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Chapter 5

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Corrientes River: A Landmark Case in the Development of the Amazonian Indigenous Movement

The emergence of the indigenous movement in Andean countries of late has mobilised great numbers of people and has challenged modern society with its recommendations for profound change (see, for example, Van Cott 2005, Yashar 2005, Pajuelo Teves 2007, and Lucero 2008). It has, moreover, forced administrations to change and new Constitutions to be ratified in Bolivia and Ecuador, situations that promise to redefine social and power relations in both countries in the course of the coming decades. However, these winds of change seem to have been shunted away from Peru for three reasons: 1) subtler yet more effective exclusionary mechanisms, 2) Andean communities that used call themselves “agricultural” rather than “indigenous communities”, and 3) a politically and geographically isolated Amazonian indigenous movement, that is, until the expansion of extractive industries into rural areas at the end of the 20th and beginning of the 21st centuries increased its visibility throughout the Amazon and prompted agricultural organisations from mountainous regions to begin using terminology associated with the movement, to take on an indigenous identity, and to seek to collaborate and to coordinate with their Amazonian counterparts.

It was in the midst of this process that a case from the Peruvian Amazon appeared, the Corrientes River conflict, which has rapidly (in just a few short years) turned into a classic example of how an oil company engages in social and environmental abuses in an isolated area where there is little government presence or oversight and of how an affected population can organise itself in an attempt to end the abuse, to resurrect the role of government, to redefine corporate standards of behaviour, and to redesign its relationship with the public and private sectors. This case is furthermore an illustration of how a social movement can operate when a problem arises in a specific place and in a specific grassroots organisation as well as how it can forge internal and external alliances necessary for executing a campaign to achieve sought after changes. It also exemplifies a two-fold situation: first, where a fundamentally renewable natural resource-dependent way of life is affected by extractive activities related to an intensive system of energy use coupled with nil or inconsequential environmental regulation and non-renewable resource extraction, and two, where each side sees poverty and wellbeing differently from the other, thereby posing a dual challenge: negotiating differences and redefining terms for possible co-existence.

This chapter will describe the context in which the oil company set up and ran its exploitation activities in the Corrientes River Basin and how the affected population became aware of the impacts, learned of its rights, forged alliances, and designed and put into action strategies which led to it negotiating an agreement with the company and the government to redress and to compensate damages through health and development programs. For the purpose of understanding, it will analyse the social movement that was birthed out of and that became the main player in the experience as well as the processes that resulted in its creation.

This chapter will likewise demonstrate how economic and political changes had positive and negative impacts (progress and setbacks) on the movement's development, how communities forged alliances with the sub-national and national movement, with national and international NGO's, as well as with other influential stakeholders, and how the movement developed, initiated, and concluded a campaign for influencing the company, the government, and public opinion such that the desired changes were realised; related to that, it will describe problems the movement faced in running the campaign and the characteristics and actions of government, at all its levels and departments, as the campaign's main target. Lastly, the chapter will map out how this specific experience has served as a benchmark and as inspiration for the Amazonian and Andean indigenous movements and, to a lesser degree, social movements throughout the country.

The case

An introduction to the indigenous movement

The indigenous movement in Peru has traditionally been identified with the Amazon, where indigenous communities and organisations, for example, the two most representative in the Inter-ethnic Association for the Development of the Peruvian Jungle (AIDSESEP) and the Confederation of Amazonian Nationalities of Peru (CONAP), have assumed the defence of indigenous rights, identity, and culture for several decades now.

Indigenous people living in the Peruvian Amazon are grouped ethnically (56 groups) and linguistically (17 language families) and live in an area of 782,880 km², or 61% of the national territory. AIDSESEP is a national organisation representing the largest portion of the Amazonian indigenous population, encompassing 57 federations and territorial organisations. These, in turn, represent 1350 communities with a total population of 350,000. Because its national leadership was experiencing difficulties maintaining direct relations with such a diverse and diffuse membership, AIDSESEP reorganised itself during the 1990's into six regions plus one direct affiliate (the Machiguenga Council of the Urubamba River – COMARU). It defends indigenous people's autonomy and collective rights as well as the region's biodiversity, environment, and natural resources against the forces of modernisation represented by extractive companies (mining, fossil fuels, and logging) and by infrastructure mega-projects. As for CONAP, it represents fewer communities and federations, yet precise figures are difficult to find. As opposed to AIDSESEP, it aims to forge ties with stakeholders that represent modernisation (private enterprise and the state)

with the hope of deriving some sort of benefit as a lesser partner.

Main components of the indigenous movement are national agricultural and indigenous organisations, yet other groups are included: women, cultural, or young people's, whose ranks are formed by indigenous people or that identify with their cause. Likewise involved are NGO's or NGO networks, composed mainly of indigenous people or their allies that are defending the rights of indigenous peoples. Lastly, to be added to the above are activists and sympathisers found among intellectuals, academics, participants in the indianismo and indigenismo movements, and members of certain Peruvian political parties. Nevertheless, differences of opinion exist between indigenous and non-indigenous people as to whether or not NGO's and sympathisers are part of the movement or are simply external allies.¹

In the Andes, starting especially from the 1970's during the period known as the Agrarian Reform, people had traditionally denied or hidden their indigenous identity and instead considered themselves as members of a agricultural community. This was common until 2003, when the National Confederation of Peruvian Communities Affected by Mining (CONACAMI) began to reclaim the indigenous identity for the Andean population. At that point in time, the indigenous movement was non-existent in the Andes, although there were some organisations that were birthed from the indigenismo movement and the Indian Council of South America (CISA), like Chirapaq, the Union of Aymara Communities (UNCA), and the Organisation of Aymara, Amazonian, and Quechua Communities (OBAAQ), each of which identified itself as "indigenous". Though attempts were made at unifying the fledgling indigenous movement in the Permanent Conference of Indigenous Peoples of Peru (COPPIP), thwarted by the Toledo administration's political machinations, two agricultural organisations, the National Agrarian Confederation (CNA) and the Confederation of Farmers of Peru (CCP), classist by nature, have begun to claim their indigenous identity and to defend the collective rights of indigenous people; consequently, they may now be considered members of the movement. Other groups identified with the movement are the National Association of Bilingual Educators (ANAMEBI) and the National Association of Rondas Campesinas of Peru (CUNARC).²

Defending the rights of indigenous people is the movement's primary objective. These include: land, territorial, identity, cultural, and collective (customary rights, bilingual education, and interculturality) rights, the right to a healthy environment, to access natural resources necessary for subsistence, to live in voluntary isolation, to decide first contact, and to self-determination, and those rights guaranteed in WTO Convention 169 and the United Nations Declaration on the Rights of Indigenous Peoples. Another objective is to build economic capacities of indigenous communities and to construct a strong, autonomous movement, including an indigenous political party that will speak for the people and encourage their political participation in different government institutions. One

¹ To indigenous people, there is no doubt whatsoever that NGO's are not part of the movement. However, some NGO's do consider themselves as part of it or wish to be considered.

² The rondas campesinas began as a community based initiative to guard against cattle rustling and rural crime. During the period of armed conflict, the military also armed and trained rondas to protect themselves against insurgents. The rondas originate and are particularly strong in northern Peru. See Starn, 1999

other objective is to reform the government and the Constitution, accomplishing two goals therein: 1) to incorporate the rights of indigenous people and the principle of multiculturalism within the operation of the former and in the text of the latter and 2) to create a robust, effective, and official governmental department that will promote and defend indigenous people.

This chapter will focus attention on the Amazonian indigenous movement for two reasons; not only did the case take place in that region, but it also represents the longest established part of the movement itself. New and traditional Andean agricultural communities have just recently begun to assume an indigenous identity, and it also seems they are still in the transition between what is considered “agricultural” and “indigenous”.

In spite of the 1974 ratification of Law #20653 – Native Community and Jungle Agricultural Development Act (amended in 1978 by Law #22175) – and later efforts to grant legal recognition and land titles to native communities (Echegaray Gomez de la Torre, no year), it took two decades for Corrientes River Basin communities to join a federation active within their borders. And, while they did receive land titles and legal recognition during that period, they were also affected socially, environmentally, and culturally from oil company activities. Even more, the national government funnelled all economic and financial benefits into the corporation’s hands without providing the people corresponding services, thereby leaving them under the control of the oil company that monopolised transportation and communication and supervised their activities. Moreover, in 1991, despite having founded the Federation of Native Communities of the Corrientes River (FECONACO), conditions for communities in the Corrientes River Basin to become organised and to protest were rather limited given the combination of political violence, heightened awareness of the armed forces to any act that could have been deemed potentially subversive along a portion of the Peru-Ecuador border during a period of conflict with that nation, and Alberto Fujimori’s authoritarian administration. Consequently, FECONACO leadership was unable to organise itself to defend the communities against the abuses they were suffering, although AIDSESEP had been supporting the newly formed federation. Nevertheless, as the decade moved forward, they began to learn their rights as citizens in a democracy, to gather evidence on the company’s negative environmental and human health impacts, and to form contacts with potential allies in the event the proper conditions for mobilising or protesting were to burgeon.

However, the right conditions for organising a campaign failed to materialise until the start of the 21st century, when Peru returned to a democratic government, and this in spite of FECONACO’s maturing process with regard to its ability to use the new social and political context. It was during Valentin Paniagua’s administration, which represented a bridge between Fujimori’s authoritarianism and the country re-embracing of democracy, that AIDSESEP, CONAP, and their NGO and governmental allies assembled in Lima to develop an indigenous agenda, subsequently negotiating its contents with the government and concluding an agreement on the eve of the transfer of power to the democratically elected administration led by Alberto Toledo, who is from an Andean agricultural community and whose rhetoric echoed indigenous claims.

During the beginning of Toledo's administration, in 2001, his wife, Eliane Karp, advocated for the creation of the National Commission of Andean, Amazonian, and Afro-Peruvian Peoples (CONAPA) with the enthusiastic collaboration of AIDSESP's president. Everything appeared to indicate the time was ripe for the indigenous movement to achieve many of its largely postponed objectives as it partnered with the new administration.

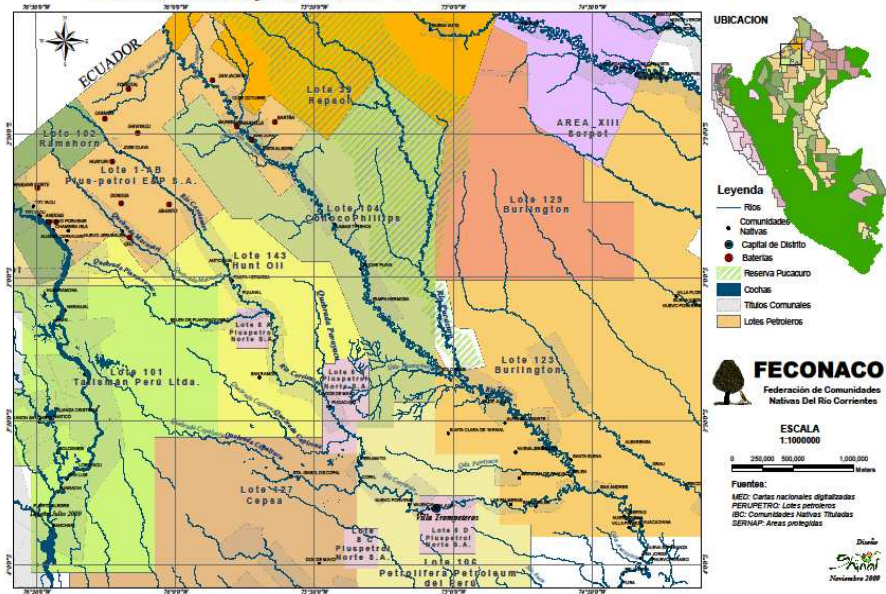
Sadly, those expectations were dashed as Toledo's administration moved forward. It did not stand by the agreements the previous administration had entered into, and as more time passed, it became evident the first lady wanted to turn CONAPA into a tool with which she could manipulate and use the indigenous organisations for her own purposes; so, after much debate, the indigenous leaders decided to fight to create a separate government institution that would represent them, and subsequently bypassed CONAPA and advocated the formation of the National Institute for the Development of Andean, Amazonian, and Afro-Peruvian Peoples (INDEPA), a decentralised public organ that would possess a certain degree of autonomy and be at the level of a ministry. However, this turned out to be a Pyrrhic victory because the current administration of Alan Garcia modified INDEPA's standing, establishing it within the structure of the Ministry of Women and Social Development (MIMDES), reducing its budget, and placing it under the ruling party's (APRA) control.

