also requires political control. The decrees 1015 and 1073, which changed the requirements from two-thirds of the entire community to only fifty percent of attendees at a community assembly, are examples of how political authority and control of land is taken away from indigenous communities for the benefit of modern development. Another example, as mentioned in Chapter III, was LD 1090, which, apart from the negative environmental consequences, would have taken power away from indigenous authorities who participated in the National Forestry

Policy Consultative Council (CONAFOR) to make decisions related to forestry development. In general, the legislative decrees (those that affected indigenous communities) were considered a violation of indigenous rights to consultation (ILO 169), which is also an example of how these policies undermine the political authority of indigenous peoples in development related matters.

From the perspective of the government, one of the main threads throughout the decrees is the re-categorization of land, which is an example of how the government controls knowledge and subjectivity. As explained in previous chapters (II and IV), indigenous advocates have always argued that land, as a category, for indigenous peoples has a much broader meaning than simply economics or production. Many of the gains achieved in the mid 1970s were related to expanding the definition of land, to include hunting, fishing, gathering, recreation, and religion. Several decrees (LD 994, 1064, and 1090), however, seek to narrow the definition of land, so that “fallow” and “deforested” land are considered “apt for agriculture use.” The very idea of defining “fallow” land as unproductive works very much towards the control of knowledge and subjectivity. From a Eurocentric perspective, it is a way to create and control the epistemological terms that define modern development. Deforested and fallow land are defined economically, which directly challenges indigenous conceptualizations of territory.

The logic of coloniality also helps to explain the government’s hydrocarbon development practices on indigenous territories. In chapter III, I explained how the government, on the one hand, claims to support indigenous rights (ILO 169), but in reality excludes indigenous peoples from the entire process of hydrocarbon development. There is no need to repeat the details here. However, as explained in Chapter III, the

government uses informative workshops and environmental impact studies to claim that they are upholding indigenous rights to consultation under the stipulations of ILO 169. The Garcia government, like previous governments, works from the logic of coloniality, where it is imperative to control the political authority related to the use of natural resources on indigenous land. The government advertizes a certain “respect for indigenous rights,” but only within the context of modern development and the state-led imperative to go forward with hydrocarbon development projects. As the logic of coloniality dictates, the fact that indigenous rights are minimized (or violated) is a necessary sacrifice in lieu of the requirements of modern development.

Indigenous perspectives on development and decoloniality

Thus far I have argued that modernity/coloniality helps to identify the government’s perspectives on development as Eurocentric, rather than liberal, socialist or neoliberal. This explains why both “left” (socialist-leaning) and “right” (neoliberal-leaning) governments historically have treated the Amazon region as an empty space to be utilized (and civilized) for national development purposes. The payoff of the shift away from the meta-narratives of modernity (liberalism, socialism, and postmodernity) is that it opens up other possibilities or other ways of understanding development and modernity. Understanding development as Euro-centered, rather than simply European, suggests that it is possible to think about development not from the center, but from the fringes or borders of Eurocentric modernity. In this section, thinking from the borders (the perspective of modernity/coloniality), I will examine indigenous perspectives on development.

In the hope of advancing alternative development perspectives, the objective here is to move towards decoloniality theory and explain how it is expressed in the IMPA. Decoloniality theory is based on the modernity/coloniality approach, but it seeks to uncover alternative perspectives of modernity (and development). Here Mignolo describes decoloniality theory:

A critical theory *beyond* the history of Europe proper and *within* the colonial history of America (or Asia or Africa; or even from the perspective of immigrants within Europe and the US who have disrupted the homogeneity) becomes *decolonial* theory. That is, it is the theory arising from the projects for decolonization of knowledge and being that will lead to the imagining of economy and politics *otherwise* (Mignolo 2005, p. xx. The italics are Mignolo's).

It is important to stress that decoloniality theory works to bring to the foreground those theories, ideas, and perspectives that have been largely relegated to the background of history. In this context, the objective is to provide a more complex understanding of indigenous perspectives on development, which, as argued in the previous sections, have been misrepresented by the Garcia government. First, however, let's look at how decoloniality works to articulate an understanding of modernity (and development) from the borders of Eurocentric modernity.

One of the most important conceptual differences of the modernity/coloniality approach is that modernity is not conceived in teleological terms, but in historical and relational terms. In other words, modernity can be experienced from different (epistemological) loci, as the result of political, economical, and cultural structures. Eurocentric modernity, as explained, is a hegemonic mode or strategy of power that occupies the center of the modern imaginary¹⁵³ and works to suppress, marginalize, and

¹⁵³ Mignolo draws from Glissant's (1997) use of the concept of "imaginary," defined as the symbolic world through which a community defines itself. Glissant's term neither has

exclude Other imaginaries. The key point here is that these Other imaginaries were not necessarily eliminated (though some surely were), but were pushed to the fringes of the Euro-centered modern experience. Drawing from the work of Spivak, Gue, and others (see Rodríguez 2001), modernity/coloniality scholars emphasize how the Other has been subalternized by Eurocentric modernity. Crucially, here the subaltern becomes not simply a victim of oppression, but a place to discover new ways of thinking and acting that might provide viable alternatives to Eurocentric modernity. In fact, for Mignolo, the most effective critiques of globalization today are articulated not by postmodern theories, but by the “emergence of forms of knowledge that have been subalternized during the last five hundred years under global designs. . .” (Mignolo 2000, p. 22).

It is important (briefly) describe the conceptual space from which the subaltern operate. From the vantage point of modernity/coloniality, this space is a privileged epistemological space that is created out of the unequal relations between a dominant center and a subalternized Other. Mignolo conceptualizes this process (and space) as colonial difference, an Other-ing that is produced by the coloniality of power. The coloniality of power (Quijano), as described earlier in this chapter, works to repress indigenous peoples forms of knowledge, their symbolic universe, and their modes of objectification and expression. However, it is precisely this repression, the experience of

the common meaning of a mental image nor the more technical meaning that it has in contemporary discourses in which the imaginary forms a structure of differentiation between the symbolic and real. The imaginary includes all the ways that a culture has of perceiving the world. Mignolo extends this concept to include a geo-political meaning used to describe the foundation and formation of the modern/colonial world-system (Mignolo 2001, p. 20-21). In this sense, one can speak of a Eurocentric modern imaginary.

living on the margins of Eurocentric modernity, that creates this privileged epistemological space.

One of the most compelling examples of the idea of colonial difference is in W.E.B. Du Bois's concept of "double consciousness." For Du Bois, double consciousness is the strange feeling of anyone who does not have true self-consciousness, but must form consciousness from a relation to an Other world. As Mignolo might argue, Du Bois's notion of double consciousness is essentially the "lived experience from the notion colonial difference." Du Bois writing in 1903:

After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is sort of a seventh son, born with a veil, and gifted with a second-sight in the American world,—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double consciousness, the sense of always looking at oneself through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder. (Du Bois 1994 [1903] p. 2).

For Mignolo the concept of double consciousness captures the dilemma of those imaginaries that are forced to live modernity from coloniality, where colonial subalternity represents the imaginary of the modern/colonial world, but from the "margins of the empires" (Mignolo 2001, p. 9).

According to Escobar, modernity/coloniality as a conceptual frame, thus, permits one to focus on the subaltern subject from the perspective of coloniality difference, which brings to the foreground epistemic alternatives (Escobar 2004, p. 217). Mignolo describes the space:

This is an exteriority that is not necessarily outside of the West (which would mean a total lack of contact), but which is an interior exteriority and an exterior

exteriority (the forms of opposition trace the interior exteriority of the system) (Mignolo 2001, p. 27).

Again, this is the space in which the subaltern were (are) forced to imagine themselves from the dominant power or hegemonic representation of knowledge. It is precisely from this intellectual space, defined as exteriority, where I argue that it is possible to rethink hydrocarbon development in the Peruvian Amazon.

It is also important to stress that this conceptual space *is* modern. As Mignolo argues, it is not possible to separate the subaltern from the modern imaginary. This is notably distinct from the metanarratives (especially liberalism and socialism), which tend to place indigenous peoples in traditional or non-modern categories. Modernization theory (Rostow), liberalism (and neoliberalism), socialism and other “modern” perspectives emphasize the idea of stages of development and the general idea that it is possible to become modern (see Escobar 1995). Importantly, notions such as undeveloped, underdeveloped, or the “Third World” apply not only to countries but to peoples and places within countries. For Alan Garcia, the Amazon region and its inhabitants are primitive, backwards, and undeveloped. From the perspective of modernity/coloniality, indigenous peoples, along with other subaltern subjects (Afro-Latinos, workers, etc.), are just as modern as Euro-centered Latin Americans in positions of power, yet they experience modernity from a different vantage point, a different epistemological loci.

Amazonian viewpoints on development

To examine indigenous viewpoints on development I, first, return to the Houston Roadshow and specifically to the letter that Robert Guimaraes, the vice president of AIDSEP, unsuccessfully tried to give to Daniel Saba, the president of *Perúpetro*. The

letter, addressed to all three state institutions involved in oil development (the Presidency, *Perúpetro*, and MINEM), illuminates several points that indigenous peoples throughout the region are expressing: 1) it frames indigenous resistance to oil development around the protection of Peru's valuable biodiversity and its role in regulating the temperature of the planet; 2) it brings up the issue of indigenous peoples in voluntary isolation, citing a recently passed law (Nº 2873) that prohibits oil development that might engender these peoples; 3) it argues that the Amazon is a cultural and spiritual space for present and future generations, and 4) and it states that oil development is not the only type of development alternative for Peru. The letter ends with "Enough Mr. Alan Garcia, you cannot qualify the citizens that elected you 'Perros del Hortelano.' We are peoples with rights, peoples worthy enough to be respected and listened to" (Guimaraes 2008).

Guimaraes's response, as mentioned earlier, echoes what many indigenous leaders throughout the region have been expressing for years. In short, indigenous peoples have continually pointed out that they are not, as the government claims, anti-development, but rather they possess a different understanding of development. For example, Alberto Pizango, the president of AIDESEP, explains why indigenous peoples declared themselves in a state of insurgency against the Garcia government in May of 2009:

Indigenous peoples don't understand development in the same way as the government. For us development is not synonymous with income and macroeconomic indicators. For us, development is solidarity, equality, and a balanced management of resources. Our vision of development is not savage development, but to safeguard life and the future of generations to come' (Castillo 2009).

This same idea is expressed in a proclamation from the Secoya Indigenous Organizations of Peru and the Kiwcha of Alto Napo, they claim, "We want development without

loosing our identity, without altering nature, and without conflicts with other peoples” (Alvarez Alonzo 2009).

Indigenous positions on development resonate with relatively mainstream or “modern” positions on the environment. As Guimaraes makes evident in the abovementioned letter, the Amazon should be protected because of the importance of biodiversity, critical for Peru and the world, given the implications for global warming. For Pizango, indigenous peoples will continue to propose “development with harmony because what they [state officials] don’t understand is that we are the air conditioning of the world.” (*Voz de la Selva* 2009a). In an “Open letter from AIDESEP to President Garcia,” they remind the president that 10% of the world’s biodiversity and 30% of the world’s fresh water is located in the Peruvian Amazon:

Mr. President, it is you and your assessors who are really not connected to the information about environmental degradation and climate change. . . if there were an ecological catastrophe, only from Peru would it be possible to repopulate the planet” (AIDESEP 2007).

It is important to note that here it is AIDESEP that frames Garcia’s views as anti-modern, given that his government is “not connected” to the latest information about climate change. Again, these types of statements are quite common. In a public pronouncement from 22 distinct women’s indigenous groups, they state that “indigenous peoples are the guardians and protectors of the Amazon and the Andes. Thanks to our ancestral knowledge and our protection we have a territory that is called the lungs of the earth” (*Radio Voz de la Selva* 2009d).

