

**CONFEDERATION OF AMAZON
NATIONALITIES OF PERU - CONAP**

**Peruvian State and
Indigenous Peoples**

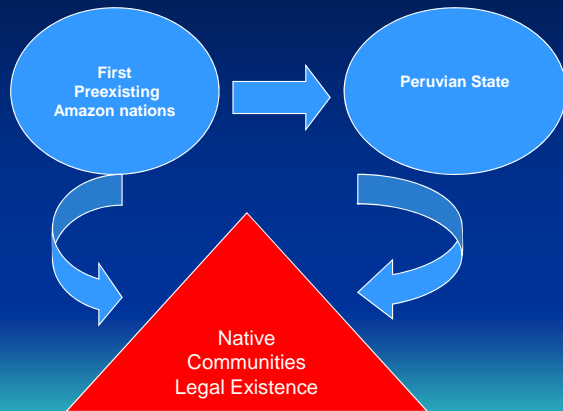
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Background

- The lack of a state policy to safekeep the rights of indigenous peoples before the extraction of natural resources in our traditional territories has caused severe environmental, social and cultural impacts on the lives of the indigenous peoples.
- Given the lack of communication channels with the state and the oil companies in the 80s, CONAP assumed an accusatory position due to the impacts of the exploration activities carried out by Shell in the Urubamba area, traditional territory of the Machiguenga, Yine, Nahua, Nanti, Yaminahua and Asháninca peoples.
- Before the 90s companies were not required to develop and approve an Environmental Impact Assessment before the start of their activities.
- Neither were they required to perform a Social Impact Assessment as part of the Environmental Impact Assessment.
- There was no supervision of the oil companies by the State.

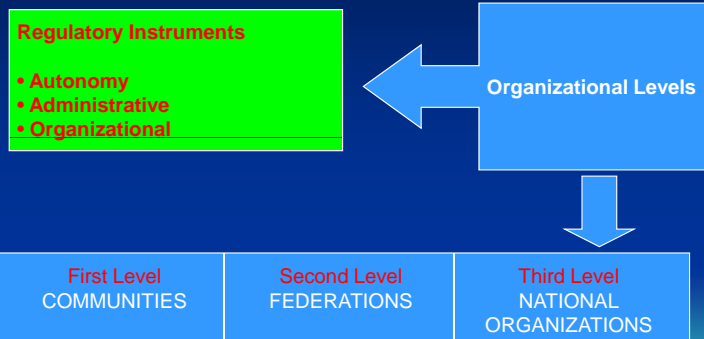
ORGANIZATION OF INDIGENOUS COMMUNITIES AND THE STATE



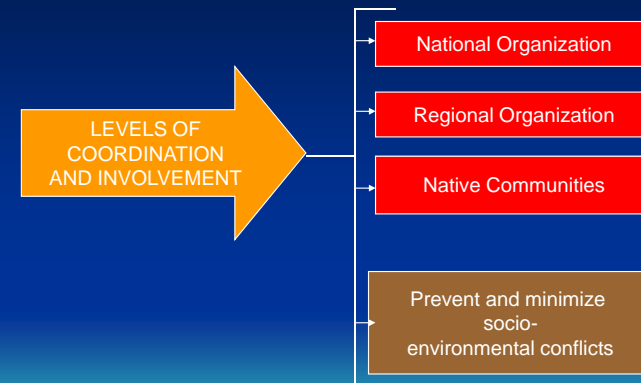
NATIVE COMMUNITIES GET ORGANIZED:

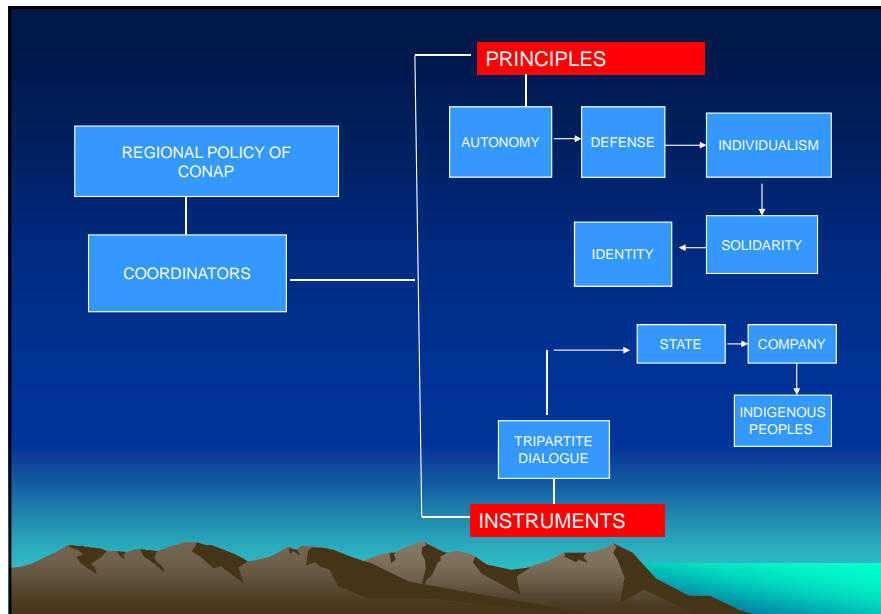


INDIGENOUS ORGANIZATIONAL STRUCTURES



COORDINATION MECHANISMS





State policies and the role of indigenous organizations TODAY

- There is a **REGULATORY FRAMEWORK** for hydrocarbon activities and environmental protection including the relation with indigenous peoples.
- Presence of OSINERGMIN - an agency responsible for the supervision of the impacts of the activities of oil companies.
- As indigenous organizations we have assumed a greater responsibility, showing that we can monitor the social and environmental impacts of the activities of oil companies in our territories.
- The State has not yet implemented ILO Convention No. 169, which causes conflicts with the government and the companies whenever the right to prior consultation of indigenous peoples on all matters that may affect them is not respected.

The start of the tripartite dialogue: Indigenous peoples and companies

- When Shell returned for gas exploration activities in Camisea in 1996, CONAP and the organizations of the Urubamba Valley CECONAMA and FECONAYY decided not to allow a repetition of the serious impacts caused in the 80s.
- Before the subscription of the Agreement between PERUPETRO and Shell, the chiefs of the indigenous communities of the Urubamba Valley and the leaders of CECONAMA, FECONAYY, COMARU and CONAP met in February 1996 to analyze the **advantages and disadvantages** of accepting the development of the Camisea project.
- Finally, by the end of those meetings, the communities and the organizations issued a Declaration accepting the development of the Camisea project and stated they were open to dialogue and negotiation with the State and Shell, within the framework of the principles of ILO Convention No. 169.

Cont....

- The experience of CONAP, CECONAMA and FECONAYY with Shell was important, our objective was at all times to maintain a direct relation with the company without intermediaries, and inside the company with the General Manager, because the dialogue principles should be determined with the senior officer of the company.
- We demanded respect for all the levels of representation of the native communities of the Urubamba valley, the implementation of a program of consultation and full participation throughout the development of the activities of the company and fair compensation for the direct and indirect impacts of the activities.
- The presence of the State in the first two years of work of Shell was weak.
- The demand of the organizations of greater presence of the Energy and Mines sector resulted in a political change in the Hydrocarbons Subsector.
- When Shell left and prior to the new contract for Lot 88, the Ministry of Energy and Mines through the Hydrocarbons Subsector showed to be open to direct dialogue with the indigenous organizations and to the promotion of the tripartite dialogue among the State, the Companies and the Indigenous Peoples.
- The proposals of the indigenous peoples were accepted by the State and included in the terms of reference for the new contract.

The Start of the Tripartite Dialogue: presence of the State

- In the new 2002 scenario, CONAP and native organizations CECONAMA and FECONAYY decided to maintain the dialogue and negotiation with the State and the new operators of the Camisea Project, Pluspetrol and TGP.
- The organizations demanded compliance with the principles and rights stated in the ILO Convention No. 169 and other regulations related to hydrocarbons activities, environmental protection and rights of indigenous communities.

The Tripartite Dialogue Today: A Policy of CONAP

- Indigenous peoples have three alternatives to face activities of extraction of natural resources by companies:

To say “**NO**” to the development of activities of exploitation of natural resources, as this represents a great threat to indigenous peoples.

Wait for the approval of **a clear regulatory framework** ensuring our rights.

To say “**YES**” to the development of activities of exploitation of natural resources, building in practice dialogue and negotiations with the State and the companies.