Corrientes River Basin indigenous peoples

The Corrientes River is born in Ecuador, flowing north to south until it empties into the Amazon River southeast of the city of Iquitos. As are other rivers in the region, namely the Pastaza, Huasaga, Huitoyagu, and Morona (in Ecuador), it is inhabited principally by the Achuar people, yet there are smaller ethnic groups as well living within its bounds: the Kichua and Urarinas (see map; source: Wendy Pineda, NGO Shinai).

The Achuar are called thus from the words "achu shuar", which means "people of the aguaje palm". They are members of the Jivaro language family that also includes the Awajun and Wampis in Peru and the Shuar in Ecuador. In Peru, there are 77 Achuar communities – 14 on the Pastaza River, 20 on the Huasaga River, 18 on the Huitoyagu River, and 25 on the Corrientes River. In Ecuador, there are 64 Achuar communities divided into eight federations. Approximate Achuar population in Peru is 12,500, split into communities of 100 to 500 people (Descola 1996 and 2005, Mader 1999, Bolla 2009).

Superposición de Lotes Petroleros en Territorio de los Pueblos indígenas Achuar, Uruina y Quichua de la Cuenca del Río Corrientes



They have traditionally organised themselves in clans under the leadership of a clan chief, what they call an “apu”, yet they have been influenced by Catholic and Protestant missionaries and by the abovementioned Native Community Act such that they have organised themselves into communities, each with its respective apu. The communities are further organised into two federations: FECONACO, whose members hail from 30 communities, mostly from the Upper Corrientes River, and FEPIBAC (Federation of Indigenous People of the Lower and Upper Corrientes River), whose members come from 18 communities, mostly from the Lower Corrientes River. The former is affiliated with AIDSEP, which tends to be confrontational, while the latter belongs to CONAP, which tends to be peace-making.

As with other members of the Jivaro family, the Achuar had a warring tradition. Starting in the second half of the 18th century, the Jesuits and the Franciscans attempted to convert them yet met with limited success. Likewise, the Achuar did not suffer the consequences of the rubber boom as most other Amazonian peoples did, but they were rather hostile to all non-indigenous people (mestizos and Caucasians) until the end of the 1920's. During the second half of the 20th century, a greater number of fortune seekers and merchant ships began moving into their territories, and that led to the process of supply-exchange-debt labour by which people were able to sell wood, furs, meat, salted fish, and barbasco, usually in unfair conditions. Wood and fossil fuel extraction in the 1970's and 1980's respectively brought about severe pressure on forest resources, fishing, and hunting, increased epidemic and endemic diseases, and fuelled land titling and nucleation around schools and community health centres (Descola 1996 and 2005, Mader 1999, Bolla 2009).

In this way, traditional culture and lifestyles that were based upon slash and burn farming, fishing, hunting, and the idea that territory consisted of animals, plants, fish, rivers, lakes, swamps, insects, and spirits, of which humans were an integral part, were changing at different rates depending on community proximity to oil company activities and to the Amazon River. Likewise, two other ethnic groups were adapting their traditional life styles as they were being influenced by the larger society: the Urarinas with a population somewhere between 1500 and 5000 spread out amongst 17 communities along the Chambira, Urituyacu, Corrientes, and Tigrillo rivers and the Kichua, whose population numbered some 2500. (Descola 1996 and 2005, Mader 1999, Bolla 2009)³

Oil extraction in the heart of the Amazon

The processes of cultural and lifestyle change for the ethnic groups in the river basin began to pick up speed in 1970 when the state-owned company, PetroPeru, started extraction in Lot 8-8X. This section of land was part of a concession granted by the Ministry of Energy and Mining (MINEM) and overlapped into indigenous community territories of the Achuar, Kichua, and Urarina. At the midpoint of 1971, the Peruvian government entered into an oil exploration and extraction contract with the Occidental Petroleum Company,

³ See also: <http://www.achuarperu.org/>. For information on the Urarina, go to: http://www.peruecologico.com.pe/etnias_urarinas.htm and Dean (2009). For information on the Kichua, go to: http://www.peruecologico.com.pe/etnias_quechuapastigre.htm.

authorizing it to begin exploration and exploitation operations in Lot 1AB, located on a remote section of the Corrientes River Basin where the Achuar people were living.

When the so-called nationalistic and revolutionary Velasco administration-owned PetroPeru discovered oil at the beginning of the 1970's, it was described as an unquestionable feat, with photos of workers covered in oil plastering the front pages of the major Lima-based newspapers.⁴ Moreover, the signing of a contract with Occidental was seen as another victory for the national forces of progress since it took place during the informal boycott by multinational corporations after the nationalisation of many large companies operating on Peruvian soil during that time.⁵ In general, these events took place at a time when environmental and social impacts that could have been generated in the projects' areas of influence were not part of the national debate. What is more, the eventual affected communities and their potential allies were oblivious to the fact that they could have or should have been opposed to the new activities that were promising so many benefits for the country (interview with Lily La Torre, 23 February, 2009).

In the middle of that decade, Occidental launched into large scale production, which made its installations in the Corrientes River basin the largest oil fields in Peru, where it began pumping more than 40% of the nation's oil. At first, Occidental-extracted oil was exported to Brazil, but PetroPeru completed its northwest oil pipeline to the port city of Bayovar, Piura, in 1978, and so the oil was transported the 856 kilometres to the Pacific coast for later distribution. Soon after, Occidental continued exploring and scaled up its production levels; it drilled 144 wells from 1978 to 1982, 129 of which were productive (La Torre Lopez, 1999:54). Likewise, from 1972 to 1990, Occidental conducted seven seismic explorations in Lot 1AB, employing a total 10,712 km of open trails for the purpose of producing seismic lines (La Torre Lopez, 1999: 51), and this in spite of the 1984 ruling by the National Office For Natural Resource Assessment (ONERN, 1984) in which it declared Lot 1AB to be the "most polluted region in the country". As a result, Occidental was apparently operating its petroleum related activities with barely any governmental oversight of socio-environmental impacts as well as without any public protests or publicised complaints from affected communities.

Yet, it was at this time events began to turn, and the context in which the industry was operating changed; first, the 1980's saw Peru swept up in the wave of the growing international concern over manmade environmental impacts with that awareness culminating in the adoption of Legislative Decree 613, 1st Environmental and Natural Resources Code, during the initial period of Fujimori's first administration in 1990. In spite of having been almost immediately amended by subsequent legislation that weakened its initial stance in favour of foreign investment, the code came to be seen as the first systematic effort to define a general framework for protecting the environment and a milestone for a movement in which a number of people and institutions, not to mention a portion of national public opinion, concerned about the country's environmental status

⁴ See: <http://www.petroperu.com.pe/portalweb/Main.asp?Seccion=39>.

⁵ An interesting piece of trivia is that Occidental's owner was a close personal friend of Lenin's.

and the impact of productive activities on natural resources participated (Calle and Pulgar-Vidal 2006). This turned out to be the seed for the environmental movement of today (see chapter 4) and marked the beginning of increased awareness of and concern over environmental topics.

Secondly, as discussed in chapter 3, Amazonian indigenous communities and ethnic federations began to organise themselves, a situation that primarily occurred in the northern Amazon with the Awajun and Wampis (related to the Achuars) and in the central Amazon with the Shipibo-Conibo, Ashaninka, and Yanasha, and terminated with the founding of AIDESEP in 1979.⁶ This group was the first national organisation representing Peruvian Amazonian indigenous peoples. Five years in the future, in 1984, the Coordinating Mechanism for Indigenous Organisations of the Amazon (COICA) was founded, assembling national indigenous organisations from the nine Amazonian countries. The Amazonian indigenous awakening and organisation process vis-à-vis the defence of their rights and the demand of their recognition as citizens made its official appearance in the Corrientes River Basin in 1991 with the founding of FECONACO in the native community of Pampa Hermosa. Its purposes were to defend indigenous people’s rights, to uphold the respect of their culture and values, and to promote its member community and groups’ development. From that moment onward, those communities in the river basin that were affected by oil extraction could now formally join the Amazonian indigenous movement since they had an organisation that would represent them in it, nationally and sub-nationally, and could potentially advocate for their rights. The following chart illustrates this idea:



⁶ Yet, it did not gain legal entity status until 1985.

Source:

<http://www.achuarperu.org/es/10organizacion/?PHPSESSID=cf3f779fca11e9e60fc3bf76e4d28dcf>.

Contrasting these trends towards greater concern over social and environmental impacts brought about by oil companies and as part of a series of measures to liberalise the Peruvian economy and to create a free market therein, the government passed Law 26221, the Hydrocarbon Act, in 1993. It was a clear case of promoting the oil industry, in which concessions could be granted up to thirty years for oil exploration and up to forty years for natural gas. Such measures targeting oil industry expansion, especially in the Amazon, helped create conditions for possible future conflicts between those who promoted an industry bound by minimal constraints and those who defended an industry regulated and controlled as a means of protecting indigenous people's rights, the environment, and natural resources.

The problem commences

During the 1990's, Occidental-generated problems and impacts in the river basin became known, paving the way for the future public debate. On one side, there had been a series of oil spill-related complaints filed. In March 1994, news of a pipeline rupture in northern Peru resulting in 30,000 barrels of crude oil spilling into the Marañon River made the rounds. The same pipeline broke again in 1996, this time two kilometres from the native community of Santa Rosa. It turned out to be one of the most significant spills for indigenous communities. By the end of that year, estimates on the amount of produced water being dumped into the Corrientes River from Occidental's Lot 1AB and PetroPeru's Lot 8/8X placed the figure above 85,000 barrels per day. Such an amount would accumulate a critical concentration of chloride and cause grave environmental damage (La Torre López, 1999: 55). Consequently, the MINEM General Directorate of Environmental Affairs had deemed Lot 1AB as one of Peru's most critical areas in environmental terms (Goldman et al, 2007: 17). In 1996, the mayor of the Trompeteros District made an official visit to the indigenous communities there, meeting with members and listening to their statements related to toxic waste dumping in the Corrientes River. Afterwards, he filed charges with the Ministry of Justice against Occidental and PetroPeru.

In response to the Peruvian Congress' Commission on the Environment, Ecology, and the Amazon request for data regarding Occidental's polluting of Lot 1AB, a MINEM representative sent a report to congress that had been drawn up by the General Directorate of Hydrocarbons in which it stated that it had ordered a "special report" be written because of the complaints and that it intended to supervise company activities. Nevertheless, based upon Occidental's monthly water quality reports, the MINEM concluded emissions fell within maximum allowable limits. What is more, the company's Complementary Environmental Plan (CEP) mainly discussed how to adapt technology and to modernise obsolete equipment, and it never explicitly broached the basin residents' situation or the need to restore the human habitat and to solve the social problems generated by its activities. Another aspect that was never mentioned in either the

CEP or environmental protection laws was water injection even though it was a well established industry practice in other countries.

The communities, at last, started to make themselves heard. When the Peruvian government gave Occidental the Lot 64 concession in 1995, the Achuar communities raised their voices in protest, citing “the serious contamination of the environmental, water, and resources the communities depend upon” in adjacent lots 1AB and 8 (Goldman et al, 2007: 16). That same year, the AIDSESP Regional Association of Iquitos (ORAI) engaged the services of an environmental NGO to analyze water samples taken from the region. Its analyses uncovered that different areas were experiencing elevated levels of different phenomena: acid, salt, temperature, and electric conductivity. In the end, it concluded the water was unfit for human consumption and could be harmful to plants and animals (La Torre López, 1999: 60).

In terms of health, head of the city of Villa Trompeteros’ health centre in 1995 declared that community residents were suffering serious health problems on account of endemic diseases, poor nutrition, poor constitution, and environmental contamination. What the four all had in common was the consumption of river water without having boiled it beforehand. Among the mestizo population, some cases of AIDS were detected, and the number of malaria cases had increased by 70% between February and October 1995 (La Torre López, 1999: 65). In response, the Ministry of Health General Directorate of Human Health dispatched a commission to visit the area. It concluded that communities visited along the Corrientes and Tigre rivers required improved health services.