However, while many indigenous leaders do consider themselves protectors of the environment, indigenous opposition to development is directly intertwined with the historical experience of environmental and social exploitation. In other words, indigenous

perspectives on the environment, to a large degree, stem from the notion of *colonial difference*, from the experience of being marginalized subjects of modern development. From the perspective of modernity/coloniality this explains why indigenous leaders are fierce advocates for the Achuar from the Corrientes region of Northern Peru, who, at the hands of the state run company *Petroperú* and the multinational *Occidental Petroleum*, experienced over thirty years of gross environmental negligence (La Torre-Lopez 1998). This comes up repeatedly as one of the reasons that indigenous groups throughout the region oppose oil development. Speaking for AIDSEP, Pizango expresses indigenous viewpoints on development in relation to the experience of the Achuar:

And we will always take the example of our Achuar brothers of the River Corrientes; . . . today children and adults are dying because they have lead and cadmium in their blood, and we ask, is this the development that the government wants? (AIDSEP 2007)

In this context, indigenous environmental perspectives, are also formed around the dark side of modernity: the experience of 30 years of oil development, for the benefit of all Peruvians.

This 2008 response from a Matés leader to the entrance of Pacific Stratus Energy on indigenous land exemplifies how the experience of the Achuar weighs heavily on the minds of indigenous peoples when they consider the prospects of oil development on their land:

We do not want to live what happened to other indigenous communities. The companies promise not to contaminate, but we have the experience of 1974, where various brothers died when the company came in” (Servindi 2008c).

Etched in the collective memories of indigenous peoples, these remarks are frequent throughout the region. The government does acknowledge that oil companies contaminated in the past, but, as mentioned, argues that modern technology has surpassed

yesterday's environmental problems. Indigenous peoples, however, are quick to point out that these companies are still contaminating the environment. In just one example the community monitor of the indigenous organization FECONACO, working in the Corrientes region, has evidence of 48 spills from November to March of 2009 (see Herra-Galvez 2010).

In summary, indigenous viewpoints on the environment often resonate with mainstream, modern positions on the environment. While some might interpret this as simply strategic, from the perspective of modernity/coloniality, indigenous use of contemporary environmental concepts (i.e. global warming, etc.) are just as "modern" as any actor that accepts the scientific arguments about global warming. From this vantage point, the IMPA, like any other political actor is willing to engage with the modern environmental movement given, in this case, shared ideas about the dangers of global warming. But, different than many mainstream environmental groups, indigenous perspectives on the environment (i.e. the dangers of environmental contamination) are also the result of the lived experience of modern development and global capitalism, as the case of the Achuar indicates.

One of the best examples of how Garcia misrepresents indigenous viewpoints on development is his tendency to confuse indigenous responses with Marxist or traditional leftist opposition to all forms of capitalism. Whether Garcia explicitly calls out indigenous peoples as leftists or he refers to how they are manipulated by leftists, the result is the same: the Amazon remains closed off from development because of already surpassed ideologies.

In one article indigenous intellectual and the ex-president of AIDESEP, Gil Inoach-Shawit writes about the government's misunderstanding of indigenous perspectives. Explaining the difference between scientific and utopian socialism, Inoach-Shawit categorically denies that these philosophies have anything to do with indigenous thinking:

[the] philosophy of the indigenous movement is founded on the very idea of human existence and the right to a life in a determined space with a broad sense of cultural and historic ownership (Inoach-Shawit 2009).

He explains that indigenous claims against the state, different from ideals that stem from the proletariat, are based on territorial and cultural rights denied by a dominant system that negates indigenous existence. The proletariat's claims, he continues, are based on salaries and improved conditions of life, not on restoring territorial rights. Moreover, Inoach-Shawit argues that indigenous peoples, who protected the Amazon region before the existence of the modern state, only agreed to respect the state's sovereignty in exchange for the right to exist as indigenous peoples:

[What] the "modern" state and the government must understand is that we have never given them a blank check so that our destiny depends on the good will of any one government and we never thought that being part of Peru would be a constant threat to our territories and our millennial existence.

Inoach-Shawit argues that indigenous perspectives on development are not related to Marxist perspectives. He continues:

our road [to development] is not the one marked by Western philosophers, for indigenous peoples scientific and utopian socialism don't exist, we believe in the goodness that life can bring while we express solidarity and reciprocity" (Inoach-Shawit 2009).

From the lens of modernity/coloniality, the idea that indigenous resistance can be categorized as Marxist (or even guided by leftist ideologies) represent a basic misunderstanding of indigenous viewpoints on development.

As Inoach-Shawit suggests, indigenous values (specifically the values of the IMPA), different that Marxist-inspired values, revolve around the critical importance of territory. Thus, indigenous perspectives on development also intimately tied to indigenous conceptualizations territory and the acquisition of territorial rights. Here I will not repeat the intricacies of indigenous conceptualizations of territory that were examined in detail in Chapter IV. However, because the concept of territory is so central to indigenous values, to understand indigenous perspectives on development, it is necessary to highlight some of the ways in which indigenous leaders have sought to articulate the difference between indigenous and state conceptualization of territory.

As argued throughout this dissertation, for the government, the Amazon region is a place to extract resources for the benefit of the nation. This is, in fact, embodied in the legal framework of the Peruvian Constitution. Article 66 establishes the state has the absolute right to exploit renewable and non-renewable resource. Furthermore, resources are economic in nature and, even within the context of sustainable development, the use of resources is based on market criteria. For example, according to an Organic Law for the Sustainable Use of Resources, natural resources should be “exploited by human beings for the satisfaction of their needs and having actual or potential market value...”¹⁵⁴

¹⁵⁴ “Ley Orgánica para el aprovechamiento sostenible de los recursos naturales” Ley N° 2682.

The Amazon region, from the perspective of the state, is a place to extract natural resources, the value of which is to be determined by economic or market forces. It is not surprising that Garcia frames the region, in its current state, as an unproductive and empty space. Indigenous leaders, however, fundamentally reject the idea that the region is unproductive. As the IMPA has always argued, for indigenous peoples “territory,” an indigenous category that is distinct from the Western notion of “land,” represents the totality of a peoples’ habitat: territory is a collective, spiritual, and sacred space that is interdependent with nature. Again, to protect this space is a moral obligation and, as the AIDSEP website declares, *not* to defend it is an act of cowardice. This quote from the Native Federation of Madre de Dios River and Tributaries (FENAMAD) symbolizes the importance of territory for Amazonian peoples:

[The] resources that exist in the forest and rivers, where we have lived during thousands of years, before the formation of the state, constitute the main source of our existence, providing us with food, water, medicine....” (FENAMAD 2008)

The Garcia government interprets this as a romantic relationship to land, which implies protection, nurturing, and a radically hands off approach to development in the Amazon region.

To some extent, the government’s interpretation of indigenous relationship to territory is comprehensible. In the constitutional proposal of the four major Peruvian indigenous organizations discussed in chapter IV, the special relationship indigenous peoples have to the land is emphasized: “in this space we express our spirituality and cosmovision, music, dance, poetry, literature...” (AIDSEP et Al. 2004) Further, as indigenous peoples continuously point out, international law recognizes (ILO 169, UN Declaration, etc.) that indigenous peoples are connected to their land spiritually and

culturally. In a 2008 declaration from nine indigenous groups from the Northern Amazon rejecting oil development, this relationship between nature and indigenous peoples is evident: “Reaffirming our rights as millinery indigenous peoples of the Amazonian lands and thanks to the wonders of nature, we have been able to develop our knowledge, securing at the same time the duty to defend our territory that is the base of our existence” (Servindi 2008b).

However, it is too simplistic to reduce indigenous conceptualizations of the Amazon to a cultural and natural space, which, as others have pointed out, romanticizes indigenous peoples as traditional, non-modern, for some, to be protected from all development. According to the same constitutional proposal just cited above, aside from cultural aspects, indigenous peoples possess not only technological capabilities regarding the use of soils, waters, and forests, but also understandings of the chemical-pharmaceutical properties of plants (AIDSEP et Al. 2004). Crucially, part of indigenous claims are centred on the importance of economic development, including the creation of a state development fund for financial and administrative support to indigenous peoples, the promotion and organization of a host of indigenous businesses enterprises, and special tax arrangements for indigenous peoples, in effect, designed to provide indigenous peoples greater access to markets. In other words, indigenous peoples do not necessarily reject the tools of “modern” economic development, which include the marketing of indigenous products and the creation of state financing for development related ends.

Responding to Garcia’s *perro del hortelano* discourse, Inoach-Shawit categorically rejects the idea that the Amazon can be considered an unproductive space.

He provides examples from the 1980s, where, with minimal assistance of a state led agriculture financing program, indigenous peoples in two provinces were able to produce rice and corn yields of 500 and 700 tons per year. This represented a 500 percent increase, leading to historical highs in indigenous children attending schools in the area (families could pay for school supplies). Explaining that the program ended up failing because of state corruption, Inoach Shawit remarks,

the people of indigenous villages, now the object of the *perro del hortelano* metaphor, ... demonstrate that, given the opportunity, they are productive and generators of wealth... (Inoach-Shawit 2007).

He cites other examples of indigenous productivity throughout the Amazon. Indigenous communities in four provinces with the help of NGOs, are currently engaged in a process that provides market access to 50 communities, which reduces the impact of intermediaries, many of whom are responsible for illegal logging practices. In a similar vein, the Shawi peoples have organized productive cooperatives in fish-farms, reducing their dependence on extractive industries. In fact, indigenous peoples throughout the region are engaged in a wide variety of productive activities (tourism, agriculture, forestry, etc.), in most cases without the assistance of the state (Chirif 2009). As Inoach Shawit argues, the president mystifies the use of indigenous territories as an unproductive space: “the indigenous population is not some *perro del hortelano*. They defend their territories like a businessman defends his economic assets..” (Inoach-Shawit 2007)

The fact that indigenous peoples do not reject modern development begs the question of how might indigenous perspectives on development translate into public policy, especially in terms of hydrocarbon development? This, to a large extent, is the objective of Chapter VI and, as a result, here I will not enter into details. However,

indigenous conceptualizations of land, from the perspective of decoloniality, might significantly change the content of public policy surrounding hydrocarbon development. Here is one example.

For Robert Guimaraes, a former vice-president of AIDASEP, much of the current tension between indigenous peoples and the government is related to the state's historic imposition of a system based on the economic interests of the powerful. Using hydrocarbon development as an example, he explains that because the state assumes ownership of the subsoil it effectively controls the economic and political power apparatus. Guimaraes argues that a re-equilibrium of power is necessary to create more effective public policy, improve relations with indigenous peoples, and protect the environment and biodiversity. In terms of hydrocarbon policy, Guimaraes asked what would happen if indigenous peoples conceptualizations of territory were incorporated into natural resource policy. This would mean, said Guimaraes, that "we would control not just the 'land,' but the air, soil, and subsoil." This would then force the state to negotiate with indigenous communities as equals. It would, according to Guimaraes, level out the playing field. This would not necessarily prevent all oil development, says Guimaraes, but it would make it more difficult for companies to enter onto indigenous territories.¹⁵⁵

These words are consistent with indigenous perspectives on hydrocarbon development throughout the Amazon region. According to Awajún intellectual Fermín Tiwi, it is necessary to change the Greek-Roman legal definition of property where the

¹⁵⁵ Personal interview January 2008.

surface and the subsurface are divided. Indigenous cosmovision (more like the Anglosaxon perspective), places no difference between surface and subsurface:

With this right, indigenous peoples would be the first to negotiate our natural resources with whatever company, giving only a percentage to the state, which currently occurs in reverse. In countries like Canada indigenous peoples enjoy these rights. They are the ones that negotiate with companies (Pilar Arroyo 2009).

Again, these positions are consistent with indigenous claims for the control of resources on indigenous territories.

The modernity/coloniality lens, in summary, offers a more complex understanding of indigenous perspectives on development: Indigenous peoples from the Peruvian Amazon do not reject development, rather they seek to forge an alternative development project that is based on indigenous conceptualizations of territory. Garcia misinterprets indigenous conceptualizations of territory as a natural and essential relationship to land, one that requires protection, nurturing, and a fundamentally hands off approach to development in the Amazon. As a result, he seems to think that indigenous peoples long for a primitive, idyllic space that is untouched and should remain untouched by all things modern. Garcia also sees indigenous peoples as children, who are manipulated by leftist, anticapitalist ideologies that will, under all circumstances reject capital and modern technology. In either case, indigenous peoples reject modern development.

