

**What is the limit to satisfy world demands of oil?
Crisis in the Peruvian Amazon**

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Friday 5 June 2009 – world environment day - was a tragic day for the future of the Peruvian Amazon. At least 31 people died in clashes between the security forces and indigenous people in the Amazon region. Those killed included indigenous people and policemen. An unknown number of civilians are wounded, arrested or have disappeared. The fight took place at a jungle highway near the town of Bagua, as a result of an operation of Peruvian police forces to disperse the roadblocks formed by protesting indigenous people. Indigenous groups are demonstrating already for more than 56 days against several decrees and laws regarding the forests and wild life that were promulgated by the Peruvian state in the context of the Free Trade Agreement with the United States. These decrees and laws facilitate the transfer of Amazon land and resource rights from the traditional inhabitants to oil, mining, logging, and agricultural companies; weakening the already vulnerable rainforest of Peru.

The last two years a large number of ecological and social restrictions on extraction of resources were removed in Peru by a changing regulation, leading to a much less restrictive legislation. In August 2008, indigenous peoples in the Peruvian Amazon used peaceful protests to challenge regressive legislative decrees adopted by the Peruvian government that would weaken indigenous land and territorial rights and open up the Amazon region to increased commercial development of land, water and subsoil resources. Indigenous peoples made multiple representations calling for the offensive legal measures to be withdrawn on the grounds that they violated their well recognised and legitimate rights protected under national and international law.

Convention 169 - The Indigenous and Tribal Peoples Convention- set up by the International Labour Organisation and ratified by Peru in 1994, obliges Peru to consult indigenous people in cases in which the State or a company plans to exploit the natural resources in the land that the indigenous people occupy. This however is not a common practice in the Amazon forest and it also did not happen in this case. The United Nations agreements related to Indigenous Peoples' Rights (to which Peru is a signatory) and Peru's Constitutional provisions regarding the inclusion of Indigenous peoples in legislation in forest areas matters have been bypassed, making those decrees anti-constitutional. In December 2008, a cross-party commission of the Peruvian Congress recommended that the offending decrees be immediately withdrawn as unconstitutional. The Public Ombudsman of Peru has likewise concluded that the legal reforms are in violation of the constitution of Peru, in particular as they have been formulated without prior consultation of affected rights holders, including indigenous peoples. Even the Constitutional Committee of the Peruvian Congress has declared two of the presidential decrees unconstitutional - but the government has blocked discussion of this declaration.

The decrees related to forest and wild life, were justified by the government as being part of the Free Trade Agreements with the United States. They also set the stage for the privatisation of water resources. The decrees allow pave the way for the deforestation of large areas of primary rainforest for the benefit of national and transnational companies. This eases direct foreign investments in the Peruvian Amazon for developing mines and oil- and gas-exploitations and concessions.

On May 9th, the Peruvian government declared the state of emergency in seven provinces of the Amazon areas, which means that "the constitutionally provisions on freedom and security of persons and the immunity of accommodation are temporarily suspended, and that there is a ban on gathering". Officially the state of emergency was declared to safeguard access to roads and airports and to prevent production losses due to the actions of the indigenous people. Negotiations between the state and the representatives of the indigenous communities were ceased on May 15th. Indigenous people announced that they would continue their actions. Ever since, the protest and the reactions of the government became grimmer.

The Peruvian Amazon forest is wanted for its potential profits, in a worldwide context of a growing shortage of natural resources. The indigenous people organisations do not claim the ultimate ownership of the Amazon forest, but ask for a voice in the decision making process in the development of the region. This tragic incident illustrates how ignoring peoples rights and meaningful participation in processes that affect peoples livelihoods and lands can lead to serious social conflicts and failed policies. This should bring lessons learned to guarantee that indigenous peoples rights should be considered an integral part of development processes and of future agreements of the Climate Conference.

Useful Links

- [Inter-American Convention on Human Rights](#)
- [Inter-American Court's Advisory Opinion No. 9/87](#)
- [IACHR Web site](#)
- [IACHR Press Office Web site](#)

Photos:

<http://www.flickr.com/photos/tvcultura/sets/72157619291522408/show/>