Despite the mounting evidence of serious environmental contamination and its negative impacts on human health, plus a scattering of official complaints, there were still no visible and sustained efforts by the state, civil society, or the indigenous movement itself to document the problems and their causes, to publicise the findings, or to find solutions from the company and/ or the government by the end of the 1990’s.

Indigenous people begin to organise themselves

In 1995, a small group of professionals, mostly lawyers, created the NGO “Racimos de Ungurahui, for the purpose of advising AIDSESP. Racimos’ president was contacted by FECONACO the following year to present a series of lectures on the rights of indigenous communities. In her own words (interview of 23 February 2009), she was participating in a workshop in the Corrientes River area, as was a representative of the Ombudsman Office, when officials from Occidental and police arrived in a helicopter to investigate if the assembly was a terrorist gathering. She was shocked by the level of control and intimidation the company had over the communities, and with support from authorities. As time passed, she provided more training to the indigenous communities, gained their trust, and so decided to take on, as a personal project, the improvement of their lot. As it stood, no independent research had ever been carried out on contamination levels in the area, and the company always accompanied government representatives as they visited the lots. Supported by IWGIA (International Working Group on Indigenous Affairs), she launched a study that

grew into a book which was published in 1999 by Racimos and the IUCN (International Union for Conservation of Nature). In it, she summarised indigenous people's experiences of oil companies operations in the Corrientes River Basin, Madre de Dios Region, central Amazonian districts of Peru, and the Cusco Region (specifically the Camisea natural gas project) and provided a series of recommendations (La Torre Lopez, 1999).

However, FECONACO was still weak, so much so that the company was able to accuse some of its leaders of stealing, which led to their incarceration, further weakening the group. Even more, an area teacher spoke out critically of the company, which led to him being threatened and to feeling a certain amount of pressure to leave. Lily La Torre, during a stretch from 1996 – 2000 (a period well after the Peruvian-Ecuadorian conflict yet corresponding to the second Fujimori administration), was also accused of being a terrorist and a spy for Ecuador; she was forced to meet with representatives of the Ministry of Defence in Lima to clarify her status (interview with Lily La Torre, 23 February 2009).

The corporate scene shifted in 1996 after the Argentinean oil company, Pluspetrol, acquired the Lot 8 concession from PetroPeru after the latter offered it through a selection process. Pluspetrol also acquired Occidental's rights to Lot 1AB in 2000. From statements made by Pluspetrol officials (interviews with Roberto Ramallo and Marisol Rodriguez Vargas on 31 March 2009), the company did not expect to find such high levels of pollution that existed at the time of the changeover. 2002, the year in which the country democratically elected a new administration, saw Lily La Torre start up her work once again with the FECONACO leadership, who had already lost some of their fear, to design their strategies, to make a list of demands to hand over to Pluspetrol and the Peruvian government, and to prepare legal action against Occidental.

Rewind a couple of years to 2000; the Achuar had created a national organisation – the Peruvian Federation of Achuar People (FENAP) – an affiliate of AIDASEP with FECONACO fulfilling the role of one of its sub-national organisations, having within its ranks 30 associated communities. However, three years later, FEPIBAC was founded, supposedly through support from Pluspetrol. FEBIPAC is the umbrella for 18 communities, mostly located along the lower Corrientes River, and connected with CONAP, AIDASEP's rival indigenous organisation. In 2002, FECONACO and Pluspetrol representatives initiated a dialogue that ended in 2004 with the signing of a document which loosely discussed water injection but laid out nothing in terms of a specific timetable. During the following year, FECONACO leaders arrived at the conclusion that Pluspetrol had no intention of keeping its promises and so decided to gather all available information on how the company's activities were impacting the communities as leverage to get them to keep their word. They issued a statement in November 2005 (<http://www.servindi.org/actualidad/164/164>) that said the following:

...we, the indigenous communities of the Corrientes River Basin in the region of Loreto, Peru, after thirty-five years of having oil companies pollute lands, will no longer accept any further development of their operations...

This grave situation of continued and accumulated contamination and the flagrant violation of national environmental legislation, human rights, indigenous rights, and international environmental treaties Peru has ratified have been persistently condemned by our organisations. These facts have furthermore been recognised of late by the Peruvian Congress' Commission on the Amazon and Indigenous Affairs, by the Loreto region government, by the Ministry of Health General Directorate of Environmental Health (DIGESA), and by the Energy Supervisory Organ (OSINERG),⁷ although sanctions are not being enforced...

Nevertheless, only recently, and because we have demanded it, has the company, Pluspetrol, operator of both lots, begun to inject into the soil a small part of the produced waters, not having done so before because of the tolerance of the MINEM, which does not lay out binding provisions in its laws for companies to engage in that activity. For thirty-five years, our river has had 1.1 million barrels of these poisonous waters dumped into it on a daily basis, which equals to approximately ten thousand tons of salt and three tons of barium per day, not counting impacts from multiple crude oil spills over large areas of our lands, the cultural impacts, damage to lives, property, human health, and a healthy environment.

Therefore, we feel it is within our rights to defend what remains healthy in terms of our territory and resources, and so we, the communities of the Corrientes River Basin, unanimously declare that we will not accept further oil company operations on our lands...

Since 2001, the Loreto Region Directorate of Health (DIRESA) had been conducting water quality tests at the Corrientes River as part of a MoH national water surveillance program administered by the DIGESA Directorate of Ecology and Environmental Protection Office of Water Protection. Program personnel took samples of potable and surface water, plus sediment, for testing and discovered those from surveillance points in the Jose Olaya and Jibarito sectors failed to meet standards set out in the General Water Act (MoH 2005: Anexo 1). As attested to by Lily La Torre, FECONACO leaders did meet with the Minister of Health in 2005, having had support from Racimos and AIDSESEP national directors in arranging the meeting, and managed to convince her to order a study of the human health situation in the oil company's area of influence. Study included the testing of district residents' blood samples for cadmium and lead levels, which was overseen by specialists from the National Health Institute Centre for Occupational Health and Environmental Protection for Health (CENSOPAS-INS). This study constituted a departure from previous ones since not just water was tested, but humans as well.

The advocacy campaign

While the MoH was carrying out its water quality and human health studies, FECONACO and its allies were organizing an international mission to perform their own situation analysis of the Corrientes River:

⁷ Now called OSINERGMIN (Energy and Mining Regulatory Commission)

...in March 2006 and under advice from Racimos, FECONACO requested the U.S.-based environmental rights NGO, Earth Rights International (ERI), send a mission to study the Corrientes River for social, environmental, and human rights impacts generated by oil company operations; the organisation complied, sending a multinational, multidisciplinary team to the area. Collaborating with the mission were two other NGO's: Racimos and Amazon Watch, another U.S.-based, indigenous rights group. The mission visited five communities and interviewed more than sixty people concerning oil industry activities. They obtained permission from each person to review their medical files and to conduct a check-up, which included taking blood samples for lead levels. They also analysed water and sediment and inspected company sites that were producing at that time and others that had been closed. (Goldman et al, 2007: 7)

Apparently, FECONACO had organised this mission with two objectives in mind: 1) to apply pressure on the MoH by collecting data that might validate (or invalidate) results of the official study and 2) to collect data for a lawsuit the group was preparing to file in the state of California against Occidental for compensation for harming the health of Corrientes River Basin affected populations. The trial has not yet concluded.

During the first months of 2006, Racimos and FECONACO were awaiting the publication of the MoH report. Some people interviewed for this report (Miluska Carhuavilca from Racimos, for example) have asserted that MoH officials were frightened by what they discovered there and the possible implications and so were attempting to bury the report or delay its publication. Despite that, someone leaked the results informally to both groups, which prompted them to push even harder for the report's publication, going as far as requesting assistance from the Ombudsman Office, which responded by sending an official letter to the MoH demanding the report be published, backing up the mandatory order issued by Racimos. Report results were finally released at the end of March on the MoH webpage, and the DIGESA-prepared report officially confirmed the seriousness of the health situation when it declared that nearly 99% of people tested featured blood cadmium levels exceeded maximum allowable limits and 66% of 2 – 17 year olds had blood lead levels that exceeded maximum allowable limits, 13% of which was deemed dangerous to health (MoH, 2006). Despite subsequent Pluspetrol criticism of the study's methodology and challenges to some of the results, the report became an invaluable tool for the campaign designed to force the government and the company to take action to resolve the problem.

FECONACO's leadership, now armed with evidence from an official report concerning oil industry impacts on the Corrientes River populations and counting on support from its allies, launched an advocacy campaign, working directly with the Ombudsman's Office, the MoH, and the Peruvian congress. Because the Garcia administration was soon to take over the reins of government, the initial campaign strategy focused on the media in an attempt to influence public opinion so as to create a favourable environment for the coming discussions with the new authorities. With this goal in mind, the group managed to have a documentary

called “Una Muerte en Sion” (A Death in Zion) broadcast (<http://lamula.pe/2009/06/documental-una-muerte-en-sion-explotacin-del-territorio-achuar/>). In spite of FEPIBAC representatives’ criticism of it being too staged, the program did have an impact, and the television news magazine, Cuarto Poder, from America Television (channel 4 in Peru), ran a related story that in some ways was even more impacting, showing images of oil spills. It was broadcast in August of that year. During this time, other people and organisations played important roles for the campaign. For example, the month before Cuarto Poder’s report, Q’orianka Kilcher, the actress who played Pocahontas in the movie The New World and whose mother is Peruvian, made a well publicised visit to Achuar communities in the area and condemned the horrific situation in which the people were living. Furthermore, there was the foreign press with which Racimos forged a good relationship, and together they were able to spur the national press to release several news stories concerning the case. And lastly, two important organisations in this endeavour were Amazon Watch and Earth Rights International.

FECONACO leaders travelled to Lima in August to meet with representatives from the new administration, namely the Ombudswoman’s Office, MINEM, MoH, Presidency of the Council of Ministers, and the congress. According to Lily La Torre, the Minister of Energy and Mining told his vice minister to arrange for the company to pay for improving the health of the residents. The indigenous leaders requested two items at the meeting: 1) that an official resolution, whether from the President or a minister, be issued as a means of formalizing commitments and 2) that a budget be allocated for meeting them. They further agreed to meet again one month in the future (September 26) in Iquitos once the resolution had been issued.

The day of the meeting arrived, and apus from different communities, FECONACO leaders, ORAI, AIDSEP, and other institution representatives, plus people committed to the issue, peacefully marched from the campus of the National University of the Peruvian Amazon (UNAP) to the offices of ORAI. There they waited for the members of the ministry-promised high level commission; yet they never arrived. The minister had forgotten the entire matter.

Faced with the indignation of both indigenous people and the citizens of Iquitos, the minister quickly issued the resolution and dispatched a delegation to the city the following week (October 4th). Its members set themselves up in the police station and called for a meeting. FECONACO leaders answered them, claiming they had been disrespected by the representatives since they were now arranging a meeting in the police headquarters one week after the insult of not meeting in FECONACO’s offices. So, the commission members moved to the church rectory and did not move. What is more, Pluspetrol had the CONAP president, Cesar Sarasara, flown in from Lima and arranged for FEPIBAC (CONAP affiliate) representatives to be transported to Iquitos so they could participate in the meeting. After all the manoeuvrings and disagreement, the meeting never took place, and the delegation returned to Lima (Chirif, 2006).

Seizure, negotiations, and Dorissa Accord

Days after the failed meeting, FECONACO leaders, apus, community representatives, and their advisors looked over their options and decided to seize control of the Pluspetrol installations in the area in a bid to pressure the authorities into negotiating with them. It was a bold move that no other Amazonian organisation had tried in the past, but they believed they had taken the necessary actions to justify their request for the MINEM to respond to their needs with nothing to show for it. To them, the only act that would convince the government to listen to their demands seemed to be a dramatic show of force. They were also supported by their national and international allies as well as those in the government (interviews with Petronila Chumpi on 28 March 2009 and with Henderson Rengifo on 14 July 2009).