From the perspective decoloniality, indigenous viewpoints emerge from the borders of Eurocentric modernity. While appropriating certain aspects of Eurocentric modernity, they reject others. Indigenous conceptualization of territory are based on a historic (not natural) experience of marginalization and exploitation, one in which the colonial powers have always seen the Amazon as an exploitable, empty space. For

indigenous peoples, as Guimaraes and others have remarked, it is a space for life and development. It is not surprising that one might confuse this with a certain type of environmental protectionism that is categorically antidevelopment. However, as a space for life, which includes human life, indigenous peoples recognize the importance of development, albeit from a different perspective. Furthermore, as “modern” citizens, indigenous peoples embrace some mainstream environmental positions, especially those on biodiversity and global warming. However, as indigenous conceptualizations of territory might indicate, indigenous peoples think of territory and development in terms of a trustee relationship, with rights and responsibilities. This, I argue, is consistent with a more environmentally sustainable approach to development, one that might require a new epistemological loci.

Conclusions

Modernity/coloniality as an alternative theoretical lens helps to illuminate the tension between a Eurocentric vision of development and indigenous perspectives. Too often indigenous peoples are categorized as left-leaning or romantic environmentalists that oppose all development. Most academics do recognize that indigenous peoples embrace modernity. A short visit to an indigenous village in the region will quickly dispel any notions about indigenous peoples wanting to live, as the Perúpetro president thinks, like “they were living in the past.” The problem, nevertheless, is that this conflict still gets framed as anti-capitalist indigenous peoples, located on the left, against a neoliberal, pro-capitalist government on the right. While there might be some truth to this framing, the modernity/coloniality lens helps to fundamentally rethink this issue. From the vantage point of modernity/coloniality, the Garcia government is not neoliberal, but

Eurocentric. I argue that this is a more appropriate framing, especially considering that anti-neoliberal governments (Chavez, Correa, Lula) are still drilling for oil in the Amazon region and, quite possibly, still violating indigenous territorial rights.

From a policymaking angle, the modernity/coloniality approach is also helpful. Rhetorically, the president frames indigenous peoples as enemies of development, while at the same time, the government claims to uphold indigenous rights to decide their own development path. Officially, the government is the rightful owner of all natural resources and, constitutionally, is obliged to develop resources for the benefit of all Peruvians. However, the government, while acknowledging that Peru is a signatory to ILO 169, demonstrates little interest in legitimate dialogue with indigenous peoples. For the government, the rights to FPIC are narrowly framed as an obligation to merely inform indigenous peoples about already decided development policies.

Indigenous opposition to oil development is directly related to the content of Garcia's development policies, including hydrocarbon development, which collide with indigenous peoples' historic struggle to obtain territorial rights in the Peruvian Amazon. However, indigenous peoples are also opposed to the policymaking process in Peru, which excludes indigenous peoples from any meaningful participation in hydrocarbon development. In the following chapter, I address how decoloniality theory might be translated to the public policy realm and examine some of the current obstacles and political opportunities for advancing sustainable development goals in Peru. Specifically, I will suggest the existence of certain opportunities where indigenous peoples and the Peruvian government might engage in a public policy process that will address the urgent need to change the paradigm of natural resource extraction on indigenous territories.

In terms of modernity/coloniality, this implies a necessary de-colonization of the public policy instruments surrounding hydrocarbon development. This would, however, not only require a deeper understanding of indigenous perspectives on development, but would oblige the Peruvian government to recognize and relinquish some of its own Eurocentric predispositions toward development. Following the advice of the Awajún intellectual Fermín Tiwi, this might imply changing the Greek-Roman legal definition of property which divides the subsurface from the surface. Ironically, this vision is closer to Anglo-Saxon conceptualizations of property, which would give indigenous peoples sub-soil rights. The point, of course, is not to adopt Anglo-Saxon concepts, rather it is to develop policy mechanisms that provide indigenous peoples with the political power to incorporate indigenous thinking in development policies. The letter that Robert Guimaraes tried to give Daniel Saba at the Houston Roadshow ended with “Enough Mr. Alan Garcia, you cannot qualify the citizens that elected you ‘*perros del hortelano*.’ We are peoples with rights, peoples worthy enough to be respected and listened to” (Guimaraes 2008). The fact that Saba refused to accept the letter I think is but one example of the government’s Eurocentric predispositions.

CHAPTER VI. DECOLONIZATION OF NATURAL RESOURCE POLICY: INDIGENOUS ENVIRONMENTAL TRUSTEESHIP

“As good as the proposal for a consultation law might be, if there is no political will it is worthless. And now this is the central problem” Alberto Chirif

Introduction

The main objective of this chapter is to provide a framework for the decolonization of Peru's natural resource policies on indigenous territories in the Amazon region and then to offer certain recommendations to the Indigenous Movement of the Peruvian Amazon (IMPA) on the basis of some of the major findings in this dissertation. The hope is that this dissertation provides some utility to indigenous peoples from the Amazon region and, specifically, these insights, while recognizing and respecting the autonomy and intellectual contributions of indigenous actors throughout the region, might offer alternative ways of thinking (and strategizing) about indigenous claims and objectives. Put differently, this chapter works towards the practical application of decoloniality and the hope that, in the end, the findings in this dissertation might have policy implications.

The argument throughout this dissertation has been that natural resource policy in the Amazon region, especially hydrocarbon policy, is guided by a Eurocentric mentality, or colonial logic, that envisions the region as an empty space, abundant with natural resources, idly waiting to be developed (and colonized) for the benefit of all Peruvians. This logic, I argue, is based on the “Euro-centric” colonization of Amazonian spaces, is incompatible with indigenous viewpoints on development, and places at risk the

existence of indigenous cultures and the environmental sustainability of the region. The intensity of the protests in 2008 and 2009, which ended in the death of (at least) thirty-three Peruvians, is a testament to the degree to which indigenous peoples from the Amazon region are willing to fight for (indigenous) territorial spaces. The protests are emblematic of the larger conflict between indigenous peoples and the state and signal the urgent need to rethink or, as I argue, decolonize Peru's natural resource policy agenda.

The first task for this chapter is to articulate a necessary framework so that the decolonization of Peru's natural resource policy agenda in the Amazon region is feasible. Here I argue that a genuine decolonization of natural resource policies on indigenous territories requires not merely the incorporation of indigenous viewpoints, but an active role for indigenous peoples in the management and control of natural resource development on their territories. As I have suggested throughout this dissertation, this goal has been at the forefront of the indigenous struggle against the Peruvian state. The question is how to achieve such a goal.

In this chapter, I recommend that indigenous groups, to counter President Garcia's *perro del hortelano* rhetoric, engage in a reframing of the role of indigenous peoples in the implementation of sustainable development initiatives on indigenous territorial spaces. I argue that such a reframing could actually provide greater political leverage to enable a broader coalition of political and economic actors that might work against a recalcitrant state to support indigenous objectives in the Amazon region. Before considering the details of such a move, I will address the current political landscape, which presents not only political opportunities, but certain obstacles that make the challenge of decolonizing quite formidable.

The IMPA: political opportunities, obstacles, leverage points, and strategies

The IMPA, to the chagrin of Garcia, has achieved remarkable success influencing public policy, especially considering that the indigenous population from the Amazon region represents only about one percent of the entire Peruvian population.¹⁵⁶ Many of these accomplishments have already been discussed. As mentioned, the protest of 2008 and 2009 led to the repeal of four of the eleven legislative decrees in question and, AIDSEP, the lead organization, in spite of Garcia's attempts to dismantle it, remains strong. It is also important to note that the protests were supported by a wide variety of social actors, including indigenous groups from the Andes region, and much of the general population throughout Peru. In this context, the National Coordinating Committee for Communities Affected by Mining (CONCAMI), the National Agrarian Foundation (CNA), and the Peasant Farmers Confederation of Peru (CCP) campaigned aggressively in favor of the IMPA's demands. Important for the future of indigenous politics in Peru, these organizations, who represent indigenous peoples from the Andean region, provide the potential to bring about an Andean/Amazonian alliance that has thus been absent from the broader indigenous movement in Peru.¹⁵⁷ However, while there have been gestures of such an Andean/Amazonian alliance, however, a clear manifestation of this (potential) alliance is pending.

More than just indigenous groups, however, labor organizations, student groups, environmentalists, anti-globalization protestors, human rights advocates, and even

¹⁵⁶ The indigenous population of the Peruvian Amazon, according to the latest census, is 332,975, which represents only 1.18 percent of a total of 28,220,764 Peruvians (from Finer 2010b. p. 8).

¹⁵⁷ In a recent article in *Socialism and Democracy*, Gerardo Rénique makes this very point, "the Amazonian uprising has also made possible a hitherto elusive alliance between Amazonian and Andean indigenous peoples" (2010, p. 118).

Catholic bishops have advocated strongly in favor of the IMPA. Furthermore, the IMPA also enjoyed support from important elements within Congress and even from governmental organizations such as the *Defensoría del Público*. According to Peruvian sociologist Pilar Arroyo:

It is striking the significant national and international solidarity that the Amazonian struggles have invoked. We can affirm that since we have been following this situation (December 2000) there has never been a social conflict that generated so much internal and external solidarity (Arroyo 2009).

This wave of support became even more evident after the Bagua tragedy, where thousands of protesters marched to the steps of Congress, demanding that the most controversial legislative decrees (1090, 1064) be repealed (and they *were* repealed!). Finally, throughout his process, Garcia popularity sank to historic lows, many citing his handling of Bagua as the principal reason for massive public disapproval of his government.¹⁵⁸

This quote from indigenous rights lawyer Vladimir Pinto puts this particular moment for the IMPA in historic perspective:

This year of 2009 will be remembered as a seminal mark in the history of the indigenous movement in Peru. Never, as in this past year, has so much public consciousness been generated around the existence of an indigenous Peru, diverse, in which original peoples maintain strong identities capable of mass mobilization unlike any other social actor today in Peru. The *criollo* society, each day more Westernized, woke up to a reality that they did not understand, even the most critical intellectuals spoke of a “new actor,” when the only new is that finally Lima is paying attention (Pinto-López 2009).

The current political scenario suggest that before the IMPA is a classic, if not, historic political opportunity.

¹⁵⁸ In late June of 2009 Garcia’s approval rates dropped to only 21 percent, a historic low. In the Amazon region, some estimated that his approval rated dropped to as low as 5 percent (taken from Rénique 2010).

The most prominent issue in relation to this conflict is the proposed Law of the Rights to Prior Consultation for Indigenous and Original Peoples recognized in the Convention 169 of the International Labor Organization,¹⁵⁹ hereafter the Consultation Law. The Consultation Law was initially approved by Congress on May 19, 2010. To be sure, the Law is intended to create the legal framework in Peru to implement, in good faith, the ILO Convention 169. Without entering into details, the Law proposed the creation of certain conditions to advance “intercultural” dialogue between the state and indigenous communities (Coronado, Ortega, and Vega 2010, p. 2). More specifically, the law sought to articulate ways in which the state might create more effective mechanisms, according to some of basic principles in ILO 169, to enter into conversations with indigenous groups, to gather opinions, and to share information concerning development projects on indigenous territorial spaces. However, as Pinto reminds us, notwithstanding the attempt to create an intercultural dialogue, “at the end of the entire process—the decision to adopt a specific measure or norm that has been consulted, is maintained within the notion of state sovereignty” (Pinto-López 2009). In other words, even with this new consultation law the state retains absolute sovereignty over natural resource development on indigenous territorial spaces.

The Consultation Law, in spite of this quite obvious fact, was strongly rebutted by President Garcia and the President of the Council of Ministers, Javier Velásquez, in a series of “observations” that displayed an almost obsessive preoccupation that the law might undermine the state’s right to implement development projects on indigenous territories. Garcia, for example, questioned whether the Consultation Law *might* give the

¹⁵⁹ La Ley del Derecho a la Consulta Previa a los Pueblos Indígenas u Originarios reconocidos en el Convenio N° 169 de la Organización Internacional de Trabajo.

impression to indigenous communities that they have the right to veto development projects on their land. According to a recent study by CAAAP, these observations “respond to a political interest with little juridical analysis, clearly opposite of the state’s international obligations conferred to it by treaties, and [these observations are] openly against what is established in the Peruvian Constitution” (Coronado, Ortega, and Vega 2010, p. 16). Not surprisingly, indigenous organizations and their supporters have firmly denounced Garcia’s “observations” and have insisted that the Peruvian Congress pass, in its original form, the Consultation Law (Servindi 2010a).