The Tripartite Dialogue Today: A Policy of CONAP

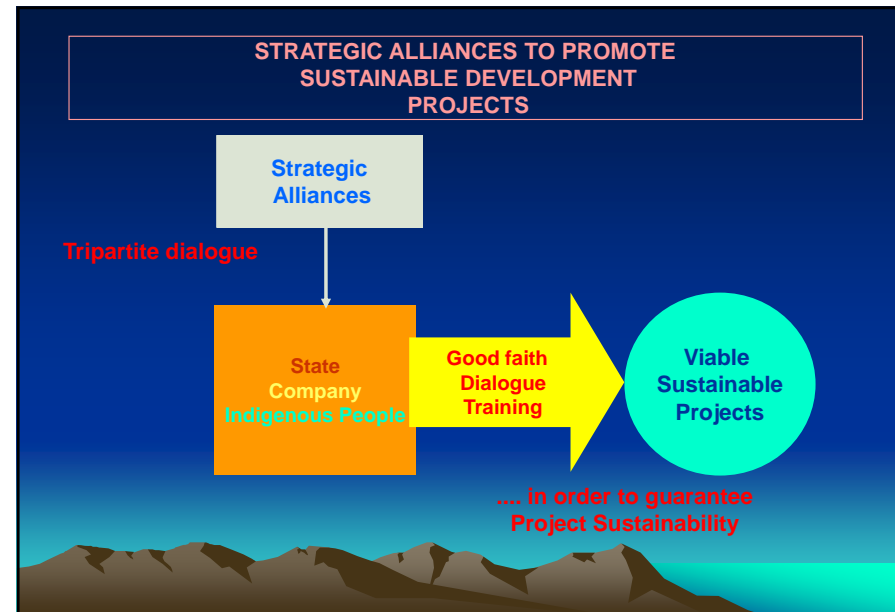
- CONAP and its organizations have increasingly capitalized on our capacity of dialogue and negotiation with the State and the companies.
- On March 24, the President of the Republic signed a Supreme Decree for the installation of a Table of Permanent Dialogue with indigenous peoples for the development of a new regulatory framework based on the indigenous proposals about:
 - A State political definition on indigenous peoples.
 - The strengthening of an indigenous institutionality in the State structure.
 - Implementation of a legal framework to protect the rights of indigenous peoples.
 - Development of a Sustainable Development Plan for indigenous peoples.

The Tripartite Dialogue Today: A Shared Responsibility

- The implementation of the tripartite dialogue is not easy. It entails a responsibility shared by the State, the indigenous peoples and the companies.
- The State should further improve its regulatory frameworks and strengthen its institutional capacity to monitor the respect of the rights of indigenous peoples during the extraction of natural resources.
- The State must ensure the implementation of the right of prior consultation before the authorization of the contracts of exploitation of natural resources, particularly hydrocarbons.
- The State must ensure respect for the autonomous decision of indigenous peoples when these activities are developed.

Cont....

- The State should guarantee fair compensations to native communities for the use of their lands for hydrocarbon activities.
- The State should ensure the direct participation of the native communities in the benefits resulting from the oil and gas canon.
- The companies must become true allies in the development of indigenous peoples, assuming a policy of **environmental and social responsibility**.
- The companies must respect the different levels of representation of indigenous peoples.



CONCLUSIONS

- Indigenous peoples are able to decide our destiny and manage our own development with autonomy.
- The tripartite dialogue is an institutional policy of CONAP that extends to all its areas of influence in the Amazon as a defense mechanism of our ancestral territories and our culture.
- There will always be problems. What is important is how we address them, the political will of the State to solve socio-environmental conflicts, the firm commitment of the companies to find intelligent solutions and the decision of the indigenous peoples to assume their responsibility with future generations.
- Natural resources must be preserved and used in accordance with the cultural principles of the indigenous communities, in order to strengthen the indigenous holistic vision.

CONCLUSIONS

- Before starting any hydrocarbon activity with the indigenous peoples, this activity must be coordinated with their pertinent national authorities in order to avoid socio-environmental conflicts.
- Good faith consultations must be made with previous, timely and adequate information in order to legitimize the dialogue.
- The compensations to the native communities must be fair and equivalent to those of the pertinent sector and other institutions that the indigenous peoples consider fit.
- This is an opportunity for the western culture to show respect for the LIFE of indigenous cultures and human rights.

THANK YOU