So, in the morning of October 10, the communities seized installations found in Lot 1AB and Lot 8, shutting down the five oil plants that received oil from 115 wells capable of pumping 30 million barrels of oil per day, which meant shutting down half the national oil production. They also set up road blocks to the lots as well as a blockade of the Corrientes River. The seizure was peaceful since workers offered no resistance and were helicoptered out of the area by the company. AIDSEP issued a declaration from Lima, stating the following:

The apus of the Achuar communities have firmly determined to retake control of their territories, evidencing thus through blocking access to the oil wells and demanding the company withdraw from their territories and halt all its oil production activities there. AIDSEP, faithful to its principles and objectives as director of the indigenous movement, appeals to government authorities, the Ombudswoman, and civil society as a whole to sit down with the Achuar people and to find an immediate solution to these issues which have the potential to turn into serious confrontations that nobody wishes to see. (AIDSEP, 2006)

AIDSEP's statement pointed to the fact that FECONACO's act was not that of an isolated and impromptu organisation but one that is part of the national Amazonian indigenous movement which supported it and claimed it as its own. The act, moreover, caught the company off guard, seeing as it had underestimated the degree of frustration in the indigenous population, but it also understood that Andean communities had employed the same strategy in their conflicts with mining companies (interview with Roberto Ramallo and Marisol Rodriguez Vargas on 28 March 2009).

In two days time, the government sent a delegation to the area in order to negotiate an agreement, the first accord, among the indigenous people living in the river basin, FECONACO, MINEM, MoH, the Loreto region government, and Pluspetrol. The latter's representatives asserted the people had discussed the terms of the agreement via radio with Lily La Torre in Iquitos before her arrival on October 13, but, when she got there in person, she convinced the federation leaders and the apus that they had to renegotiate to improve the agreement. The outcome was she redrafted the proposal, which they approved and subsequently sent to the company and the government. As reported by FECONACO, the first accord was rapidly drafted under pressure by company officials to conclude it, and it did not contain certain agreements reached by the parties, the legal

formalities required for a document of that nature (such as dates and time periods), or the communities' decision to reject any new oil concession on their lands. Moreover, it deemed the approval process to be unsuitable since the accord was read in Spanish (it had not been translated into Achuar) and was signed at night under the light of a flashlight.

The proposed agreement sent on behalf of the communities did include, among others, 1) their pronouncement of not endorsing new oil concessions on their lands (something that some people believed to be part of the Racimos' agenda), 2) provisions for carrying out the injection of produced waters, 3) schedules and mechanisms for decision making and for oversight of two plans: health and comprehensive development, 4) temporary "emergency" food, 5) potable water, 6) remediation of environmental liabilities and damages, and 7) comprehensive social security health insurance for indigenous people. (FECONACO, 2006)

The government's reaction was practically immediate. Pressured by the company, which was losing three million dollars each day during the work stoppage, and offended by the audacity of the people to challenge an agreement it had entered into, it launched a media campaign to demonise and to discredit FECONACO and its advisors, going so far as having the Prime Minister heap personal insults on Lily La Torre:

"There is this little lady named Lily La Torre who rocks the boat whenever she can," he stated after stressing her intervention in the conflict "had been a great complication" since he spoke with assurance that there were no problems with the native people. (www.peru21.com, Monday, 23 October, 2006).

AIDSESEP did what it could by seeking assistance from its allies in the media and approaching the Ombudswoman, who during a press conference took the opportunity to respond to Prime Minister Del Castillo, explaining that she did not agree with him and believed the Achuar "did not initiate the conflict." "It is a serious mistake to believe this problem should only be viewed through the lens of economics. It has arisen because the health of the indigenous people has been compromised," she declared. She furthermore stated that her office had, since 2005, been informing the government of the elevated levels of water pollution in the Corrientes River from the dumping practices of Pluspetrol. (http://www.larepublica.com.pe/component/option,com_contentant/task,view/id,128112/Itemid,0/ Wednesday, 28 October 2006).

The Ombudswoman decided to step in; since the Loreto Ombudswoman Office in Iquitos had received various complaints about the contamination and health issues from indigenous people, it already knew about the problem and had even begun processing the complaints. As a consequence, the Ombudswoman received a report in short order that indicated the government had considerable knowledge of the environmental and health impacts caused by the toxic waste dumping. Based upon staff reports from the regional office, she sent an official letter to the Prime Minister in which she provided evidence that overturned the accusations of violence and recommended the government renegotiate the agreement. The response of the Prime Minister was to request her intervention.

Therefore, representatives from her office and Lily La Torre were helicoptered in by Pluspetrol to attempt to re-establish the people's trust in the government, to begin dialoguing, and to promote a reviewed accord. They visited several communities and managed to convince the people and the apus to discuss the issues with government representatives. A clear indication of how weak the government's presence was in the area as well as part of the reason why the indigenous populations questioned exactly how much influence Pluspetrol had over it was the fact that both national and sub-national government officials had no means of reaching the area and were forced to use the company's transports (interview with Vito Verna on 26 February 2009).

Due in large to the intervention of the Ombudswoman's Office, the three parties: 1) FECONACO leadership and the apus with legal counsel provided by Lily La Torre, 2) officers from the Prime Minister's office, MINEM, MoH, and the Loreto region government, and 3) Pluspetrol representatives, met to negotiate the agreement on October 22 and 23. The Ombudswoman's representatives acted as observers and facilitators, while the bulk of the negotiations was handled by MINEM Vice Minister, Pedro Gamio, and Lily La Torre. Ironically, both of them graduated the same year from the Pontifical Catholic University of Lima School of Law, which increased the effectiveness of their negotiations in spite of the distance between their positions (interview with Lily La Torre on 23 February, 2009). Negotiations were once again under a time constraint with there being no possibility of calling Lima to consult with government offices. What is more, the presence of armed indigenous men and police ready to retake the installations added another dimension of pressure. Unfortunately, missing from the negotiation table were representatives from the National Food Aid Program (PRONAA) and the Ministry of the Economy and Finance (MEF).

The second and final accord, signed at the Dorissa production plant, contained these agreements:

- (1) Pluspetrol will inject lots 1AB and 8 produced waters
- (2) Pluspetrol will pay PEN 40,169,986.00 over a ten year period to fund a comprehensive health plan which will be directed by the Loreto division of DIRESA through the Special Project for the Corrientes River Comprehensive Health Plan (PEPISCO)
- (3) Loreto region government will construct and equip a category 1-4 hospital in the city of Villa Trompeteros with funds from Pluspetrol.
- (4) Comprehensive social security health insurance will be extended to indigenous communities
- (5) Loreto region government will be in charge of preparing and executing a comprehensive development plan (PID) in the river basin for an amount of PEN 11,000,000.00.
- (6) Pluspetrol will pay the rental of one motor boat for one year; after that period, the Loreto Region government will provide a new one as part of the PID.
- (7) PRONAA will provide temporary food aid (1 year) to Corrientes River Basin indigenous communities while their productive base is remediated and regenerated
- (8) Pluspetrol will repair and renovate the potable water system.

- (9) FECONACO and DIGESA will monitor water quality; FECONACA and Pluspetrol will monitor the remediation of damages.
 (10) Pluspetrol and PetroPeru shall remediate Lot 8.
 (11) The Ombudswoman's Office and FECONACO communities, in coordination with relevant government offices and Pluspetrol, will supervise accord compliance.

The following chart lays out the commitments, entities in charge, and compliance schedule.

Summary chart of Dorissa Accord commitments, entities in charge, and compliance schedule

Commitments	Deadline	Entity in charge
a) 100% of produced waters dumped into the Corrientes River will be injected into Lot 1AB	31 December 2007	Pluspetrol
b) 100% of produced waters dumped into the Corrientes River will be injected into Lot 8.	31 July 2008	
c) MINEM will approve Lot 1AB and Lot 8 complementary environmental plan modifications.	31 December 2007 (Lot 1AB); 31 July 2008 (Lot 8)	Ministry of Energy and Mining
a) Comprehensive health plan drafted and approved		DIRESA, FECONACO, and the Loreto region government
b) Four indigenous community representatives elected on the Special Project Board of Directors	26 November 2006	FECONACO and communities
c) Special Project Board of Directors will design and approve plans and budgets plus oversee their execution and management.		Special Project Board of Directors
d) Pluspetrol will pay PEN 40,169,986.00 over a ten year period to fund a comprehensive health plan which will be directed by DIRESA through the Special Project for the Corrientes River Comprehensive Health Plan	November 2006	Pluspetrol DIRESA Special Project for the Corrientes River Comprehensive Health Plan
e) Comprehensive health plan to be executed starting this year.	December 2006	MoH, Loreto Region Directorate

		of Health, Loreto region government
f) MoH will provide complementary health services when necessary.		MINSA.
g) A category 1-4 hospital will be constructed and equipped in the city of Villa Trompeteros, capital of the Trompeteros District.	Under construction since January 2007	Loreto region government supported by MoH and funded by Pluspetrol
h) Pluspetrol retains the right to conduct an annual comprehensive health plan audit.		Pluspetrol
a) Indigenous people in the Loreto Region will be covered by the Comprehensive Social Security Health Insurance (SIS).		Loreto region government and DIRESA
b) SIS related health services, including staff and medicines, will be installed in the Corrientes River Basin.	2007	Loreto region government, MoH, and Loreto Region DIRESA
c) Census of benefitting populations in all indigenous communities of the Corrientes River Basin will be taken.	January 2007	
a) Loreto region government and FECONACO will draft a comprehensive development plan (PID) for the benefit of the area communities; to be based upon community proposals.		Loreto region government and FECONACO
b) PEN 11,000,000.00 will be budgeted for the PID		Loreto region government
c) In accordance with ILO Convention 169, article 7.1, communities will participate in setting the PID budget schedule and will reserve their right to evaluate correct resource use.		Pluspetrol, Loreto region government, Loreto DIRESA, MoH, and FECONACO
d) Pluspetrol agrees to pay one year's worth of rental on one motor boat for use by Corrientes River Basin indigenous communities to transport their produce to Iquitos.		Pluspetrol. Loreto region government
a) PRONAA, supported by	January 2007	PRONAA,

Pluspetrol, will provide temporary food aid (1 year) to Corrientes River Basin indigenous communities while their productive base is remediated and regenerated.		Pluspetrol.
b) PRONAA will provide family food basket goods, in accordance with the comprehensive health plan nutritional recommendations.	January 2007	PRONAA
c) Pluspetrol agrees to evaluate the entire water supply system in each community within 45 – 60 days.	January 2007	Pluspetro
d) DIGESA will coordinate with FECONACO-community controllers to evaluate quarterly area water quality: potable and river and stream.	January 2007 After supply system in place, quarterly	DIGESA and FECONACO
a) Pluspetrol, coordinating with FECONACO indigenous communities, agrees to train controllers on oil industry impact remediation and other related aspects.		Pluspetrol
b) Trained controllers will monitor company activities for later informing of communities and FECONACO leadership.		Indigenous controllers and FECONACO
c) Controllers will be paid from a fund Pluspetrol will supply under the Special Project.		Pluspetrol and Special Project for the Corrientes River Comprehensive Health Plan
d) A través de Petroperú, el Estado ha contratado a la empresa ARCADIS para desarrollar un Programa de Remediación ambiental por 60 millones de soles en el lote 8. The Peruvian government, through PetroPeru, has hired ARCADIS to design and run an environmental remediation program for Lot 8. Cost is PEN 60,000,000.00.		ARCADIS
Ombudswoman's Office and	From January	Ombudswoman's

FECONACO will supervise accord compliance.	2007	Office and FECONACO
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Source: Ombudswoman's Office Social Conflicts Unit: Dorissa Accord Compliance Monitoring Matrix.

FECONACO celebrated the accord as a "victory":

We have made agreements for keeping our rivers, streams, lands, and lakes pollution free, to guarantee our nutrition, and to meet the health needs of our children. The state has pledged to share 5% of the canon petrolero (oil tax) with the communities located within the oil company's area of influence... however, we have taken a giant step towards having our dignity restored, gaining the respect our indigenous communities so rightly deserve, and realizing our historic desire for self-determination (FECONACO, 2006).

The FECONACO leadership obviously considered the accord an accomplishment for the indigenous movement as a whole and as an important step in fulfilling a broader agenda. On the other hand, Pluspetrol representatives saw the seizure of their installations as a response to an absent government, lack of its services, and the concentration of petroleum derived benefits in cities. They furthermore did not view the differences between the first and second accords as significant, rather the signing of the second responded more to Racimos' agenda instead of that of the indigenous people (interview with Roberto Ramallo and Marisol Rodríguez Vargas, 31 March 2009).