Given the unique political opportunities, there are important reasons why indigenous organizations and their advocates should, as they are presently doing, pressure Congress to pass this law. However, as I will argue, in spite its relatively progressive nature, the Consultation Law, in reality, is only a “first step” towards a decolonization of natural resource policy (and, specifically, hydrocarbon policy) on indigenous territories and ultimately falls short of any real attempts at decolonization. Before addressing some of its limitations, I want to mention a few of the positive aspects of the Law and the process:

- The Consultation Law proposed was the result of an intense dialogue between the Peruvian state and indigenous organizations, in which, indigenous organizations yielded significant influence over the final product. This signals an important advance within the framework and spirit of consultation with indigenous communities, something that thus far has been absent in Peru.
- The final approval of the law would represent an important step in forcing the Peruvian state (in the future) to recognize the legality of international accords

such as ILO 169 and the UN Declaration on Indigenous Rights (2007). These agreements provide indigenous groups, as transnational actors, with needed leverage to negotiate with the state on many development and human rights related issues.

- Given the history of the state's exploitative and dehumanizing treatment of indigenous peoples, approval of the law might work to improve state/indigenous relations simply as a gesture of goodwill from the state towards indigenous peoples (Coronado, Ortega, Vega 2010, p. 1)

This final point is worth restating. As I have argued throughout this dissertation, historically, the Peruvian state has denied indigenous peoples the right to exist freely as culturally distinct peoples. The state has used natural resources and indigenous territorial spaces as fodder for development purposes at the expense of indigenous cultural rights and the environmental sustainability of the Amazon region. Thus, the final passage of this law would signal a necessary gesture away from this historically oppressive relationship.

The approval of this law, as a result, could establish an important precedent in relation to the state's very capacity to understand indigenous claims. Hernán Coronado, one of the architects of the CAAAP report and the coordinator of a working group on indigenous rights, makes this point:

The passage of this law would mean that Peru comes to an integral understanding of Rights to Consultation that, in addition to a strong legal backing, suggests an intercultural understanding that works towards new commitments and challenges for the development of additional rights of indigenous peoples (Coronado 2010).

This is an important observation. In order to move towards a decolonization of Peru's natural resource policies it is necessary that the state, at some point, make a commitment

to the spirit of ILO 169, which requires a genuine attempt at understanding and considering indigenous perspectives.

The case of hydrocarbon development in Peru, unfortunately, is an example of the state's unwillingness to consider indigenous perspectives on development. As I have explained, in reality, the state applies ILO 169 only as an "administrative requirement" and a pretext (part of the state's rhetoric) to claim that Peru supports indigenous rights. The passage of the law, in this sense, might then force the state to genuinely consider indigenous concerns and perspectives. Again, as a first step, this might work to increase trust between indigenous peoples and the state, thus, improving indigenous/state relations in the Amazon region and working towards an eventual decolonization.

The state's Eurocentric logic and challenges to decolonization

The debate surrounding the final approval of the Consultation Law is illustrative of the significant challenges that the IMPA faces when considering a genuine decolonization of public policy. President Garcia's observations reflect the government's unwillingness to even slightly alter its development plans in the region. As I have argued throughout this dissertation, the state's development ambitions in the Amazon region have consistently demonstrated throughout history this same unwillingness to alter (or slow down) development when juxtaposed against indigenous territorial claims. It should not be surprising that Garcia's "observations" share this very same unwillingness—perhaps to the point of obsession—to respect indigenous territorial rights when placed against the state's development agenda.

In this context, it is worth noting some of Garcia's concerns relating to the Consultation Law. Perhaps most telling, Garcia is concerned that indigenous peoples might erroneously assume they have veto rights. He clarifies the intent of ILO 169:

It is important to recall the ILO manual that explains the application of the Convention. In said document, the ILO expressively states that the 'Convention does not given indigenous and tribal peoples the right to veto.' It is important to mention that this clarification was given because, in many signature countries like Peru, NGOs and other organizations have used this ambiguous writing to create false expectation in the population, in relation to believing that without consent, the State cannot enact legislative or administrative measures, which would mean that the right to veto would oppose the democratic law and the sovereignty of Congress to approve laws (Garcia and Velásquez 2010).

Garcia, as this observation indicates, seems obsessed that indigenous peoples might get the idea (from NGOs and other outsiders) that they have the right to oppose legislative procedures (i.e. the legislative decrees) passed by Congress. For Garcia, this is "anti-democratic" and works against the interests of the Peruvian Nation (Garcia and Velásquez 2010).

The majority of the observations demonstrate a preoccupation that the consultation process might somehow hinder Peru's capacity to carry out development projects on indigenous territories. Garcia, for example, worries that indigenous groups might interpret that they have rights to consultation on national development plans, when, for Garcia, this would "unnecessarily hamper" the government's long term development objectives. In addition, Garcia is fearful that the law provides too much power to international organizations like the ILO and, consequently, the state is forfeiting political autonomy. Perhaps most generally, in these observations, it is evident that Garcia is

firmly against any notion that indigenous peoples have “special” rights or that they might assume that they have any rights that go beyond the “collective” rights of Peru.¹⁶⁰

Garcia’s observations indicate that his government, under no circumstances, is willing to cede power over its development agenda on behalf of indigenous territorial rights. These observations, as mentioned, are yet another example of the state’s Eurocentric development logic. This reality is not lost on contemporary observers, especially on those that work on behalf of indigenous peoples. According to CAAAP (the Center for Applied Anthropology in the Peruvian Amazon), there are two main aspects that explain the government’s negative attitude toward the Consultation Law, 1) indigenous people are obstacles to Garcia’s larger development model based on private capital investments and the extraction of natural resources and 2) the government still sees indigenous peoples as “savages and un-governable” and, thus, not worthy of consultation (Coronado, Ortega, and Vega 2010, p. 1).

It is important, again, to recall that neither the Consultation Law nor ILO 169 provides indigenous peoples with any real power to prevent unwanted development on their territories. Here Garcia is correct. ILO 169, as explained in Chapter III, does not give indigenous peoples the right to veto development projects on indigenous territorial spaces. The Consultation Law explicitly states that the final decision over the approval of legislative or administrative measures corresponds to the “competent state entity” (Article 15, p. 6). In reality, the law only establishes a framework so that the government *might*, if it deems appropriate, consider indigenous perspectives. Here Alberto Chirif, Peruvian

¹⁶⁰ The “observations” were written by Alan Garcia, President of Peru, and Javier Velásquez Quesquén, the president of the Council of Ministers. Oficio N° 142 2010-DP/SCM.

anthropologists, expresses this sentiment: “As good as the proposal for a consultation law might be, if there is no political will it is worthless. And now this is the central problem” (Chirif 2010, p. 8).

This (unfortunate) reality makes evident the fact that, albeit important, the approval of the Consultation Law is insufficient to move towards a decolonization of Peru’s natural resource policies. This is something that indigenous leaders, advocates, and specialists clearly recognize. What should the IMPA do? How should they proceed and what strategies should they employ to achieve their goals? Here I want to be especially careful not overstate the role of a PhD dissertation in providing “advice” to indigenous peoples, who themselves have struggled for years against the Peruvian state and its exploitative natural resource development paradigm.

The (necessary) framework for a decolonization of Peru’s natural resource policies

Before discussing particular strategies, I will provide a general overview of the key elements that I would argue are necessary to decolonize Peru’s natural resource regime on indigenous territories. First, it is important to clarify that these elements are based on indigenous conceptualizations of development that I covered in detail in Chapters IV and V and, as such, are meant to reflect how the IMPA’s objectives might translate into public policies. That said, if a genuine decolonization of natural resources policies on indigenous territories is achieved, I would recommend that the following three components be included:

- Indigenous peoples should retain administrative and political control over natural resources on indigenous territories.

- Some process should be initiated that leads to the progressive recuperation of indigenous territorial spaces that work in accordance with indigenous conceptualization of territory.
- A representative and legal framework should be put into place such that *indigenous peoples*, not indigenous individuals or communities, become the rights bearing subject and the decision-making entities on development related issues.

These three components, again, reflect indigenous peoples' relationship to territorial spaces and, I argue, would be necessary for indigenous peoples to pursue their own development path. Most importantly, these three components are present in much of the literature that indigenous leaders, activists, and supporters have used to articulate and frame the difference between indigenous and "Western" conceptualizations of territory.

This first component, from the perspective of this dissertation, is the single most important aspect to achieve any sort of decolonization of indigenous territorial spaces. It is also, as the government's attitude toward the Consultation Law demonstrates, the principle on which the present government is most unwilling to consider. In short, given the special relationship that indigenous peoples have to territory, indigenous peoples should obtain greater control over the development of natural resources on their own territorial spaces, which would enhance indigenous people's capacity to implement their own development model. ILO 169, in this vein, stipulates that indigenous peoples

shall have the right to decide their own priorities for the process of development as it affect 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 (Article 7, section 1).

The UN Declaration of Indigenous Rights (Article 3), in the very same context, makes basically the same argument, stating that indigenous peoples have the right to "self

determination” and the right to pursue their own development path. In practical terms, the only way to fully achieve this right is that indigenous peoples acquire the right to veto development projects that work against their own development goals and aspirations.

The second component is related to the idea that indigenous territorial spaces should be continuous, contiguous, and undivided. As explained in Chapter II, the state-led process of titling indigenous lands in Peru has led to a fractionated, disparate, and archipelago system that is currently made up of often disconnected communities. Without undermining the idea of “collective rights,” it is important to recall that the native community is, in reality, a colonial imposition, first by Christian missionaries, then, in 1974, by the “Native Communities Act,” which, in effect, forced indigenous peoples to form communities. While the titling process has provided many benefits to indigenous peoples, in order to decolonize, I would argue that it is important to think of alternative ways to create larger, undivided territorial spaces. This does not necessarily imply “property ownership,” but should create a system whereby indigenous peoples would eventually gain greater control over larger territorial spaces and the resources within them.

The third component is complex given the multiplicity of indigenous ethnic groupings in the Amazon region. However, if indigenous peoples are to ever retain the administrative and political control over natural resources in their own territorial spaces, the question of indigenous representation should be addressed. For all practical purposes, Amazonian peoples in development related issues are represented via the figure of “native community.” Both the UN Declaration of Indigenous Rights and ILO 169 stipulate that indigenous peoples should be represented through their own political

institutions, yet indigenous peoples, as leaders often complain, are not represented via their own institutions before the Peruvian state (see Davila Puño 2005). While indigenous representation is a complex issue and, undoubtedly, should be resolved by indigenous peoples themselves, figuring out new representative mechanisms that are more responsive to indigenous villages and ones that make sense to the Peruvian state might help indigenous leaders not only articulate their claims, but provide more effective control over the natural resources on their territories.

Before moving forward, it is important to clarify that these components are only meant as a general framework to begin the discussion around particular strategies that would work towards a decolonization of natural resource policy on indigenous territories. As such, they are not meant to indicate the content of indigenous proposals, which is something that indigenous actors themselves (quite capable) have been engaged in for many years. They are, however, designed to present a minimum standard for a genuine decolonization strategy that is based on indigenous perspectives on development.

Constitutional and legislative reform

To a certain extent, the three components mentioned in the previous section are not new, but represent a framework to engage in the process of decolonization. In reality, they would require constitutional reform, similar to the constitutional changes that have occurred in Venezuela, Bolivia, and Colombia.¹⁶¹ It is important to note that the process of constitutional reform has already been initiated in Peru. In 2004, AIDSEP, the CCP,

¹⁶¹ These changes, in some respects, occurred throughout Latin America in 1990s, where, according to the ECLA, “a wave multicultural constitutionalism” between 1987 and 2001 (ECLA 2006, p. 151). While some progress has been achieved, except perhaps in the case of the latest Bolivian constitution, these constitutional changes do not represent the profound constitutional changes that would be required in this case.

the CNA, and CONAP submitted to a special congressional commission a constitutional proposal titled the “Proposal of Organizations of Original Peoples and of Peasant and Indigenous Communities,” which specifically addresses much of the content that a decolonization of Peru’s public policy might entail.