The MINEM perspective on the seizure held that it occurred because politicised NGO's and AIDSESEP, which is less integrationist and more conservationist than CONAP, were influencing the indigenous people. Likewise, the seizure was an unnecessary act since negotiations to prepare a plan of action for dealing with health and development issues in the Corrientes, Tigre, and Pastaza river basins were already on the MINEM-formed multi-sector commission's agenda one month before the conflict came to a head. There was also the feeling that the entrance of the Dorissa Accord into force generated a series of overlapping institutional responsibilities – while the multi-sector commission was responsible for verifying compliance in the three basins, the Ombudswoman's Office assumed responsibility for monitoring the implementation of the Dorissa Accords in the Corrientes River basin (interview with Jose Luis Carabajal on 4 March 2009).

Finally, there was the Ombudswoman's perspective, who viewed the case as emblematic because it was a clear cut instance, even government-documented, where indigenous people's rights were being violated through a company failing to define social and environmental policies and where the state had turned its back on its responsibility to protect those rights, in spite of multiple attempts by the people, their allies, and the her office to bring the problem to the attention of relevant ministries. It is also the only time the Ombudswoman's Office has accepted the role of mediator in a negotiation process as well as of controller of agreement compliance. It represented a shift in direction for that institution, one towards closer oversight of negotiations between the government and civil

society and of agreement compliance. Likewise, it was the first time it has been charged with monitoring a private company's commitments, given that Pluspetrol was one of the parties to the Dorissa Accord, yet that is a responsibility not provided for in its original mandate; it is not supposed to supervise the private sector. Therefore, it opened the scope of its supervision and defence of citizens' rights to include a private company since the state was unable to fulfil those duties because the company's operations were in a remote sector of the country where there is hardly any governmental presence.

Agreement implementation and compliance oversight

Pluspetrol did, in March 2007, fulfil its pledge to transfer funds for comprehensive health plan first year activities. This plan had been prepared by the DIRESA and FECONACO, yet the former had never before put a similar project into action, and its annual budget was equal to one-third of the DIRESA budget for the entire Loreto region. Consequently, it faced a real challenge in managing it. There were five parts to the health plan: 1) toxicological monitoring, 2) nutrition, 3) health services strengthening, 4) health worker training, and 5) administration. In terms of the PEPISCO Board of Directors, it was made up of one MoH Lima HQ representative, three from the Loreto DIRESA, and four from affected communities.

And, while the first Chairman of the Board had been directly involved in plan design, its first year implementation was rather minimal since the regional government and DIRESA, which was unprepared for such a large responsibility, were disorganised and untrained. What is more, PEPISCO had not yet achieved its legal entity status, which would have provided it the means to manage money directly, and it did not have administrative or medical staff. The Ombudswoman's Office and FECONACO made a joint request on several occasions to the MoH for the creation of a PEPISCO implementing unit that would streamline the process. However, this was impossible since funds, while sitting in a "hand-off" account set up by Pluspetrol, had to pass through the Loreto region government, thereby making payments difficult. As a result, the plan fell into a sort-of "black hole" within DIRESA, and less than 10% of the first year's budget was used. In the second year, two situations had negative impacts on plan progress; first, the vice president of the Board of Directors was removed, and, second, there was a national doctor's strike that lasted four months.

Consequently, FECONACO requested in October 2008 that it take over direct control of the plan's money management. Furthermore, during the December board meeting, the federation, counting on support from Pluspetrol and MINEM, requested that the plan's direction be handed over to a private organisation, like the NGO Prisma or the Cayetano Heredia Peruvian University,⁸ but both DIRESA and the Ombudswoman's Office opposed such a move, arguing that it was the responsibility of the government to protect citizen's health and, moreover, a transference of funds to a private organisation would limit the state's ability to oversee their use. In the end, no decision was made, but FECONACO continued looking for a money management alternative, and DIRESA undertook to improve its performance.

⁸ A private university

Nearly three years after the Dorissa Accord had entered into force, the situation stood as follows: a) DIRESA was still in charge of the project, b) the project co-creator had been reinstated as Chairman of the Board, c) the Villa Trompeteros hospital was under construction, d) more health workers, doctors included, had been hired, and e) the project had entered into an agreement with a Swedish university for support for blood testing and health monitoring. It remained to be seen if progress thus far had calmed the worries of the communities and their leaders.

While PEPISCO remained mired in government red tape, a power struggle erupted. When Pluspetrol made the announcement of having disbursed its first plan-related payment, it stressed that it had transferred the money into a “separate account” for use to cover expenses incurred during plan implementation. In terms of Board composition, FECONACO had representation, FEPIBAC representatives could attend meetings to voice their opinions yet not to cast a vote, but the majority of the seats belonged to public institutions. To Pluspetrol, that was a worrisome state of affairs since funds could easily have been applied to DIRESA personnel, overhead costs or simply not spent during the strike. On the other hand, though FECONACO leadership was trying very hard to push project implementation forward without too much success, the apus and the communities were growing more and more anxious due to delays in accord compliance, and making the situation even worse was the fact that there was money in the account; it just could not be released. Moreover, the Loreto region government failed to demonstrate an increased desire to improve its project administration. In the meantime, communities held their PEPISCO Board representative elections, out of which only FECONACO leaders were chosen. This upset FEPIBAC (which did have one representative at each meeting, albeit it without voice or vote) to the extent that its leaders demanded they have representation equal to FECONACO. They furthermore made accusations of funds misuse by the Board (La Verdad, 2009).

On August 31, 2009, around 150 members of FEPIBAC surrounded the Villa Trompeteros health centre AND demanded they have a representative on the PEPISCO board. The Regional Health Director “acknowledged there had been red tape in terms of releasing Pluspetrol-deposited monies but stated payment procedures had been streamlined during his term to the extent that the project was using 70% of the budget.” As for the Iquitos Ombudswoman’s Office representative, he indicated his compliance supervisors were evaluating the situation, and the office would afterwards report whether there were just grounds for including FEPIBAC representatives on the board (Pro & Contra, 2009).

Rewinding two years, FECONACO submitted environmental monitoring reports to OSINERGMIN on April 4 and 24, 2007, declaring therein that the company was still polluting the environment and urging OSINERGMIN to begin arrangements for its own investigation into the matter. Months later, in July and October, there were more oil spills, and FECONACO submitted the corresponding reports and lodged its complaints, taking advantage once again to restate its opposition to new oil wells on community lands because of the accidents. FECONACO reported in 2007 that Pluspetrol was responsible for five

oil spills between October 17 and 29 in both lots. It presented another report to OSINERGMIN in 2008 claiming another oil spill had contaminated six kilometres in the Timu Entsu Valley (FECONACO, 2008). These and later reports reflected the FECONACO communities' commitment to environmental monitoring, for which they were receiving support from WWF and Shinai. On the issue of training indigenous controllers, Pluspetrol opened up a bidding process for interested NGO's, accepting ProNaturaleza's bid in the end, yet FECONACO continued working on its prior WWF and Shinai projects and did not take the ProNaturaleza training courses. In the midst of this, there was a lack of clear monitoring protocols and proper conditions and accreditation for the indigenous controllers so that now there were two groups performing the monitoring tasks: Pluspetrol-supported FEPIBAC controllers and Shinai-supported FECONACO ones.

After Pluspetrol had modified Lot 1AB and Lot 8 complementary environmental plans, OSINERGMIN began its supervision and six month monitoring reporting; it furthermore fined Pluspetrol for non-compliance with ARCADIS remediation. Nevertheless, the U.S. based NGO E-Tech conducted a preliminary evaluation of the remediation in Lot 1AB affected areas. It was unable to do the same in Lot 8 due to logistics difficulties. The study included soil, river sediment, and surface water sampling, visual observation of the areas under remediation and those adjacent to them, sample result comparisons using Peruvian and international standards, and an opinion on the effectiveness of Pluspetrol's remediation efforts (Quarles, 2009:1).

After completion of the analysis that encompassed conditions in four Lot 1AB sites and test results from samples taken therein, E-Tech submitted a detailed study that informed of serious deficiencies in the Pluspetrol-contracted consultant's prior evaluation of the affected areas for mapping out appropriate remediation actions. As a result, that person offered flawed recommendations on the types of remediation to apply. The study also described 1) how remediation standards Pluspetrol used were below international and even MINEM standards, 2) environmental conditions that failed to meet the minimum required MINEM levels, and 3) an inadequate and insufficient remediation process (Quarles, 2009: 2-7). Given that OSINERGMIN had already been classified these areas as "remediated" (even though they had failed to satisfy many of MINEM's standards), this study's results cast doubt upon the Pluspetrol supervised remediation and the quality of OSINERGMIN's supervision and certification. It also left the topic of remediation agreement compliance up in the air.

The first job E-Tech did in Peru was at the request of Oxfam and the network, Camisea Citizen Action in which Bill Powers, an engineer by trade, conducted a TGP built pipeline leak study. Later, he was invited by Racimos and FECONACO to assess injection efforts in Lots 1AB and 8. To perform both studies, E-Tech received funds from the MacArthur Foundation and Amazon Watch. Shinai and FECONACO's environmental monitoring, which detected and documented issues E-Tech reports confirmed, was made possible from funding from Rainforest Foundation Norway.⁹

⁹ Personal communications: Aurélien Stoll from Shinai dated 4 November 2009 and Gregor MacLennan from Amazon Watch dated 5 November 2009.

The Ombudswoman announced on November 25, 2007, that FECONACO, MIMDES, and the World Food Program (WFP) had entered into an agreement through which the WFP would purchase food, using money Pluspetrol had agreed to allocate, for the communities and supply them to the Iquitos PRONAA Office for subsequent delivery to the beneficiaries. The Ombudswoman further announced that her office would run a permanent monitoring and communication system with communities in the zone (Andina new agency, 2007). One year had passed since the accord signing and the “emergency” food program was still not off the ground. It was supposed to supply food for the people while water injection and environmental remediation was underway.

While the accord was being negotiated, PRONAA was not present at the table. By law, this program can only supply food to pregnant and breastfeeding women, children up to thirteen years old, elderly people, and people suffering from TB or gout. As for delivering food to the general population, it is not part of its mandate. Due to this circumstance, FECONACO, the Ombudswoman, and Pluspetrol met to discuss a solution, and the company agreed to pick up the cost of complementary daily rations, an amount not accounted for when supplying food for the entire Corrientes River population. Moreover, PRONAA food baskets were deemed culturally inappropriate in relation to Amazonian indigenous customary foods and nutrition requirements. Other factors that made supplying food to the thirty-one communities even more difficult was their remote location along the border with Ecuador, the lack of logistics for their transport, and distribution pitfalls. The earnest search for solutions was not fully underway until PRONAA rotated in new staff members at the end of 2007 and the Ombudswoman’s Office exerted pressure on the process. Even with that, only four of the pledged twelve food deliveries were being carried out in April 2009, a situation that, in the words of Racimos, made accord enforcement a “real pain in the neck.”

Nevertheless, if all the “pains” were compared against each other, the most acute would be the Loreto region government’s non-compliance with the comprehensive development plan. While the Loreto Social Development Office had dedicated the first year after signing the accord to fine tuning the plan, it failed to secure satisfactory community participation in the process. By Q2 2007, it had begun to develop projects to implement within the plan. However, it soon became apparent that the Loreto region government was lacking trained personnel for developing national government-required, pre-investment profiles for investment projects.¹⁰ And while several meetings were held to assess progress, in which the parties concluded it was necessary to hire consultants to develop those profiles, it still took almost three years after accord signing for the Loreto government to be able to begin implementing the PID.

In terms of the river boat for FECONACO use, it had been agreed that Pluspetrol would rent one during the first year of accord implementation and that the Loreto region government would use that time to construct another vessel which would be given to the communities as their own property. Pluspetrol did fulfil its word and paid the rental costs. However, the Loreto government dragged its heels

¹⁰ Peru’s MEF designed the National Public Investment System (SNIP), purpose of which is to optimise use of public resources allocated to investment through promoting the development of a “culture of projects”. There is a series of requirements for investment plan preparation as well as a special methodology that demand those in charge of drafting the projects have a certain level of education and training.

during that first year and had failed to begin construction by year's end. As a consequence, it hastily put together a selection process for renting another vessel, which it handed over to FECONACO at the culmination of the process. Yet, the federation immediately returned it because it failed to line up with the minimum requirements as set out in the accord. The region government then summoned new bids for a different selection process, yet the only person to submit a proposal was the owner of the boat FECONACO had just rejected. Accordingly, after several months, government officials finally found and rented an acceptable vessel, yet regrettably, nearly three years after the accord had entered into force, the Loreto region government still has not summoned bidders to present proposals for the construction of the promised river boat.