For indigenous peoples in Peru (not only in the Amazon region) the explicit goal is to move from a *Criollo* state to a multicultural state. The 2004 proposal argues why such a move is necessary:

The defense and self-development of our original peoples and indigenous and peasant communities of Peru is our central objective. To achieve this, we reaffirm the unity of our organizations through a fundamental act: the sharing of the same juridical idea. As a result, we have not lost sight that our ultimate goal is the transformation of the *Criollo* state into a pluri-national state. In other words, the change from today’s appearance of democracy, to an authentic government of the people, for the people, and by the people (AIDSEP, et Al 2004, p. 8. The italics are mine)

The goal of achieving a pluri-national state, to which indigenous groups throughout Latin America subscribe, is based to a large extent, on the recuperation of territorial spaces and increased participation in the management of Peru’s natural resource base. It is important to note that these organizations have put forth this proposal, along with a legislative proposals designed to push this process forward.

Given the current political opportunities, I would recommend that these organizations and their allies re-initiate this process of constitutional change in Peru. Many of the proposals set forth in the abovementioned constitutional proposal include the necessary elements to engage in a decolonization of Peru’s natural resource policy regime. Given the current political opportunities, this might be an opportune time for these organizations to push for a national grassroots campaign to debate, discuss, and ultimately create the content for a new constitution in Peru. Here the IMPA could initiate

a grassroots process throughout the Amazon region to consult with indigenous villagers how the specific content of such a proposal might affect indigenous peoples throughout the region. As a way to counter President Garcia's legislative decrees, I would also recommend that the IMPA initiate this process by proposing a series of legislative proposals (*projectos de ley*) that work towards the constitutional change. In terms of hydrocarbon development, the IMPA might create a series of legislative proposals that work around the notion of decoloniality.

While indigenous groups should provide the content of these legislative proposals, here are a few elements that the IMPA might consider. One step, as Finan also suggests (2010b, p. 9), should be to create a proposal in which indigenous peoples retain actual veto rights on hydrocarbon projects on indigenous territories. While the current government is clearly opposed to such a law, international organizations such as the United Nations and even the World Bank have hinted that there is a significant difference between "consultation" and "consent." In reality, there are many international organizations (Oxfam, the Bank Information Center, Survival International) that might support such initiatives.

Indigenous veto rights, as mentioned, should be accompanied by a search for new, innovative legal structures where the figure of *indigenous peoples*, rather than communities or individuals, could make decisions regarding hydrocarbon development. This is a complex endeavor, however, the issue of representation is central not only to the ability of indigenous groups to halt or alter unwanted development projects, but also for the legitimacy of indigenous leaders to make decisions on behalf of the multiplicity of indigenous groupings in the region. The task before indigenous leaders, lawyers, and

specialists in the field would be to create a framework that is acceptable to the state, to indigenous federations, to indigenous villagers, and to international organizations. In some respects, this is an urgent task considering that neoliberal advocate Hernando de Soto and his organization (the *Institute for Liberty and Democracy*) are aggressively proposing to privatize and individualize indigenous territories as *the* solution to *all* development problems in the Amazon region. The fact that De Soto is well-funded and, to a certain degree, lionized in international venues such as the World Bank and the Inter-American Development Bank is cause for serious concern.¹⁶²

The issue of representation of indigenous peoples cannot be resolved, however, without proposals to deal with the recovery of indigenous territorial spaces. If individual communities were given decision-making power over hydrocarbon development projects, as indigenous leaders have pointed out, oil companies with unlimited economic resources, could easily use the opportunity to buy off individual communities to gain support for hydrocarbon development. This process has been well-documented throughout the years (Sawyer 2004 and La Torre-Lopez 1999). To resolve this issue, the IMPA might engage in a process to propose the creation of new territorial spaces similar to reserves for indigenous peoples living in isolation (Law N° 28763) that would respect indigenous viewpoints on territorial integrity. This does not mean that indigenous peoples need be considered “owners” per se of these territories, but that indigenous groups would have decision-making power over these spaces. As a starting point, the IMPA could propose the creation of indigenous territorial space to consider hydrocarbon development

¹⁶² For specific information regarding the importance of the Amazon for the ILD go to their website where they argue “the Peruvian Amazon is not Avatar.” Go to http://www.ild.org.pe/index.php?option=com_content&view=article&id=124&Itemid=295&lang=en

projects. If the state can create a hydrocarbon concessions map that covers the entire Amazon region, then, it is not far-fetched that IMPA counter this map with a map that reorganizes indigenous territorial spaces based on ethnic or other groupings.

A reframing of the role of indigenous peoples in sustainable development

The process of creating legislative content that works in conjunction with indigenous values on development could be included so the IMPA may—in the context of the Peruvian state—legitimately push for a decolonization of natural resource policies in the Amazon region. However, indigenous peoples and their advocates have been striving towards these goals not only in Peru, but throughout Latin America, for years. In other words, while decoloniality might help to remind the IMPA of the urgent need to challenge the Eurocentric content of the current legislation, this is something that is generally accepted within indigenous circles, especially among indigenous leaders. Decoloniality, however, I argue, is not merely important in terms of content, but could also provide useful suggestions to encourage fresh political strategies. In this context, I suggest that the notion of decoloniality might assist the IMPA engage in a reframing of indigenous peoples' role in sustainable development not only as a way to challenge Garcia's misrepresentation of the IMPA, but as a way to find new allies and political leverage points to support indigenous visions of development in the Amazon region.

Why is a reframing important? According to Goodwin and Jasper, “in order to attract people to join and remain committed to a movement, its issues must be presented or ‘framed’ so that they fit or resonate with the beliefs, feelings, and desires of potential recruits” (2009, p. 55). The framing of an issue, however, is not only important for recruits to the movement, but to gain potential supporters of the movement. In this

regard, I argue that a re-framing of the role of indigenous peoples in sustainable development initiatives might be helpful in terms of attracting new supporters and finding new leverage points to push forward the IMPA's objectives.

As explained throughout the dissertation, the Garcia government has gone out of its way to frame indigenous peoples as enemies of development, conveniently tagging them as *perros del hortelano* (gardener's dogs). For Garcia, indigenous peoples, like the gardener's dog, irrationally protect Amazonian spaces from all forms of development. They, as the logic goes, are easily influenced and manipulated by outside forces, especially environmentalists and Marxists, who want to prevent "progressive" forces from developing the region. This irrational mentality, says Garcia, is thwarting the necessary capital, technology, and foreign investment to utilize Amazonian natural resources and bring modern development to all Peruvians. Garcia's take home message is that particular indigenous interests (a few Amazonian "Indians") are preventing Peru from advancing towards (Eurocentric) modernity.

This framing of indigenous peoples as anti-development is, of course, nothing new. Interestingly, the narrative of indigenous peoples as protectors of the forests, as "noble savages," and as a "spiritual" peoples with idealistic, romantic, and supernatural connections to nature is still quite popular. The blockbuster movie *Avatar* (2009) is an example of how images of indigenous peoples' special relationship to nature are still utilized by popular media.¹⁶³ This, of course, is not all bad as director James Cameron has proved to be an important advocate for indigenous peoples in the Amazon region (especially in Brazil). However, Cameron's framing of indigenous peoples is not entirely

¹⁶³ Perhaps the best example of this is when the Avatarian "natives" literally hook-up to the trees for energy and wisdom.

different from the way that Garcia's frames Peruvian "natives." Rather than frame indigenous peoples as "noble" savages, the difference is that Garcia frames them as violent savages, who irrationally protect the forest and long for a time when "Indians" lived in harmony with nature and free from development.

Garcia's framing of indigenous peoples as anti-development advocates is not merely a critique against environmentalists, but he also suggests that they are heavily influenced by Marxist thinking, which he describes as an outdated ideology that, again, works against the progress of Peru. This framing works to the benefit of Garcia given the history of the Marxist (or Maoist) inspired insurgency groups like the Shining Path, MRTA (Movimiento, Revolucionario Tupac Amaru) and MIR (Movimiento de la Izquierda Revolucionario). Independent of his motives, this framing categorizes indigenous peoples with anti-globalization, anti-neoliberal, and, historically violent actors that are located on the far left of the current left/right political spectrum. Here, one must be somewhat careful as the IMPA *is* clearly against Garcia's neoliberal development agenda in the region and, as in the case of environmentalists, many on the left have been strong advocates for indigenous causes. Nevertheless, in spite of these benefits, the categorizations of indigenous peoples as anti-capitalist Marxists allows Garcia, again, to make the argument they are categorically opposed to modern development.

How might the IMPA counter these narratives? Here I argue that a re-framing of the role of indigenous peoples in sustainable development might offer important advantages for the IMPA, especially given the historic political opportunities discussed earlier. Thinking strategically, the main question here is how to build a broad-based coalition to advance indigenous objectives, which, as Chapter IV and V describe, are

based largely on the principles of sustainable development. Given that the current government has gone to extraordinary lengths to frame indigenous peoples as anti-development, I argue that the IMPA should aggressively counter this frame, which could be accomplished via a re-framing of the IMPA's role in implementing sustainable development initiatives in the Amazon region.

What might a reframing of the role of indigenous peoples in the implementation sustainable development might look like? First, it is worth noting that sustainable development is a contested term, loaded with contradictions, ambiguities, and problems. In a review of the literature on sustainable development, Jabareen notes that definitions of sustainability are vague, there is disagreement as to what should be sustained, and it is a “confused topic” that is “fraught with contradictions” (2008, p. 180). Such debates about the meaning of sustainable development, which simultaneously suggests economic growth (or poverty reduction) and environmental protection, are bound to continue. However, despite these ambiguities, there is a strong consensus from the international community to the importance of moving sustainable development initiatives forward (see Dobson 2003, Dryzek 1997).

On December 24, 2009, the UN General Assembly agreed that the next United Nations Conference on Sustainable Development in 2012 should consider following objectives:

a renewed commitment to sustainable development, assessing the progress and implementation gaps in meeting already agreed commitments, and addressing new and emerging challenges.¹⁶⁴

¹⁶⁴ Go to http://www.uncsd2012.org/index.php?option=com_content&view=category&layout=blog&id=55&Itemid=99

Therefore, in spite of ambiguities, sustainable development still remains one of the most important and formidable challenges facing international development community. The problem, as often the case, is one of implementation and operationalization. Ten years after Rio, the 2002 World Summit on Sustainable Development in Johannesburg finally agreed on a “Plan of Implementation,” yet still today this remains a fundamental challenge. Moreover, as the Johannesburg Declaration specified, most agree that indigenous peoples have an important role to play in implementation of sustainable development initiatives.¹⁶⁵ Scholars and others (especially indigenous peoples themselves) have argued for years that indigenous holistic development perspectives might offer special insights into the practical application of sustainable development (Loomis 2000, p. 893).

Given that it is now accepted that indigenous peoples have a role to play in the implementation of sustainable development initiatives, how is this role currently framed? In much of the current debate surrounding sustainable development, indigenous peoples from the Amazon are framed as either protectors of the forest or victims of environmental injustice. The campaign, for example, against the environmental contamination caused by Occidental Petroleum in Northern Peru (and Chevron in Ecuador) has been centered on portraying the Achuar peoples as the victims of greedy transnational companies that put profits ahead of the health of Amazonian peoples and the sustainability of the rainforests. In a similar way, many progressive groups from the US and Europe framed the 2008 and 2009 protests as Amazonian peoples as the protectors of the rainforest against President Garcia and transnational companies who seek economic profit from the natural resources

¹⁶⁵ This commitment is specified in point 25 of the Johannesburg Declaration: “We reaffirm the vital role of indigenous peoples in sustainable development.”

in the forest. This is the story of *Avatar* in which indigenous peoples protect the forest against greedy capitalists. It is important to note that, to a large degree, these frames have been successful in halting some of Garcia's most aggressive policies.

However, in spite of these successes, a re-framing of indigenous peoples' role in the implementation of sustainable development might offer certain advantages in advancing the IMPA's objectives. Here the notion of decoloniality might help the IMPA to (re) think strategically around this issue. While it is important to maintain key alliances with environmental and progressive left-of-center actors, there might be certain advantages in aggressively countering Garcia's attack on indigenous peoples as anti-development. The modernity/coloniality lens, I argue, helps to refract these popular frames of indigenous peoples. Rather than view indigenous peoples as traditional or historical relics, decoloniality suggests that indigenous peoples are just as "modern" as anyone else, but they experience modernity from a different vantage point (a distinct epistemological loci). There is no need to repeat the arguments made in Chapter V, however, the fact that indigenous peoples do not reject modern development initiatives might provide an interesting frame for those that otherwise might be reluctant to support indigenous claims.

Here it is important to highlight that such a reframing would only work to the benefit of indigenous objectives if the IMPA maintained a strong position concerning the decolonization of public policy. Again, first and foremost, with current indigenous leaders, I recommend that the IMPA campaign for the rights to control *all* natural resource on indigenous territorial spaces, which would require constitutional and legislative reform. However, to achieve these goals the IMPA could create a broad based

political coalition. This is where a re-framing of the role of indigenous peoples as “modern” subjects in the implementation of sustainable development initiatives in the Amazon region might provide a powerful strategy to achieve indigenous goals. One idea might be that indigenous peoples should be given an “environmental trusteeship” over indigenous territorial spaces. Indigenous peoples could argue that given their special relationship to the land, their intimate knowledge about biodiversity, and their particular interests in protecting the environmental sustainability of the region, they could provide the necessary leadership to manage and control the natural resources on indigenous territorial spaces.

Again, based on the premise that indigenous peoples seek to decolonize Peru’s natural resource policy regime, I have suggested that indigenous peoples should work towards a legislative framework that allows them greater control over the development of *all* the natural resources within indigenous territorial spaces. One of the immediate challenges to such a proposition is that Garcia and others might argue (as they often do) that this would eventually lead to a *de facto* political separation of indigenous territories and the Peruvian state. Indigenous peoples, therefore, need a way to obtain political and administrative control of resources without invoking fears that they seek the political separation from Peru. Here the idea of an environmental trusteeship could be effective: indigenous peoples would be entrusted by the Peruvian state to play *the* leading role in the economic, social, and environmental development of indigenous territorial spaces. The notion of a trusteeship suggests that indigenous peoples, again, have a special relationship to land on which they live, and that their wisdom, understanding of nature,

and their desire to forge an alternative modernity might provide real development solutions based on environmental sustainability and economic development.

The concept of “trusteeship” is a relatively familiar and safe term might appeal to a wide variety of political actors. According to environmental economist Richard Howarth, the idea of a The Public Trust Doctrine (based on ancient Roman and Anglo-Saxon Law) in the US dates back to Thomas Jefferson, who in 1789, in a letter to James Madison wrote, “the earth belongs in usufruct to the living.” The definition of *usufruct*, also quite common in US law, is based on the principle of trusteeship: “the right of temporary possession, use, or enjoyment of the advantages of property belonging to another, so far as may be had without causing damage or prejudice” (2007, p. 656). Ironically, the U.S. government used the notion of trusteeship to, in effect, take possession of Native American lands for the benefit of particular interests. However, in this case, the idea is that indigenous peoples assume the role of trustee (not the government) on behalf of the Peruvian population. In other words, indigenous peoples assume the role of managers of these spaces. Interestingly, such an idea might work within the current framework of the UN Declaration on Indigenous Rights and ILO 169, which suggest that indigenous peoples have a special and distinct relationship (from mainstream societies) to their territories, that they should determine their own development path, that they should govern territories via their own institutions, and that they have an active role to play in sustainable development.

Furthermore, an environmental trusteeship over territorial spaces is an example of an idea that could potentially cut across left (socialism) versus right (capitalism) arguments, which tend to reduce the political field into neoliberals against anti-

globalization activists. Interestingly, Mahatma Gandhi prescribed the institution of trusteeship as a way to reconcile the interests of labor and capital, so that, rather than a relationship based on violence and exploitation, the economic organization of society could be based on non-violence, love, equality, and human dignity. Gandhi thought that since rich people could not amass wealth without the help of the rest of society, that they should be morally entrusted to use any excess (anything beyond their immediate needs) for the benefit of their fellow human beings. This way, according to Gandhi, one could fight against the inherent evils and violence of capitalism, yet, at the same time, one could guard against the dangers and violence of state power (Makakul 2008, p. 51).

In a similar way, the idea of an environmental trusteeship might work to challenge the notion that indigenous peoples want to cordon off the Amazon region from development. Again, here I will not repeat the arguments made in Chapter V in which the IMPA seeks to forge an alternative development model that is based on indigenous territorial values (or indigenous conceptualizations of territory). Strategically, the problem is not related to indigenous viewpoints on sustainable development, which, most would argue are in fact based on environmental values. The problem is that indigenous viewpoints get framed: “anti-development, protectors of the forests, manipulated by Marxist-inspired left of center governments and activists, etc.” Again, while the IMPA should be careful not to isolate environmentalists and anti-globalization advocates, they might counter such frames by emphasizing the “modern” aspects of indigenous perspectives on development.

Here I return briefly to the argument advanced by ex-president of AIDASEP, Gil Inoach-Shawit, to provide an example of the type of framing that might resonate with a

broader collation of actors. In a direct rebuttal to President Garcia's *perro del hortelano* critique, Inoach-Shawit explains how indigenous peoples from Northern Peru (the provinces of Alto Amazonas and Datem del Marañón) took advantage of state-led programs in the 1980s that facilitated the development of agriculture in the jungle.

As soon as they installed the mills in Nauta, Yurimagus and later in Lagunas, people from the countryside started to produce corn and rice. . . . The indigenous communities in the region did not sit with their arms crossed. They organized systems of production and trade in the river basins in Cahuapanas, Morono, Potro, Apaga and Yurapaga and were able, in their best moment, to register between 500 and 700 tons of grain per year. They never asked for a hand out from the government, but only needed a market, and from there, under their own power, they were able to benefit (Inoach-Shawit 2007).

In this quote, the ex-president of AIDSEP aggressively counters the frame that indigenous peoples are against economic development. Moreover, responding to Garcia's claim that indigenous peoples are a burden on the state, Inoach-Shawit emphasizes that with the right tools indigenous peoples are quite capable of participating in and benefiting in the "modern" economic marketplace.

These frames of indigenous peoples as protagonists in the economic development of the region might be used effectively to counter some of these anti-development frames. Here an Awajun leader, countering Garcia's belief that indigenous peoples are against investment, remarks, "We are not against development nor against investment... We need an investment strategy that is well thought out, a development model that works from the jungle and in favor of the jungle, which will also be better for Peru" (Arroyo 2009). Here is how a young Kukamilla leader from the Amazon envisions a "developed" community:

I would like to see my community with a bunch of *mitayo*, with plenty of food for the community, celebrating our holidays with *masato*, the forest full of mahogany, cedar, and *lupanas*. I would like to see happy, healthy children. I would also like to see us with television, radio, and other things of a modern society, but above all, I want a community with food, education, and health (Arroyo 2009).

These responses should not be surprising and, in fact, can be easily found throughout the Amazon region. However, this framing does not seem to reverberate outside the region, where more often indigenous peoples are framed as *the* protectors of the rainforest.

As a result, a reframing of indigenous peoples' role in sustainable development might emphasize that while indigenous peoples oppose oil development on their territories, they do not oppose economic development per se. Furthermore, in some cases, indigenous peoples might even support oil development, given that the proper environmental safeguards (environmental impact assessments, re-injection, the minimization or elimination of roads, etc.) were in place. This type of re-framing could focus on the capital investments needed for agriculture projects, the development of fish-farms, the need to improve marketing techniques for artisan commercialization, and other economic enterprises that indigenous peoples, for years, have been engaged in.

In a somewhat ironic twist, in certain regards, President Garcia is correct: The Amazon region does lack the capital and technology to develop. In truth, indigenous peoples, as explained here, have never been against capital and technology. However, as the protest of 2008 and 2009 demonstrate, they are deeply concerned with the ends that capital and technology might be used. Again, a reframing of the role of indigenous peoples in sustainable development that argues for an environmental trusteeship based on indigenous visions of modern development might be an effective (and practical) way to achieve indigenous goals: a decolonization of Peru's natural resource policies on indigenous territories.

This reframing might provide certain leverage points that, up to this point, the IMPA has been able to effectively utilize. It is necessary to reiterate that these

recommendation should be, first and foremost, centered around well thought-out and crafted legislative proposals that are based on indigenous viewpoints on development. This reframing, again, should focus on the political and administrative control of all the resources that are located on indigenous territorial spaces, which, in my opinion, is the minimum requirement for a genuine decolonization of Peru's natural resource policy (at least on indigenous territorial spaces). That said, there are three specific venues in which this re-framing might provide the IMPA with added leverage to move their agenda forward: 1) international financial institutions like the World Bank and the Inter-American Development Bank, 2) the US Congress in Free Trade Legislation, and 3) Peruvian Public Opinion.

International financial institutions (IFIs), especially the World Bank (WB) and the Inter-American Development Bank (IDB), have played an active role in financing development initiatives in the Peruvian Amazon for years. Today, these institutions are funneling nearly a billion dollars in development to the Amazon region (McElhinny 2010, p. 1-2). Importantly, both the WB and the IDB currently make strong claims to support indigenous territorial rights, especially those concerning indigenous peoples role in protecting biodiversity and sustainable development initiatives. While these organizations have not proven to be strong advocates for the IMPA in the past, it might be in their best interest to support an environmental trusteeship on indigenous lands.

The World Bank, for example, has been actively engaged in supporting indigenous projects since 1992. WB support for indigenous rights is a complex topic, especially given the fact that historically the Bank has supported environmentally damaging extractive projects throughout Latin America and in Peru. However, with

regards to indigenous communities, the Bank claims to have switched from a strategic “do no harm” approach to a “do good” approach. Independent of whether one actually believes that the WB is “doing good,” part of the Bank’s so called “proactive approach” is to demonstrate “the important role that Indigenous Peoples can play in the management of fragile ecosystems and biodiversity conservation.” It is precisely this rhetoric that might provide the IMPA leverage to force the WB (and other IFIs) to support indigenous proposals.¹⁶⁶ The Inter-American Development Bank, who has played an large role in financing the controversial Camisea natural gas project in the Lower Urubamba Valley in Southern Peru, maintains essentially the same rhetoric.

Another important leverage point that the IMPA might use is the Free Trade Agreement (FTA) with the United States. As explained in Chapter III, the Garcia’s government consistently made the argument that the legislative decrees were necessary because of the FTA with the US. In fact, Garcia often claimed that the indigenous protests were putting at risk the integrity of the US FTA. Not only was Garcia’s argument bogus, since at no time did any US representative make a claim that the FTA was in jeopardy because of the Amazonian protests. Rather, some experts argued that several of the legislative decrees were, in fact, in violation of the FTA, especially in regards to the language that called for a strengthening of the environmental governance provisions surrounding forestry development (see Barandiarán-Gómez 2008b). In fact, LD 1064 (since repealed) would have weakened (in some cases eliminated) indigenous participation in certain community forestry institutions. While indigenous groups have

¹⁶⁶ For a detailed look at World Bank and the Inter-American Development project and their environmental and social impact go to the Bank Information Center’s website. <http://www.bicusa.org/en/Index.aspx>.

traditionally opposed free trade agreements with the US (and other countries), the IMPA could potentially use the US Congress to gain support for initiatives like an environmental trusteeship on indigenous territories.

Finally, the Peruvian public could very well support the idea of an environmental trusteeship on indigenous territories. Clearly one of the surprises (especially for President Garcia) of the Amazonian protests in 2008 and 2009 was the level of support that the general Peruvian public showed for the protestors. Furthermore, Garcia's approval ratings, especially after the Bagua violence, went to historic lows. It seems clear that, to the contrary of what Garcia imagined, Peruvians do not value development at all costs. Appealing to the broader population, especially in the context of emphasizing indigenous peoples' role in forging an alternative development model that supports both economic and environmental development, might work.