Interviews conducted with government officials led researchers to the conclusion that these people just did not think the problems existed, offering up such excuses as they had indeed met the deadlines but, regardless, government red tape had tied their hands and they lacked the ability to comply with the national government's requirements.

The Multi-sector Commission of the Corrientes, Tigre, and Pastaza River Basins, whose activities included monitoring accord compliance, held the opinion that, after the 2007 sub-national elections, the new Loreto regional president had greatly hindered PID implementation. Loreto MINEM officials, whose office is part of the structure of the Loreto regional government and who closely coordinated with the abovementioned multi-sector commission, deemed that Pluspetrol had fulfilled nearly 100% of its promises, yet the regional government was experiencing difficulties complying with its obligations because it lacked money – this because the fall in the price of oil had led to a decline in the “canon petrolero” (the tax based fiscal transfer to regional governments).

The Loreto region government had spent one complete year attempting to draft investment profiles and found that it was incapable of meeting MEF SNIP requirements. Likewise, the communities wanted for the capacity to prepare viable projects. The region government, responding to criticism that it could not deliver results, spent PEN 300,000.00 on a variety of articles that led many people to conclude it did not have a vision for developing the area. The articles included backpacks for children, band instruments, sport uniforms, panettones, sport balls, and hen houses without hens. In the opinion of the Ombudswoman's Office, the Loreto government lacked planning and consultant-hiring resources and hence needed to refigure expenditures for hiring competent staff or third party services.

In September 2009, an AIDSESEP leader and former FECONACO leader said, “The Loreto region government is listless. It has done absolutely nothing. And so we are shown once again how our national, sub-national, and local government leaders do not keep their word. They do nothing for the people.” (interview with Henderson Rengifo on 14 July 2009). Some months later, a FECONACO leader in Iquitos stated, “We have worked very hard to get the PID off the ground. We wanted it to be like the PEPISCO. We formed a commission to work with the regional government, but they told us that since the plan would be funded with government money, we had to follow national government guidelines... we came

to the conclusion that the regional government has no policy for working with indigenous people.” Nonetheless, she did recognise that FECONACO also lacked capacity and experience for executing the PID. (interview with Petronila Chumpi, 28 March 2009).

Representatives from Racimos were saying similar things. However, they did acknowledge that some battery cages had been built, albeit with no poultry to go with them, and fish farms, although no one knew if they were in operation. They also reviewed the 2009 account books and noted that 90% of the budget was allocated for management, while the remaining 10% was for projects. They also suggested the regional government install fish farms and small livestock breeding programs, fuel agroforestry on small family farms, and construct a technological institute for which they would have had to hire consultants. Final perspective on the Loreto region government comes from Shinai, which considered it lacked the political will to drive the PID. Two reasons why it could not meet its accord obligations were the national government’s complex administrative procedures, which also had an influence of PEPISCO’s performance, and the low priority given the PID by the Loreto president.

In the context of the negotiation meetings between the state and indigenous peoples as part of the response to the Amazonian strike and the killings at Bagua, meetings which were to include the presidents of the Amazonian regions, a delegation of apus from the Corrientes River communities went to Iquitos on August 29, 2009, to protest the Loreto region government’s noncompliance. The FECONACO president explained the situation: “The intention of the communities and their leaders is one of opening up a serious dialogue that will put us on the path towards a real solution to our demands and not just empty promises.” (Arellano, 2009)

The following day, the Loreto president, vice-president, and a team of advisors met with the FECONACO president and the community apus, and on September 1, they signed a contingency plan execution agreement to be put into action from October to December and whereby eighteen community-based poultry breeding programs were to be set up and one motorised river boat, the Patricia, would be rented so communities could transport people and goods. It also included streamlined administrative processes to proceed with construction of the communities’ boat. (Pro & Contra, 2009a, 2009b, and 2009c). It remained to be seen if this reaction represented a quick fix to the problems or a true shift in political will and a real commitment to implement the PID.

At the beginning of 2008, FECONACO and Racimos approached the United Nations Committee on the Elimination of Racial Discrimination (CERD) with an urgent request for measures to protect the human rights of the Achuar people. The Committee sent a letter to the Peruvian government, dated March 7, 2008, expressing “our concern over contamination and environmental degradation caused by extractive industry activities on indigenous territories in Peru as well as over the impacts these are having on health and traditional way of life of these people...” It further requested the Peruvian government hand over information on four important issues: 1) affected communities in order for it to review what had happened, 2) legislation dealing with the indigenous people’s right to consultation

and to citizen participation, 3) legislation concerning environmental impact monitoring in Peru, and 4) concrete enforcement of those laws. (Coordinadora Nacional de Radio, 2009).

Coinciding with the sudden interest by the Loreto president for PID compliance related to the need to show some type of progress on fulfilling accord obligations during the negotiations between the government and indigenous organisations and in response to further meetings between those two parties due to the violence in Bagua, the Committee for the Elimination of Racial Discrimination offered the Peruvian government another recommendation, dated August 28, 2009, concerning the Corrientes River Basin situation in which it stated:

21. The Committee has taken note of the information provided by the State party on the implementation of the Dorissa Accord in the case of the Achuar people affected by hydrocarbon exploitation in the Corrientes River basin.

The Committee encourages the State party to put forth all possible effort to implement the Dorissa Accord without further delay and to avoid any similar incident in future hydrocarbon exploitation projects (CERD, 2009).

Almost three years from signing the Dorissa Accord, Pluspetrol is injecting produced waters into the subsurface, has concluded its environmental remediation of Lot 1AB (with observations) and progressed on doing the same in Lot 8, has completed part of the investment for improving community drinking water quality, and was fulfilling its financial obligations. PRONAA has still not supplied half of the food it was supposed to through the emergency food program, and the Loreto DIRESA was putting a health program into effect throughout the river basin, but there were delays and difficulties. Then, there is the Loreto region government that had still failed to begin building the river vessel as promised and continued to carry out sporadic and unplanned activities in an attempt to make up for delayed PID progress.

The Ombudswoman's Office and FECONACO invested huge amounts of time and effort thoroughly monitoring accord compliance as well as working actively with different state organs to assist them climb out of the mire of red tape, solve their problems, and eliminate obstacles hindering their duties. As for FECONACO, it had exhausted itself going to countless meetings in Iquitos and Lima to fuel accord implementation and bickering constantly with FEPIBAC over the document's authorship, participation in decisions regarding its implementation, and associated benefits distribution. At the same time, the apus and communities were demanding greater attention be given their problems and needs.

At this stage in accord implementation and monitoring, FECONACO and the communities were receiving little more than sympathy and moral support from their allies in the indigenous movement. The president of ORPIO (Regional Organisation of Eastern Indigenous Peoples) in Iquitos was also assistant director of the Loreto Office of Indigenous Nationalities, a position that seemed to compromise his ability to lead rather than providing him the chance to lobby for

the communities to such a degree that his constituency forced him to resign at the beginning of 2009. Conversely, AIDSEP national leadership had become increasingly involved in national mobilisations starting in the second half of 2008, and so it was unable to dedicate time to assist FECONACO even though what it and the communities were going through continued to be an important point of reference. And while these excuses held weight, this lack of support from allies within the movement during this period of the process is a reflection of a social movement trend in which it focuses its energies on protests and mobilisations to the detriment of implementing and strengthening agreements and achievements coming out of those very protests and mobilisations. The organisations that supported FECONACO mostly during this period were its allies outside the movement, namely NGO's like Racimos, Shinai, and WWF and public institutions like the Ombudswoman's Office.

Analysis and Conclusions

It is very possible to analyse deeply and to conclude much from a case as rich and complex as this one, yet the most relevant aspects this study found include: 1) the importance of developing a larger context for motivating and creating opportunities for indigenous organisation, the movement, and a campaign geared towards defending indigenous rights (opportunity structure), 2) the role of partnerships inside and outside the movement (resource mobilisation), 3) the importance of negotiations and of agreement enforcement, 4) the main role of government at all its levels and in all its departments, and 5) the lack of explicit references to poverty in rhetoric and agreements.

Context and its development

Peru's political experience in returning to a democratically elected government turned out to be a roller coaster ride for the indigenous movement as its expectations rose and fell. Yet, in spite of all its limitations, the new political context of democracy that began to flourish at the outset of the new century and the relative tolerance with which president Toledo exercised his power set up favourable conditions for organising a two-pronged campaign: on one hand, for defending the rights of the communities within the Corrientes River basin and, on the other, for fighting against corporate abuses and government disdain. What convinced the FECONACO leadership and their allies that they had to organise themselves and stand against the national government was their dashed hopes caused by decisions made by the Toledo administration. Similarly, the treatment of INDEPA by President Garcia's administration quickly erased any expectations they might have had. In addition, the country's sustained economic growth through this past decade infused a general feeling of optimism in terms of the possibility for change. An example of what could be done and gained were the struggles of Andean agricultural communities against mining companies, and such issues as the environment and indigenous rights caught the interest of potential international allies when the country was still viewed as a destination where international cooperation could send its financial aid.

While many people have asked why it took so many years for the indigenous people living in the Corrientes River area to get organised to defend their rights

and to force the government to listen to them, the answer lies in the fact that the Amazon region did not feel the positive impacts generated during the initial phase of 1970's military led government until too late, when the window of opportunity was already closing, and the people had to wait again for a new window to open, which did not take place until the turn of the century after the country returned to democracy following Fujimori's totalitarianism. In the midst of the waiting period, however, and despite adverse conditions, the indigenous movement continued to grow and to forge alliances, and so, when the next opportunity presented itself, it was ready to strike the iron.

Alliances inside and outside the movement

While the press has made AIDSESEP's image out to be one of a very unified and disciplined organisation, mainly basing that perception on the 2008 and 2009 national mobilisations in which indigenous groups closed access routes to and from the Amazon, it is, in reality, a relatively unstructured coalition of indigenous communities, ethnic and territorial federations, and sub-national organisations that are constantly in fighting to exert influence over and to lead the movement. Nationally speaking, the largest ethnic groups living in the jungle, the Awajun and the Wampis in the north and the Ashaninkas in the centre, are competing for leadership of and influence over the movement, attempting to achieve these objectives through forming coalitions with smaller ethnic groups. Nevertheless, because the Awajun and their allies in the Jivaro language family form a larger bloc and are better organised, they generally exercise greater influence. Regardless of this trend, local indigenous organisations have plenty of leeway to initiate contact and to partner with others in their organisation to achieve their goals. Moreover, those groups that are unable to see their objectives realised through AIDSESEP also have the option to find satisfaction through aligning themselves with CONAP.

The FECONACO experience is a fine example of this. Although its status of being a federation of Achuar people, who form part of the Jivaro language family, grants it a certain advantage, it is not the largest organisation within that ethnic group. Yet it managed to position itself within the entire population of Achuar as an emblematic case of abuses suffered by each and every member of that group living in the three river basins: Corrientes, Tigre, and Pastaza, and as an example of what could happen to neighbouring groups threatened by the possibility of oil concessions in their territories. As a consequence, it received sympathy and garnered support from other ethnic groups and organisations from within the movement.

Regionally speaking, FECONACO is a member of the ORPIO, an organisation headquartered in Iquitos, whose offices are just around the corner from those of FECONACO. Unfortunately, ORAI had fallen into a state of disorganisation at the end of the 1990's, owing first to its president running off with most of its assets and second, as was discussed earlier, to a later president who also worked in the Loreto region government as assistant director of the Office of Indigenous Nationalities. For this reason, support FECONACO did receive from ORAI and ORPIO during its advocacy campaign was limited, despite the fact that ORPIO's president was an advisor during the negotiations leading up to the

drafting of the Dorissa Accord. Therefore, the upshot came to be that FECONACO's leaders directed their efforts towards Lima, where they could receive support from AIDSESEP's national office, and towards Racimos in its attempts to influence the national government. It was here that the leaders believed the decision making ability resided that would see to it that their rights would be respected and that they would receive compensation for the harm they had suffered.