Conclusions

The strategy that I recommend to the IMPA encourages a reframing of the role of indigenous peoples in the implementation of sustainable development initiatives in the Peruvian Amazon. I argue that decoloniality might help to counter the current framings that portray indigenous peoples, like in the movie *Avatar*, as the noble defenders of the forest against greedy transnational corporations that want to profit from natural resources on indigenous lands. Again, it is interesting that Garcia uses a similar frame, but, for the Peruvian president, indigenous peoples are not noble, rather they are irrational, easily manipulated, and potentially violent. In both cases, indigenous peoples are anti-development. The risk of reframing indigenous peoples as "modern" subjects that are pro-development is that environmentalists and anti-neoliberal advocates might find it

more difficult to support the IMPA and that the Peruvian government, transnational corporations, and even IFIs could appropriate the rhetoric of indigenous rights for their own development objectives. To some degree, this is already happening.

However, taking such a risk, I would argue, only makes sense if the IMPA can make practical steps towards a genuine decolonization of natural resource policy on indigenous territorial spaces. The problem with the new Consultation Law is that, even though it is touted by some as a significant achievement, in the end it changes nothing. If the state wants to proceed with a development project on indigenous territories, even in the case that indigenous peoples vigorously oppose it, there are no legal measures to prevent the project from going forward. The historic Amazonian protest of 2008 and 2009, according to the very objectives of the IMPA, occurred because the state did not consult indigenous peoples on the legislative decrees. But what if a “smarter” Garcia government would have consulted indigenous peoples? What then? Moreover, to a degree, the end result of the protests is the new Consultation Law, which, I repeat, *does not* give indigenous peoples the right to oppose development projects on indigenous territories.

The strategy I propose, again, only makes sense if it leads to a decolonization of natural resource policies on indigenous territories. Here I recommend that the IMPA aggressively counter the frame that portrays indigenous peoples as anti-development precisely to work toward a legal framework that would give indigenous peoples real power over the natural resources on their territories. Interestingly, hydrocarbon development might be a good place to start. The US Congress, the IFIs, and even the Peruvian population do not necessarily have a strategic interest in developing oil in the

Amazon region. For all these actors, finding sustainable solutions (both environmentally and socially) in the Peruvian Amazon is perhaps more important than developing a few million barrels of oil.

The idea of an “environmental trusteeship” might provide the IMPA with an interesting way to reframe the role of indigenous peoples in sustainable development initiatives. The key question, however, is would it led to a decolonization of natural resources policies? In this chapter, I argue that a decolonization of public policy should include a process whereby indigenous peoples (1) acquire political and administrative control of natural resources on their territories, (2) begin to recover territorial spaces that respond to indigenous concepts of development, and (3) create a representative framework so that *indigenous peoples* are capable of making development-based decisions as the rights bearing subject of territorial spaces, rather than as individuals or communities. The benefit to the notion of an environmental trusteeship is that it provides a framework wherein it is possible to work towards all three of these components. But most importantly, given the current political opportunities, it might be strategically possible.

Conclusion: the IMPA, oil Development, and decoloniality

Throughout this dissertation I have argued that the logic of coloniality is still very much present within the workings of the Peruvian state. This, of course, does not mean that all state entities or, more importantly, all actors within the state are plotting to colonize indigenous peoples and exploit their land and resources. Many state officials work actively, each day, to assist indigenous peoples on some of the most important and pressing issues in the Amazon region and throughout Peru. The National Ombudsman's office, for example, especially in regards to conflicts over natural resources in the Amazon region, has proved to be a valuable asset for indigenous groups. Here I argue that the logic of coloniality works in a more subtle way.

The early history of extractive development in the Peruvian Amazon highlights this logic in especially clear, straightforward terms. In the early 1500s, the colonial state saw the Amazon region as a space to extract gold, silver, and other precious metals, where Europeans could achieve wealth and prestige. In many respects, this is the story of European colonization throughout Spanish America, where dreams of richness and nobility, unachievable for many in Europe, could be realized in the Americas. The Amazon region, however, was always an enigma of sorts to Europeans. Many, to be sure, did not realize the Inca Empire had never subjugated Amazonian peoples and, just as the Incas found Amazonian peoples resilient, the European conquest of the Amazon region proved remarkably difficult. This difficulty undoubtedly reinforced the image of the Amazon region as an "empty," impenetrable space. This sense of Amazonian

“emptiness” has remained part of the colonial logic and, to a large degree, has shaped the government’s development rhetoric throughout the years.

This “emptiness,” however, is *only* meant to convey absence of civilization, order, and progress. This image of Amazonia, devoid of civilization, is one that is full of natural resources, where a lush and ripe jungle is abundant with exotic species of minerals, plants, trees, and animals. While lacking civilization and progress, the jungle is inhabited by indigenous peoples, described throughout history as “heathens and savages” or, in a more positive light (Juan de las Casas), as meek, humble, and—naturally—at peace with their surroundings. The image of the jungle, in this sense, is similar to “the state of nature,” where before the social contract people lived in or as part of nature. The fact that the Peruvian state still today legally classifies indigenous peoples from the Amazon region as “natives,” and indigenous peoples from the Andes as “*campesinos*” is an example of how Amazonian peoples are conceptualized as part of (or closer to) nature. Historically, this (racialized) categorization of native peoples allowed the state, extractive companies, and colonists to treat Amazonian peoples as less than human and, perhaps, explains why up until the late 1980s in the Peruvian Amazon there were documented cases of indigenous peoples being held as slaves.

The prevailing logic guiding the development of the Peruvian Amazon region today, I argue, is an extension of this (colonial) logic that envisions the region as an empty space for national development, but one that is abundant with (undeveloped) natural resources. President Garcia’s development plans for the Amazon region are based on the notion that, if properly utilized, these resources can bring modern development to Peru. In his now (in)famous “syndrome of the gardener’s dog” editorial, Garcia describes

the Amazon region the “first resource” for Peru in which there are “sixty-three million hectares and abundant rainfall.” Perhaps appealing to the sensitivity of environmentalists, Garcia says that the government respects “*virgin* forests and *natives*,” but then goes on to describe the current chaotic, undeveloped state of the region. He says, there are “eight million hectares that have been destroyed because of pillage, cocaine, and savage logging.” In other words, the region is still uncivilized, still inhabited by “virgin forests” and “natives.”

Garcia’s inflammatory remarks, which provoked outrage amongst indigenous peoples throughout Peru, accentuate a colonial logic in which extractive development is the solution to the problem of “Amazonian emptiness and uncivilized natives,” which, for Garcia, are apparently the same thing. As this dissertation demonstrates, President Garcia has aggressively moved to implement extractive policies in the region and his rhetoric, especially towards indigenous peoples, has been no less aggressive. However, an examination of the history of development policies in the Peruvian Amazon reveals that this same logic has been present in each historical period, independent of political or ideological association. Perhaps most telling, during the “progressive” government of Juan Velasco, the colonization of the Amazon region continued as the principal strategy for the region. Moreover, in 1974, the “Native Communities Law” reinforced the image of the Amazonian *native* and, in a sense, forced indigenous peoples to form native communities, tying them to the state’s legal framework and leading to the existence of unconnected, disparate, and fractionated “native communities” in the midst of sea of development projects (described as “the archipelago syndrome”).

Hydrocarbon development policy in the Amazon region is an extension of this colonial logic. Garcia's policies, as explained in Chapter III, represent the most intensive expansion in hydrocarbon exploration in the history of Peru. However, a historical and institutional analysis of hydrocarbon policies in the Amazon region reveals that, albeit aggressive, Garcia's policies are nothing new. Put simply, Peruvian governments throughout history, independent of ideological predilections, have always been interested in exploiting petroleum in the Amazon region. Again, even Velasco aggressively pursued the exploration of hydrocarbons in the region, hoping to resolve (and pay for) many of Peru's development ills. In fact, the first great oil exploration boom in the Amazon region, which did irreversible harm to indigenous communities in the Corrientes River Basin, took place largely under Velasco's watch in the early 1970s. Since Velasco, successive governments have all continued to exploit hydrocarbon resources in the region. It is true that Fujimori, under a neoliberal agenda, created a legislative framework designed to open up the region to foreign, private capital. Toledo and Garcia, subsequently, have worked to push this neoliberal agenda forward, subjecting the Amazon region to a plethora of foreign oil companies. However, in reality, oil development is not the product of neoliberal policies, rather it is, again, the manifestation of the state's colonial logic, in which oil is just another extractive resource that the Amazonian space provides.

The state's colonial logic is a critical element for understanding and explaining this conflict. However, the most important part of this dissertation is the story of indigenous resistance not only to Garcia's hydrocarbon development policies, but to the state's larger development agenda. In short, the Indigenous Movement of the Peruvian

Amazon (IMPA) has been remarkably successful in confronting the government's aggressive development agenda in the Amazon region. The 2008 and 2009 Amazonian protests, which ended violently in Bagua, in many respects, were a testament to the power of the IMPA to impact public policy in Peru. In this context, as a new social movement, the IMPA is the story of a successful case of indigenous peoples' influence over the national political scene.

Undeniably, the single most important factor that explains the emergence and success of the IMPA is the defense of territorial spaces and natural resources. As the International Working Group on Indigenous Affairs (IWGIA) quite succinctly puts it, "the indigenous movement in the Peruvian Amazon emerges when the invasion of territories and the dispossession of resources becomes intolerable" (1995, p. 21). This single fact continues to explain indigenous mobilization and certainly explains the IMPA's consistent opposition to the government's hydrocarbon development policies in the region. However, indigenous organizing in the Amazon is also the result of the movement's impressive capacity to adapt to state institutions and, in the language of social movement literature, to take advantage of political and transnational opportunities.

Somewhat paradoxically, however, the IMPA (most notably AIDESEP) emerged from two competing tendencies within the Peruvian government in the 1970s. Progressive advocates within the government designed the 1974 Native Communities Law, which, at the time, was considered the most advanced legislation concerning indigenous peoples in all of Latin America. This helped to facilitate the development of an ethnic and political organization and a land titling process that remains fundamental to the IMPA's foundation today. However, indigenous organizing occurred in opposition to

the state's larger development objectives that, based on a colonial logic, sought to develop and colonize the Amazon region. Indigenous peoples, understanding that their territories were under siege, were successfully able to adapt to state institutions not only to protect their territories, but to carve out new territorial rights. In this context, the IMPA has carefully framed indigenous conceptualizations of territory that work, strategically, within the framework of indigenous territorial rights under ILO 169, the latest UN Declaration on Indigenous Rights, and the Peruvian Constitution. In this context, indigenous framing of territorial rights has been used as an effective tool to distinguish indigenous from "Western" notions of territory and to articulate alternative development notions.

The IMPA's opposition to Garcia's hydrocarbon policies, thus, must be understood as intimately connected to the movement's larger struggle to protect indigenous territorial spaces. As argued throughout the dissertation, it is impossible to separate indigenous opposition to oil development from the broader claims against the government's development agenda and Garcia's legislative decrees. Consequently, the 2008 and 2009 Amazonian protests were in opposition to Garcia's (neoliberal) development policies, but were, at the same time, related to the government's hydrocarbon policy in the Amazon region. Here, in many respects, the hydrocarbon industry represented a symbol of the Western development model based on extraction, exploitation, and environmental contamination as many of the protesters specifically targeted the industry. Interestingly, for the government the petroleum industry also represented a symbol of sorts as Garcia, on several occasions, referred to the irrational

behavior of indigenous peoples, who wanted to disrupt the flow of oil, thus, preventing Peru from “advancing” into the twenty-first century.