Given the relative weakness of the Iquitos organisation, the FECONACO leadership turned to AIDSESEP's national leaders in Lima for direct assistance, yet they discovered that these people had their hands full with other federations and sub-national organisations that were competing for its time and attention, not to mention demands placed on it by different government institutions and by its national and international allies. Hence, throughout the process, the leaders of FECONACO were the ones taking the initiative and leading the way, while they were watched over by and received support from the community apus, not to mention the various forms of support gotten from AIDSESEP's national leaders and office: logistics, contacts, and guidance. This reflected a form of advocacy somewhat associated with a pluralistic and decentralised political system.

Even though the partnerships were loose at best, they were essential because other federations in the Jivaro language family plus AIDSESEP member groups and allies all recognised FECONACO and its leaders as the voice speaking for the river basin communities. This became rather important since it had sub-national and national rivals in FEPIBAC and CONAP, respectively. Two drawbacks limiting its rivals were their smaller size and, in particular, the perception of their close relationship with the company and with certain government institutions, namely MINEM and INDEPA, which did indeed open up access to material resources but also raised doubts about their autonomy and capacity to defend the interests of communities around the basin.

As for partnerships with non-indigenous people and organisations, the most important was the one with Racimos de Ungurahui. Their initial contact came through AIDSESEP, and the relationship included a wide range of assistance: 1) indigenous rights training, 2) legal counsel, 3) guidance on advocacy campaign design, planning, and implementation, 4) arrangement of and accompaniment during contacts and meetings with Lima based authorities and institutions, especially the Prime Minister's Office, MoH, MINEM, and the Ombudswoman's Office, 5) national news media contacts, 6) forging links with other national and international NGO's, and, primarily, 7) direction during both negotiation stages. State and company representatives criticised the role of Racimos, considering it had a) interposed its agenda (or parts of it) onto FECONACO, b) set up roadblocks to FECONACO developing further relations with other institutions, c) been overprotective, d) sown the seeds of distrust in the leaders and apus, and e) unnecessarily contributed to polarizing positions. Yet, they did also acknowledge that without its help and guidance, FECONACO most likely would not have been able to organise itself and to direct a campaign that forced the company and the government to negotiate the accord. Take away that assistance and the final version of the accord would have been rather unclear and implementation that much more difficult. While Racimos has been a thorn in

the side of the state and the company, it has been a powerful ally to FECONACO and the communities.

Secondary NGO allies were WWF and Shinai. These two assisted communities through training and technical support for important environmental monitoring activities to oversee the implementation of the accord. Two other significant NGO's are ERI and Amazon Watch, and they are assisting in the U.S. trial of Occidental. The former plays a particularly important role as a conduit with the news media, international bodies, and civil society organizations concerned not only for FECONACO but also for the plight of the Amazonian indigenous movement as a whole. Lastly, there is the Dutch NGO IBIS and the financial support it provided for a series of projects and indigenous movement organisations, the likes of Racimos and FECONACO. In terms of the latter, it donated funds for an intercultural bilingual education program in partnership with FORMABIAP, an AIDSESEP Iquitos-based project. These secondary alliances complemented and reinforced support received from Racimos and as a whole formed an informal support and oversight network to a representative case of problems indigenous people face and their possible solutions. There would have been zero possibilities for establishing this support network of national and international civil society organisations if FECONACO had not been accepted by and gained its legitimacy from a broader indigenous movement in which AIDSESEP fulfils an important part and if Racimos had not intervened as it did. In this sense, both organisations mentored FECONACO and provided it keys to the gateway that leads to farther-reaching alliances.

The movement has also had allies in the company and the government. At critical moments during accord negotiations and implementation, Pluspetrol – in particular the General Manager of Pluspetrol North at that time – used its influence to bring the higher level management at the main offices in Buenos Aires up to speed on events such that it accepted accord obligations as well as to solve sticky situations through offering financial aid, much like what happened with the river boat rental and the purchase of food for PRONAA. Furthermore, since the company kept its promises, it became a model for the national government to emulate. Therefore, it could be stated the company was at certain times a genuine ally.

Another important and steadfast ally was the Ombudswoman's Office, which supported both Racimos and FECONACO during the advocacy campaign, twisted the arm of the MoH to get it to publish the results of its study, substantiated the peaceful nature of the seizure of Pluspetrol's premises, and persuaded the Prime Minister to renegotiate the accord. The office also took steps during the second negotiations to be present at the meetings to act as facilitators and observers. Later, once the accord was being implemented, it accepted a supervisory role vis-à-vis all parties' compliance to their obligations and this included the never before done practice of policing a private corporation.

It is obvious FECONACO would never have been able to generate any of the benefits derived from the Dorissa Accord on its own. The outcome would most likely have been the same if it had simply allied itself with groups in the indigenous movement. It was necessary that it forge alliances with non-

indigenous people and institutions that identified themselves with them or that at least sympathised with the indigenous cause or the situation directly affecting the communities along the Corrientes River. Some of these alliances FECONOCA directly negotiated, especially ones formed with other indigenous organisations; nevertheless, Racimos, a non-indigenous NGO that identified with their cause, was the intercultural intermediary for most of the alliances with national and international non-indigenous organisations.

Central role of the negotiations

The development of events in the Corrientes River case followed a clear path: 1) affected communities organise themselves, 2) social and economical impact data is gathered, 3) attempts are made, without success, to initiate a dialogue with authorities, 4) local population seizes company property as a means of exerting pressure, 5) negotiations begin, 6) accord enters into force and enforcement starts. The sequence of events was a blending of organisation, research, mobilisation, advocacy, negotiation, and monitoring, and each part demanded different capacities and skills. Nonetheless, there are elements within a social movement that only want to achieve their objectives through mobilisation and protest such that the target of their advocacy finally capitulates.

Unfortunately, what usually happens in cases like these is the forces against which this type of pressure is applied either have the ability to hold out and to overcome mobilisations or, at best, accept to negotiate. It is very rare that the negotiation stage is bypassed, and most consider reaching that stage a major achievement. Negotiations form part of the campaign and have their own objectives and strategies. One interesting characteristic about this case is that FECONACO could have hoppedskotched direct action, moved right into negotiations, and concluded a series of agreements that could have easily been implemented.

Yet, negotiations came as a result of FECONACO and its allies persisting in their demands plus an equal amount of resistance on the part of the authorities to try and ignore or avoid them. The seizure of property was only a means for applying pressure and not necessarily an objective in and of itself. Nevertheless, the events created a situation in which it was difficult to have the negotiations. First off, positions of the parties were relatively polarised because one side had insisted for such a long period and the other had offered resistance throughout. Secondly, negotiations took place in the midst of a tense setting since the indigenous people had taken control of company property and the security forces were threatening to retake them. A third reason was the remote location where the negotiations occurred. This set up challenges in terms of contact and consultation with distant advisors as well as access to data that could support or complete proposals. There was also the time factor to consider since parties were negotiating against the clock: Events were taking place in the middle of nowhere and the company was losing money since operations had been shut down. Likewise, since the indigenous people had taken the initiative for the conflict and the negotiations, they were better prepared than the authorities, whose strategy had relied on trying to avoid them.

It is interesting, though, to note that the two main parties were the indigenous people and the government, which happened for two reasons. On one hand, the MINEM representative decided to defend company interests because there was an unspoken partnership between them and because the indigenous movement posed a threat to both of them.¹¹ On the other hand, even though the indigenous people had seized control of company property and the source of the harm was the company itself, they focused their demands on the state and its responsibility to regulate company activities and to protect the rights of indigenous people. They only took control of the installations to grab the government's attention and to show how important the indigenous people perceive it, its presence, and its compliance with its responsibilities to be.

During the first round of negotiations, which was supposed to be the only one, a series of factors were present that produced an accord which was rather vague and quite difficult to enforce; those factors were 1) the lack of experience and knowhow of FECONACO's leaders and community apus, 2) the absence of some of their advisors, especially from Racimos, 3) the indifferent attitude authorities held towards concluding an agreement, wanting only to escape from the sticky situation they were in as fast as possible, plus their intention not to comply necessarily with their agreement obligations, and 4) the lack of third parties at the negotiation table who could have been facilitators or observers. If the first accord had ended up being the definite text, it is quite likely that there would have been a return to advocacy and mobilisation at some future point, probably accompanied by greater levels of violence and polarisation as happened in other conflicts around the country (Caballero Martin and Cabrera Espinoza, 2008; Caballero Martin, 2009).

Yet, in this case, the second round of negotiations did take place, one with better conditions, through the insistence of Lily La Torre, who like any good lawyer demands that agreements be precise and detailed, through her influence on the federation's leaders and community apus, through their trust in her, and through the Ombudswoman's decision to make this case a representative one and to persuade the Prime Minister to return to the negotiation table. And even if it is true that many of the same conditions from the first round were present in the second, like the pressure from the company, occupation of its property, threat of violence, and remoteness of the location, this time both negotiating teams were better organised, observers and facilitators were present, and there was pressure to reach an agreement which could be implemented and enforced. And still, it took two days of intense negotiation to reach that agreement, but, in the end, the result was a tighter accord and an unexpected pledge by the Ombudswoman's Office and FECONACO to monitor its compliance.

Social movements have shown their capacity to mobilise people, organisations, and resources to influence policy and decisions that are of an interest to them. However, once the required change or decision or agreement is made, movements tend to lose inertia since their participants are claiming a "victory"

¹¹ It is noteworthy to point out that Pedro Gamio, MINEM Vice-minister, was a former employee of Repsol and Chevron.

and so go back to their everyday activities. Because mobilisations are unplanned by nature and last a relatively short period of time, they can concentrate energy and pull together huge numbers of people, but they usually lose that momentum at some future point. That is why it is difficult to maintain the motivation and pressure for monitoring the decisions because that requires tasks which are detailed, long term, and often boring and sometimes demand a certain level of professional and technical knowhow. Those tasks are normally associated with technocratic bureaucracies, but when a social movement faces the challenge of seeing to it that promises are kept, it discovers it stands at a great disadvantage since staff is not familiar with the details of administrative and legal procedures because they are not fully trained to handle their technical aspects and also because they are typically chosen, working in an honorary post, and hence are unable to dedicate the time needed to monitor fully and permanently the situation.

Given that the state had little political will and organisational capacity to implement accord obligations, the Ombudswoman's Office had to sit in on dozens of meetings, write several important memos, condemn what was happening publically, organise press conferences, and use all means at its disposal to persuade, to motivate, to goad, to prod, to threaten, and to force the different government agencies to do what it took to set the accord into motion.

In the midst of this process, the office had to move beyond the classic definition of its role, its essential mandate so to speak, which is a defender of communities' rights vis-à-vis government abuses, to intervene in state activities so as to motivate and to assist officials in finding a way around the obstacles standing in the way of accord implementation.

There are many examples: to the issue of PRONAA's legal restrictions for supplying food to certain members of the population living in the affected setting, the Ombudswoman pushed for an agreement with institutions unfettered by such obligations, to the issue of the Loreto region government being bogged down by its internal procedures, the office proposed solutions to its administrative and organisational difficulties, and to the argument that the comprehensive development program was lacking resources, the Ombudswoman found a surplus of money in the canon petrolero. When the Ombudswoman made the decision to step in, she ran the risk of overstepping her role and duties and of assuming responsibilities that were proper to government officials. Nonetheless, by doing thus, she also opened a window on the government to see the problems and obstacles within it that tended to limit implementation of agreements from other conflicts, to understand how and why the state had turned into the generator of conflicts and citizen complaints, the sheer quantity of which surpassed the capacity of her office to deal with, and to begin visualizing how important it was to launch a government reform process as a means to end the vicious cycle of social conflict.

The state and its different levels and departments

While it is a fact that Occidental and Pluspetrol contaminated the environment and damaged human health, which lead to the campaign for defending the rights

of the communities and for putting an end to the abuses, the focus of that campaign was the Peruvian government and not Pluspetrol, using the argument that the state is the entity responsible for regulating and controlling private enterprise. What is more, the FECONACO leadership believed their chances for achieving their objectives through directly advocating with the company would be impeded or limited by the unspoken partnership between Pluspetrol and their rival federation FEPIBAC. They likewise saw the government as an ally and defender of the company. Therefore, the decision was made to direct the campaign at the state and even the seizure of company property was part of the campaign strategy for pressuring it to negotiate.

However, government is not MONOLITHIC; rather, it is a patchwork of levels, offices, and departments, a situation that forced FECONACO and its allies to adapt their activities as they had to when it came time to form alliances with different facets of the indigenous movement and with civil society, be it the Peruvian or from another country. For example, MINEM's style was relatively authoritative, legalistic, and technocratic, seeking to enforce the law and to separate the communities from their regional and national organisations as well as from their civil society allies. It also fostered a relationship with FEPIBAC and CONAP, groups that tended to give in rather than challenge existing legislation and that preferred the political machinations in its dealings with the government and with the company.

Moreover, INDEPA successfully set up its political machine in FEPIBAC, but it could not do so with FECONACO since it was unwilling to accept being manipulated and controlled by the political operatives that ruled INDEPA and imposed a quasi corporate management style on the organisation.

Six months into 2008, INDEPA was advocating for FEPIBAC during the different monitoring and PEPISCO board meetings at which its representatives were present, and it was generally assumed they were allied. On the other hand, FECONACO wanted a relationship with the government that was more institutionalised and universal, which is why it felt closer to the Ombudswoman's Office in a relationship protected by the accord. In contrast, DIRESA – working with both the MoH and Loreto region government – seemed to have a style which combined technocratic elements for finding practical solutions to problems with a certain degree of sensitivity about the intercultural aspects of the relationship. It was more flexible and more willing to adapt its procedures and requirements to the nature and conditions of the communities.

Something completely different was the Loreto region government. On one hand, it illustrated the difference many people were making between regional policy and national policy since Loreto had just completed its elections in November 2006, a few weeks after the Dorissa Accord had entered into force, and the incoming administration was loath to honour commitments made by the outgoing one. This attitude reflected that Loreto possessed a low level of institutionality associated with the decentralisation process that had been ongoing for twenty years but was increasing in momentum during the Toledo administration. Since the new regional administration had just installed itself and its employees possessed limited capacity, its administrative apparatus was responding to both

internal and national government directions, thereby generating confusion in and paralysing officials who were unsure of which procedure they had to use. Reaction to this administrative uncertainty was threefold: make no decisions, take no initiative, and wait for clear direction from a superior. This lack of clarity brought the process to a grinding halt, and Loreto's president responded by approving a short term contingency plan that he failed to connect or set under another mid- or long term plan.

The Ombudswoman's Office, as an organ of the state, enjoys broad autonomy and legitimacy. It had swelled its ranks with professionals, mainly competent lawyers committed to a democratic state and the rule of law based upon respect for human rights.

The office became involved in accord implementation when it hired a forestry engineer to take over the matter from the Department of the Environment. Because she was an engineer, she managed the issues from a more practical perspective of direct intervention, free from legal entanglements, whereby she could make bold, risky decisions. She was very effective, and that gave the team the vision for a new way of working, a branching away from the classic Ombudswoman's actions. What the office learned from this experience was that handling and negotiating conflicts requires a multi-disciplinary team, and in this case, those who were in charge worked well together on reaching the same goal, albeit through different capacities.

In a country where government sectors and the ruling party's commitment to respecting human rights was to some extent wanting and where the former lacked sufficient capacity for performing its duties, the Ombudswoman's Office set forth its mission as that of protecting and of asserting the rights of citizens (especially the most vulnerable, a group to which the communities in question belong), in particular when dealing with abuses by the state, as well as that of reforming the national government so it lines up with the standards of democracy and the rule of law. The means it had at its disposal for accomplishing this Herculean task had basically been reduced to example, exhortation, and persuasion, which severely limited the chances for success, yet, at the same time, they lowered the possibility that it would be seen as a threat by the rest of the national government.

Since the Ombudswoman's Office is part of the government but not under the Executive branch and its duty is to supervise government, hence a collaborator and a critic at the same time, FECONACO and its allies could see it as approachable and as a potential ally. In fact, on various occasions, the office stepped in on behalf of FECONACO and communities. In truth, the Ombudswoman held with a large part of the indigenous movement's vision and objectives, especially those dealing with the respect of human rights, incorporation of international human rights legislation into Peruvian law, and a more democratic government and political system. Nevertheless, the Ombudswoman's mandate rubbed certain sectors and the governing party the wrong way, a confirmation that her role as defender of rights in all arenas will always make the rest of the government uncomfortable.

Having to deal with a multifaceted government posed a great challenge to the movement and not only limited its ability to exert influence on its decisions, but, most importantly, on its ability to guarantee agreements would be put into practice, as well.

Lack of rhetoric on poverty

Nowhere in any version of the Dorissa Accord is the word “poverty” mentioned. As a matter of fact, the term is scarcely used in declarations by FECONACO or the indigenous movement in general, although to the outside observer the communities of the Corrientes River Basin are living in either poverty or extreme poverty.

To indigenous thinkers, the opposite of poverty is wellbeing or what is known in Spanish as the “Buen Vivir” (the good life), which does not simply encompass material goods but includes spiritual aspects and a sense of harmony with nature and the natural resources one depends upon for living (Baltes 2004; Guimarães 2006; Davalos 2008; Isch Lopez 2008; Arkonada 2009). In the words of Lily La Torre:

For many, poverty is an abstraction, but it must be seen in real terms. Therefore, I prefer talking about the process of impoverishment, especially when referring to people who depend upon natural resources to live. Extractive activities affect natural resources and, in turn, the lives of people who depend upon them.

Poverty means more than just basic services. It includes culture and spirituality. The vision of the indigenous people is one of universality, including spiritual feelings. It includes feelings, the cosmos, the world, one’s fellow man, and other living beings. Every single one of these is a part of their vision of life. If you destroy this vision, then you destroy the rest. So, I say that impoverishment includes the spiritual. (interview on 23 February 2009).

Regarding this concept of poverty, official discourse and government programs that are focused on remedying material poverty and on measuring impacts in terms of money not only appear to be very rough approximations – a criticism that has inspired the development of alternatives such as using UNDP’s Human Development Index – but also a cultural violation and fundamental distortion of the situation and lives of the indigenous people as they perceive and feel it.

In addition, if the Western concept of poverty is applied to indigenous people, then it carries with it the imperative of intervening in order to change their situation and way of life such that they become Western citizens (or in the case of Peru, “creoles” or “mestizos”) and are therefore able to participate in the benefits associated with assimilation (Escobar, 1995). Since indigenous people are a minority within Peruvian society, many of them feel a profound ambivalence to, on one hand, hanging on to their traditions, culture, and way of life and rejecting or at least questioning the vision of prosperity offered by the dominant society and, on the other hand, giving into the pressure and assimilating into the

larger society. Between both extremes, the people and organisations associated with AIDSESEP tend to place greater emphasis on the first option and so aim for development through better schools, better quality education, and better transportation networks while they continue living their culture and traditions, whereas those involved in CONAP are more willing to give up their culture and traditions in the quest for recognition and the supposed benefits of integration. The issue at hand is that the first alternative (cultural autonomy and continuity) seems to involve isolation and marginalisation for the group and shuts off access to global citizenship, while the second alternative (assimilation) seems to involve a loss of culture and identity and incorporation into the greater society yet on the lowest rung. Choosing either option in its extreme is associated with the risk of impoverishment, but the challenge set before the movement is how to maximise benefits and minimise costs (in their widest sense) of interacting with the greater society.

In this context of opposing terminology and concepts and of ambivalence towards the path that should be taken, many see discussing poverty as a device used by the dominant society to undermine indigenous people's cultures, traditions, and way of living and to offer in exchange a dependent lifestyle on the fringes of society rather than an opportunity for empowerment and development. Many anti-poverty programs, some vertical in nature and others conditioned by either political machines or short term measures, tend to reinforce this perception.

For these reasons, the indigenous movement in general has avoided showing indigenous people as "poor". To identify one's self as poor leads to assimilation as a subordinate or dependent into a hierarchical and economically unequal society. As a result, the preference is to present one's self as "different", which does run the risk of discrimination, exclusion, and repression but does offer the possibility of having greater control over the terms and conditions of the future through negotiation from an outside position.

Emblematic case and benchmark

The Corrientes River conflict and Dorissa Accord have become benchmarks and emblematic cases for the indigenous movement specifically and for Peru's social movements generally. As national indigenous leaders spoke during the 2008 and 2009 Amazonian strikes, they frequently referred to the Corrientes River case as an example of how fossil fuel exploitation and, by association, extractive industries and the expansion of capitalism throughout the region, is a threat to their way of living and even their survival as indigenous people. Even among political commentators, this case is also brought up as an example of indigenous people's willingness and capacity for reacting to a situation and coordinating their organisations and allies' efforts to consolidating their movement and effecting change.

Over the past few years, a series of factors have been prompting Amazonian indigenous people in Peru to feel as if they are besieged and threatened, yet, at the same time, they have been feeling it necessary and possible to react in defence of their rights. Colonisation of the Amazon – with implicit and explicit support from authorities – has brought with it territorial loss, political violence,

drug trafficking, pressure on nature resources, and cultural erosion. What is more, the expanding illegal logging trade in Amazonian forests, products of which are being funnelled to the logging industry, has corrupted community leaders and caused widespread forest plundering. When hydrocarbon exploration and exploitation is closely scrutinised, it is clear they have negatively impacted water quality in rivers, reduced the number of fish and game animals, and harmed the health of humans living in the area of influence of these activities. Now that oil and natural gas concessions have been granted over more than 70% of the Peruvian Amazon, more negative impacts are guaranteed. Then there are the infrastructure mega projects, such as the transcontinental highway (Inter-Oceanic Highway) and certain hydroelectric plants, which are depicted as offering opportunities and benefits for all, but generally speaking, indigenous people feel their costs in social and environmental terms far outweigh their benefits. President Garcia, in his essays on development in which he cites the Aesop fable, *The Dog in the Manger*, speaks of indigenous people more as obstacles rather than partners in the processes associated with Peru's dominant development model.

In this context of change and threats, the documented environmental and human health impacts of Pluspetrol's activities in the Corrientes River area, which have also been officially recognised by it and the government, are being used as a tangible and proven example of the types of threats facing indigenous people as well as proof their fears are real. This case has never been viewed as isolated or an exception; rather, it is taken as typical and representative and not just of other cases in the Amazon, but also and more importantly, of what to expect from indigenous people in the future if these trends are neither halted nor modified. As such, the case is a rather large red flag of what has been happening and what will happen in the future, plus confirmation of the certainty of indigenous people's concerns.

Nonetheless, this case is also a sign of hope because the Amazonian indigenous movement did bring their situation to the attention of the authorities and the country as a whole, and they did negotiate a series of agreements to remedy it. The campaign furthermore represents a milestone in the indigenous movement's development since it produced a comprehensive response to the problem and delivered on accord compliance despite all the problems described above and in comparison to agreements concluded in other cases involving this and other social movements. As a consequence, it has been discussed and used within the indigenous movement and by its leaders as an example of what could be accomplished and how to accomplish it, not to mention as an inspiration to other federations and political regions.

Therefore, it should come as no surprise to find out that the Awajun and Wampis (like the Achuar, members of the Jivaro language family and their neighbours in Peru's northern jungles) were the leaders of the 2008 and 2009 Amazonian strike and that they followed a similar pattern or example: documenting the problem or the rights violation, seeking to resolve the matter first through discussing it with the corresponding authorities, becoming frustrated with the fruitless dialoguing, seizing property, and negotiating. And while it seems the indigenous movement and national authorities have studied the case file on the Corrientes River, it does

not, however, seem as if they learned anything from it because they committed some of the same errors, along with new ones.

This case has also had an impact on the rest of the country's social movements and their allies. Even if it is true that FECONACO and AIDSESEP received no real support from other sectors of the indigenous movement or, for that matter, other social movements during the conflict, the case *has* subsequently been mentioned by other social movements and left wing politicians in their speeches. No political party of significance in Peru espouses a commitment to indigenous ideologies, and those parties that identify with the poor and traditionally excluded populations generally employ classist rhetoric and view indigenous ideology and claims as obsolete and reactionary. Nevertheless, mobilisations against mining expansion in highland agricultural communities, CONACAMI's drive to project an indigenous ideology, and mobilisations of the Amazonian indigenous movement, first in the Corrientes River basin and later nationally, have together prompted many commentators and politicians to change their terminology and to deem many suggestions offered by indigenous organisations as worthy of analysis and consideration. Nonetheless, while politicians such as Javier Diez Canseco, and academics of the ilk of Anibal Quijano, both Marxists, now speak of the right to identity, territory, and wellbeing in their speeches, it remains to be seen whether these changes in terminology will also change the terms of the debate on poverty which continue to be dominated by monetary and material measures.