Indigenous opposition to oil development, however, is not merely symbolic. For indigenous peoples throughout the region, the experience of oil contamination in the Corrientes River Basin, most egregious during the 1970s, has been devastating. It is not surprising that the experience of the Achuar living in the Corrientes River Basin represents a point of reference for indigenous communities considering the prospects of future oil development on their territories. Furthermore, given that (last month) in September of 2010 an oil spill in this region affected eleven communities, and between 2006 and 2010 there have been 78 registered oil spills in lots 8x and 1AB alone (i.e. Corrientes Region), it is quite understandable that indigenous groups are hesitant to accept Garcia’s claim that modern technology has solved *all* environmental problems related to extractive development (Servindi 2010a, 2010c; Herrera-Gálvez 2010). Even the *Camisea* Gas project, touted by some as a model of environmental sustainability, is quite controversial, as environmentalists argue that it has done much ecological damage.

Empirically, the case of indigenous opposition to oil development in the Corrientes region, as detailed in Chapter IV, provides an interesting opportunity to study some of the specific strategies that the IMPA used to achieve its objectives. While the repertoire of action and protest, in this case, did not exactly mimic those strategies used in the larger protest of 2008 and 2009, the IMPA did turn to a general pattern of protest that has consistently been employed. The move to (1) articulate demands to policymakers and the public at large, followed by (2) a negotiation process, which, when demands are not met (which they rarely are), is followed by (3) direct protest actions is quite clearly a

logical and well-orchestrated approach. The fact that in the Corrientes case this led to the government accepting Achuar demands (the *Acta de Dorissa*) is a specific example of the power of indigenous peoples to affect public policy (Servindi 2006e)a. Again, this contradicts the government's attempts to frame indigenous leaders as irrational, reactionary, and misinformed.

Finally, indigenous opposition to oil development is widespread and has been clearly expressed at multiple levels of indigenous groupings. While AIDSEP, as the leader of the IMPA, has made multiple public statements regarding their opposition to oil development, it is important to note that indigenous opposition has not been limited to this national federation, again, as Garcia seems to imply. Some of the harshest and most clear cut statements against oil development have come from the regional, sub-regional, and village levels. Local indigenous organizations (villagers), in some cases, have even offered their lives to protect their territories against the encroachment of oil companies. As detailed in Chapter IV, indigenous statements against oil development have occurred at every level and throughout the entire Amazon region. This, of course, does not mean that *all* indigenous peoples oppose oil development and that, under *all* circumstances, even the larger federations will *always* resist oil development on indigenous lands. However, for Garcia to claim that indigenous opposition to oil development is reduced to a few leaders, who are ideologically misguided and under the influence of foreign oil powers (i.e. Hugo Chavez) is, to say the least, a misrepresentation of indigenous opposition throughout Amazonia.

The IMPA's opposition to Garcia's hydrocarbon development agenda and, more broadly to the Peruvian state's—relentless— attempts to develop the Amazon region

represents an important case for the study of new social movements in Latin America. In some regards, the “success” of the IMPA and the potential for an alliance between the Amazonian “natives” and Andean “campesinos” might push scholars to reconsider indigenous politics in Peru as a “failed” case. Or, at least, scholars might pay more attention to indigenous politics in Peru as a (potentially) promising successful case. However, even if the IMPA’s struggle is considered (at some point) a success in relation to other indigenous movements throughout Latin America, how might this change public policy so that indigenous concerns are met, violent conflicts are avoided, and the ecological sustainability of the Amazon region is preserved? Modernity/coloniality, as an alternative theoretical approach, I argue, is important precisely because of its potential to reframe debates surrounding indigenous peoples and environmental sustainability in Latin America, which could, in this context, have a positive impact on natural resource policy.

Modernity/coloniality’s (and decoloniality) most important contribution is that it emphasizes the legacies of colonialism in present day political conflicts in Latin America. This is especially true for indigenous peoples, for whom the transition from a colonial state to a republican, independent state did not fundamentally alter their status as “colonized” subjects. While indigenous peoples are, in fact, quite patriotic, it is common to hear people in indigenous villages refer nostalgically to the time before the Europeans arrived. More than simply anecdotal, however, the study of indigenous pronouncements, manifestos, interviews, and literature provides ample evidence that for indigenous peoples their relationship to the Peruvian political system, to national society, and to dominant culture is categorically defined by the colonial encounter between Europeans

and “America’s original” inhabitants. This relationship is clearly articulated in international conventions, such as ILO 169 and the UN Declaration of Indigenous Rights, that provide indigenous peoples with rights to exist as part of nation-states, but as culturally distinct peoples.

In this context, modernity/coloniality provides an effective tool not merely to understand this conflict, but to reshape natural resource development policies on indigenous territorial spaces in Peru. In this case, modernity/coloniality offers a way to reframe both indigenous and the state’s development perspectives, which, I argue, is critically important in order to start thinking about the implementation of alternative development policies on indigenous territories. The problem with current framing of this conflict (and others) is that too often it becomes a battle between pro-capitalist, right-leaning neoliberals and anti-capitalist, left-leaning socialists. Indigenous peoples are then (conveniently) placed on the left side of the spectrum, along with environmentalists, human rights advocates, and others who identify with “progressive” political movements in Latin America. The success of left-of-center governments in Latin America like Hugo Chavez in Venezuela, Rafael Correa in Ecuador, Nestor and Kristina Kirchner in Argentina, and Luiz Ignacio “Lula” da Silva in Brazil are examples of the success of the leftist politics in Latin America and are often identified as allies of indigenous groups.¹⁶⁷

It is important, however, to proceed here with a certain cautiousness. The IMPA, for example, *is* against Garcia’s neoliberal policies, which, without question, work

¹⁶⁷ Many, of course, would place Evo Morales of Bolivia in this same category. While I agree that Morales identifies largely with the left and has adopted many left-of-center policies, I would argue that the forces that brought Morales to power and the constitutional convention that resulted in a new Bolivian Constitution is, in part, a decolonial process, or at least contains many elements that cannot be considered as merely left-of-center.

against indigenous interests and objectives. Furthermore, many on the left (human rights workers, labor unions, political parties, etc.) have been strong advocates for indigenous groups and often provide important resources. In the case of the AIDSESEP, strategic alliances with environmental groups in the US and Europe have not only helped to maintain the organization solvent, but provide political leverage to take on interest groups (oil and mining companies, large international banks, etc.) that otherwise might exploit indigenous peoples and their land. As explained in Chapter VI, the IMPA does not want to isolate these important political allies.

That said, the categorization of indigenous peoples as left-of-center opponents of neoliberal policies presents certain limitations. Much of this was discussed in Chapter VI, but generally speaking, the main problem with the Latin American political left is that socialism was born from the excesses of capitalism, all which originated in Europe. The political values of the left, therefore, stem from an experience that, in fact, has very little to do with the realities of indigenous peoples. Again, as indigenous leader Gil Inoach-Shawit (the ex-president of AIDSESEP) has made clear, the IMPA does not seek proletariat-based objectives that revolve around salaries, rather the indigenous struggle is based on territorial rights. Moreover, as part of a Eurocentric modern framework, socialism is still teleological, where the endpoint is arguably modern industrial development. Perhaps this is why Chavez, Correa, and Lula, in spite of rhetorical support for indigenous communities, are still drilling for oil and, especially in the case of Ecuador, are still immersed in conflicts with indigenous populations.

Indigenous peoples, furthermore, are too often framed as “noble savages” that seek to protect the environment from all development. This also represents certain

(political) limitations for indigenous peoples. As suggested in Chapter VI, this framing was quite common from the mainstream media during the 2008 and 2009 protests, where indigenous peoples were presented as “defenders of the forests” against the evil transnational extractive companies. Garcia has often argued that indigenous peoples are heavily influenced by environmentalists who, under all circumstances want to prevent development in the Amazon region. In fact, for Garcia, the “uncontacted native” (i.e. “indigenous peoples living in voluntary isolation”) was invented by environmentalists to prevent oil development. And, in a somewhat confusing way, Garcia suggested that the present day environmentalists, in reality, are just yesterday’s communists. They have replaced their “red shirts” with “green shirts.” Again, here one must be careful. In many respects, as I have argued throughout this dissertation, indigenous peoples *are* environmentalists and, undoubtedly, environmental groups have been some of the most important allies for the IMPA.

However, in spite of these important alliances, the notion that indigenous peoples always have the same interests as environmentalists is problematic. I made this argument in the previous chapter and there is no need to repeat it here. Nevertheless, modernity/coloniality is useful in this context because it might help the IMPA avoid some of the traps of these mainstream framings. The image of indigenous peoples as *Avatarian* “noble savages,” as well as some of the postmodern framings of indigenous peoples as “beyond modern” sometimes over-emphasizes their unique cultural distinctiveness, which underplays the notion of class.¹⁶⁸ As several World Bank reports have pointed out, indigenous peoples are consistently the poorest (in terms of economic

¹⁶⁸ This is something that post-Marxist scholars have pointed out. See Webber (2007).

status) groups in the entire world (Hall and Patrinos 2010, 2006). In Latin America this is certainly the case, and Peru is no exception. This is especially difficult for indigenous peoples who want to deal with issues of economic poverty, but do not want to be used by neoliberals (like Garcia and De Soto) who argue that oil development is necessary to reduce poverty in the Amazon region.

Again, without repeating the arguments made in Chapter V, the modernity/coloniality approach emphasizes both class and the unique cultural and epistemic position of indigenous peoples in relation to the world capitalist system. What is unique about modernity/coloniality, is that it looks specifically at the relation between capitalism and colonialism. To be sure, indigenous peoples are marginalized *because* of capitalism, thus, the notion that they must assimilate or follow the path of Europe (and the US) would only reinforce the past injustices of domination and subordination that characterizes the Eurocentric capitalist system today. In this context, implicit within modernity/coloniality is a critique of the modern capitalist system, which is currently controlled by Eurocentric modernity, based on a colonial logic that is environmentally unsustainable and dehumanizing.

Modernity/coloniality, in lieu of this critique, is also hopeful given that it categorizes indigenous peoples as modern subjects. The notion that indigenous peoples are, in fact, modern opens up the possibility that indigenous perspectives might be taken into account. Indigenous peoples, like other marginalized peoples throughout history, have experienced modernity from a different (epistemological) loci than dominant society. This does not mean that they have not contributed to modernity, but that their contributions have largely gone unrecognized. Perhaps, this explains why United States

history books rarely given credit to the Iroquois Confederation for the very idea of federalism or why the Mayan invention of the zero is often underplayed. The theory of decoloniality, perhaps above all else, encourages that these marginalized perspectives be taken seriously.

In the case of Peru, I argue that a decolonization of natural resource policy is not only necessary, but urgent. A recent report, titled “The Peruvian Amazon in 2021. Natural Resource Exploitation and Infrastructure: What is happening? And What does this mean for the future?,” states that:

The Peruvian Amazon region is entering a new cycle of unrestrained exploitation of resources in which, not unlike the cases of rubber and petroleum, the social and environmental consequences are unknown and the economics are only seen from the angle of profit. The difference, this time, is that the resources that investors are considering are *all of them* and that, because of this, they are accompanied with infrastructure projects, which, given their number and magnitude, have no historic precedent.

The report suggest, for example, there are twenty-six hydroelectric projects that will take place in the Amazon River Basin (Dourojeanni et. al 2009, p. 4). The inevitability of future development in the Amazon region will undoubtedly increase the potential for future conflicts between the state and indigenous groups. The question is, of course, how to engage in development projects that are environmentally sustainable and socially equitable.

As I argue in Chapter VI, decoloniality might offer the possibility of reframing the role of indigenous peoples in the implementation of sustainable development. The notion of an “environmental trusteeship,” or something akin, might provide indigenous peoples with the power to shape their own development path, something that the Peruvian state—given its colonial logic—has never permitted. From the perspective of the

Peruvian government, decoloniality might push government officials to rethink natural resource policy in Peru. If the government were able to recognize the colonial logic embedded in its policies then it might see the value in engaging in a decolonization of natural resource policies in the Amazon region. To be sure, a decolonization of Peru's natural resource policies on indigenous territories would imply that indigenous peoples gain greater political and administrative control over the natural resources on their territories. In reality, this is nothing more than a move toward a much more genuine democracy, where all *peoples* have the power to decide their own development path. The fact that this would translate into policies that are more environmentally sustainable, more socially equitable, and would reduce the possibility of violent political conflict, from the perspective of the Peruvian state, should be a bonus.

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